CITY OF WOODLAND
300 FIRST STREET
WOODLAND, CALIFORNIA

CITY COUNCIL
CLOSED SESSION AGENDA

JUNE 4, 2013

5:00 P.M.

A. CALL TO ORDER

B. CLOSED SESSION

B.1 Conference with Labor Negotiators, Pursuant to Section 54957.6
Agency Designated Representatives: Paul Navazio, Sheila McShane, Kimberly McKinney and Dania Torres Wong
Employee Organization(s): Firefighters' Association

JOINT REGULAR CITY COUNCIL/ WOODLAND FINANCE AUTHORITY/ SUCCESSOR AGENCY MEETING

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. PRESENTATIONS

1. Proclamation Declaring June 9 - 15, 2013 as United States Army Week
Recommendation: that the City Council proclaim the week of June 9 – 15, 2013 as "United States Army Week." This year's theme is "America's Army: Service to the Nation, Strength for the Future"

G. CONSENT CALENDAR

2. Adopt Resolution No. ____, Authorization of the City Manager to Sell Regional Water Treatment Plant Site and Easements to the Woodland-Davis Clean Water Agency
Recommendation: that the City Council adopt Resolution No. ____, Authorization of the City Manger to Sell Regional Water Treatment Plant Site and Easements to the Woodland-Davis Clean Water Agency Project Facilities, at the agreed purchase price of $2,886,454

3. Amend Professional Services Agreement for the Water Transmission Main Project (East), Project No 11-14
Recommendation: that the City Council approve the increase in the consultant services agreement for the Water Transmission Main Project (East), Project No. 11-14 in an amount not to exceed $125,000 and authorize the City Manager to execute the agreement

4. Authorize Award of Contract and Expenditures for Landscape Maintenance Services
Recommendation: that the City Council affirm the determination of the low bidder and authorize the City Manager to award the bid to Dominguez Landscape Inc. and that the City Council authorize

expenditures in the amount of $493,528 for landscape maintenance services

5. Final Acceptance and Notice of Completion for Lemen/North/East Realignment Project, CIP #00-04
Recommendation: that the City Council accept the Lemen/North/East Realignment construction contract as complete and authorize the City Clerk to file a Notice of Completion

6. Consent to Inclusion of Land within the Territorial Jurisdiction of the City of Woodland in the County of Yolo Community Facilities District 2013-1 (Clean Energy)

7. License and Contract Recreation Agreement for Comprehensive Tennis Program
Recommendation: that the City Council authorize the City Manager to execute a License and Contract Recreation Agreement for a comprehensive tennis program between the City of Woodland and Cello International Tennis Academy (CITA)

8. Designate Delegate for the Annual League of California Cities Conference
Recommendation: that the City Council designate Council member Marble as the voting delegate representing the City at the Annual Conference of the League of California Cities to be held in Sacramento from September 18-20, 2013

9. Waste Management Delinquent Garbage/Refuse Accounts – Call for a Public Hearing
Recommendation: that the City Council set a Public Hearing for July 2, 2013 to hear and approve the list of Delinquent Refuse Accounts and direct the Tax Collector of Yolo County to assess liens against real property to collect delinquent payments

10. Treasurer's Investment Report Quarter Ending March 31, 2013
Recommendation: that the City Council accept the quarterly Treasurer's Investment Report for the quarter ended March 31, 2013

11. Council Long Range Calendar
Recommendation: Informational Item

11a. <u>Safe Routes to School Improvement Project, CIP 13-06; Award Construction Contract</u>
Recommendation: that the City Council 1) allocate an additional $130,000 of road development fund to the project and 2) award the Construction Contract in the amount of $587,841.87 to Cal Electro, Inc for the Safe Routes to School Improvement Project, CIP 13-06 - *(To Be Delivered)*

H. PUBLIC HEARINGS

12. <u>Appeal of the Planning Commission Approval of the Starbucks Café Drive-Thru Conditional Use Permit (CUP)</u>
Recommendation: that the City Council hold a public hearing and consider the appeal on the basis of the entire record before it, and take the following action: Adopt the attached Resolution No _____ Affirming the Planning Commission's April 25, 2013 Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated April 18, 2013 and in the minutes of its April 25, 2013 hearing on the Project, and thus affirm the Commission's approval for the Project **(Attachment "1")**

13. <u>Draft 2013 General Plan Housing Element</u>
Recommendation: that the City Council: 1) Hold a Public Hearing; 2) Receive the Draft 2013 Housing Element (Attachment A) and proposed final edits (Attachment C); 3) Direct staff to transmit the document (with final edits) to the State Department of Housing and Community Development (HCD) for review and comment; and 4) Commence preparation of appropriate environmental impact analysis on the Draft 2013 Housing Element in preparation for adoption later this year

I. REPORTS OF THE CITY MANAGER

14. <u>Downtown Council Subcommittee Report: Downtown Revitalization</u>
Recommendation: that the City Council 1) Receive the report and recommendations from the Downtown Revitalization sub-committee; 2) Provide feedback and comments related to overall recommendations and specific implementation priorities; 3) Extend the scope and charge of the Downtown Revitalization sub-committee to include oversight of implementation of recommendations; and, 4) Request that the sub-committee return

to the City Council within six months with a status report on implementation.

15. Continued Discussion on Proposed FY2013/14 Budget - *(To Be Delivered)*

J. SUCCESSOR AGENCY REGULAR REPORTS

16. Priority Project List for Use of 2007 RDA TAB Proceeds
Recommendation: that the Successor Agency Board ("the Board") adopt Resolution No. _____ approving the Priority Project List for the use of the 2007 Redevelopment Agency Tax Allocation Bond proceeds pursuant to AB1484

K. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Joint City Council/Woodland Finance Authority/ Successor Agency meeting of the City of Woodland scheduled for Tuesday, June 4, 2013 was posted on June 1, 2013 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

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
1.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Proclamation - United States Army Week

Recommendation for Action

Staff Recommends that the City Council proclaim the week of June 9 through 15, 2013 as "United States Army Week." This year's theme is "America's Army: Service to the Nation, Strength for the Future."

Background

The City has received a request from the Department of Army to honor the United States Army via a Proclamation on the event of their annual birthday. This year will be the 238th birthday of the United States Army and Council is again asked to acknowledge and recognize the Army during the "United States Army Week".

A representative will be present to receive the Proclamation.

Prepared by: Ana Gonzalez
City Clerk

Paul Navazio
City Manager

Attachment: Proclamation

City of Woodland

PROCLAMATION
UNITED STATES ARMY WEEK – JUNE 09-15, 2013

WHEREAS, the United States Army was established by the First Continental Congress on the 14th day of June, 1775; and,

WHEREAS, the United States Army exists to defend the freedom of our citizens and our nation's security interests; and,

WHEREAS, many citizens of Woodland have served their nation and given the ultimate sacrifice in defense of our freedoms, as members of the United States Army; and,

WHEREAS, it is proper to recognize the United States Army annually on its birthday, and to thank those who have served and those who are presently serving.

NOW, THEREFORE, the City Council of the City of Woodland does hereby declare June 9 through June 15, 2012, as

United States Army Week

in Woodland, and exhort all citizens to join with us in this salute to express our gratitude to those who have served and those who are now serving to protect our nation and its freedoms.

Dated this 4th day of June, 2013

Marlin H. Davies, Mayor

Tom Stallard, Vice Mayor

Sean Denny, Council Member

William L. Marble, Council Member

Jim Hilliard, Council Member

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
2.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Adopt Resolution No. ____, Authorization of the City Manager to Sell Regional Water Treatment Plant Site and Easements to the Woodland-Davis Clean Water Agency

Recommendation for Action

Staff recommends that the City Council adopt Resolution No. ____, Authorization of the City Manger to Sell Regional Water Treatment Plant Site and Easements to the Woodland-Davis Clean Water Agency Project Facilities, at the agreed purchase price of $2,886,454.

Council Goal

- Support the Woodland-Davis Woodland Clean Water Agency (WDCWA) to further the surface water project.
- Maintain and enhance infrastructure through reduced costs, greater efficiencies, and partnerships.
- Develop plans and funding strategies to address the long term needs of the community in planning for infrastructure.

Fiscal Impact

This approval by the City Council authorizes the sale of the treatment plant site property and water supply project easements on property owned by the City of Woodland to the Woodland-Davis Clean Water Agency at a fair market price. Price of the treatment plant site is based on a professional pre-site fill appraisal of $58,700 plus the City's costs for the site fill project of $2,827,754. This property's best use and value is considered to be for the Davis-Woodland Surface Water Project's regional water treatment plant.

The easement purchase price for the multiple easements being provided to the WDCWA is $42,500. This price is based on a Technical Memorandum by the project engineers, West-Yost Associates, dated February 27, 2013, which evaluated comparable easement values and calculated fair easement prices. These easements are all needed for the installation of Project pipelines and to obtain road access to the facilities.

The WDCWA's Surface Water Project funding source to pay for this property comes from the City of Woodland and the City of Davis. The City of Woodland's Water Enterprise Fund will be covering Woodland's share of the WDCWA's purchase price. The City of Woodland has approved WDCWA's budget which included these costs. The proceeds from the sale of this property will go to Woodland's Water Enterprise funds since the property's site filling contract removed riprap rubble for the stormwater pond that had to be done for work efficiency at that time.

Background

Effective September 15, 2009, the Cities of Davis and Woodland approved the Davis-Woodland Water Supply Project Authority Joint Powers Agreement, which created the WDCWA. For environmental, land-use, and engineering technical reasons, previous studies have shown the proposed treatment plant site to be the least cost location for the critically important regional water treatment plant. These land transfers are an important step in advancing this water supply project.

Discussion

Over the course of the several years of project development, the size of the project and its related cost have been both reduced. Currently, the reduced capacity of the initial water treatment plant will be 30 million gallons per day assuring that Woodland's share will be 18 million gallons per day.

Initially, the Regional Water Treatment Plant (RWTP) was planned to be located just east of the current site, i.e. east of the extension of Road 103; between Road 24 and Interstate 5. The California Environmental Quality Act (CEQA) reviews were initially done for that location for the RWTP. As more detailed engineering reviews were done, it was determined that the Surface Water Project costs would be reduce by moving the RWTP site a half mile to the west. Woodland saved over $4.08M by changing the RWTP site location. Woodland's savings primarily resulted by reducing the length of both the access roads and the length of our finish water pipelines. A CEQA addendum evaluating this change has been approved by the WDCWA Board of Directors.

The property being sold for the presently proposed RWTP site is located about a half mile north of Road 24 (extension of Gibson Road) and just over a half mile east of Road 102. The site had been planned to be part of the stormwater detention pond. In addition to the savings noted above, further savings are materialized to Woodland in that most of the earthwork needed to convert the site to a storm pond was done at no cost to the city in that the excavated material for the pond was placed last fall at the RWTP site for its needed fill material. This will ultimately save the City of Woodland well over $1.5M in reduced costs to build the future storm pond. By excavating the material from the storm pond site it increased the storage volume for the storm pond and also reduced the Surface Water Project cost by not having to pay for importing the fill material.

The property will continue to be used for utility infrastructure purposes with the site now to be used for regional water supply facilities. Since the site previously was a deep pond and was previously used wastewater pond, the property had limited value and this condition was reflected in the appraised value. The old wastewater pond now used for the RWTP was properly cleaned and rehabilitated, and its closure was approved by the State. The City and WDCWA have negotiated the terms of an Agreement for Purchase and Sale of Treatment Plant Site to implement the proposed transaction.

In addition to the treatment plant site, the WDCWA facilities will include treated water transmission mains from the treatment plant to connect to the City water distribution system. To the extent feasible, WDCWA, in consultation with the City, has located many sections of those transmission mains in Woodland-owned real property. Therefore, WDCWA has requested that the City convey certain permanent and temporary easements to the WDCWA. The City and WDCWA have negotiated the terms of a Woodland Easement Agreement by which the City conveys various permanent and temporary easements. The location of the easements are shown and described in the Easement Agreement.

Staff recommends approval of the two agreements. The resolution accompanying this staff report approves the agreements and authorizes the City Manager to sign and deliver the agreements. The proposed agreements with property descriptions and plats are attached to the resolution. This resolution has been coordinated by technical and legal staff of both the Woodland-Davis Clean Water Agency and the City of Woodland.

The Project Facilities are still scheduled to be completed by September of 2016.

Commission/Committee Recommendation

The Woodland Utility Advisory Committee has been supportive of the Davis Woodland Water Supply Project provided that it is implemented in the most cost-effective manner possible and the project is not unduly delayed. This approval provides for the project to continue to move forward in a timely and cost effective manner.

Conclusion

Staff recommends that the City Council adopt Resolution No. ____, Authorization of the City Manger to Sell Regional Water Treatment Plant Site and Easements to the Woodland-Davis Clean Water Agency Project Facilities, at the agreed purchase price of $2,886,454.

Prepared by: Doug Baxter
Project Manager

Reviewed by: Ken Hiatt
Community Development Director

Reviewed by: Gregor G. Meyer
Public Works Director

Paul Navazio
City Manager

Attachments:
1. Agreement For Purchase and Sale of Treatment Plant Site
2. Woodland Easement Agreement
3. Resolution

AGREEMENT FOR PURCHASE AND SALE OF TREATMENT PLANT SITE

THIS AGREEMENT is made this ___ day of ___________, 2013, by and between City of Woodland, a general law city ("City"), and Woodland-Davis Clean Water Agency, a joint powers authority ("Agency"), who agree as follows:

1. RECITALS. This Agreement is made with reference to the following recitals:

1.1. City is presently the owner in fee simple of that certain parcel of real property located in the County of Yolo, State of California, more particularly described and shown on the attached Exhibits A and B (the real property together with all improvements, fixtures, easements and other appurtenances on the real property are referred to as the "Property").

1.2. City, at its cost, has completed a site fill project to raise the Property building pad elevation above the 100-year flood level. The purchase price stated below therefore is based on the pre-site fill appraised value of the Property ($58,700) plus the City's costs for the site fill project ($2,827,754).

1.3. Agency wishes to purchase the improved Property from City for use as a water treatment plant site, and City is willing and prepared to sell the Property to Agency subject to the terms and conditions of this Agreement.

2. CEQA. In 2007, prior to formation of the Agency, the City of Davis certified the Davis-Woodland Water Supply Project Final Environmental Impact Report for the water supply project. Following certification of the Final EIR, it was proposed to change the water treatment plant site to the Property site. The Agency then prepared Addendum No. 2 to the Final EIR pursuant to the California Environmental Quality Act to evaluate whether this change results in new significant impacts beyond those already identified and mitigated for in the Final EIR or results in substantially more severe impacts than disclosed in the Final EIR. In its Resolution No. 2012-01, the Agency Board of Directors approved Addendum No. 2 and determined that Addendum No. 2 adequately analyzed the change, that the change does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, that the Final EIR remains adequate and that no subsequent EIR or further CEQA environmental analysis is required for the water supply project with modified treatment plant site. Addendum No. 2 also explained that the Property formerly was used for wastewater treatment plant purposes, that the Property has been cleaned of hazardous materials and that the Central Valley Regional Water Quality Control Board issued a closure letter to the City dated April 19, 2012. Therefore, the parties have determined and agree that this Agreement is consistent with the water supply project plans and actions described in the Final EIR and Addendum No. 2 and that no subsequent or additional environmental documentation needs to be prepared for the approval and implementation of this Agreement.

3. PROPERTY.

3.1. Sale of Property. City agrees to sell, grant, and convey to Agency, and Agency agrees to purchase, acquire, and accept from City, all right, title, and interest of City in and to the Property, subject to the terms and conditions of this Agreement.

3.2. Escrow. Within five days after the execution of this Agreement by the parties, a fully executed copy of this Agreement shall be deposited with Stewart Title Company, at Sacramento, California (the "Title Company"), and such delivery shall constitute the opening of an escrow (the "Escrow") for consummating the purchase and sale of the Property. The Escrow shall be subject to the standard conditions for acceptance of escrow and standard escrow instructions, but only to the extent that the standard conditions and instructions impose no additional obligations or liabilities on the parties, and further subject to the terms and conditions of this Agreement. In the case of any conflict between this Agreement and any standard escrow conditions or instructions, this Agreement shall govern.

3.3. Deposit. Concurrent with opening the Escrow, Agency shall deposit the sum of $1,000 into the Escrow, to be held by the Title Company as an earnest money deposit (the "Deposit") pursuant to this Agreement. The Deposit and any other deposits made by Agency into the Escrow shall be deposited by the Title Company in an interest-bearing account at such national or state banking or savings and loan institution as may be selected by Title Company.

3.4. Purchase Price. The purchase price of the Property shall be $2,886,454 (the "Purchase Price").

4. TITLE.

4.1. Title Review Period. City shall obtain from the Title Company and deliver to Agency a current preliminary report for a California Land Title Association (CLTA) owner's title insurance policy for the Property (the "Preliminary Report") showing the status of title to the Property and all recorded liens, encumbrances, and other exceptions to the title. Agency shall have 20 days following its receipt of the Preliminary Report (the "Title Review Period") to approve or object to the state of the title to the Property and notify City in writing as to those matters that are unacceptable to Agency. If Agency objects to the state of the title to the Property, Agency may elect, prior to the last day of the Title Review Period, to terminate this Agreement by giving City written notice of termination. If necessary, the Closing Date (as defined in section 5.1) shall be extended as necessary to provide Agency the full Title Review Period in which to approve or object to the state of title to the Property.

4.2. Remaining Title Defects. In the event that before Close of Escrow there shall appear or remain any lien, easement, or encumbrance on or other exception to the condition of title to the Property ("Defect") that was not disclosed in the Preliminary Report or that City had agreed to remove from the title, then City shall be obligated to remove any Defect prior to Close of Escrow. If City is unable with the exercise of due diligence to remove any Defect on or before Close of Escrow, and if the Title Company does not agree to insure over, without additional charge, any such Defect, Agency may elect, as its sole remedy for such inability, by written notice to City delivered on or before the Closing Date, either to accept title to the Property subject to the Defect or terminate this Agreement.

4.3. Title to Property. Good, marketable, and insurable fee simple title to the Property shall be transferred and conveyed by City to Agency at Close of Escrow by a grant deed (the “Grant Deed”) in substantially the form shown on the attached Exhibit C, and free of all liens, encumbrances and easements, except (a) those exceptions (if any) shown by the Preliminary Report that are accepted by Agency pursuant to section 4.1, and (b) those exceptions (if any) accepted by Agency pursuant to section 4.2 (collectively the “Approved Real Property Exceptions”). At the closing, City shall cause the Title Company to issue to Agency a CLTA owner’s title insurance policy in the amount of the Purchase Price (the “Title Policy”), subject only to the Approved Real Property Exceptions.

4.4. Disclaimer of Representations and Warranties by City; “As Is” Sale. There are no representations, agreements, arrangements, or circumstances, oral or written, between the parties relating to the subject matter contained in this Agreement that are not fully expressed in the Agreement. City has not made and does not make any representation or warranty concerning any matter or thing affecting or relating to the Property, or its condition, use, history, or zoning or subdivision status, not expressed in this Agreement. City sells the property in “as is” condition. Agency acknowledges that it has examined the Property, is familiar with its physical condition, and accepts the Property in its “as is” condition. City acknowledges that the Property may be used as a water treatment plant under the City general plan and zoning ordinances.

4.5. Property Reconveyance. In the event Agency does not commence construction of a water treatment plant on the Property within three years after Close of Escrow or complete construction within five years after Close of Escrow, then, upon written demand by City, Agency shall re-convey the Property to City and City shall refund $58,680 of the Purchase Price to Agency. Reconveyance-related recording fees, escrow fees, and other closing costs shall be paid by Agency. Commencement of water treatment plant construction requires commencement of work on the construction of structure foundations. The three and five year periods in this provision may be extended by resolution adopted by unanimous vote of the Agency Board of Directors.

5. ESCROW.

5.1. Closing Date. The close of Escrow shall take place at the offices of the Title Company on or before 30 days following the end of the Title Review Period, unless extended pursuant to section 4 or by mutual agreement of the parties (the “Closing Date” or “Close of Escrow”).

5.2. City Documents. At least three days prior to the Closing Date, City shall deposit with the Title Company the following documents: (a) the duly executed and notarized Grant Deed; and (b) such other documents deemed necessary by the Title Company in order to consummate the closing.

5.3. Agency Payment and Documents. At least three days prior to the Closing Date, Agency shall deposit with the Title Company the following: (a) the Purchase Price (less the Deposit (including any interest earnings) and plus Agency’s share of escrow costs and expenses) in the form of a cashier’s check or electronic funds transfer; (b) resolution or certificate of acceptance of the Grant Deed; and (c) such other documents deemed necessary by the Title Company in order to consummate the closing.

5.4. Close of Escrow. On the Close of Escrow, the following shall occur:

5.4.1. Good, marketable and insurable fee simple title to the Property shall be transferred and conveyed to Agency by recording with the county recorder the Grant Deed (marked to return to Agency);

5.4.2. The Title Policy, subject only to the Approved Real Property Exceptions, shall be delivered to Agency;

5.4.3. The Purchase Price, subject to any adjustments pursuant to section 5.5, shall be paid to City by delivery of a cashier's check or through electronic funds transfer;

5.4.4. Expenses of Escrow, prorated items and other adjustments provided for in this Agreement shall be charged or credited, as the case may be, to City and Agency as provided in section 5.5;

5.4.5. Possession of the Property shall be delivered to Agency, free and clear of all occupancies and uses.

5.5. Expenses. The parties shall split equally the recording fees, escrow fees, title insurance fees and costs, and other closing costs.

5.6. Agreement and Escrow Termination. Should this Agreement be terminated prior to Close of Escrow pursuant to the terms of this Agreement, then all funds and documents in Escrow shall be returned by the Title Company to the party having deposited the same, the Deposit with interest shall be returned to Agency (unless the termination is due to a breach of or default under this Agreement by Agency in which case City shall retain the Deposit as provided in section 7), and each party shall be released from all further obligations and liabilities under this Agreement. If the Title Company charges any cancellation fees or charges or other customary escrow or title fees or charges, such fees and charges shall be borne equally between the parties.

6. CONDITIONS OF THE ESCROW; FAILURE OF CONDITIONS.

6.1. Conditions of the Escrow - Agency. Agency's obligation to purchase the Property from City is subject to satisfaction of the following conditions (which conditions are for the benefit of and may be unilaterally waived by Agency):

6.1.1. Agency's approval of the title of the Property pursuant to section 4;

6.1.2. The transfer and conveyance to Agency at Close of Escrow of good, marketable, and insurable fee simple title to the Property, as evidenced by the recorded Grant Deed and the Title Policy showing fee simple title to the Property as being vested in Agency, subject only to the Approved Real Property Exceptions;

6.1.3. The delivery of possession of the Property to Agency at Close of Escrow, free and clear of all occupancies and uses; and

6.1.4. City's performance of its obligations under this Agreement.

6.2. Conditions of the Escrow - City. City's obligation to sell the Property to Agency is subject to satisfaction of the following conditions (which conditions are for the benefit of and may be unilaterally waived by City):

6.2.1. The payment to City of the Purchase Price of the Property in the amount and manner provided for in this Agreement; and

6.2.2. Agency's performance of its obligations under this Agreement.

6.3. Failure of Conditions. Should any of the conditions set forth in sections 6.1 or 6.2 not be satisfied or waived prior to the date specified for satisfaction of the condition (or, if no date for satisfaction is specified, the Closing Date), then, the party entitled to the benefit of the condition shall have the option, exercisable by giving written notice to the other party not later than 10 days after the date specified for satisfaction of the condition (or, if no date for satisfaction is specified, the Closing Date), as its sole remedy for such condition not being so satisfied or waived, to either (a) waive the condition and close Escrow, or (b) terminate this Agreement.

7. AGENCY'S DEFAULT.

7.1. Notice of Default. If the Closing shall fail to occur because of a default by Agency, then City may provide 30 days written notice of default to Agency explaining the default. During the 30 day notice period, Agency shall have the opportunity to cure the default. If Agency fails to cure the default within the 30 day period, then (a) this Agreement shall terminate, and (b) the liquidated damages provision below shall apply.

7.2. Liquidated Damages. IN THE EVENT OF A BREACH OF OR DEFAULT UNDER THIS AGREEMENT BY AGENCY PRIOR TO THE CLOSE OF ESCROW, CITY SHALL BE ENTITLED TO RETAIN, AS LIQUIDATED DAMAGES, THE FULL AMOUNT OF THE DEPOSIT. THE PARTIES HAVE DETERMINED AND AGREE THAT THE ACTUAL AMOUNT OF DAMAGE THAT WOULD BE SUFFERED BY CITY AS A RESULT OF ANY SUCH BREACH OR DEFAULT IS DIFFICULT OR IMPRACTICABLE TO DETERMINE AS OF THE DATE OF THIS AGREEMENT AND THAT THE AMOUNT OF THE DEPOSIT IS A REASONABLE ESTIMATE OF THE AMOUNT OF SUCH DAMAGES. CITY AGREES THAT RETENTION OF THE DEPOSIT AS LIQUIDATED DAMAGES SHALL BE IN LIEU OF ANY OTHER MONETARY RELIEF OR OTHER REMEDY TO WHICH CITY MIGHT OTHERWISE BE ENTITLED UNDER THIS AGREEMENT OR AT LAW ON ACCOUNT OF ANY SUCH BREACH OR DEFAULT AND THAT CITY SHALL CAUSE ANY AND ALL ADDITIONAL MONIES DEPOSITED IN THE ESCROW BY AGENCY UNDER THIS AGREEMENT TO BE PROMPTLY RETURNED TO AGENCY.

City's Initials _______ Agency's Initials _______

8. GENERAL PROVISIONS.

8.1. Integration. This Agreement constitutes the sole, final, complete, exclusive, and integrated expression and statement of the terms of this contract among the parties concerning the subject matter addressed herein, and supersedes all prior negotiations, representations, or agreements, either oral or written, that may be related to the subject matter of this Agreement, except those other documents that are expressly referenced in this Agreement.

8.2. Construction and Interpretation. The parties agree and acknowledge that this Agreement has been arrived at through negotiation, and that each party has had a full and fair opportunity to revise the terms of this Agreement. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

8.3. Waiver. The waiver at any time by any party of its rights with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

8.4. Remedies Not Exclusive. The remedies provided in this Agreement are cumulative and not exclusive, and are in addition to any other remedies that may be provided by law or equity. The exercise by either party of any remedy under this Agreement shall be without prejudice to the enforcement of any other remedy.

8.5. Severability. If any part of this Agreement is held to be void, invalid, illegal, or unenforceable, then the remaining parts will continue in full force and effect and be fully binding, provided that each party still receives the benefits of this Agreement.

8.6. Successors and Assigns. This Agreement shall bind and inure to the benefit of the respective successors, assigns, heirs, devisees, and personal representatives of the parties.

8.7. Amendment. This Agreement may be modified or amended only by a subsequent written agreement approved and executed by both parties.

8.8. Notices. Any notice, demand, invoice, or other communication required or permitted to be given under this Agreement shall be in writing and either served personally or sent by prepaid, first class U.S. mail and addressed as follows:

Agency:	City:
General Manager Woodland-Davis Clean Water Agency 1717 Fifth Street Davis, CA 95616	City Manager City of Woodland 300 First Street Woodland, CA 95695

Any party may change its address by notifying the other party in writing of the change of address.

WOODLAND-DAVIS CLEAN WATER AGENCY	CITY OF WOODLAND

By: ________________________________ Dennis M. Diemer, General Manager	By: ________________________________
[name]	__________________________
	__________________________ [title]

EXHIBIT A
Description of RWTF Parcel

Assessor's Parcel Number:	027-390-007
Area of RWTF Parcel:	32.65 Acres more or less

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the FINAL ORDER IN CONDEMNATION, dated October 28, 1964 and recorded in Book 777 at page 418, Official Records of Yolo County, being more particularly described as follows:

Beginning at the northwest corner of said parcel described in said FINAL ORDER IN CONDEMNATION and running thence along the west line of said parcel described in said FINAL ORDER IN CONDEMNATION, South 00°23'22" West, 960.15 feet, thence leaving said west line North 90°00'00" East, 1502.91 feet, thence North 00°00'00" East, 936.85 feet to a point in the north line of said parcel described in said FINAL ORDER IN CONDEMNATION, thence along said north line of said parcel, North 89°06'31" West, 1496.56 feet to the Point of Beginning.

Containing 32.65 Acres more or less

EXHIBIT B
Plat Showing RWTF Parcel

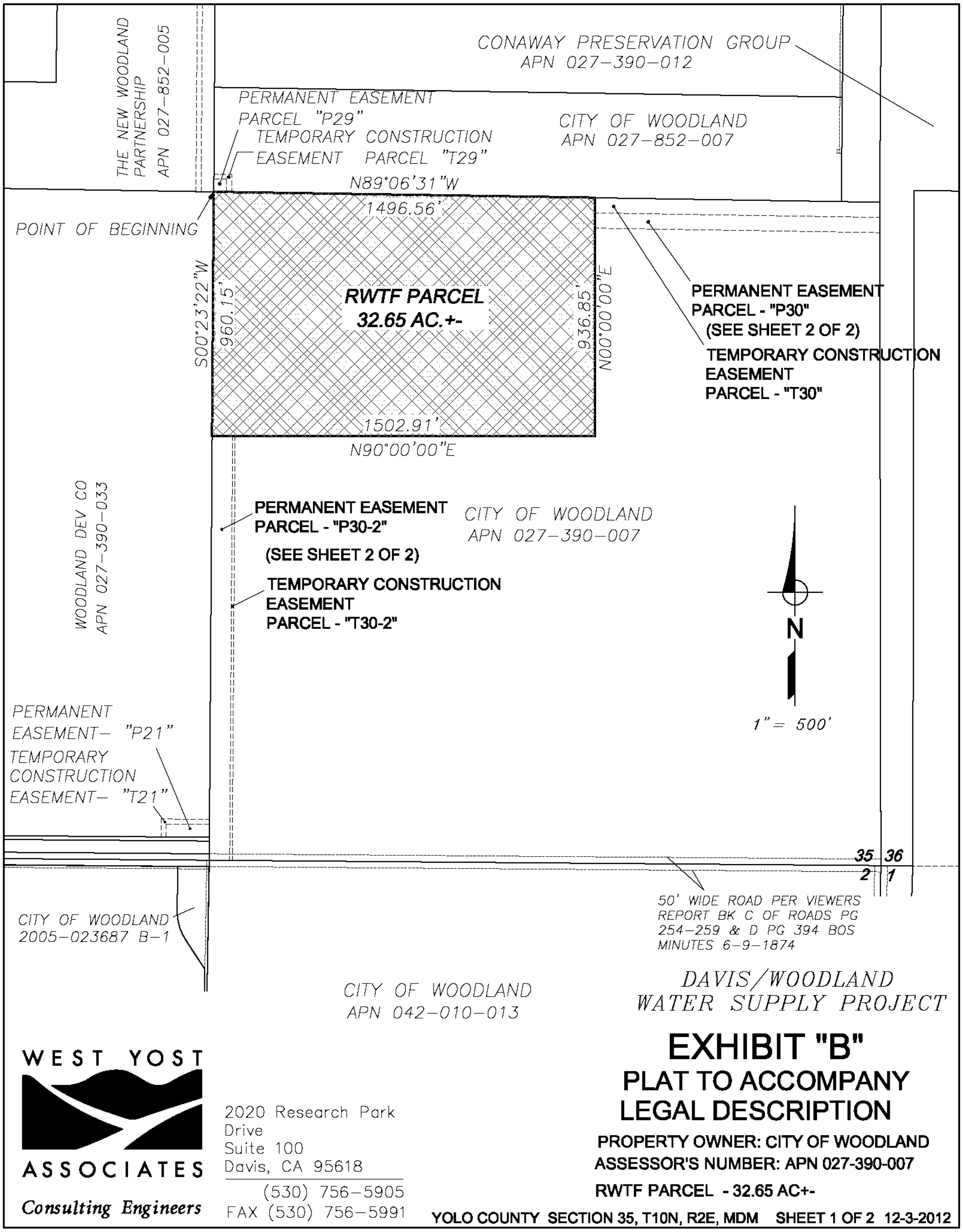


EXHIBIT C
Form of Grant Deed

Recording requested by,
when recorded return to, and
mail tax statements to:

Woodland-Davis Clean Water Agency
1717 Fifth Street
Davis, CA 95616

GRANT DEED

Affecting portion of Yolo County APN 057-390-007
Conveyance to local government agency -- exempt from recording fees (Government Code sections 6103 & 27383) and documentary transfer tax (Revenue and Taxation Code section 11922)

For valuable consideration, receipt of which is acknowledged, the City of Woodland ("City"), a general law city, grants to Woodland-Davis Clean Water Agency, a joint powers authority, the real property in County of Yolo, California as described on the attached Exhibit A and depicted as the RWTF Parcel on the attached Exhibit B, but reserving an easement appurtenant as described below.

Reservation of Easement. Located adjacent and to the east and south of the RWTF Parcel is real property that is owned by City as shown on the Exhibit B plat as the remainder of the APN 027-390-007 property (the "Appurtenant City Property") and that is used by City for storm water detention purposes. The RWTF Parcel is elevated above the surrounding land for flood protection and the elevated land area has sloped sides. When City uses the Appurtenant City Property to detain storm water, the storm water will encroach on to the RWTF Parcel and partially up the slope of the elevated site. City therefore reserves, for itself and its successors and assigns, a nonexclusive permanent easement appurtenant in, over, upon and across the east and south sides of the RWTF Parcel for the occasional and temporary flooding of the east and south slopes of the RWTF Parcel up to 35-feet above sea level elevation in connection with City's use of the Appurtenant City Property for storm water detention purposes. The easement shall be appurtenant to and benefit the Appurtenant City Property.

CITY OF WOODLAND

By: ____________________________ Date:______________________

____________________________[name]

____________________________ [title]

ACKNOWLEDGMENT BY NOTARY PUBLIC

State of California
County of Yolo

On ______________________ before me, __________________________, a notary public, personally appeared __________________ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________ (Seal)

CERTIFICATE OF ACCEPTANCE BY GRANTEE: This is to certify that the interest in the real property conveyed by this Grant Deed to the Woodland-Davis Clean Water Agency, a joint powers authority, is hereby accepted by the undersigned officer on behalf of the Agency pursuant to the authority conferred by Agency Resolution No. 2011-02 adopted by the Agency Board of the Directors on April 21, 2011, and the grantee consents to recordation of the Grant Deed by its duly authorized officer.

WOODLAND-DAVIS CLEAN WATER AGENCY

By: ________________________________ Dated: ______________, 2013
Dennis M. Diemer
General Manager

Recording requested by, and
when recorded return to:

Woodland-Davis Clean Water Agency
1717 Fifth Street
Davis, CA 95616

WOODLAND EASEMENT AGREEMENT

Conveyance to local government agency -- exempt from recording fees (Government Code sections 6103 & 27383)

This Easement Agreement ("Agreement"), dated as of ___________, 2013, is entered into by and between Woodland-Davis Clean Water Agency, a joint powers authority ("Agency"), and City of Woodland, a general law city ("City"), who agree as follows:

1. Recitals. This Agreement is made with reference to the following background recitals:

1.1. Agency is undertaking a project in the County of Yolo, California to construct and thereafter operate and maintain water delivery pipelines, a water treatment plant, and other improvements to provide treated water supply to the Cities of Davis and Woodland and possibly University of California, Davis ("Project"). City is the fee owner of real property in the County of Yolo where Agency desires to acquire certain Project-related easements as described below.

1.2. In connection with Agency's construction, operation and maintenance of the Project, City agrees to grant the following easements: (i) permanent easements for underground water pipelines and related fiber optic cables, valves, fittings, facilities and appurtenances ("Pipeline Facilities"), together with access to and from the Pipeline Facilities and for access to and from Agency's water treatment plant; and (ii) temporary construction easements for the installation and construction of the Pipeline Facilities and access road; on and subject to the terms and conditions of this Agreement.

1.3. Concurrent with the approval of this Easement Agreement, the parties have approved the City of Woodland-WDCWA Treatment Plant Access Road and Pond Maintenance Agreement, which is on file with Agency and City (the "Maintenance Agreement").

2. Grant of Easements.

2.1. Permanent Pipeline Easements. City grants to Agency nonexclusive permanent easements in gross in, over, under, upon and across the area as described and depicted as Permanent Easement, Parcels P9, P10, P12, P29, P30, P30-2 and P35 on the attached Exhibit A and Exhibit B (the "Permanent Easement Area") for the survey, installation, construction, excavation, use, operation, maintenance, repair, inspection, expansion, improvement, modification, removal, relocation and replacement of the Pipeline Facilities.

2.2. Permanent Access Road Easement. City grants to Agency a nonexclusive permanent easement over, upon and across the area as described and depicted as Permanent Easement, Parcel P30-2 on the attached Exhibit A and Exhibit B (part of the Permanent Easement Area) for the survey, construction, use, operation, maintenance, repair, inspection, expansion, improvement, modification, removal, and replacement of an access road (the "Access Road") to access the Agency water treatment plant site (as shown and depicted as the RWTF Parcel on Exhibit B) to and from County Road 24. The Access Road easement shall be appurtenant to and benefit the RWTF Parcel. The easements described in section 2.1 and this section are referred to the "Permanent Easements."

2.3. Temporary Construction Easements. City grants to Agency temporary construction easements ("Temporary Construction Easements") over, upon and across the areas as described and depicted as Temporary Construction Easement, Parcels T9, T10, T12, T29, T30, T30-2 and T35 on Exhibit A and Exhibit B ("Temporary Construction Easement Area") for temporary work relating to constructing and installing the Pipeline Facilities in the Permanent Easement (and, for Parcel T30-2, also for temporary work relating to the construction of the Access Road). The Temporary Construction Easement includes the right to use the Temporary Construction Easement Area for temporary construction-related work and the storage and staging of materials, supplies, equipment and vehicles involved in construction work. Upon completion of construction and installation of the initial Pipeline Facilities and Access Road by Agency and its contractor, the Temporary Construction Easements shall terminate and be of no further force or effect. "Easement Area" means the Permanent Easement Area and the Temporary Construction Easement Area, collectively, and "Easements" mean the Permanent Easements and the Temporary Construction Easements, collectively.

2.4. Access. The Easements include the right to ingress to and egress from the Easement Area to and from public roads. Access to and from public roads will be along such roads as may exist from time to time on the City property, and such other locations as City may designate from time to time. City may erect, maintain, repair and replace gates across all access points to and within the City property, as City may determine in its discretion. City must furnish Agency with keys to all gates that would otherwise restrict Agency's access pursuant to the Easement Area.

2.5. Other Rights. Agency may use the Easements at any time without prior notice to City, as may be necessary or convenient for the authorized purposes. The rights under this Agreement may be exercised by Agency and any of its employees, officers, agents or contractors for all authorized purposes. The Permanent Easements include the rights to (a) undertake all necessary or appropriate actions to trim, cut down, clear away and remove any trees, brush, roots, other vegetation or other obstructions that now or in the future may obstruct or interfere with the use of the Permanent Easements or access to the Permanent Easement Area or pose a hazard to Agency facilities, employees or contractors, (b) install, maintain and use gates in all fences that may cross the Permanent Easement Area, and (c) mark the location of underground pipelines by suitable markers set and maintained on the land surface above the pipeline.

2.6. Reserved Rights. Subject to the terms and provisions of this Agreement, City reserves the right to conduct all activities on its real property and to make such other uses of the Easement Areas as do not unreasonably interfere with the Easements.

3. Agency Obligations.

3.1. Payment. Upon execution of this Agreement, Agency will pay to City a purchase price for the Easements in the sum of $42,500. Agency will make the payment by applying a credit in this sum against amounts owed by City to Agency under the Amended and Restated Woodland-Davis Clean Water Agency Joint Powers Agreement.

3.2. Upkeep and Maintenance. Agency will keep the Easement Area, Pipeline Facilities, Access Road and related improvements in good condition and repair at all times for the duration of this Agreement. In exercising its rights under the Easements, Agency will comply with its obligations under the Maintenance Agreement, as the same may be amended by the parties from time to time.

3.3. Diligent Construction. Any work performed by or on behalf of Agency pursuant to this Agreement will be diligently performed and completed in a good and workmanlike, lien-free, defect-free manner and in compliance with all applicable state and federal laws. Once such work is commenced it will be diligently prosecuted through completion.

3.4. Indemnification. Agency will indemnify, protect, defend and hold harmless City and its officers, employees and agents from and against any and all liabilities, liens, demands, suits, losses, damages, causes of action, injuries, claims, costs and expenses (including reasonable attorneys' fees and costs) arising from or caused by Agency's entry upon the City real property or the exercise of Agency's rights under this Agreement; provided, that the foregoing indemnity will not apply to any loss or damage caused by the sole negligence, active negligence or willful misconduct of City or any preexisting conditions within the Easement Area.

4. City Limitations and Obligations. City will not (a) construct any building or structure, conduct any excavation, drilling, tree planting or other ground-surface alteration or install any underground utilities on or within the Permanent Easement Area without the prior written consent of Agency, which consent will not be withheld unreasonably, (b) grant to any third party any easement over, under, upon, across or through the Permanent Easement Area that would interfere with Agency's use of the Permanent Easements, (c) undertake or permit any activity that would interfere with Agency's use of the Permanent Easements, or (d) disturb any Pipeline Facilities or the Access Road that Agency may construct or install within the Permanent Easement Area. City will comply with its obligations under the Maintenance Agreement, as the same may be amended by the parties from time to time.

5. General Provisions.

5.1. Duration. This Agreement will remain in full force and effect in perpetuity or until Agency records a written notice of abandonment or otherwise abandons the Permanent Easements. Agency will record a written notice of abandonment if the portion of the Project located within the Permanent Easement Area has not been constructed within four years after the date of this Agreement.

5.2. Successors and Assigns. This Agreement and the Easements will run with the City real property and benefit and burden City and its successors in interest and Agency and its assigns and successors in interest. Agency may assign this Agreement, and its rights and obligations, without City's consent, to any of its successors or assigns.

5.3. Entire Agreement. The parties intend this writing to be the sole, final, complete, exclusive and integrated expression and statement of the terms of their contract concerning the subject matter addressed in the Agreement. This Agreement supersedes all prior oral or written negotiations, representations, contracts or other documents that may be related to the subject matter of this Agreement, except those other documents that may be expressly referenced in this Agreement.

5.4. Amendment. This Agreement may be modified or amended only by a subsequent written agreement approved and executed by both parties.

WOODLAND-DAVIS CLEAN WATER AGENCY	CITY OF WOODLAND
By: ______________________________ Dennis M. Diemer General Manager	By: ______________________________ __________________________[name] __________________________ [title]

[All Signatures To Be Notarized]

ACKNOWLEDGMENT BY NOTARY PUBLIC

State of California
County of Yolo

On ____________________ before me, ________________________, a notary public, personally appeared _________________ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ___________________________ (Seal)

ACKNOWLEDGMENT BY NOTARY PUBLIC

State of California
County of Yolo

On ______________________ before me, __________________________, a notary public, personally appeared __________________ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________ (Seal)

EXHIBIT A
Descriptions of the Permanent and Temporary Construction Easements

EXHIBIT B
Plats Depicting Permanent and Temporary Construction Easements

August 7, 2012

EXHIBIT "A"

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-022
Area of Permanent Easement - PARCEL "P9": 2.00 Acres more or less

PARCEL "P9"

Being all that certain real property situate in the County of Yolo, State of California, and being a portion of the parcel of land described in the deed to CITY OF WOODLAND, dated March 20, 1964 and filed for record at Book 753 at page 535, Official Records of Yolo County and being also shown as the 320 Acre parcel of land on the Record of Survey filed for record in Book 9 of Maps and Surveys at page 76, Official Records of Yolo County, and being also shown on SHEET 4 and SHEET 6 of 14 on the Record of Survey filed for record in Book 2007 of Maps and Surveys at page 195, Official Records of Yolo County and being more particularly described as follows:

Beginning at an angle point in the westerly line of the parcel described in said Book 753 at page 535, said angle point being shown as the southerly terminus of the course shown on SHEET 6 of 14 of said Record of Survey recorded in Book 2007 at page 195 as having a bearing and distance of North 01°42'47" East, 1845.04 feet, thence from said Point of Beginning and running along the southerly line of the parcel described in said Book 753 at page 535, South 53°45'33" East, (North 53°44'30" West, per 753 OR 535), 29.26 feet, thence leaving said southerly line, North 01°31'29" East, 1862.17 feet, thence North 00°06'49" East, 2651.64 feet, to a point in the northerly line of the parcel described in said Book 753 at page 535, thence along said northerly line North 89°23'28" West, (South 89°23'30" East, per 753 OR 535) 18.00 feet, to the northwest corner of the parcel described in said Book 753 at page 535, thence along the west line of the parcel described in said Book 753 at page 535 the following three courses:
South 00°29'48" West, (North 00°28'30" East, per 753 OR 535), 46.04 feet
South 00°06'24" West, (North 00°07'12" East, per 753 OR 535), 2605.79 feet
and South 01°42'47" West, (North 01°43'34" East, per 753 OR 535), 1845.04 feet to the Point of Beginning.

Containing 2.00 acres more or less

August 7, 2012

EXHIBIT "A"

TEMPORARY
CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-022
Area of Temporary Easement - PARCEL "T9": 2.08 Acres more or less

PARCEL "T9"

Being all that certain real property situate in the County of Yolo, State of California, and being a portion of the parcel of land described in the deed to CITY OF WOODLAND, dated March 20, 1964 and filed for record at Book 753 at page 535, Official Records of Yolo County and being also shown as the 320 Acre parcel of land on the Record of Survey filed for record in Book 9 of Maps and Surveys at page 76, Official Records of Yolo County, and being also shown on SHEET 4 and SHEET 6 of 14 on the Record of Survey filed for record in Book 2007 of Maps and Surveys at page 195, Official Records of Yolo County and being more particularly described as follows:

Beginning at the most southerly corner of the parcel of land hereinabove described under PARCEL "P9" and running thence from said Point of Beginning along the southerly line of the parcel of land described in said Book 753 at page 535, South 53°45'33" East,(North 53°44'30" West, per 753 OR 535), 24.33 feet, thence leaving said southerly line, North 01°31'29" East, 1876.28 feet, thence North 00°06'49" East, 2651.71 feet, to a point in the northerly line of the parcel described in said Book 753 at page 535, thence along said northerly line North 89°23'28" West, (South 89°23'30" East, per 753 OR 535) 20.00 feet, to the northeast corner of said PARCEL "P9", thence along the easterly line of said PARCEL "P9" the following two courses:
South 00°06'49" West, 2651.64 feet and South 01°31'29" West, 1862.17 feet to the Point of Beginning.

Containing 2.08 acres more or less

August 7, 2012

EXHIBIT "A"

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-023
Area of Permanent Easement - PARCEL "P10": 0.20 Acres more or less

PARCEL "P10"

Being all that certain real property situate in the County of Yolo, State of California, and being a portion of the parcel of land described in the deed to CITY OF WOODLAND, dated February 12, 1982 and filed for record at Book 1511 at page 202, Official Records of Yolo County and being also shown as Parcel No. 1 on the Record of Survey filed for record in Book 6 of Maps and Surveys at page 39, Official Records of Yolo County, and being also shown on SHEET 6 of 14 on the Record of Survey filed for record in Book 2007 of Maps and Surveys at page 195, Official Records of Yolo County and being more particularly described as follows:

Beginning at the southwest corner of the parcel of land described in said Book 1511 at page 202, said point being shown on said SHEET 6 of 14 of said Record of Survey recorded in Book 2007 at page 195, thence from said Point of Beginning and running along the southerly line, South 89°02'55" East, (North 89°02'45" West, per 1511 OR 202), 6.85 feet, thence leaving said southerly line, North 00°56'11" East, 213.02 feet, thence North 01°31'29" East, 872.76 feet, to a point in the southerly line of the parcel of land described in the deed to CITY OF WOODLAND, dated March 20, 1964 and filed for record at Book 753 at page 535, Official Records of Yolo County, thence along said southerly line of the parcel described in said Book 753 at page 535, North 53°45'33" West (North 53°44'30" West, per 753 OR 535), 12.88 feet to the northwest corner of the parcel of land described in said Book 1511 at page 202, thence along the westerly line of the parcel of land described in said Book 1511 at page 202, South 01°12'50" West, 1093.19 feet to the Point of Beginning.

Containing 0.20 acres more or less

August 7, 2012

EXHIBIT “A”

TEMPORARY
CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor’s Parcel Number: 027-390-023
Area of Temporary Easement - PARCEL “T10”: 0.50 Acres more or less

PARCEL “T10”

Being all that certain real property situate in the County of Yolo, State of California, and being a portion of the parcel of land described in the deed to CITY OF WOODLAND, dated February 12, 1982 and filed for record at Book 1511 at page 202, Official Records of Yolo County and being also shown as Parcel No. 1 on the Record of Survey filed for record in Book 6 of Maps and Surveys at page 39, Official Records of Yolo County, and being also shown on SHEET 6 of 14 on the Record of Survey filed for record in Book 2007 of Maps and Surveys at page 195, Official Records of Yolo County and being more particularly described as follows:

Beginning at the southeast corner of the parcel of land hereinabove described under PARCEL “P10”, thence from said Point of Beginning and running along the southerly line of the parcel of land described in said Book 1511 at page 202, South 89°02'55" East, (North 89°02'45" West, per 1511 OR 202), 20.00 feet, thence leaving said southerly line, North 00°56'11" East, 212.92 feet, thence North 01°31'29" East, 858.80 feet, to a point in the southerly line of the parcel of land described in the deed to CITY OF WOODLAND, dated March 20, 1964 and filed for record at Book 753 at page 535, Official Records of Yolo County, thence along said southerly line of the parcel described in said Book 753 at page 535, North 53°45'33" West, (North 53°44'30" West per 753 OR 535), 24.33 feet to the northeast corner of said PARCEL “P10”, thence leaving said last named southerly line and running along the easterly line of said PARCEL “P10”, South 01°31'29" West, 872.76 feet and South 00°56'11" West, 213.02 feet to the Point of Beginning.

Containing 0.50 acres more or less

July 23, 2012

EXHIBIT “A”

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor’s Parcel Number: 027-852-005
Area of Permanent Easement - PARCEL “P12”: 1.55 Acres more or less

PARCEL “P12”

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of PARCEL 2 as shown on Parcel Map No. 3783 as filed for record in Book 9 of Parcel Maps at page 74, Official Records of Yolo County, being more particularly described as follows:

Beginning at the southeast corner of said PARCEL 2, and running thence along the easterly line thereof, North 00°23'43" East, 1323.06 feet to the northeast corner of said PARCEL 2 and running thence along the northerly line of said PARCEL 2, North 89°15'18" West, 65.00 feet, thence leaving said northerly line South 00°23'43" West, 100.00 feet, thence South 89°36'17" East, 15.00 feet, thence South 00°23'43" West, 1223.02 feet to the southerly line of said PARCEL 2, thence along said southerly line South 89°06'44" East, 50.00 feet to the Point of Beginning.

Containing 1.55 acres more or less

July 23, 2012

EXHIBIT “A”

TEMPORARY CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor’s Parcel Number: 027-852-005
Area of Temporary Easement - PARCEL “T12”: 0.62 Acres more or less

PARCEL “T12”

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of PARCEL 2 as shown on Parcel Map No. 3783 as filed for record in Book 9 of Parcel Maps at page 74, Official Records of Yolo County, being more particularly described as follows:

Beginning at the southwest corner of the parcel hereinabove described under PARCEL “P12”, thence from said Point of Beginning and running along the west line of said PARCEL “P12” the following three courses:
North 00°23'43" East, 1223.02 feet, thence
North 89°36'17" West, 15.00 feet, thence
North 00°23'43" East, 100.00 feet to the northwest corner of said PARCEL “P12”, and being also in the north line of said PARCEL 2, thence along said north line, North 89°15'18" West, 25.00 feet, thence leaving said north line, South 00°23'43" West, 100.15 feet, thence South 89°36'17" East, 20.00 feet, thence South 00°23'43" West, 1222.85 feet to a point in the south line of said PARCEL 2, thence along said south line, South 89°06'44" East, 20.00 feet to the Point of Beginning.

Containing 0.62 acres more or less

October 24, 2011

EXHIBIT “A”

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor’s Parcel Number: 027-852-007
Area of Permanent Easement - PARCEL “P29”: 2,500 Square feet more or less

PARCEL “P29”

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the deed to CITY OF WOODLAND, dated March 30, 2007 and recorded at Document No. 2007-0013586, Official Records of Yolo County, being more particularly described as follows:

Beginning at the southwest corner of said parcel described in the deed to CITY OF WOODLAND, and running thence along the southerly line of said parcel, South 89°06'31" East, 50.00 feet, thence leaving said southerly line, North 00°23'03" East, 50.00 feet, thence North 89°06'31" West, 50.00 feet to a point in the westerly line of said parcel described in the deed to CITY OF WOODLAND, thence along said westerly line, South 00°23'03" West, 50.00 feet to the Point of Beginning.

Containing 2,500 Square feet more or less

October 24, 2011

EXHIBIT "A"

TEMPORARY CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-852-007
Area of Temporary Easement - PARCEL "T29": 2,400 Square feet more or less

PARCEL "T29"

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the deed to CITY OF WOODLAND, dated March 30, 2007 and recorded at Document No. 2007-0013586, Official Records of Yolo County, being more particularly described as follows:

Beginning at the southeast corner of the parcel of land hereinabove described under PARCEL "P29", said Point of Beginning being on the southerly line of said parcel of land described in the deed to CITY OF WOODLAND, and running thence along said southerly line, South 89°06'31" East, 20.00 feet, thence leaving said southerly line, North 00°23'03" East, 70.00 feet, thence North 89°06'31" West, 70.00 feet to a point the easterly line of said parcel of land described in the deed to CITY OF WOODLAND, thence along said easterly line, South 00°23'43" West, 20.00 feet to the northwest corner of said PARCEL "P29", thence along the northerly and easterly lines of said PARCEL "P29", South 89°06'31" East, 50.00 feet and South 00°23'03" West, 50.00 feet to the Point of Beginning.

Containing 2,400 Square feet more or less

June 26, 2012

EXHIBIT "A"

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-007
Area of Permanent Easement - PARCEL "P30": 1.54 Acres more or less

PARCEL "P30"

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the FINAL ORDER IN CONDEMNATION, dated October 28, 1964 and recorded in Book 777 at page 418, Official Records of Yolo County, being more particularly described as follows:

Beginning at the northeast corner of the parcel of land hereinabove described under RWTF PARCEL, said Point of Beginning being also on the north line of said parcel described in said FINAL ORDER IN CONDEMNATION and running thence along the northerly line of said parcel described in said FINAL ORDER IN CONDEMNATION, South 89°06'31" East, 1118.19 feet to the northeast corner of said parcel described in said FINAL ORDER IN CONDEMNATION, thence along the easterly line of said parcel, South 00°06'47" East, 60.01 feet, thence leaving said easterly line, North 89°06'31" West, 1118.31 feet to a point in the east line of said RWTF PARCEL, thence along said east line North 00°00'00" East, 60.01 feet to the Point of Beginning.

Containing 1.54 Acres more or less

June 26, 2012

EXHIBIT "A"

TEMPORARY CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-007
Area of Temporary Easement - PARCEL "T30": 1.54 Acres more or less

PARCEL "T30"

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the FINAL ORDER IN CONDEMNATION, dated October 28, 1964 and recorded in Book 777 at page 418, Official Records of Yolo County, being more particularly described as follows:

Beginning at the southwest corner of the parcel of land hereinabove described under PARCEL "P30", said Point of Beginning being also on the easterly line the parcel of land hereinabove described under RWTF PARCEL, thence along the southerly line of said PARCEL "P30", South 89°06'31" East, 1118.31 feet to the southeast corner of said PARCEL "P30", being also on the easterly line of said parcel described in said FINAL ORDER IN CONDEMNATION, thence along said easterly line South 00°06'47" East, 60.01 feet, thence leaving said easterly line, North 89°06'31" West, 1118.43 feet to the east line of said RWTF PARCEL, thence along said east line, line North 00°00'00" East, 60.01 feet to the Point of Beginning.

Containing 1.54 Acres more or less

December 3, 2012

EXHIBIT “A”

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor’s Parcel Number: 027-390-007
Area of Permanent Easement - PARCEL “P30-2”: 3.06 Acres more or less

PARCEL “P30-2”

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the FINAL ORDER IN CONDEMNATION, dated October 28, 1964 and recorded in Book 777 at page 418, Official Records of Yolo County, being more particularly described as follows:

Beginning at the southwest corner of the parcel of land hereinabove described under RWTF PARCEL, said Point of Beginning being also on the west line of said parcel described in said FINAL ORDER IN CONDEMNATION and running thence along said west line of said parcel described in said FINAL ORDER IN CONDEMNATION, South 00°23'22" West, 1664.57 feet, to the southwest corner of said parcel described in said FINAL ORDER IN CONDEMNATION being also a point on the south line of said Section 35, thence along said south line of Section 35, South 89°32'38" East, 80.00 feet, thence leaving said south line of Section 35, North 00°23'22" East, 1665.20 feet to the south line of said RWTF PARCEL, thence along said south line, North 90°00'00" West, 80.00 feet to the Point of Beginning.

Containing 3.06 Acres more or less

December 3, 2012

EXHIBIT "A"

TEMPORARY CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-007
Area of Temporary Easement - PARCEL "T30-2": 0.38 Acres more or less

PARCEL "T30-2"

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM, and being a portion of the parcel of land described in the FINAL ORDER IN CONDEMNATION, dated October 28, 1964 and recorded in Book 777 at page 418, Official Records of Yolo County, being more particularly described as follows:

Beginning at the northeast corner of the parcel of land hereinabove described under PARCEL "P30-2", said Point of Beginning being also on the south line of the parcel of land hereinabove described under RWTF PARCEL, thence along the east line of said PARCEL "P30-2", South 00°23'22" West, 1665.20 feet, to a point in the southerly line of said parcel described in said FINAL ORDER IN CONDEMNATION being also a point on the south line of said Section 35, thence along said south line of Section 35, South 89°32'38" East, 10.00 feet, thence leaving said south line of Section 35, North 00°23'22" East, 1665.28 feet to the south line of said RWTF PARCEL, thence along said south line, North 90°00'00" West, 10.00 feet to the Point of Beginning.

Containing 0.38 Acres more or less

October 1, 2012

EXHIBIT "A"

PERMANENT EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-027
Area of Permanent Easement - PARCEL "P35": 5,751 Sq' more or less

PARCEL "P35"

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM and Section 2, T. 9 N., R. 2 E., MDM and being a portion of the parcels of land described in the following deeds to the City of Woodland:
1. deed dated May 23, 1960 and recorded at Book 604 at page 548, Official Records of Yolo County
2. deed dated June 24, 1960 and recorded at Book 608 at page 33, Official Records of Yolo County
3. deed dated December 24, 1975 and recorded at Book 1173 at page 176, Official Records of Yolo County
4. deed dated March 29, 1988 and recorded at Book 1969 at page 395, Official Records of Yolo County, and being more particularly described as follows:

Beginning at a point in the south line of said Section 35, said Point of Beginning bears North 89°31'45" West, 122.56 feet from the south ¼ corner of said Section 35 and running thence from said Point of Beginning, South 01°47'29" West, 25.00 feet to a point in the south line of said parcel of land described in said Book 604 at page 548, thence along said last named south line, North 89°31'45" West, 50.00 feet, thence leaving said south line of said parcel of land described in said Book 604 at page 548, North 01°47'29" East, 115.03 feet to a point in the north line of said parcel of land described in said Book 1969 at page 395, thence along said north line, South 89°31'45" East, 50.01 feet, thence leaving said north line, South 01°47'29" West, 90.03 feet to the Point of Beginning.

Containing 5,751 Sq' more or less

October 1, 2012

EXHIBIT "A"

TEMPORARY
CONSTRUCTION EASEMENT

Property Owner: City of Woodland
Assessor's Parcel Number: 027-390-027
Area of Temporary Easement - PARCEL "T35": 2,301 Sq' more or less

PARCEL "T35"

Being all that certain real property situate in the County of Yolo, State of California and lying within Section 35, T. 10 N., R. 2 E., MDM and Section 2, T. 9 N., R. 2 E., MDM and being a portion of the parcels of land described in the following deeds to the City of Woodland:
1. deed dated May 23, 1960 and recorded at Book 604 at page 548, Official Records of Yolo County
2. deed dated June 24, 1960 and recorded at Book 608 at page 33, Official Records of Yolo County
3. deed dated December 24, 1975 and recorded at Book 1173 at page 176, Official Records of Yolo County
4. deed dated March 29, 1988 and recorded at Book 1969 at page 395, Official Records of Yolo County, and being more particularly described as follows:

Beginning at the southwest corner of the parcel of land hereinabove described under PARCEL "P35", and running thence along the westerly line of said PARCEL "P35", North 01°47'29" East, 115.03 feet to a point in the north line of said parcel of land described in said Book 1969 at page 395, thence along said north line, North 89°31'45" West, 20.01 feet, thence leaving said north line, South 01°47'29" West, 115.03 feet to a point in the south line of said parcel of land described in said Book 604 at page 548, thence along said south line South 89°31'45" East, 20.01 feet the Point of Beginning.

Containing 2,301 Sq' more or less

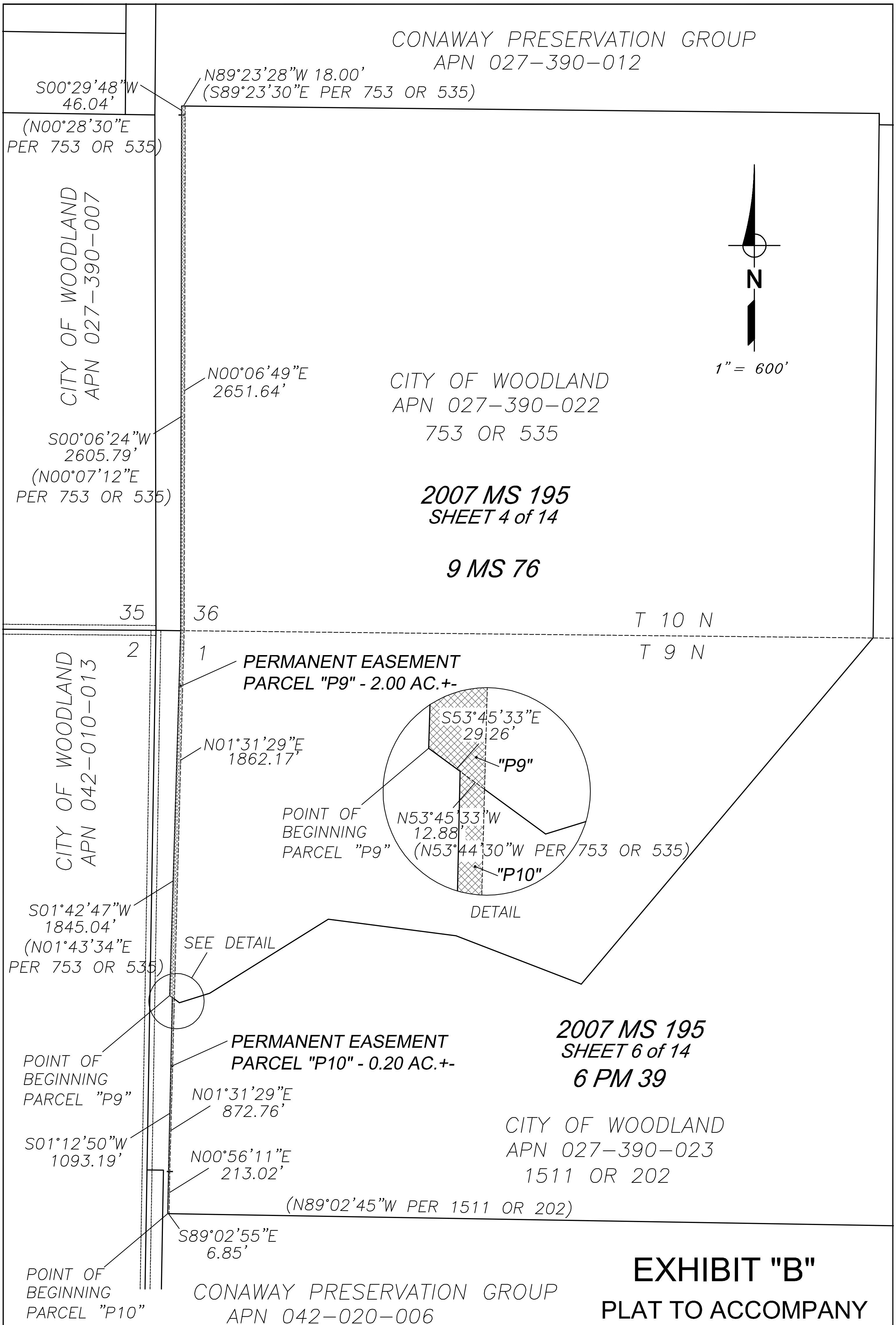


EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

DAVIS/WOODLAND
WATER SUPPLY PROJECT

PROPERTY OWNER: CITY OF WOODLAND

ASSESSOR'S NUMBERS: APN 027-390-022
APN 027-390-023

PERMANENT EASEMENTS- "P9" - 2.00 AC. +-
"P10" - 0.20 AC. +-

WEST YOST
ASSOCIATES
Consulting Engineers

2020 Research Park
Drive
Suite 100
Davis, CA 95618
(530) 756-5905
FAX (530) 756-5991

YOLO COUNTY

SECTION 36, T10N, R2E, MDM
SECTION 1, T9N, R2E, MDM

8-7-2012

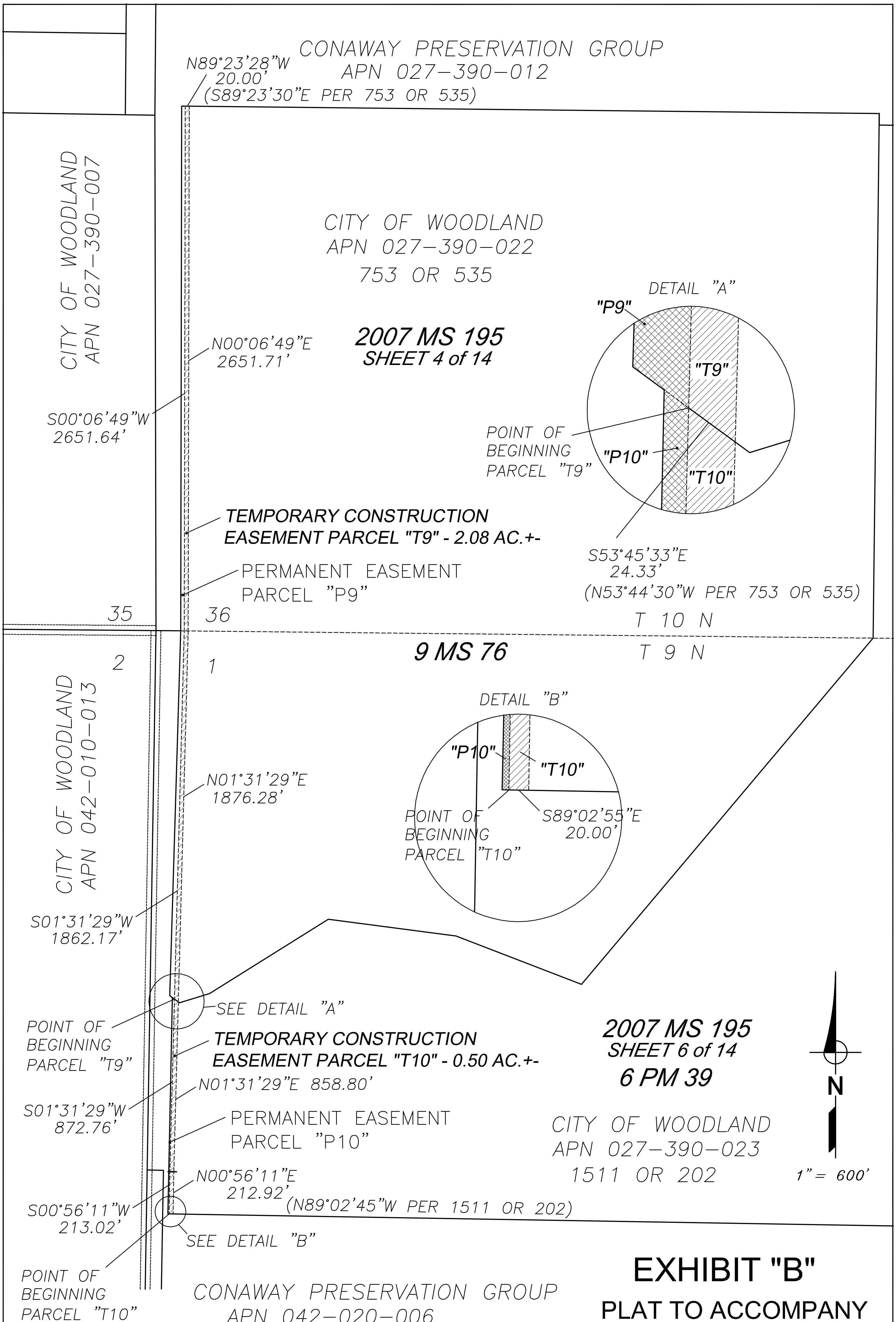


EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

DAVIS/WOODLAND WATER SUPPLY PROJECT

PROPERTY OWNER: CITY OF WOODLAND

ASSESSOR'S NUMBERS: APN 027-390-022
APN 027-390-023

TEMPORARY EASEMENTS - "T9" - 2.08 AC.+-
"T10"- 0.50 AC. +-

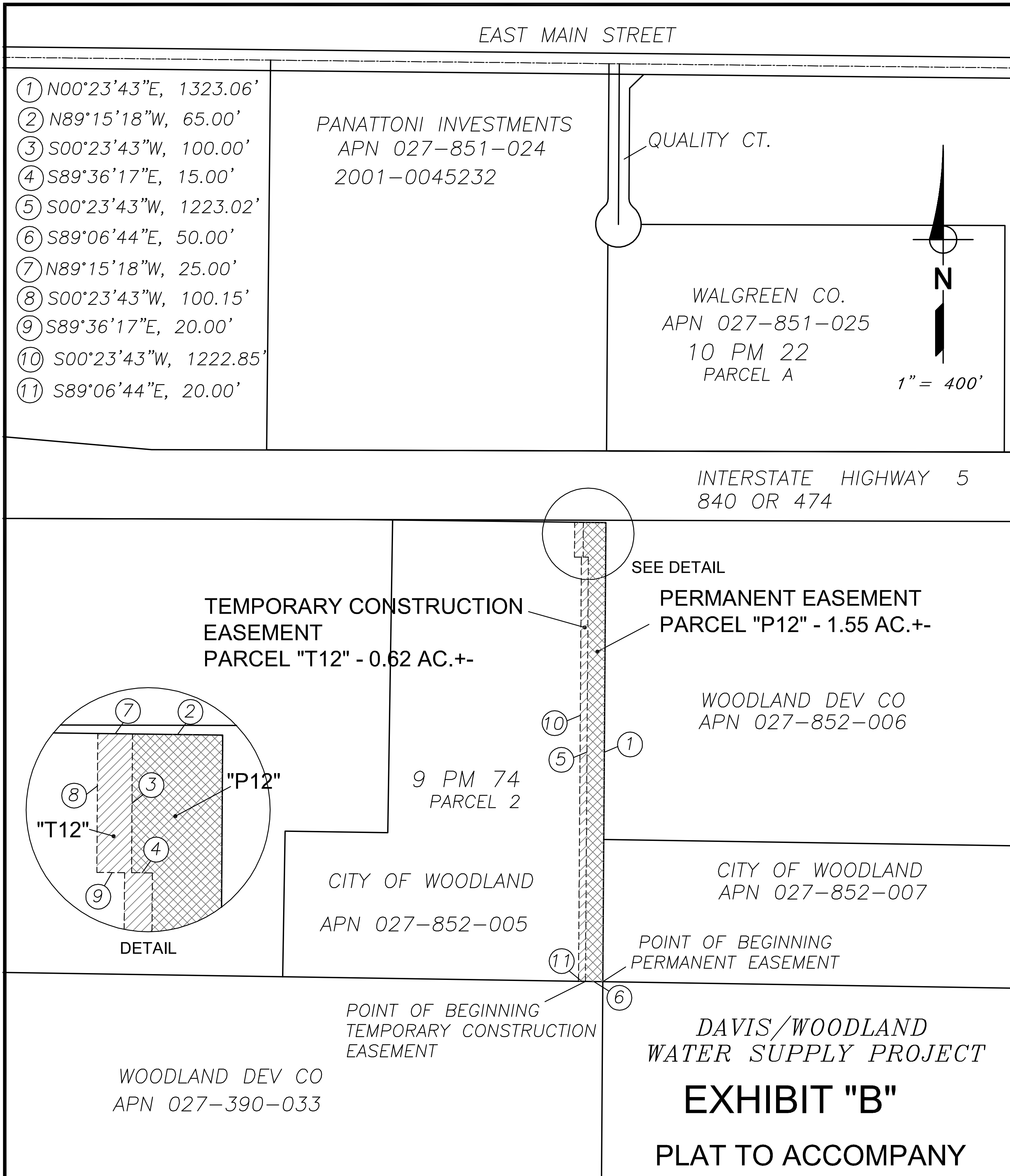
WEST YOST ASSOCIATES
Consulting Engineers

2020 Research Park Drive
Suite 100
Davis, CA 95618
(530) 756-5905
FAX (530) 756-5991

YOLO COUNTY

SECTION 36, T10N, R2E, MDM
SECTION 1, T9N, R2E, MDM

8-7-12



DAVIS/WOODLAND
WATER SUPPLY PROJECT

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PROPERTY OWNER: CITY OF WOODLAND
ASSESSOR'S NUMBER: APN 027-852-005
PERMANENT EASEMENT - PARCEL "P12" - 1.55 ACRES +-
TEMPORARY EASEMENT - PARCEL "T12" - 0.62 ACRES +-
YOLO COUNTY SECTION 35, T10N, R2E, MDM 7-23-2012

WEST YOST ASSOCIATES
Consulting Engineers
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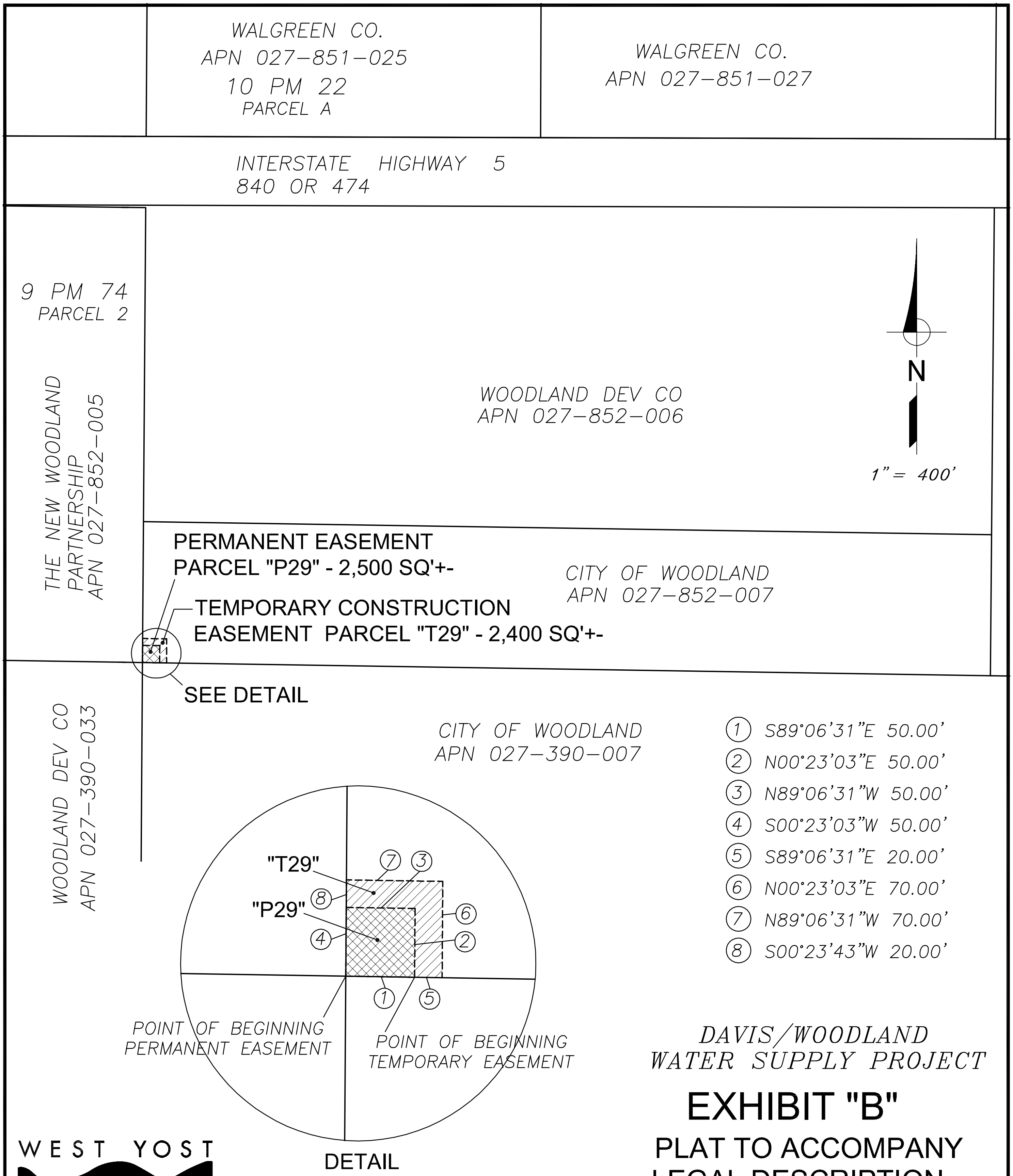
Suite 100
Davis, CA 95618
(530) 756-5905
FAX (530) 756-5991



WEST YOST ASSOCIATES
Consulting Engineers

2020 Research Park Drive
Suite 100
Davis, CA 95618
(530) 756-5905
FAX (530) 756-5991

DAVIS/WOODLAND WATER SUPPLY PROJECT

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

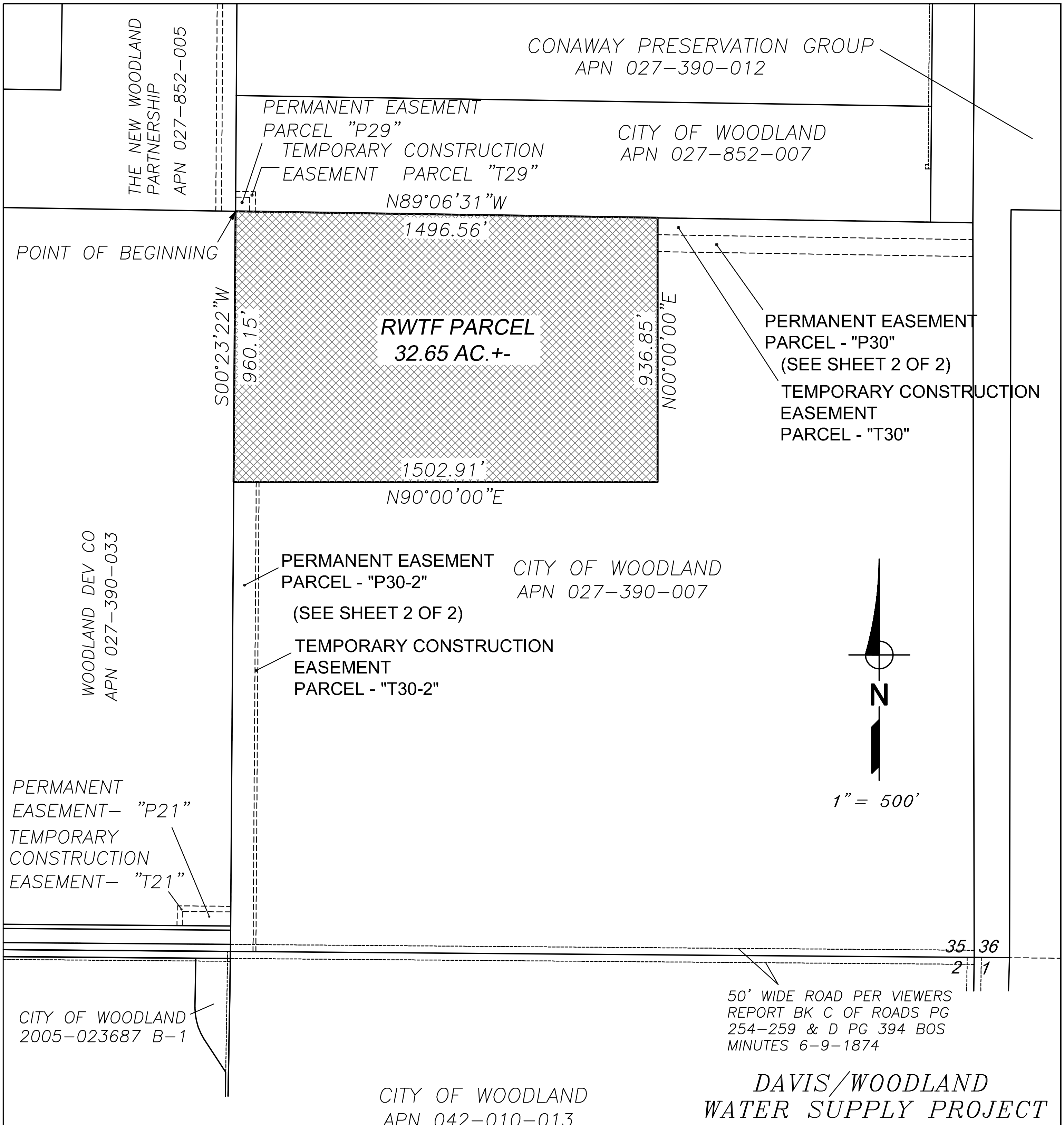
PROPERTY OWNER: CITY OF WOODLAND

ASSESSOR'S NUMBER: APN 027-852-007

PERMANENT EASEMENT - PARCEL "P29" - 2,500 SQ' +-

TEMPORARY EASEMENT - PARCEL "T29" - 2400 SQ' +-

YOLO COUNTY SECTION 35, T10N, R2E, MDM 10-24-2011



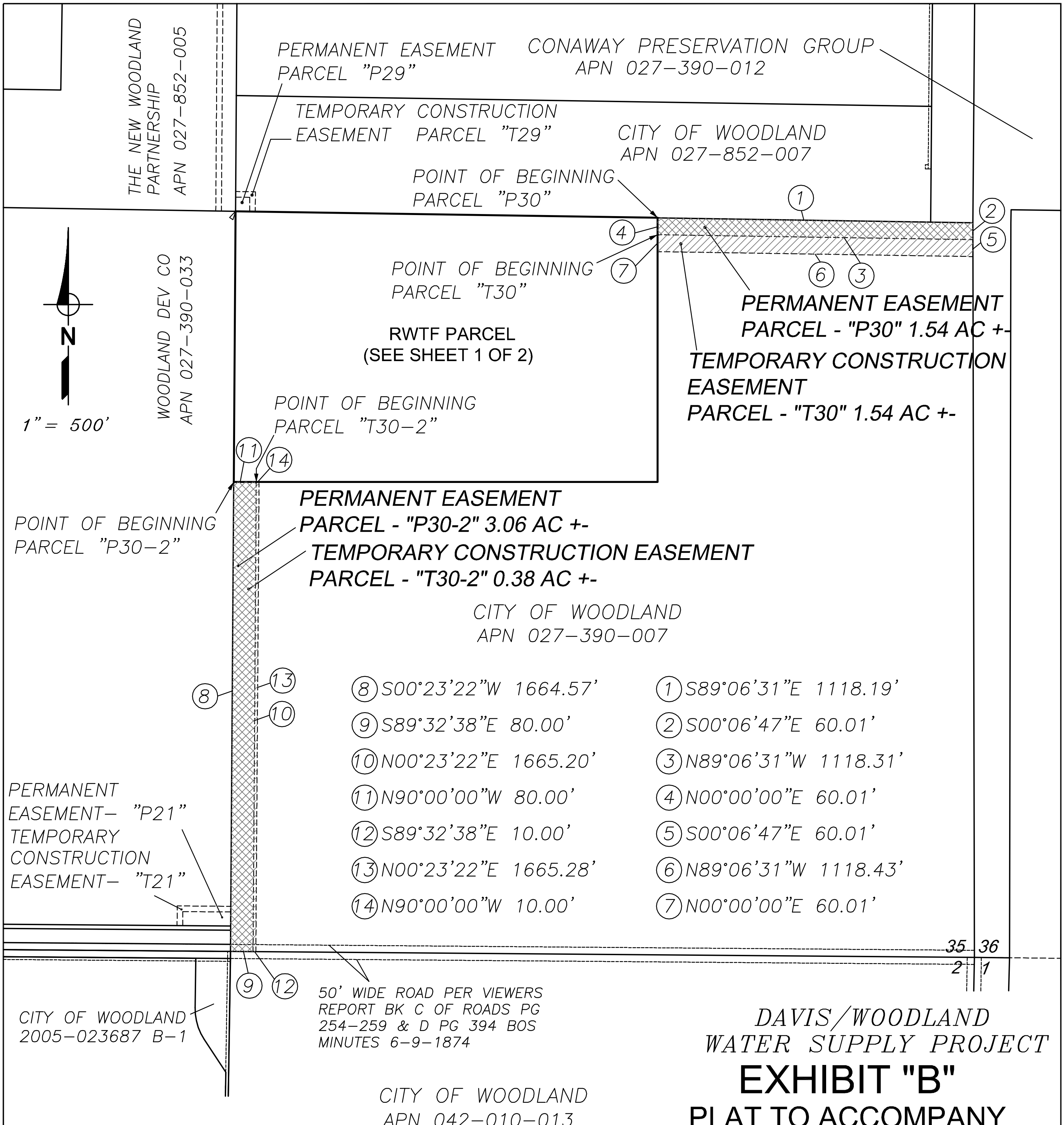
DAVIS/WOODLAND
WATER SUPPLY PROJECT

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

PROPERTY OWNER: CITY OF WOODLAND
ASSESSOR'S NUMBER: APN 027-390-007
RWTF PARCEL - 32.65 AC+-

WEST YOST ASSOCIATES
Consulting Engineers
2020 Research Park Drive
Suite 100
Davis, CA 95618
(530) 756-5905
FAX (530) 756-5991

YOLO COUNTY SECTION 35, T10N, R2E, MDM SHEET 1 OF 2 12-3-2012



DAVIS/WOODLAND
WATER SUPPLY PROJECT

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PROPERTY OWNER: CITY OF WOODLAND
ASSESSOR'S NUMBER: APN 027-390-007

PERMANENT EASEMENT - PARCEL "P30" - 1.54 AC.+-
TEMPORARY EASEMENT - PARCEL "T30" - 1.54 AC+-

PERMANENT EASEMENT - PARCEL "P30-2" - 3.06 AC.+-
TEMPORARY EASEMENT - PARCEL "T30-2" - 0.38 AC+-

WEST YOST ASSOCIATES
Consulting Engineers

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(530) 756-5905
FAX (530) 756-5991

YOLO COUNTY SECTION 35, T10N, R2E, MDM SHEET 2 OF 2 12-3-2012

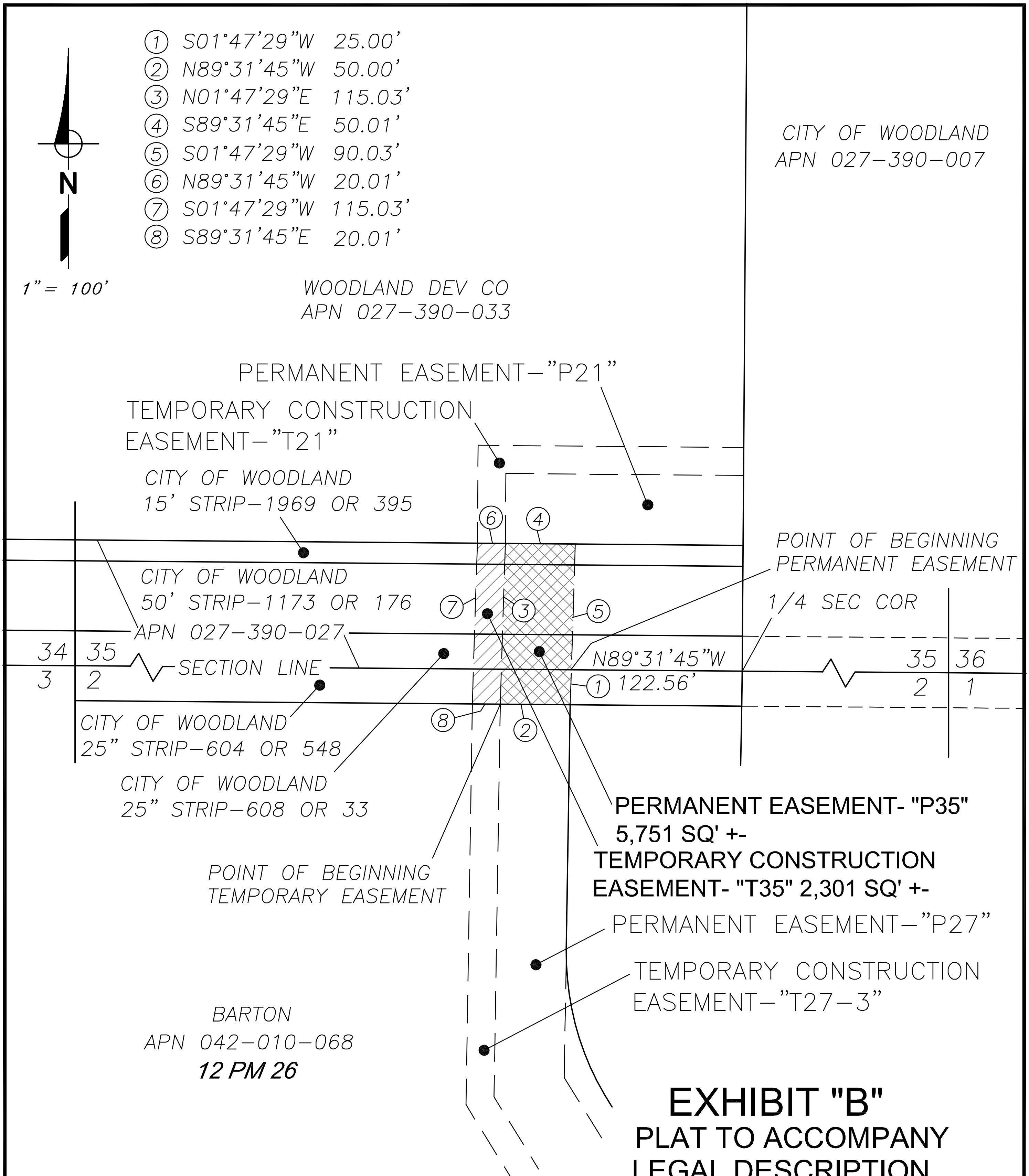

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PROPERTY OWNER: CITY OF WOODLAND
ASSESSOR'S NUMBER: APN 027-390-027
PERMANENT EASEMENT AREA -
PARCEL "P35" - 5,751 SQ' +-
TEMPORARY CONSTRUCTION EASEMENT AREA -
PARCEL "T35" - 2,301 SQ' +-

WEST YOST ASSOCIATES
Consulting Engineers
2020 Research Park Drive
Suite 100
Davis, CA 95618
(530) 756-5905
FAX (530) 756-5991

YOLO COUNTY SECTION 35, T10N, R2E, & SECTION 2, T9N, R2E, MDM 10-1-12

RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND AN EASEMENT AGREEMENT BETWEEN THE CITY OF WOODLAND AND THE WOODLAND-DAVIS CLEAN WATER AGENCY IN FURTHERANCE OF THE SURFACE WATER SUPPLY PROJECT

WHEREAS¸ the City of Woodland owns certain real property that the Woodland-Davis Clean Water Agency ("Agency") is interested in acquiring at a fair market price for use as a regional water treatment plant; and

WHEREAS, the Agency has requested certain permanent and temporary easements from the City as the Agency's facilities will include treated water transmission mains going from the treatment plant to connect to the City's water distribution system, many of which are in City-owned property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. California Environmental Quality Act (CEQA) review has been conducted for this project, with the Agency approving the environmental document.

Section 2. The City Council hereby approves the Purchase and Sale Agreement and Easement Agreement in substantially the form attached hereto as Exhibits 1 and 2.

Section 3. The City Manager is hereby authorized to execute the Purchase and Sale Agreement and the Easement Agreement and to take all actions necessary by the City of Woodland to complete the purchase and sale of the property and conveyance of the easement.

PASSED AND ADOPTED by the City Council this 4th day of June, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Marlin H. "Skip" Davies, Mayor

ATTEST:

____
Ana B. Gonzalez, City Clerk

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
3.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Amend Professional Services Agreement for the Water Transmission Main Project (East), Project No 11-14.

Recommendation for Action

Staff recommends that the City Council approve the increase in the consultant services agreement for the Water Transmission Main Project (East), Project No. 11-14 in an amount not to exceed $125,000 and authorize the City Manager to execute the agreement.

Fiscal Impact

The requested increase of $125,000 from the existing contract amount of $246,978 will provide a revised design contract of not more than $371,978. This project currently has $2.07 million in Water Enterprise funding in the current capital budget. The proposed capital budget will increase the project budget to $8.78 million in order to cover the full construction contract.

Background

The City hired Cunningham Engineering Inc. to design the Water Transmission Main (East) from East Street to CR 102.

The original contract amount was $198,478. The first amendment was approved on March 6, 2012 in the amount of $34,750. The additional scope of work in this amendment included the following: project coordination to obtain encroachment permits from Caltrans and the railroad, design of a pipe connection to Well 24 in Spring Lake, design of the Sport Park Drive landscape improvements (financed by the adjacent developer), Highway 113 storm drain extension (financed by the adjacent developer), and other minor design changes.

Amendment No. 2 was approved on February 1, 2013 in the amount of $13,750. The additional scope of work in this amendment included the following: subsurface soil investigation, utility identification and other minor design changes.

The City's Purchasing Policy requires Council approval when the cost of contracted work exceeds 25% of the original contract cost. Staff is bringing this item for Council approval because the contract costs are proposed to exceed this 25% limit.

Discussion

The scope of work in the proposed amendment 3 includes the following: improvement plan modifications to include welded steel pipe (including a special study to evaluate pipe deterioration due to corrosion) as well as the addition of scope for design services during construction.

Conclusion

Staff recommends that the City Council approve the increase in the consultant services agreement for the Water Transmission Main Project (East), Project No. 11-14 in an amount not to exceed $125,000 and authorize the City Manager to execute the agreement.

Prepared by: Akin Okupe
Senior Civil Engineer

Reviewed by: Brent Meyer
Principal Civil Engineer

Approved by: Ken Hiatt
Community Development Director

Paul Navazio
City Manager

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM 4.

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Authorize Award of Contract and Expenditures for Landscape Maintenance Services

Recommendation for Action

Staff recommends that the City Council affirm the determination of the low bidder and authorize the City Manager to award the bid to Dominguez Landscape Inc. and that the City Council authorize expenditures in the amount of $493,528 for landscape maintenance services.

Fiscal Impact

Of the four bids received, only one was less than the $495,051 projected in the FY 13-14 budget, of which $263,251 was budgeted from general fund programs. The total low bid came in at $470,027 annually. Allowing for unanticipated repairs/maintenance of landscape and/or irrigation equipment not included in the contract price, it is recommended that the budget include a 5% contingency. This brings the total overall cost for the landscape maintenance to $493,528, which is $1,523 less than the amount submitted in the FY 13-14 budget.

The bids are identified in the attached summary of the Landscape Bid Results. Dominguez Landscape Inc. is highlighted as the low bidder. Please note that the bid results are expressed in monthly, as well as annual costs.

Funding for general landscape maintenance and general fund park maintenance was included in the submitted FY 13-14 budget.

Report in Brief

The City solicited and received four bids from vendors to provide landscape maintenance services in City parks and general landscape areas. Staff's review of the bids received has determined that Dominguez Landscape Inc. has provided the lowest bid amount.

This will be a two year/optional third year agreement. Our current landscape contract is set to expire on June 30th 2013. This is a citywide landscaping contract that provides services to general fund parks, City facilities, sound wall vegetation, median strips and lighting and landscaping districts.

Background

The Public Works Department is responsible for maintaining City landscapes, including street landscapes, median strips, landscapes around city buildings and other facilities and parklands. Funding to maintain these landscapes comes from the general fund, landscape and lighting districts, and other non general funds programs. For the past three years the City has contracted with Dominguez Landscapes Inc. to maintain our landscape and parkland areas; this was a result of severe reductions made to the park maintenance programs in prior years. The term of this contract will end on June 30th 2013 and the City needed to solicit new bids for this service.

The level of landscape maintenance is determined by the type of plantings in an area and the frequency and type of use. Three levels of landscape maintenance were defined in current contract. Mode I is the highest level of service, represented by well maintained landscapes that are highly visible and frequently visited by the public. Mode II is a lower level of service compared to Mode I and represents a level of maintenance where some tolerance is allowed for maintenance problems such as litter, weeds, pruning and irrigation repairs. Mode III is the lowest level of service compared to Mode I and II and represents a level of maintenance typically associated with lower level of development, low levels of public visitation, areas adjacent to highways or roads at the outer edges of the community and/or areas where budget restrictions prevent a higher level of maintenance.

Discussion

This contract will cover approximately 150 acres of parkland and general landscape, and will mirror our current contract with some minor adjustments to areas served, i.e. emptying of the trash receptacles at our high volume parks and clarification of language. Our current contract is running approximately $475,000 annually with approximately $263,251 being charged to General Fund (GF) programs. The new contract would be approximately $5,000 less even with the additional services; this amount does not include any contingency funds.

Contracting out this service has proven to be a cost effective method of maintaining our City landscape. This work was previously performed in combination with in-house staff and outside contracts, but was moved to 100% contract services when the City greatly reduced its parks maintenance staff in FY10 as a cost savings measure. However, the scope of work identified in the contract will not provide all of the necessary maintenance required to fully maintain our parks. Routine and special maintenance of park structures, bathrooms, picnic area furnishings, various trash receptacles and play structures are not included; this work will continued to be performed by our remaining parks personnel and some seasonal temporary staff.

This contract, as well as our current contract does provide for additional payment for maintenance and/or repair of landscape and irrigation equipment damaged by other than normal circumstances.

Public Contact

Posting of the City Council agenda.

Alternative Courses of Action

Alternative 1:
Approve the determination of the low bidder and authorize the City Manager to award the bid to Dominguez Landscape Inc. and that the City Council authorize expenditures in the amount of $493,528 for landscape maintenance services.

Alternative 2:
Reject all bids and provide further direction to staff.

Prepared by: Robert G Sanders
ROW/Parks O&M Superintendent,
Public Works Department

Reviewed by: Gregor G Meyer
Director of Public Works

Paul Navazio
City Manager

Attachments: Bid Summary

City of Woodland

Landscape Maintenance RFP #032713-01
Bid Results

Bids Opened: April 25, 2013
at 2:00 p.m.

Contractor	Public Works Estimate	Dominguez Landscape	Sunworld	Procida	New Image
Monthly Bid	$ 41,254.25	$ 39,168.90	$ 43,764.05	$ 60,449.00	$ 73,645.00
Total Annual Bid	$ 495,051.00	$ 470,026.80	$ 525,168.60	$ 725,388.00	$ 883,740.00

for

Received and Read By Jennifer Robinson, Deputy City Clerk

Recorded By

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
5.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Final Acceptance and Notice of Completion for Lemen/North/East Realignment Project, CIP #00-04

Recommendation for Action

Staff recommends the City Council accept the Lemen/North/East Realignment construction contract as complete and authorize the City Clerk to file a Notice of Completion.

Fiscal Impact

The project is fully funded in the capital budget. The total budget for construction was $1,337,000 of which $1,195,000 is Federal funding and $142,000 is Road Development funding. The total amount spent on the construction phase was approximately $1.23 million. The difference between the total construction phase expenditures and the amount spent on the construction contract represents the amount expended for construction management.

There is no impact to the General Fund.

Background

The contractor began construction of the Lemen/North/East Realignment in July 2012 and finished the work April 2013.

Change orders were issued in the amount of $164,973. The change orders included work for additional trenching for utilities, landscape irrigation installation, design changes due to existing topography, additional sidewalk on Lemen Ave., and costs for winter suspension to complete the seal work in the spring. The total contract value paid to the Contractor is $1,152,224.

The Lemen Ave/North St/East St Realignment Project consisted of the following major improvements:

- Realignment of Lemen Avenue with North Street at East Street making a four leg intersection instead of the previous offset intersection.

- Signalization of the new intersection.
- Constructing left turn lanes in the north and south direction at this intersection.

Conclusion

Staff recommends the City Council accept the Lemen/North/East Realignment construction contract as complete and authorize the City Clerk to file a Notice of Completion.

Prepared by: Tamera Burnham
Assistant Engineer

Reviewed by: Brent Meyer, P.E.
Principal Engineer/City Engineer

Reviewed by: Ken Hiatt
Community Development Director

Paul Navazio
City Manager

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM 6.

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Consent to Inclusion of Land within the Territorial Jurisdiction of the City of Woodland in the County of Yolo Community Facilities District 2013-1 (Clean Energy)

Recommendation for Action

Staff recommends that the City Council grant consent to the Yolo County Board of Supervisors to annex property within the jurisdiction of the City to the County of Yolo Community Facilities District 2013-1 (Clean Energy).

Fiscal Impact

There is no cost associated with the recommended action.

Report in Brief

On April 23, the Yolo County (County) Board of Supervisors held a hearing to take necessary steps to establish a program with Ygrene Energy Fund (Ygrene) and a community facilities district (CFD) to be used for financing or refinancing the acquisition and installation of energy-efficiency, water-conservation, and renewable-energy improvements (Clean Energy Improvements) to or on real property, including homes and commercial buildings. The CFD is authorized under the Mello-Roos Community Facilities Act of 1982 as amended by Senate Bill 555 (SB 555). This type of program is often referred to as "Property Assessed Clean Energy" (PACE) financing. PACE financing is completely voluntary: only property owners that choose to seek financing through the CFD for energy- and water-related improvements to their property and unanimously vote to annex their property into the CFD will be subject to this program. Section 53315.8 of the Mello-Roos Community Facilities Act provides that the County may not form a district within the territorial jurisdiction of a city without the consent of the legislative body of the city. The County has designated the entire jurisdictional territory of the County as territory proposed for annexation to the CFD in the future, and the City Council must consent to annexations from within Woodland before any owner of a parcel within the city may annex the parcel to the CFD and take advantage of the benefits of the Ygrene PACE financing program.

Background

PACE Financing

Recent changes to state law (Assembly Bill 811 and SB 555) enable cities and counties to set up property-supported financing programs in which property owners may obtain financing for the acquisition and installation of energy-efficiency, water-conservation, and renewable-energy improvements to or on their real property, including homes and commercial buildings. Property owners that choose to obtain such financing would repay it through assessments or special taxes on their property tax bills over a set period of time. This type of program is often referred to as PACE financing. PACE financing is completely voluntary: only property owners that choose to seek financing through the CFD for energy- and water-related improvements to their property and unanimously vote to annex their property into the CFD will be subject to this program. No property may be annexed into the CFD or subject to any part of this program without the express willing, unanimous consent of the property owner(s).

PACE financing addresses two major financial hurdles to capital-intensive energy-efficiency and renewable-energy projects: the high up-front cost and the potential that those costs will not be recovered upon sale of the property. With PACE financing, there is little or no up-front cost to the property owner, and if the property is sold before the investors are repaid, unless a prepayment is arranged, the new owner will assume responsibility for the remaining assessments or special taxes as part of the property's annual tax bill. By overcoming these barriers, PACE financing presents a substantial opportunity to stimulate construction and building activity, reduce peak energy demand, increase property values, and generate savings on utility bills for property owners.

Staff representatives of the County, Woodland, West Sacramento, Davis, and Winters began holding discussions in early 2011 with PACE program administrators who were interested in establishing a Yolo County-specific PACE program. Recognizing the benefit of regional consistency in program elements, the county administrator and the city managers of the four cities in August 2011 decided to piggyback on the City of Sacramento's selection, through a competitive proposal process, of Ygrene to provide turn-key PACE financing and training services. Ygrene is a nationwide third-party PACE administrator that provides program design, implementation, funding, contractor certification, marketing, administrative software, and support at no cost to the participating jurisdictions. Ygrene's compensation for performing these services is derived from the interest rate spread between the cost of funds and the interest rate provided to property owners who voluntarily obtain financing through the program, as well as fees paid by applicants. The City of Sacramento's Ygrene-managed PACE program started up in January 2013. Ygrene's storefront, the Ygrene Energy Center in downtown Sacramento, is already serving as a regional resource for energy-efficiency workshops and contractor training.

The Yolo County Board of Supervisors on February 26 adopted a Resolution of Intention (Resolution 2013-25) declaring the County's intention to establish a CFD and levy special taxes therein (only on properties where the County receives a voluntarily request from a property owner to annex into the CFD) to finance or refinance acquisition and installation of energy-efficiency, water-conservation, and renewable-energy improvements. The Board also authorized the county administrator to execute a contract with Ygrene to design, fund, implement, and market the County's program consistent with terms negotiated with the County and city staff representatives.

Community Facilities District Formation Process
State law prescribes the process by which a jurisdiction may create a CFD for purposes of offering financing for Clean Energy Improvements. The process includes two hearings. Following its February 26 hearing, the Board of Supervisors held a second hearing on April 23 and took the following actions:

- Adoption of "Local Policies and Procedures," as required by the Mello-Roos Act before proceedings are initiated to establish CFDs (Gov. Code, §53312.7).

- Hearing of testimony.

- Adoption of a Resolution of Formation (ROF) of the CFD. The ROF establishes the Future Annexation Area/CFD, authorizes the Orrick firm to file validation action, and approves the forms of Unanimous Approval Agreement and Assignment Agreement contained in the Hearing Report, which was incorporated into the ROF by reference. The Hearing Report describes how the program will function and acts as a user guide, providing information on program benefits, requirements and parameters, eligible improvements, how property owners and contractors can participate, and other information. Attached to the Hearing Report are the following documents:

    - Unanimous Approval Agreement. Specifies the terms and conditions under which property owners unanimously approve annexation of their property to the district and levy of the special tax.

    - Notice to Lender of Proposed Special Tax. Letter sent to lender(s) with existing lien(s) on the participating property notifying them of the proposed special tax and lien.

    - Assignment Agreement. Agreement between County and Ygrene whereby the County assigns the special tax revenue stream to Ygrene upon funding of each project.

    - Property Owner's Acknowledgment of Sole Responsibility to Deal with Lenders. Participating property owners must sign this acknowledgment indicating they are responsible to deal with existing mortgage lenders and aware of the potential risks therein.

- Notice of Special Tax Lien. A Special Tax Lien on the property secures the financing. The Notice of Special Tax Lien is recorded prior to commitment of funds and commencement of construction.

The 59-page Hearing Report can be viewed at the following County website: http://yoloagenda.yolocounty.org/docs/2013/BOS/20130423_144/1642_Hearing%20Report.pdf.

- Introduction of Ordinance Levying Special Tax. The ordinance was subsequently adopted at the May 7, 2013 Board of Supervisors meeting.

Additional steps prior to program launch will include County staff working with Ygrene to:

- File and prosecute to judgment a validation suit (including CFD formation documents, program documents, validity of special tax, and lien priority of special tax). A validation action is a summary legal proceeding brought to confirm the legal validity of certain types of documents associated with a public agency's financial transaction. Validation actions serve the important purpose of quickly providing certainty to the agency and other parties involved in the agency's transaction that a subsequent legal challenge will not invalidate or unwrap the transaction. Because PACE financing is a new form of financing, a validation action is desirable to give the County and cities certainty, before embarking on the transaction, that a subsequent legal challenge will not invalidate or unwrap the transaction.

- Establish annual tax levy and collection procedures.

- Engage trustee to receive and administer tax collections.

Residential Participation
Because of Federal Housing Finance Agency (FHFA) actions related to residential participation in PACE programs, the County's PACE program will initially be available only for improvements to commercial properties. The following text, copied from the County's April 23 staff report, is a paraphrased excerpt from the California Office of the Attorney General's web site that describes the relevant FHFA actions:

> On July 6, 2010, just as new PACE programs across the state were set to begin operation, the Federal Housing Finance Agency (FHFA) took action to prevent Fannie Mae and Freddie Mac from purchasing mortgages for properties participating in PACE.
>
> Since Fannie Mae and Freddie Mac own or guarantee more than one-half of residential mortgages in the U.S., FHFA's action effectively stopped PACE in its tracks. The Attorney General had no option but to file suit against FHFA. Sonoma County, joined by Placer County, the Sierra Club, and the City of Palm Desert, each also filed suit. All of the California cases were consolidated.

On August 9, 2012, the district court granted the plaintiffs' motion for summary judgment. The Court held that FHFA failed to comply with federal notice-and-comment procedures under the Administrative Procedure Act before taking its anti-PACE action and issued an injunction requiring the agency to complete a rulemaking on PACE and issue a final rule.

The rulemaking process was underway when, on March 19, 2013, the U.S. Court of Appeals for the Ninth Circuit overturned the District Court ruling and dismissed the case against the FHFA related to the court-ordered rulemaking procedure. Basically the court found that FHFA does not have to abide by any rules making process and is free to act at its own discretion as to what constitutes a conforming mortgage.

In response to this situation, the County's PACE program is being created to legally permit both residential and non-residential properties to participate in the program, but requires the Board of Supervisors to affirmatively authorize Ygrene to begin including residential properties in the program. County staff will be consulting with County Counsel and may return to the Board of Supervisors at a later date to address residential PACE when additional information or clarification is available regarding the viability of such a program.

City Action Required
Section 53315.8 of the Mello-Roos Community Facilities Act provides that the County may not form a district within the territorial jurisdiction of a city without the consent of the legislative body of the city. The County has designated the entire jurisdictional territory of the County as territory proposed for annexation to the CFD in the future. The City Council must consent to annexations from within Woodland before the owner of any parcel within the city may annex the property to the CFD and take advantage of the benefits of Ygrene PACE financing program.

Discussion

The Ygrene program can provide substantial benefits to commercial property owners and, potentially, residential property owners. Examples of eligible projects include solar panels; duct and building envelope sealing; insulation; multi-pane windows; energy-efficient heating and air conditioning systems, new roofs, lighting systems and controls, water heaters, industrial equipment and motors, and new chillers and freezers; water-efficiency measures; and other deferred maintenance and systems replacement projects.

Providing the opportunity for property owners to participate in the Ygrene PACE program can help to stimulate local construction activity, reduce energy demand and associated greenhouse gas emissions attributable to community energy use, increase property values, and generate savings on utility bills for property owners.

Because the Ygrene program includes outreach and marketing, contractor training, and borrower consultation with Ygrene staff, no City staff or budget resources would need to be expended as a result of City Council consent to the inclusion of land within the jurisdictional limits of the City of Woodland in the County's CFD 2013-1 (Clean Energy).

Commission/Committee Recommendation

The Ygrene PACE program has been discussed over the past year and a half with the City Council Energy Committee, and its successor, the Sustainability Committee. The committee supports the establishment of the CFD and the Ygrene program.

Conclusion

Staff recommends that the City Council grant consent to the Yolo County Board of Supervisors to annex property within the jurisdiction of the City to the County of Yolo Community Facilities District 2013-1 (Clean Energy).

Prepared by: Roberta Childers
Environmental Resource Analyst

Reviewed by: Gregor G. Meyer
Public Works Director

Paul Navazio
City Manager

Attachment: Resolution

CITY OF WOODLAND

RESOLUTION NO. ________

RESOLUTION GRANTING CONSENT TO INCLUSION OF LAND WITHIN THE TERRITORIAL JURISDICTION OF THE CITY IN THE COUNTY OF YOLO COMMUNITY FACILITIES DISTRICT 2013-1 (CLEAN ENERGY)

WHEREAS, in 2011 the California Legislature passed, and the Governor signed, Senate Bill No. 555, which became effective on January 1, 2012 (Stats. 2011, Ch. 493) and amended the Mello Roos Community Facilities Act of 1982 (California Government Code §§ 53311 and following, the "Act") to authorize the establishment of community facilities districts for use in financing the installation of energy-efficiency, water-conservation, and renewable-energy improvements to residential, commercial, industrical, or other property; and

WHEREAS, the Board of Supervisors (the "Board") of the County of Yolo (the "County") has formed its Community Facilities District No. 2013-1 (Clean Energy) (the "District") pursuant to the Act with particular reference to Section 53328.1 thereof and its provision that the only means by which a parcel may be included in the District is through the unanimous written consent of all of the owners of that parcel; and

WHEREAS, Section 53315.8 of the Act provides that the County may not form a district within the territorial jurisdiction of a city without the consent of the legislative body of the city; and

WHEREAS, the County has designated the entire jurisdictional territory of the County as territory proposed for annexation to the District in the future, subject to the requirement that before any parcel within incorporated territory may annex to the District, the city council of the incorporated city must consent to annexations from within its territory; and

WHEREAS, the City Council (the "Council") of the City of Woodland (the "City") wishes to grant its consent to the annexation, to the District, of any parcel within the territorial jurisdiction of the City; and

WHEREAS, the Council is fully advised in this matter;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland as follows:

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Council, as the legislative body of the City, hereby grants its consent to the Board of Supervisors of the County to annex property within the territorial jurisdiction of the City to the District.

Section 3. The inclusion of any parcel of land within the City in the District shall be in accordance with the Unanimous Approval Agreement that must be executed by all of the owners of that parcel, and that parcel shall be treated by the County in respect of the District on the same basis and under all the same terms and conditions as if the parcel were not within the territorial jurisdiction of the City but, instead, were located in unincorporated territory of the County.

Section 4. This consent is intended to fulfill the requirements of Section 53315.8 of the Act.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 4th day of June 2013, 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
7.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: License and Contract Recreation Agreement for Comprehensive Tennis Program

Recommendation for Action

Staff recommends that the City Council authorize the City Manager to execute a License and Contract Recreation Agreement for a comprehensive tennis program between the City of Woodland and Cello International Tennis Academy (CITA).

Fiscal Impact

The cost to operate and maintain city tennis courts is approximately $9000 per year (for public use and city contract classes). Revenue generated from the previous City tennis program in 2010 and 2011 was approximately $2000 and $1500, respectively. Program revenue expected from the execution of this agreement should exceed $5000 per year through Year 2 of the agreement and $10,000 per year for Years 3-5. The City will receive 5% of fees collected from 6 months - Year 2 and 10% of fees collected for Years 3-5.

Background

The City of Woodland currently has four parks with tennis courts at Beamer Park, City Park, Crawford Park, and Woodside Park. Since 2000, Parks & Recreation offered tennis lessons through a recreation contractor that retired from teaching tennis in January 2013. Consequently, the City has not offered tennis instruction this year, leaving students with no options in Woodland for tennis instruction. The change in contractors provided an opportunity for the City, along with the assistance of the Woodland Tennis Club, to evaluate recreational tennis opportunities in the community. It was determined that a broader range of tennis services would be beneficial to add to the City's recreation programming (tennis lessons, clinics, youth camps, and tournaments).

Through an RFP process which included advertising on the United States Professional Tennis Association (USTA) website, the City received 11 proposals to provide a comprehensive tennis program in the City. With the assistance and guidance from the Woodland Tennis Club, submittals were evaluated and two companies were interviewed (a third company was invited and later declined the interview). Phil Cello, CITA, was selected to provide tennis services for the City to include lessons, camps, clinics, tournaments, and a tennis pro shop. The first priority is to offer a summer camp and introduce Woodland's youth to a different recreational opportunity.

On March 25 and April 22, 2013 the Parks & Recreation Commission received information regarding the RFP and selection process. The Commission is fully supportive of this proposed tennis program through the execution of an agreement with CITA.

Discussion

Mr. Cello has developed tennis programs and facilities in both the private and public section for over 35 years. His record of coaching, tournament promotion, and volunteer tennis administration has resulted in his induction into the USTA Northern California Tennis Hall of Fame. Mr. Cello plans to develop a community oriented model of tennis programs for the City. A community oriented tennis model is defined as public tennis court operations that accommodate and allow access to the widest variety of tennis programs, levels, and interests. These include, but are not limited to walk on, recreational, competitive and instructional play, leagues, and tournaments priced at an affordable rate. Mr. Cello also plans to offer "10 and Under Tennis," a national program that uses kid-sized equipment that properly develops their tennis skills. The contract includes CITA hiring and overseeing a head tennis professional that will initially teach most of the lessons as well as overseeing the day to day operations for the program. Additional tennis professionals will be hired as the demand for the program increases.

The addition of tournaments and clinics will have the potential to draw many participants from all over the region thus resulting in a positive economic impact for local services. The tennis pro shop located at City Park (using the existing building) will provide an onsite tennis professional who will be available to repair equipment and provide information on programs.

Mr. Cello has expressed interest in fundraising for the tennis courts anticipated to be built at the Woodland Community & Senior Center. That facility would provide an ideal location for all of Woodland's tennis activities, including free public use.

This new partnership between the City and CITA will include the continued partnership with the Woodland Tennis Club. The City and CITA plan to engage the Woodland Joint Unified School District in discussions about offering clinics and lessons to students and use of WJUSD courts. Staff and CITA plan to work closely together to implement and offer a successful tennis program for the residents.

Staff anticipates a robust program being developed over the course of the next five years. The expansion of tennis opportunities in the City through CITA is a tremendous opportunity for the City and the residents.

Conclusion

Staff recommends that the City Council authorize the City Manager to execute a License and Contract Recreation Agreement for a comprehensive tennis program between the City of Woodland and Cello International Tennis Academy (CITA).

Prepared by: Dallas Tringali
Recreation Supervisor

Reviewed by: Christine Engel
Recreation Manager

Paul Navazio
City Manager

Attachment: License and Contract Recreation Agreement

LICENSE AND CONTRACT RECREATION AGREEMENT

CITY OF WOODLAND
PARKS AND RECREATION DEPARTMENT
2001 East St.
Woodland, CA 95776
(530) 661-2000

THIS LICENSE AND CONTRACT RECREATION AGREEMENT ("Agreement") is made and entered into on ________, 2013, by and between the City of Woodland ("City"), through its Parks and Recreation Department, and Phil Cello, an individual doing business as Cello International Tennis Academy ("Contractor"). City and Contractor are sometimes hereafter referred to individually as "Party" and collectively as "Parties."

WHEREAS, City desires to offer a comprehensive tennis program, including tournaments, lessons, clinics, and camps (collectively "Classes") to persons enrolling in recreational activities of City ("Registered Participants"), and for this purpose desires to contract with Contractor; and

WHEREAS, Contractor has represented to City that it possesses the necessary, special, and technical qualifications required to conduct Classes and that it is prepared to provide such instructions to Registered Participants; and

WHEREAS, City desires to have Contractor provide instruction and tennis services to Registered Participants enrolled in Classes; and

WHEREAS, Contractor also desires to run a pro shop at City Park, located at 629 Cleveland Street in the City (the pro shop property shall herein be referred to as the "Premises"); and

WHEREAS, for the consideration set forth herein, City shall permit Contractor to use the tennis courts pursuant to this Agreement and shall grant Contractor a license to run a pro shop from the Premises.

NOW THEREFORE, for and in consideration of the mutual promises and covenants hereinafter contained, the Parties agree as follows:

1. Incorporation of Recitals. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth in full.

2. License of Premises. City hereby licenses to Contractor the Premises, which is the certain real property situated in the City of Woodland, County of Yolo, State of California that is more precisely depicted in **Exhibit A**, attached hereto and incorporated herein by this reference. Title to the licensehold estate created by this Agreement is subject to all exceptions, easements, rights-of-way, and other matters of record now or hereafter applicable to the Premises. The

consideration for the license is factored into the fees paid to Contractor and City pursuant to this Agreement.

3. Use of Premises.

a. General Use and Maintenance. Contractor shall use the Premises only for a pro shop. Contractor shall be solely responsible for the routine maintenance and security of the Premises, including general sweeping, keeping the Premises free of trash, and locking the building when not in use. City shall provide Contractor with one key to the Premises. Contractor shall not permit the Premises to be used by any third party, shall not sublet the Premises, and shall use the Premises only for a pro shop.

b. Compliance With Laws. Contractor shall operate the Premises in compliance with all applicable laws and regulations.

c. Revenue from Pro Shop. Section 8 of this Agreement specifies the manner in which Contractor shall be paid for retail sales from the pro shop.

d. Improvements. Contractor may make improvements to the pro shop with City's prior written consent. Contractor is aware of the requirements of California Labor Code section 1720 *et seq.* and 1770 *et seq.*, as well as California Code of Regulations, Title 8, Section 16000 *et seq.* ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the improvements are a public works project, as defined by the Prevailing Wage Laws, and the total compensation is $1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Contractor shall defend, indemnify, and hold City, its officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with Prevailing Wage Laws.

e. Completion of Term. Upon expiration or earlier termination of this Agreement, Contractor shall remove all personal property from the Premises and shall return the Premises to a similar state as it was as of the Effective Date, normal wear and tear excepted. Any improvements that Contractor made to the Premises that are permanently affixed to the building shall remain attached to the Premises, but Contractor may remove any improvements so long as the removal does not damage the Premises.

4. Term. The term of this Agreement shall commence on June 10, 2013 ("Effective Date") and shall continue for a term of five (5) years ("Term"). The parties may, by mutual agreement, amend this Agreement to extend the Term for an additional five (5) years. Notwithstanding the Term of this Agreement, it is agreed by the Parties that the Term is only a matter of convenience for both Parties and that the City makes no guarantees to the Contractor that any number of Classes will be available for the Contractor to teach, nor that Classes will be available for the Contractor during the entire Term of this Agreement. Contractor also understands and agrees that while Contractor desires to eventually run clinics and tournaments at the tennis courts, such programs are Contractor's sole responsibility.

5. Termination. This Agreement may be terminated by (a) either Party upon completion of the services contemplated under this Agreement; (b) by City upon Contractor's failure to satisfy the terms of this Agreement; or (c) by Contractor upon City's failure to satisfy its obligations under this Agreement. In addition, if City determines that Contractor's provision of services, programs, and/or staff endangers the public health, safety, and/or welfare of Registered Participants, City reserves the right to terminate this Agreement immediately. Termination of this Agreement by Contractor for any other reason not stated herein or upon the expiration of the term of this Agreement as set forth in Section 4 of this Agreement, shall be a breach of contract.

Notwithstanding Section 8 of this Agreement, the early termination of this Agreement by City shall entitle Contractor to compensation for those services that have been rendered to City in accordance with the terms of this Agreement up through the effective date of termination. Contractor, in executing this Agreement shall be deemed to have waived any and all claims for damages that may otherwise arise from City's termination of this Agreement. In the event of such early termination, City may procure from another contractor, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

6. Contractor's Rights and Obligations. Contractor shall have the following rights, and agrees to the following obligations:

a. Right to Use. City's tennis courts are located at City Park, Beamer Park, Woodside Park, and Crawford Park. Contractor shall have the right to use any of the City's public tennis courts located at these locations for Classes at any time that such courts are not reserved for use by the Woodland Tennis Club and after making a reservation with City staff, as specified below in Sections 6.d. and 7.b. Contractor shall only teach Classes and/or clinics and hold tournaments for Registered Participants.

b. Class Fees and Instruction. Contractor shall be responsible for establishing fees (which shall be approved by the City in advance) and curriculum and course content for the Classes. Further, Contractor shall provide, supply, and furnish all necessary personnel, labor, materials and supplies to carry out the terms of this Agreement and to properly and fully provide the necessary instruction to all Registered Participants.

c. Class Content. Contractor shall determine the teaching and learning process for the Classes. Contractor shall determine the method, details, and means of providing the instructional and other services required by this Agreement. Notwithstanding the foregoing, City reserves the right to observe the program and the Contractor, or Contractor's personnel, in the performance of his/her service to ascertain compliance with all terms and conditions of this Agreement.

d. Scheduling of Activities. Contractor understands and agrees that the Woodland Tennis Club has a pre-existing contract with the City for use of City tennis courts and that Contractor shall defer to the Woodland Tennis Club's schedule. Subject to Section 7.b. below, Contractor shall work with the City's designated staff person to both allow for

Contractor and Woodland Tennis Club's use of the courts while minimizing conflicts with the general public desiring to use a tennis court. Contractor understands that the priority of scheduled use shall be as follows: (i) Woodland Tennis Club; (ii); Contractor's classes, tournaments, and programs; and (iii) all other users. Contractor agrees to post at the tennis courts information and schedules for tennis classes by Friday for the classes occurring during the following week. Contractor agrees to post at the tennis courts information and schedules for tennis clinics and tournaments at least two weeks in advance. Such signage shall alert the general public to the court's usage.

e. Contractor's Personnel. Contractor shall provide all necessary fully trained personnel with the necessary qualifications to provide instruction to all Registered Participants, and shall comply with all federal, state and local laws regarding permits, certifications, and licenses that may be required. Contractor shall be fully responsible to City for the acts and omissions of Contractor's personnel. Any personnel performing services under this Agreement on behalf of Contractor shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel, including Contractor himself or herself, in connection with the performance of services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such personnel, including, but not limited to: social security taxes, federal and State income tax withholding, federal and State unemployment insurance, disability insurance, and workers' compensation insurance.

f. Background Check. City and Contractor anticipate that Contractor and its personnel will teach minors. In the interest of ensuring the protection of children who use City facilities, Contractor shall not use any employee or worker to perform any work under the Agreement who has a conviction for any offense listed in California Public Resources Code section 5164(a)(2). Contractor shall be responsible for conducting background checks of its employees and workers and shall do so in accordance with California Penal Code section 11105.3. Neither Contractor nor any of its employees shall begin teaching or supervising minors until Contractor has provided to City a certification stating under penalty of perjury that neither Contractor nor any of Contractor's employees who are performing under this Agreement has any convictions for the offenses listed in California Public Resources Code section 5164(a)(2). Contractor shall provide a certification of compliance with this requirement by May 1 of each year and also shall provide such certification to City for each new employee prior to such employee providing services under this Agreement.

g. Taxes. Contractor shall be solely responsible to declare for income tax purposes fees for services provided under this Agreement and is solely responsible for all tax liability.

h. Supplies. Contractor agrees to provide, supply, furnish, and transport all necessary materials and supplies to carry out the terms of this Agreement.

i. Coordination of Services. Contractor agrees to work closely with City staff in the performance of services pursuant to this Agreement and shall be available to City staff at all reasonable times.

j. Standard of Care. Contractor shall perform all services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the professional calling necessary to perform the services under this Agreement and that all employees and subconsultants shall have sufficient skill and experience to perform services under this Agreement. Contractor represents that it, its employees, and subconsultants have all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform services under this Agreement and that such licenses and approvals shall be maintained throughout the term of this Agreement.

k. Compliance with Laws. Contractor shall keep itself fully informed of, and in compliance with, all local, state, and federal laws, rules, and regulations affecting the performance of services under this Agreement and the hiring of employees or subcontractors.

7. City's Rights and Obligations.

a. Registration. City shall conduct the registration of all participants and shall establish and collect the registration fees from all Registered Participants. Contractor shall establish the minimum and maximum number of Registered Participants for each Class and shall provide that information to the City in conjunction with a description of the Class(es) to be offered by Contractor. Contractor shall be obligated to conduct a Class if the minimum number of Registered Participants enroll in a particular Class but may choose not to conduct a Class if the minimum number is not achieved. Contractor and City may mutually agree to change either the minimum or maximum number of participants enrolled in Classes provided that they do so in writing. Such change(s) to Class size shall not require an amendment to this Agreement. Contractor shall obtain a copy of each class registration form and roster from the City prior to the first day of each session. City will inform Registered Participants if they cannot attend the Class due to either a lack of participants or an over-enrollment and what, if any, option(s) the Registered Participant has to attend a different Class.

b. Tennis Court Reservations. City shall reserve tennis courts upon Contractor's request. Contractor understands that City may from time to time not permit Contractor to use a tennis court(s) if conflicts with public use of courts arise. Both Contractor and City agree to meet and attempt to reach a resolution regarding scheduling conflicts.

c. City's Use of Tennis Courts. Nothing herein prohibits the City from reserving and using the tennis courts when the courts are not otherwise being used.

d. Promotional Materials. City shall print and distribute promotional materials for classes. City shall also list the Classes in its seasonal recreation guide subject to publication submission deadlines. The City may, at the sole discretion of the City, promote Contractor's classes, clinics, and/or tournaments in other City materials and mediums (i.e., internet, electronic marquee, etc.). Nothing herein prohibits the Contractor from distributing promotional material or marketing the Classes, programs, tournaments, or pro shop.

e. Exclusivity. City agrees that Contractor shall be the only provider of tennis Classes through the City. City shall permit other organizations and groups to use the tennis courts when not in use by Contractor. If City believes that another organization's use of the tennis court(s) may conflict with Contractor's use, City shall notify Contractor of such use. Both parties shall work expeditiously to resolve the potential conflict.

f. Equipment Provided. City shall provide to Contractor use of the tennis courts, lights, nets, and other improvements currently provided at the tennis court facilities.

g. Maintenance and Utilities. City shall provide routine maintenance and maintain the tennis courts in the same manner as of the Effective Date. Routine maintenance includes, but it not limited to, tennis court washing, net replacement, and replacement of light bulbs. City shall also replace light bulbs in the Premises. The Parties agree that maintenance work may require one or more courts to be closed at any given time but will schedule such maintenance activities with Contractor to avoid any potential conflicts. City shall be responsible for the cost of utilities for the tennis courts and the Premises (pro shop building).

8. Fees.

a. Collection of Fees and Payment to Contractor.

i. Collection of Fees. The City shall collect all lesson fees from Registered Participants and tournament fees ("Fees"). From time to time, Contractor may collect Fees that will be transmitted to City. Contractor shall submit Fees it collects to City on a weekly basis. City and Contractor agree that registration for some tournaments may be conducted through a United States Tennis Association (USTA) web site (or similar web site), which means that Contractor would collect Fees directly through the tournament web site. If that occurs, Contractor shall reimburse City as specified in this Section 8.a.

ii. Resident and Non-Resident Fees. In recognition of the fact that City residents pay taxes to the City, the City charges non-residents slightly higher fees for City's recreational programs. City shall not require "non-resident" fees to be applied to tournament fees and agrees that Contractor may charge the same fee (regardless of residency) if Contractor conducts private lessons.

iii. Fee Schedule. Contractor anticipates spending a significant amount of time and resources to initiate the proposed Classes, for which City agrees Contractor should receive all fees generated during the initial six month period of this Agreement. Thereafter, the Fees take into consideration both Contractor's license of the Premises as well as City's costs for advertising and administering the services provided for under this Agreement. As such, the parties agree that Contractor's payments shall change over time and agree to the following schedule for Contractor's payment:

Agreement Effective Date – 6 months	Contractor receives 100% of fees.
6 months – 2 years	Contractor receives 95% of the Fees actually received by City; City receives 5% of the Fees
Years 3-5	Contractor receives 90% of the Fees actually received by City; City receives 10% of the Fees Contractor shall also remit an additional 5% to City of all gross revenues over $300,000 in years 3-5.

b. Timing of Payment. Contractor's Fees shall be paid to Contractor by City in monthly payments, which shall be made within thirty (30) days of the completion of each class or tournament for which such participant fees were received by the City.

c. Pro Shop Fees. Contractor shall submit to City on a monthly basis, on the first of each month, an accounting of all pro shop sales and a check equal to the revenue pursuant to the fee schedule set forth in Section 8.a. above.

9. Insurance. Contractor shall, at its sole cost and expense, obtain and keep in force during the term hereof a separate policy or policies of public liability insurance that shall name Contractor and its employees as the insured, and such policy shall also name City, its officers, agents, and employees as additional insureds against any and all liability arising out of any act or omission of Contractor, its respective agents, members, employees, invitees, or contractors in the performance of this Agreement, or Contractor's use of the Premises or tennis courts. Coverage for both bodily injury and property damage liability must be on an occurrence basis, and each policy shall provide that the insurance afforded thereby shall be primary insurance to the full limits of liability stated in the certificates, and if the named insured has other insurance against a loss covered by said policy, that other insurance shall be excess insurance only.

Contractor shall commence services under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this section. Failure to provide and maintain all required insurance shall be grounds for the City to terminate this Agreement for cause.

Contractor shall maintain commercial general liability insurance that affords coverage at least as broad as Insurance Services Office "occurrence" form CG 0001, with minimum limits of at least ONE MILLION DOLLARS ($1,000,000.00) per occurrence. The policy shall contain no endorsements or provisions limiting coverage for (1) products and completed operations; (2) contractual liability; (3) third party action over claims; or (4) cross-liability exclusion for claims or suits by one insured against another.

Contractor shall also maintain automobile liability insurance with coverage at least as broad as Insurance Services Office Form CA 0001 covering "Any Auto" (Symbol 1) with minimum limits of ONE MILION DOLLARS ($1,000,000) each accident.

Contractor shall comply with all State of California laws pertaining to workers' compensation.

Upon execution of this Agreement, Contractor shall deliver to the City current certificates evidencing the existence and amounts of this insurance, with the additional insureds required under this Section 9. Each policy shall contain an endorsement providing that it cannot be cancelled or subject to nonrenewal or reduction in coverage except after thirty (30) days prior written notice from the insurance company to the City.

10. Indemnity. To the fullest extent permitted by law, Contractor shall defend, indemnify, and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage, or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged acts, omissions, negligence, or willful misconduct of Contractor, its officials, officers, employees, agents, subcontractors, subconsultants, or agents arising out of or in connection with the performance of Contractor's services provided pursuant to this Agreement, including without limitation the payment of all consequential damages, expert witness fees, and attorneys' fees and other related costs and expenses, except as may be caused by City's negligence. Contractor shall reimburse City and its directors, officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its directors, officials, officers, employees, agents or volunteers.

The provisions of this Section 10 shall survive the termination of this Agreement.

11. General Provisions.

a. Independent Contractor. Both parties understand and agree that Contractor is an independent contractor and not an employee, agent, or representative of City. Nothing in this Agreement shall be interpreted or construed as creating or establishing a relationship of employer/employee between City and Contractor or between City and any employee or agent of Contractor. Contractor will determine the means, methods, and details of performing the services specified in this Agreement subject to the requirements of this Agreement. Both Parties acknowledge that Contractor is not an employee for State or federal tax purposes. Contractor shall pay all wages, salaries, and amounts due to its personnel in connection with this Agreement as required by law. City understands and acknowledges that Contractor retains the right to perform services for others during the Term of this Agreement. However, Contractor may only use City facilities for its Classes, clinics, and tournaments pursuant to this Agreement.

b. Acceptance, Rejection or Dismissal of Students. Contractor shall have the right to accept, reject or dismiss students that do not meet such objective and nondiscriminatory requirements as established by Contractor, provided, however, that City shall be provided a copy of such requirements prior to the commencement of Classes, and that City shall be provided with the names of such students that Contractor has rejected or dismissed and the basis of such rejection or dismissal.

c. No Authority to Act on Behalf of City. Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, except as City may specifically provide in writing. Contractor shall have no authority, express or implied, to bind City to any obligation whatsoever.

d. Non-Availability of City Employee Benefits. Contractor's sole compensation for the services provided under this Agreement shall be the payments set forth in Section 8 of this Agreement, and neither Contractor nor any personnel of Contractor shall be entitled to any other benefits afforded to City employees, including, but not limited to, health insurance, retirement benefits, sick leave pay, holiday leave pay, or vacation leave pay.

e. Assignability. Contractor, with City's prior written consent, which shall not be unreasonably withheld, may assign its rights and obligations under this Agreement.

f. Waiver. No registrants in the Classes provided under this Agreement shall be allowed to participate in any activities unless they have executed a waiver provided by City. In the case of minors, the waiver must be executed by a parent or legal guardian and must include a "Parent/Guardian Indemnity Agreement."

g. Force Majeure. Except as otherwise provided in this Agreement, if the performance of any act required by this Agreement to be performed by either City or Contractor is prevented or delayed by reason of act of God, strike, lockout, labor trouble, inability to secure materials, restrictive governmental laws or regulations or any other cause (except financial inability) not the fault of the party required to perform the act, the time for performance of the act will be extended for a period equivalent to the period of delay and performance of the act during the period of delay will be excused.

h. Destruction of Premises or Tennis Courts. Both Parties agree that the Premises and/or the tennis courts may be destroyed or damaged by forces beyond the control of either Party. Contractor agrees that it assumes full and sole responsibility for the risk of damage and destruction to the Premises and shall in no event seek reimbursement for such damage or destruction from City. In the event that the tennis courts and any fixtures or equipment thereon are substantially destroyed by, among other things, fire, earthquake, elements, casualty, war, act of terrorism, insurrection, riot, public disorder, any authorized act on the part of any governmental authority or any cause or happening, to the extent that the same cannot be used by Contractor, then either party has the option of terminating this Agreement.

i. No Waiver. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

j. Captions. The captions of this Agreement are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions of this Agreement.

k. Notice. Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement shall be sent to the parties at the following addresses:

CITY:	CITY OF WOODLAND Attn: Christine Engel 2001 East Street Woodland, CA 95776 Phone: (530) 661-2000
CONTRACTOR:	PHIL CELLO Cello International Tennis Academy 1007 Via Palo Linda Fairfield, CA 94534 Phone: (707) 853-0915

Either party may, by notice to the other given in accordance with this Section 11.k, specify a different address for notice purposes.

l. Attorneys' Fees. Should any action be brought arising out of this Agreement including, without limitation, any action for declaratory or injunctive relief, the prevailing party shall be entitled to reasonable attorneys' fees and costs and expenses of investigation incurred, including those incurred in appellate proceedings or in any action or participation in, or in connection with, any case or proceeding under Chapter 7, 11, or 13 of the Bankruptcy Code or any successor statutes, and any judgment or decree rendered in any such actions or proceedings shall include an award thereof.

m. Venue. This Agreement shall be governed by the laws of the State of California.

n. Amendment. This Agreement may be modified or amended only by a written document executed by both Contractor and City.

o. Entire Agreement. This is an integrated Agreement containing all of the considerations, understandings, promises and covenants exchanged between the Parties.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date first hereinabove written.

Contractor | Date

City of Woodland | Date

EXHIBIT A

[Depiction of Premises]

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
8.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Designate Delegate for the Annual League of California Cities Conference

Recommendation for Action

Staff recommends that the City Council designate Council member Marble as the voting delegate representing the City at the Annual Conference of the League of California Cities to be held in Sacramento from September 18-20, 2013.

Report in Brief

The City Council is asked to consider who will represent the City as voting delegate to the Annual League of California Cities Conference in September. While this Conference affords Woodland the opportunity to vote on resolutions of importance to cities, the City is committed to reducing expenditures associated with travel and conferences. Therefore, it is recommended that only one voting member be authorized to attend at City expense.

Staff recommends that the City Council designate Council member Marble as the voting delegate representing the City at the Annual Conference of the League of California Cities to be held in Sacramento from September 18-20, 2013.

Background

Each year the Council is asked by the League of California Cities to designate a voting delegate and an alternate to cast the City's vote at the general business session of the League's annual conference. Each City regardless of size has one vote at the business session where resolutions on a variety of topics are presented for action. Adopted resolutions become the League program of action for the coming year and in many instances result in legislation being introduced. The designation will be forwarded to the League.

Discussion

It is important for the City to remain active and engaged in the League of California Cities and designate a Council member to act on behalf of the City at the annual conference. The League will be involved in several critical issues affecting California cities this year, including the State budget, the pension reform and various issues associated with public safety and infrastructure. The designated representative will be asked to vote on League resolutions that will form the legislative platform for these issues and many others that will impact California cities.

Council member Marble has been the most active Council member in activities associated with the League. These activities include Past President of the Sacramento Valley Division, Director on the League's Board, membership on the Public Safety Policy Committee and the league Board Water Task Force. These activities provide Woodland with a voice as issues which impact cities are developed by the League.

Given the City's current fiscal constraints, staff believes only one Council member should be designated as the City's voting representative and attend the League's annual conference in San Diego. Council member Marble's significant involvement in the League makes him well qualified to fulfill this role at the annual conference September 18-20, 2013.

Conclusion

Staff recommends that the City Council designate Council member Marble as the voting delegate representing the City at the Annual Conference of the League of California Cities to be held in Sacramento from September 18-20, 2013.

Prepared by: Ana Gonzalez
City Clerk

Paul Navazio
City Manager

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
9.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Waste Management Delinquent Garbage/Refuse Accounts – Call for a Public Hearing

Recommendation for Action

Staff recommends that the City Council set a Public Hearing for July 2, 2013 to hear and approve the list of Delinquent Refuse Accounts and direct the Tax Collector of Yolo County to assess liens against real property to collect delinquent payments.

Fiscal Impact

There is little to no fiscal impact to the City to maintain the current process, other than time constraints for processing and releasing the liens. The fees for the recordings are attached to the total amount liened so the property owner assumes that cost.

Report in Brief

This action requests that the City Council set a date for the annual adoption of a Resolution to lien local properties for failure to pay for their Waste Management services.

Staff recommends that the City Council set a Public Hearing for July 2, 2013 to hear and approve the list of Delinquent Refuse Accounts and direct the Tax Collector of Yolo County to assess liens against real property to collect delinquent payments.

Background

In 1989 the City negotiated a new Franchise Agreement for garbage/yard refuse service with Waste Management of Woodland. One of the changes to the prior Agreement was that Waste Management would assume the billing responsibilities for refuse services to Woodland customers. At that time, Waste Management requested, and permission was granted, to file property liens to recover delinquent accounts. Before filing a lien with the County, a Public Hearing needs to be held to allow protests of the proposed liens. It is requested that this Public Hearing be set for the Council meeting scheduled for July 2, 2013.

Conclusion

Staff recommends that the City Council set a Public Hearing for July 2, 2013 to hear and approve the list of Delinquent Refuse Accounts and direct the Tax Collector of Yolo County to assess liens against real property to collect delinquent payments.

Prepared by: Ana Gonzalez
City Clerk

Paul Navazio
City Manager

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
10.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Treasurer's Investment Report
Quarter Ending March 31, 2013

Recommendation for Action

Staff recommends that City Council accept the quarterly Treasurer's Investment Report for the quarter ended March 31, 2013.

Fiscal Impact

There is no impact on the City funds in association with the information contained herein. This report is for informational purposes only.

Background

The City manages its investment portfolio in accordance with the guidelines established by the Council via the adopted investment policy. The City primarily invests in the Local Agency Investment Fund (LAIF) and federal agency obligations because these are generally considered low risk investments. The City's securities are held in custodial care by U.S. Bank N.A., Custody Treasury Division, located in Minneapolis, MN and administered by its Sacramento office. U.S. Bank N.A. provides monthly statements to the City of Woodland. The source of valuations for the securities is marked to market by U.S. Bank N.A.

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

Discussion

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

The City Investment Policy has established a benchmark equal to the 90-day U.S. Treasury bill which for the quarter ending March 2013 was 0.09%. The yield on the Local Agency Investment Fund (LAIF) balances for the quarter ending March 2013 was 0.28%. This City has therefore met its goal of obtaining a rate of return greater than the established benchmark. Due to the very low interest rate environment, longer-term investment options (up to or greater than 12 months) have been limited and are often expected to yield less than the LAIF rate.

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

Conclusion

Staff recommends that City Council accept the quarterly Treasurer's Investment Report for the quarter ended March 31, 2013.

Prepared by: Adam Devlin
Accountant

Reviewed by: Kimberly McKinney
Finance Officer/Treasurer

Paul Navazio
City Manager

Attachment

CITY OF WOODLAND
INVESTMENT REPORT

March-13

SUMMARY OF INVESTMENTS

TYPE OF INVESTMENT		AMOUNT	TOTAL
Local Agency Investment Fund (LAIF)		47,300,240.96	100.0%
TRANS bond proceeds		0.00	0.0%
FHLB Bonds		0.00	0.0%
FFCP Bonds		0.00	0.0%
FNMA		0.00	0.0%
Freddie Mac		0.00	0.0%
	TOTAL	47,300,240.96	100.0%

PORTFOLIO

	Interest	*Amount*
LAIF		47,300,240.96
TRANS bond proceeds		0.00
	SUBTOTAL	47,300,240.96

	Maturity Date	*Interest*	*Call Date*	*PAR Amount*	*Purchase Price*
Total Investments				0.00	
Total of LAIF Funds & Investments Detail				47,300,240.96	
Check Total (Should be zero)				-	

CITY OF WOODLAND
INVESTMENT REPORT

CASH ACCOUNTS as of 3/31/13

Bank Accounts with U.S. Bank	$3,591,635.60
Petty Cash	***$3,290.00***
Cash with Fiscal Agent	*$7,734,423.48*

INTEREST SUMMARY

Prior Quarters Interest Earned - Investments	$85,000.00
Prior Quarters Interest Earned - LAIF	$76,353.01
Total Interest Received	$161,353.01
Interest Received from January1, 2013 to March 31, 2013	$30,463.25
Total Fiscal Year-to-Date Interest Received	**$191,816.26**

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

CITY OF WOODLAND
ACTIVITY REPORT

DATE	DESCRIPTION	DEBIT	CREDIT	DEBITS
LAIF	**TREASURER**			
01/01/13	Month Beginning Balance			**37,269,777.71**
01/04/13	Withdrew fr LAIF		1,000,000.00	**36,269,777.71**
01/15/13	Quarterly Interest	30,463.25		**36,300,240.96**
01/28/13	Deposit to LAIF	13,000,000.00		**49,300,240.96**
03/01/13	Withdrew fr LAIF		2,000,000.00	**47,300,240.96**
		13,030,463.25	3,000,000.00	**47,300,240.96**

TRANS bond proceeds in Guaranteed Investment Contract

	0.00

Bonds and Other Investments

01/01/13	BEGINNING BALANCE	**5,000,000.00**
02/07/13	Bonds Matured	**-5,000,000.00**
03/31/13	Month End Balance	**0.00**

END OF MONTH TOTAL DEBITS	**47,300,240.96**
Check Total (Should be Zero)	-

Transactions w/LAIF	3
Purchase of New Bonds	0
Bonds Called	0
Purchase of New CD	0
CD Matured	0
Bonds Sold	0
Bonds Matured	1

Account	Current Balance			Current Balance		Int Earned Current Month
East-Main Assessment District						
Series 2001 RDM FD issue						
Reserve Account	$991,984.14			$991,984.14	Cash Mgmt-1st Am Treasury	30.44
Refunding Bonds	$0.00			$0.00	Cash Mgmt-1st Am Treasury	0.00
1992 Wastewater						
* reserve fund	$0.00		AIG-Notes, Mortgages, etc	$0.00	Cash Management-Fidelity	0.00
installment pmt fund	$0.00			$0.00	Cash Management-Fidelity	0.00
Revenue Fund	$0.00			0.00	Cash Management-Fidelity	0.00
Revenue Fund	$0.00			0.00	Cash Management-Fidelity	0.00
Reserve fund	$937,104.89			$937,104.89	Cash Management-Fidelity	28.76
CFD - Gibson Ranch						
94-1						
Spc tax debt svc	$0.00			$0.00	Cash Mgmt-1st Am Treasury	0.00
reserve acct	$177,619.27			$177,619.27	Cash Mgmt-1st Am Treasury	2.18
Spc tax debt svc	$0.00			$0.00	Cash Mgmt-1st Am Treasury	0.00
Series 2001 Acct	$445.00			$445.00	Cash Mgmt-1st Am Treasury	0.01
2004 Refunding spc tax	$0.00			$0.00	Cash Mgmt-1st Am Treasury	0.00
2004 Refunding spc tax	$0.00			$0.00	Cash Mgmt-1st Am Treasury	0.00
2004 refund spc tax rsv	$949,792.83			$949,792.83	Cash Mgmt-1st Am Treasury	0.00
2004 Subordinate (Incl Reserve)	$226,795.00			$226,795.00	Cash Mgmt-1st Am Treasury	0.00
Spring Lake 2004						
Special Tax Fund	$0.00			$0.00	Cash Mgmt-1st Am Treasury	0.00
Bond Reserve	$2,378,811.95			$2,378,811.95	Cash Mgmt-1st Am Prime Obligation	29.45
Revenue Anticipation Notes						
Cap Projects/Revenue Bonds 2002						
reserve acct.	$0.00	$0.00	Cash Mgmt-1st Am Treasury	$0.00	FSA Capital Mgmt Svcs LLC	0.00
revenue fund	$6.91			$6.91	Cash Mgmt-1st Am Prime Obligation	0.00
Cap Projects/Revenue Bonds 2005	$0.00	$0.00	Cash Mgmt-1st Am Treasury			0.00
reserve acct.	$19.39		Cash Mgmt-1st Am Treasury	$19.39	FSA Capital Mgmt Svcs LLC	0.00
Interest acct	$0.00			$0.00	Cash Mgmt-1st Am Prime Obligation	
revenue acct.						
Water Revenue Bonds 2011						
revenue acct.	$87.03			$87.03	US Bank Mmkt 5 -Ct	0.91
Interest acct.	$0.00			$0.00		
reserve acct.	$1,324,577.50			$1,324,577.50	US Bank Mmkt 5 -Ct	40.64
proceeds acct	$0.00			$0.00	US Bank Mmkt 5 -Ct	0.00
Bond Anticipation Notes						
2007 RDA TABS						
Tax Revenue Fund	$199.11			$199.11	Cash Mgmt - Ist Am Treasury Oblig	0.01
Interest Account	$0.64			$0.64	Cash Mgmt - Ist Am Treasury Oblig	0.00
Principal Account	$0.64			$0.64	Cash Mgmt - Ist Am Treasury Oblig	0.00
reserve account - 2007 A	$483,163.99			$483,163.99	Cash Mgmt - Ist Am Treasury Oblig	14.83
reserve account - 2007 B	$110,909.16			$110,909.16	Cash Mgmt - Ist Am Treasury Oblig	3.40
CDBG Account						
Savings Account	$132,368.39	$132,368.39	Bank of America - Quarterly Bank Statement			0.00
Checking account	$20,537.64	$20,537.64	Bank of America - Monthly Bank Statement			
TOTAL	$7,734,423.48					
Check Summary Total (Should be zero)	$0.00					

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
11.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Long Range Calendar

Recommendation for Action

Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

Background

This calendar is being provided for planning purposes only and is intended to keep the Council apprised of upcoming agenda items and better plan for upcoming Council meetings.

Prepared by: Ana Gonzalez
City Clerk

Reviewed by: Paul Navazio
City Manager

Paul Navazio
City Manager

Attachment

COUNCIL LONG RANGE CALENDAR
Items subject to removal and/or rescheduling

<u>Tuesday, June 11, 2013 Reports due 5/21 Joint Council/PC Meeting</u>

Kickoff Workshop – General Plan/Land Use Alternatives

<u>Tuesday, June 18, 2013 Reports due 6/4 Regular Meeting</u>

Revise Ordinance related to Administrative Citations
Approve Contract Extension with Woodland Access Visual Enterprises (WAVE)
Approve Consultant Contract for Water Meter Project, Phase 3 (Inspection)
Public Works Quarterly Status Report – March through May
4th of July Update
YMCA Lease Agreement
Adopt FY2013/14 Budget
Award Contract, Water Meter Phase 3, CIP #12-09
Visitor Attraction District Resolution of Intention (Regular)
Utility Assistance Program
Consideration of Expansion and/or Relocation of Woodland Motors
CFD 2004 (Springlake) Special Tax – Refunding
Water Project Financing – Bond Authorization
Consultant Agreement for Assistance on Energy Conservation Projects
Pan Handling Ordinance

<u>Tuesday, July 2, 2013 Reports due 6/18 Regular Meeting</u>

Yolo County Visitors Bureau Renewal (2nd reading)
Approve Plans and Specification for Clark Field Backstop Replacement Project CIP #13-07 and Authorize Bid Advertisement
Accept Public Improvements for Subdivision 4675; Parkside
Freeman Park Project Contract Award
Award Tank Contract
Revise Ordinance related to Administrative Citations (2nd reading)

<u>Public Hearings</u>
Visitor Attraction District Resolution of Confirmation Public Hearing
Public Hearing on Waste Management Liens

Tuesday, July 16, 2013	RECESS	Regular Meeting

Tuesday, August 6, 2013	RECESS	Regular Meeting

Tuesday, August 20, 2013	Reports due 8/6	Regular Meeting

Prop 218 Public Hearing – Sewer Rates

WOODLAND GENERAL PLAN UPDATE – UPCOMING EVENTS

2013

Sep 17	City Council #4 (adopt Housing Element) (submit to HCD no later than 10/18)
Oct 10	Combined CC#5/PC#6 (preferred land use plan; policy development)
Oct 15	Combined CC#6/PC#7 (preferred land use plan; policy development) (if needed)

2014

Jun	City Council #7 and 8 (hearings and adoption)

FUTURE AGENDA ITEMS – DATE TO BE DETERMINED:
WDCWA Joint Intake Schedule - Consider and Approve Construction – **(Apr)**
Regional Parksite Analysis Status Report – **TBD**
Weed Abatement Ordinance
Verizon Cell Tower Communication License Agreement
FUTURE STUDY SESSIONS (TBD):
City Council Goals/Progress Report
Street/Sidewalk Annual Status Report
Climate Action Plan
Update Economic Development Strategic Plan

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
11a.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Safe Routes to School Improvement Project, CIP 13-06; Award Construction Contract

Recommendation for Action

Staff recommends that the City Council 1) allocate an additional $130,000 of Road Development funding to the project and 2) award the Construction Contract in the amount of $587,841.87 to Cal Electro, Inc for the Safe Routes to School Improvement Project, CIP 13-06.

Fiscal Impact

With this Council action, the total project budget will be $780,000 consisting of $450,000 in State Safe Routes to School funding and $330,000 in Road Development matching funding required for the grant.

The engineer's estimate provided with the May 7 request for authorization to bid was $520,000 which was the estimate of construction cost for the base bid plus all alternates. The City received two bids, the lowest of which was $617,041.87 (see bid table below). Awarding only the base bid and accounting for contingency, the construction budget is exceeded by $130,000 resulting in the additional funding request of $130,000 of Road Development Funding.

Background

On May 7, 2013, Council authorized the bid advertisement and the bid period commenced. On May 30, 2013, the City received and opened the following two bids for this project:

Bidder's Name	Base Bid Amount	Add Alternates	Total Bid
Cal Electro, Inc	$587,841.87	$29,200.00	$617,041.87
Pacific Excavation, Inc.	$670,434.04	$32,498.00	$702,932.04
Engineer's Estimate	$507,601.56	$18,230.00	$525,831.56

Staff has performed due diligence in reviewing the bids and the bid complies with the technical submittal requirements. If authorization is received, staff anticipates construction starting in late June 2013 with completion in October 2013. The majority of the work will be complete before the 2013 school year. However, due to lead time for the signal equipment the signal at Matmor/Gum will be completed after school starts under restricted working hours.

Discussion

The Road Development fund had an accumulated deficit of ~$3.2 million at the beginning of FY 2013. The signal at Gum and Matmor included in the project is a CEQA mitigation required with the development of the Huntington Square development project which is currently under construction. This project is expected to generate approximately $850,000 in Road Development fees by the spring of 2014. Although we have a positive variance in year to date revenue to this fund, our expenditures to complete on-going capital projects continue to put strain on this fund.

If not for the Safe Routes to School grant, the City would have had to pay approximately $340,000 to construct the Gum/Matmor signal using only Road Development funding. Even with the increased project cost, there is a cost savings for the City. The inclusion of the Gum/Matmor signal in the Safe Routes to School project allows the City to save costs on design, construction inspection and project management as these costs are shared in the grant funded work. Additionally, for less than the cost for construction of the Gum/Matmor signal, the City is able to construct the signal as well as significant pedestrian and bicycle safety improvements at seven of our local elementary and middle schools

Other options available to Council are to reject all bids and re-advertise or to reject all bids and abandon the project. The implications of rejecting the bids and re-advertising the project are that we would not be able to complete the project during the current school summer break thus impacting school traffic in the first half of the next school year or pushing the project out to the summer of 2014. Re-advertising for next summer would likely result in increased costs given that we are seeing a trend toward increased bid prices as the economy recovers. Additionally, experience has shown that rejecting and re-advertising typically results in increased bid prices. If Council were to choose to abandon the project, we would forfeit the awarded grant funding and be required to repay Caltrans for any funding spent to date. This would also have implications for future grant applications and may impact our working relationship with the Woodland Joint Unified School District.

Conclusion

Staff recommends that the City Council 1) allocate an additional $130,000 of Road Development funding to the project and 2) award the Construction Contract in the amount of $587,841.87 to Cal Electro, Inc for the Safe Routes to School Improvement Project, CIP 13-06.

Prepared by: Katie Wurzel
Transportation Engineer

Reviewed by: Brent Meyer
City Engineer

Reviewed by: Ken Hiatt
Community Development Director

Paul Navazio
City Manager

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
12.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Appeal of the Planning Commission Approval of the Starbucks Café Drive-Thru Conditional Use Permit (CUP)

Report in Brief

An appeal has been filed regarding the Planning Commission's approval of a Conditional Use Permit on April 25, 2013, for the Starbucks' Café Drive-Thru Project at 281- 271 East Main Street. The appeal questions the adequacy of the environmental document, a Categorical Exemption (Class 32 – In-Fill Development), adopted by the Planning Commission, and the consistency of the Project with the General Plan, Zoning Ordinance, and City Code. In this report, staff provides an evaluation of the issues and provides options for City Council action.

Staff recommends that the City Council hold a public hearing and consider the appeal on the basis of the entire record before it, and take the following action:

> Adopt the attached Resolution No _____ Affirming the Planning Commission's April 25, 2013 Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated April 18, 2013 and in the minutes of its April 25, 2013 hearing on the Project, and thus affirm the Commission's approval for the Project **(Attachment "1")**.

Fiscal Impact

Upon development, the project would pay an estimated $38,000 in development impact fees and an estimated $6,000 in building permit fees.

Background

An application for a Conditional Use Permit, Site Plan, and Design Review was filed by the Petrovich Development Company on September 27, 2012. The site is located at 281-271 East Main Street, west of the existing Burger King Restaurant, and east of the existing Rite Aid Store at the corner of East Main Street and Ashley Avenue. The applicant proposes to construct a 2,700 square foot building, which will include a ±1,700 square foot Starbucks' Café Drive-Thru with 36 seats and a ±1,000 square foot retail space. The project proposes to provide 20 new parking spaces in addition to six (6) developed parking spaces on the project site.

At the Planning Commission Hearing on April 25, 2013, the Commission in a 6 - 0 vote, approved the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art.
On May 8, 2013, an appeal of the Planning Commission decision was filed by Timothy M Taylor representing Ghai Management Services, Inc. and Norcal II Co-Brands. A copy of the appeal Notice is included in this Report (**Attachment "2"**).

Section 25-27-50 of the Zoning Ordinance requires that an appeal of the action of the Planning Commission must be received within 14-days after the date of the action. Upon filing of an appeal, the City Clerk shall set the matter for hearing.

<u>Previous Actions related to the Project site:</u>

- In May of 2008, the City approved a Lot Line Adjustment for the Woodland Development Company, LLC (AKA Petrovich Development Company), creating two (2) parcels, a 1.88-acre parcel for the development of a Rite Aid Store and a 1.07-acre parcel for future development. In July 2008, the City staff approved the Rite Aid Store building.

- On October 15, 2009, the Planning Commission approved Tentative Parcel Map No. 4969 subdividing the 1.07-acre parcel into two (2) separate parcels. "Parcel 1" is 0.51 acres, and "Parcel 2" is 0.56 acres (Burger King).

- On October 15, 2009, the Planning Commission also approved a Conditional Use Permit, for the applicant, the Petrovich Development Company, to allow for the construction of a 2,535 square foot fast food restaurant (Burger King Restaurant with a drive-thru) on "Parcel 2." Based on review of more general parking standard utilized for these types of uses the Commission approved a reduction in the parking standard applied to a restaurant with a drive-thru facility from the City standard of one (1) parking space for each fifty (50) square feet of gross floor area to one (1) parking space for each eighty-five (85) square feet of gross floor area, reducing the parking requirement from fifty-one (51) parking spaces to thirty (30) parking spaces.

  The Conditional Use Permit allowed for the construction of fourteen (14) on-site parking spaces on the Burger King site ("Parcel 2") and the construction of six (6) parking spaces on the middle future development site, "Parcel 1" (the proposed Starbucks site), for a total of twenty (20) constructed parking spaces. The Conditional Use Permit required the future development of "Parcel 1" to provide an additional ten (10) parking spaces for the Burger King Restaurant at the time "Parcel 1" was developed, bringing the total number of parking spaces to the required thirty (30) parking spaces for the Burger King Restaurant.

Discussion

CEQA

In accordance with CEQA (Section 15006), a public agency should reduce delay and paperwork by:
(c) Identifying projects which fit within categorical exemptions and are therefore exempt from CEQA processing.
This project qualifies for a categorical exemption from the provisions of CEQA, as the project meets the criteria for a Class 32 (CEQA Guidelines, § 15332) exemption. A project qualified for a Class 32 In-Fill exemption when it satisfies the following requirements:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

The project satisfies these criteria. First, the proposed use of the site as a Café Drive-Thru and retail space is consistent with the General Plan. The proposed use is consistent with the parcel's current land use designation, which allows consideration of restaurants with a drive-thru in the (C-2) General Commercial Zone, provided the Planning Commission approves a conditional use permit.

Second, the site is located within Woodland city limits. The proposed project site (0.51 ac.) is less than five acres in size. The site is surrounded by urban development.

Third, the site contains six (6) developed parking spaces and a vacant lot and does not provide habitat for sensitive species.

Fourth, the development of the site will not result in significant traffic, noise, air quality, or water quality impacts. In order to determine whether this project would result in a significant traffic impact, the City had a traffic study performed for this project (discussed further below). That study concluded that there would not be any significant traffic impacts. Existing streets are adequate to serve the facility. The City has also concluded that development of the site would not result in significant noise, air quality, or water quality impacts and has not been provided with any substantial evidence that this project would have any significant noise, air quality, or water quality impact. The project will comply with City noise standards.

Fifth, existing utilities (storm water, sewer, water, electrical, and gas) are adequate to serve the proposed project.

The Planning Commission reviewed the criteria for a Class 32 categorical exemption and concluded that the exemption applies to this Project.

Parking:

In order to assess any possible impacts to on-site parking and internal vehicle circulation, the City hired KD Anderson & Associates, transportation engineers, to conduct an on-site parking and traffic site assessment. The assessment is part of the Staff Report dated April 18, 2013 (**Attachment "3"**).

The following is a brief summary of the KD Anderson analysis:

The parking utilization analysis indicated that a minimum of fourteen (14) stalls is required for the Starbucks project, requiring twelve (12) spaces for Starbucks customers during peak periods and a minimum of two (2) spaces for the adjoining retail space. Therefore, the site will have a deficit of (4) four parking spaces dedicated for Starbucks and the retail pad.

- Congestion and vehicle blockage will occur during peak periods around the Starbucks site as customers travel through the site, from the three driveways to the various uses. The congestion is expected to be most pronounced adjacent to the Starbucks drive-through entrance and at the interior driveways adjacent to the Main Street driveways.

- Left turn access into and out of the site along West Main Street is prohibited, although the traffic consultant noted that numerous vehicles currently complete these illegal movements into and out of the project site. The addition of Starbucks will add up to 96 inbound trips and 92 outbound trips to the site. A significant portion of these trips will be completed using West Main Street, adding more conflicts within 200' of the Main Street / Ashley Avenue intersection.

Based on the KD Anderson site assessment, the Planning Commission extensively discussed the existing conditions and the additional parking and traffic that would be generated by this project, including the numerous illegal left turns that currently occur into and out of the project site.

In order to address the existing illegal left turning movements that currently occur, the Planning Commission added the following condition of approval at the public hearing:

> Prior to certificate of occupancy applicant shall prepare improvement plans for approval of the City Engineer and obtain an encroachment permit to modify signing and striping on West Main Street. Improvements shall include micro-paving the full width of West Main Street from 50' west of the striping modification (but not further west than Ashley Avenue) to 50' east of the striping modification. Modification of striping shall permit the full left turn access to the driveway closest to the intersection with Ashley Avenue.

Once roadway work has been completed and the certificate of occupancy has been issued, the City shall monitor the effectiveness of the changes to West Main Street. At the end of three (3) years, the City shall make a final determination as to whether the existing improvements can remain or the applicant/property owner should be required, as previously agreed to, install an island median to the satisfaction of the traffic engineer.

In addition, the applicant agreed to modify the Project in order to further clarify the direction of vehicular traffic within the Project site, as follows:

Applicant shall provide additional on-site striping, markings/legends, and signs to improve safety and circulation to the satisfaction of the Community Development Department and Traffic Engineer. This work shall include:

a) Stripe the driveway aisle between the Starbucks Project and the Rite Aid Store;
b) Stripe and letter a "Do Not Block" area near the trash enclosure (final location to be determine by the CDD);
c) Install a "Left Turn Only" at the end of the exit for the Starbucks Drive-thru aisle; and
d) Install a sign informing customers "No Access to Starbucks Drive-Thru" coming from the Ashley Avenue driveway.

CEQA Standard of Review

The City determined that this Project qualifies as a Class 32 categorical exemption, and the Planning Commission made factual determinations that the Project fits within that exemption. Upon review of that decision, the question for the City Council is whether the record contains substantial evidence to support that decision. *Save Our Carmel River v. Monterey Peninsula Water Management District*, 141 Cal. App. 4th 677, 694 (2010). The bases for concluding that the Class 32 categorical exemption applies are set forth above.

After determining that a project falls within an exemption, the project is only subject to CEQA if an exception to that exemption applies. CEQA Guidelines, §15300.2. Under CEQA Guideline 15300.2, a categorical exemption may not be used if there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. It appears that the appellant reaches that conclusion because Section 25-23-30 of the Municipal Code provides that the Community Development Director under unique circumstances may modify the City's typical parking requirements provided that there are unusual circumstances of the project that justify it not meeting the parking requirements. Here, the Project did not initially meet the parking requirements for the site and the installation of bicycle parking and electric vehicle charging stations were proposed to satisfy the parking requirements.

In order for the unusual circumstance exception to be met under CEQA, the Project must differ from the general circumstances of the projects covered by a particular categorical exemption. *Voices for Rural Living v. El Dorado Irrigation District*, 209 Cal. App. 4th1096, 1108 (2012) . If unusual circumstances exist, then the query is whether there is a reasonable possibility of a significant effect on the environment due to those unusual circumstances. *Id.* at 1109. In order to support such a claim that there would be a significant effect on the environment due to unusual circumstances, the appellant, (or a petitioner in litigation) must point to specific substantial evidence in the record.

Here, it is unclear what the appellant believes would be a significant effect on the environment due to unusual circumstances. The appellant appears to base the "unusual circumstance" on language from the City's Municipal Code rather than pointing to a specific significant environmental impact that would be caused due to an unusual circumstance. The City's use of the term "unusual circumstance" in the Municipal Code is not equivalent to the use of the term under CEQA. Additionally, the CEQA checklist does not include parking as a potential significant environmental impact. At least one court has concluded that CEQA does not recognize the lack of adequate parking as an environmental impact but, rather is a "social inconvenience" that may cause secondary impacts to traffic and air quality. *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco*, 102 Cal. App. 4th 656, 697 (2002). Here, the City has not been presented with any evidence that there would be significant traffic or air quality impacts, and the traffic studies the City has received did not reach such a conclusion.

Whether there is a reasonable possibility of a significant effect on the environment has been viewed by the courts in two different ways. One line of CEQA case law holds that the agency's decision will be upheld if the agency has substantial evidence in the record that there will not be a significant effect on the environment while another line of case law holds that the appellant must show a fair argument, based on substantial evidence, of a significant impact to the environment. A case is currently pending before the California Supreme Court on the appropriate standard of review for unusual circumstances.

Zoning Issues

The appellant states in its appeal that the Project is inconsistent with the City's commercial development standards for Drive-Thru facilities, which requires the stacking areas for vehicles to be screened from view. The submitted proposal shows on sheets A-10 and A-91 a spilt face concrete block screen wall approximately 136 feet long and 42 inches high just east of the vehicle stacking lane and Sheet L-1 shows landscaping along the proposed wall.

The appellant states in its appeal that the Project does not meet the City's parking requirements. The Community Development Director or the Planning Commission can approved a modification to parking requirements under Section 25-23-30 Special Provisions (L). The parking study indicated that the project would have a deficit of four (4) parking spaces. The applicant requested a parking modification pursuant to the Zoning Code and proposed to provide eight (8) bike racks in-lieu of one (1) parking space and thereby reducing vehicle trips and to install three (3) electric vehicle changing stations in-lieu of the three (3) remaining parking spaces and thereby providing permanent mechanism that will result in an overall air quality benefit. These electric vehicle charging station parking spaces would not be exclusively for electric vehicles but would provide an opportunity for charging electric vehicles.

The appellant states in its appeal that the Project is inconsistent with the General Plan Policy 3.C.2, which provides that the City shall require that parking lots be designed for maximum pedestrian safety and convenience, motorist convenience and safety, and access for disable persons. The internal vehicle circulation study indicated that there would be brief periods of vehicle congestion, but did not indicate any unsafe circumstances. The project has been conditioned to ensure that the entire area of development and path of travel from sidewalk and parking complies with the California Building Code for Accessibility. When conflicts exist between the ADA and the California building Code, the standard that provides the greatest degree of accessibility shall comply.

Private Agreements

The appellant states in its appeal that the Project is inconsistent with Section 25-30-20 of the Woodland Municipal Code, which states, "It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties." The statement in the Municipal Code is a statement of intent providing that the Zoning Code is not intended to interfere with any private agreements. The appellant here raises this issue because of a private agreement concerning use of the property and reciprocal easement rights. The City, however, is not a party to that agreement and cannot enforce it. Any alleged violation of such agreement can only be resolved by a court, not by the City, as the City has no independent authority to interpret or enforce it to determine whether a breach has occurred. The recommended action to deny the appeal does not limit the rights of the parties to the agreement from pursuing legal remedies available to them. Staff's recommendation is based on the project as presented to the City, not the agreement between private parties.

Public Contact

Public notice for the advertising 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 May 25, 2013
- Notices mailed to all property owners within 300-feet of the project site on May 23, 2013
- Posting of the City Council agenda.

Commission Recommendation

The Project was reviewed before the Planning Commission on April 25, 2013. A copy of the Planning Commission Staff Report is attached (**Attachment "3"**). A copy of the Planning Commission Meeting Minutes are attached (**Attachment "4"**). Prior to the meeting, comments were received on the project from the appellant (**Attachment "5"**). During the meeting, comments were received from the applicant (**Attachment "6"**). 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 6-0 to approve the Project.

Alternative Courses of Action

Staff recommends that the City Council hold a public hearing and consider the appeal on the basis of the entire record before it, and take the following action:

Adopt the attached Resolution No _____ affirming the Planning Commission's April 25, 2013, Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated April 18, 2013, and in the minutes of its April 25, 2013, hearing on the Project, and thus affirming the Commission's approval of the Conditional Use Permit, the Site Plan, Building Design, Landscape Plan and Public Art for the Project.

OR the City Council could take the following alternative actions:

Alternative #1: The Council can affirm the Planning Commission's April 25, 2013 decision subject to further revisions.

Alternative #2: The City Council may grant the appeal and rescind the Planning Commission's action and may also direct that an initial study be prepared to analyze the potential environmental impact of the Project.

Prepared by: Paul L Hanson, AICP
Senior Planner

Reviewed by: Cindy A. Norris
Principal Planner

Reviewed by: Ken Hiatt
Community Development Director

Reviewed by: Kara K. Ueda
City Attorney

Paul Navazio
City Manager
Attachment(s):

Attachment 1 – Resolution No. ____ City Council Action on the Starbucks Appeal
Attachment 2 – Appeal Notice – Timothy Taylor, Stoel Rives, Attorneys at Law
Attachment 3 – Planning Commission Staff Report from April 18, 2013
Attachment 4 – Planning Commission Meeting Minutes, April 25, 2013
Attachment 5 – Materials submitted to Planning Commissioners from the Appellant
Attachment 6 – Materials submitted to Planning Commissioners from the Applicant

RESOLUTION NO. ______

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND UPHOLDING/RESCINDING THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR THE STARBUCKS' CAFÉ DRIVE-THRU PROJECT AND [DENYING/GRANTING] THE APPEAL

WHEREAS, an application for a Conditional Use Permit, Site Plan, and Design Review was filed by the Petrovich Development Company on September 27, 2012. The site is located at 281-271 East Main Street, west of the existing Burger King Restaurant, and east of the existing Rite Aid Store at the corner of East Main Street and Ashley Avenue. The applicant proposes to construct a 2,700 square foot building, which will include a ±1,700 square foot Starbucks' Café Drive-Thru with 36 seats and a ±1,000 square foot retail space. The project proposes to provide 20 new parking spaces in addition to six (6) developed parking spaces on the project site; and

WHEREAS, on April 18, 2013, the Planning Commission of the City of Woodland continued a noticed public hearing to consider the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art to April 25, 2013; and

WHEREAS, on April 25, 2013, the Planning Commission of the City of Woodland held a noticed public hearing to consider the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art; and

WHEREAS, at that meeting, the Planning Commission of the City of Woodland considered all comments received on the Conditional Use Permit during the public comment period, as well as comments received prior to and during the meeting; and

WHEREAS, on April 25, 2013, the Planning Commission of the City of Woodland approved the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art; and

WHEREAS, on May 8, 2013, an appeal of the Planning Commission decision was filed by Timothy M. Taylor representing Ghai Management Services, Inc. and Norcal II Co-Brands; and

WHEREAS, on June 4, 2013, pursuant to Zoning Ordinance Section 25-27-50 the City Council held a duly noticed public hearing to consider the appeal at which it considered all materials concerning the Project that were before the Planning Commission on April 25, 2013, the minutes of the Planning Commission's April 25, 2013, hearing on the Project, all written and oral comments from the public and appellants, as well as all written and oral presentations of City staff.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that, on the basis of the entire record before it, the City Council of the City of Woodland hereby:

> **Affirms** the Planning Commission's April 25, 2013, Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated April 18, 2013, and in the minutes of its April 25, 2013, hearing on the Project, and thus affirms

the Commission's approval of the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art for the Project.

OR

Affirms the Planning Commission's April 25, 2013, Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated April 18, 2013, and in the minutes of its April 25, 2013, hearing on the Project, and thus affirms the Commission's approval of the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art for the Project **subject to the following further conditions and revisions**:

OR

Grant the appeal and rescinds the Planning Commission's April 25, 2013, Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated April 18, 2013, and in the minutes of its April 25, 2013, hearing on the Project, and thus affirms the Commission's approval of the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art for the Project.

The Council may also further direct that an initial study be prepared to analyze the potential environmental impact of the Project:

.

PASSED AND ADOPTED by the City Council on _______, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

____
Marlin H. "Skip" Davies, Mayor

ATTEST:

____
Ana Gonzalez, City Clerk

Dated:________________________

APPROVED AS TO FORM:

____
Kara Ueda, City Attorney

ATTACHMENT 2

City of Woodland, CA
Permits & Inspections - PLNG-13-00034
002935-0015 Debbie F. 05/08/2013 04:03PM
51717 - ASHLEY & MAIN LLC
PLNG-13-00034 PLANNING STAFF LEVEL APPROVAL WITH ROUTING
Paid Amount: 238.00

STOEL RIVES LLP
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TIMOTHY M. TAYLOR
tmtaylor@stoel.com

May 8, 2013

VIA HAND DELIVERY AND ELECTRONIC MAIL:
ANA.GONZALEZ@CITYOFWOODLAND.ORG

Ana Gonzalez, City Clerk
City of Woodland
300 First Street
Woodland, CA 95695

Re: Appeal of Planning Commission Decision, April 18, 2013

Dear Ms. Gonzalez:

Please accept the enclosed appeal packet with appropriate fee of $238.00, on behalf of Ghai Management Services, Inc. and Norcal II Co-Brands. If you should have any questions, please contact Parissa Ebrahimzadeh or ma at any time.

Very truly yours,

Timothy M. Taylor

TMT:eay
Enclosures

cc: Paul Hanson (Via E-mail)

RECEIVED
MAY 8 2013
CITY MANAGER'S OFFICE
12:50 pm fn

PLNG13-00034

73814448.1 0047803-00001

NOTICE OF APPEAL

To the Secretary of the Planning Commission of the City of Woodland:

We wish to appeal the Planning Commission decision made regarding the approval of the Conditional Use Permit for the Ashley & Main, LLC (Petrovich Development Company) project located at 281 & 271 West Main St. (APN: 065-010-044) in the General Commerical (C-2) Zone, for the following reasons: Please see attached.

Appeal is made in accordance with Section 25-27-50 of the Zoning Ordinance of the City of Woodland is accompanied by the filing fee of $238.00.

Sunny Ghai

Ghai Management Services, Inc
Name(s)

1904 Via Di Salerno
Address

Pleasanton CA 94566
City

(510) 573-5905
Phone

Date Received and Filing Fee Paid: 5/8/13 – $238.00

By: [signature]

NAComShare\DEPARTMENTS\cdplanningforms \notice of appeal.doc

ATTACHMENT TO NOTICE OF APPEAL

Pursuant to City Code section 25-27-50, Ghai Management Services, Inc. ("Appellant") hereby appeals the April 25, 2013 decision of the Planning Commission to approve the conditional use permit for Petrovich Development Company to construct and operate a 2,700 square foot commercial building on the 0.51 acre middle (vacant) parcel (Assessor's Parcel No. 065-010-044). The development proposal includes a 1,700 square foot Starbucks containing 36 seats, with a drive-thru facility, and a 1,000 square foot retail space (the "Project"). This appeal is based on the matters enumerated in Appellant's April 18, 2013 and April 23, 2013 letters, (copies attached as Exhibits A and B, respectively), as well as the reasons stated at the April 25, 2013 Planning Commission hearing, including, but not limited to:

- The Project does not qualify for a Class 32 exemption (infill development) under the California Environmental Quality Act ("CEQA");
- The Project is subject to an exception to the Class 32 exemption because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines section 15300.2(c));
- The Planning Commission improperly relied on mitigation measures and/or conditions as a basis for concluding that the Project is categorically exempt, or as a basis for determining that the Project will not have significant environmental effects;
- The Project failed to comply with City Code Section 25-23-30, for modifications to parking requirements, by failing to include a description of the mitigation measures that will be taken to reduce overall vehicle trips;
- The Project does not meet the City's parking requirements;
- Approval of the Project is inconsistent with the City of Woodland General Plan Policy 3.C.2, which provides that the City shall require that parking lots be designed for maximum pedestrian safety and convenience, motorist convenience and safety, and access for disabled persons;
- Substantial evidence does not support the Planning Commission's determination that the Project includes adequate conditions necessary for the protection of adjacent properties and the public interest;
- The Project does not comply with the City's commercial development standards for Drive-thru facilities, which require stacking areas for vehicles to be screened from view and for the drive thru to be designed as an integral component of the on-site circulation system; and
- Approval of the Project is inconsistent with section 25-30-20 of the City Code, which provides that the City's zoning ordinance is not intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

- Additional items may be raised before the City Council as part of its *de novo* consideration of the Project and accompanying environmental review.

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TIMOTHY M. TAYLOR
tmtaylor@stoel.com

April 18, 2013

VIA ELECTRONIC MAIL

Seth Wurzel, Chair and Woodland Planning Commission
City of Woodland
300 First Street
Woodland, CA 95695

Re: Consideration of Proposed Conditional Use Permit in the General Commercial Zone (C-2), 281 and 271 West Main Street; Applicant Petrovitch Development Company

Dear Chairman Wurzel and Members of the Planning Commission:

This firm represents Sunny Ghai/ Norcal II Co-Brands, Inc., operator of a Burger King restaurant, with drive-thru on the easternmost of three commercial parcels located at the Ashley and Main Shopping Center, at 281 & 271 West Main Street, at the intersection of Ashley and Main. This letter is submitted in opposition to the proposed conditional use permit for Petrovich Development Company to construct and operate a 2,700 square foot commercial building on the 0.51 acre middle (vacant) parcel (Assessor's Parcel No. 065-010-044)[1]. The development proposal includes a 1,700 square foot Starbucks containing 36 seats, with a drive-thru facility, and a 1,000 square foot retail space (the "Project").

This item is scheduled for consideration by the Planning Commission on April 18, 2013. Please accept our apologies for the late timing of this letter, but as explained below, this resulted directly from actions by the City and developer with respect to processing this approval.

Violation of Due Process Rights

There have been several disturbing irregularities with respect to the upcoming hearing. The extent and nature of these irregularities raise serious due process considerations and at minimum, require the Planning Commission to continue this hearing to provide a full and fair opportunity for interested members of the public to meaningfully analyze the City's extensive documentation and to comment on the project.

[1] The third parcel at the Ashley and Main Center includes a Rite Aid store, also with a drive-thru facility.

Alaska California Idaho
Minnesota Oregon Utah Washington

The City originally scheduled the Planning Commission hearing for April 18, 2013. Late in the afternoon on Monday April 15, 2013, this office was informed by e-mail from Community Development Department staff that the public hearing was being delayed four weeks, and rescheduled to May 16, 2013. No staff report or project documentation was made available at that time. Ghai, and likely other members of the public, detrimentally relied on this notification by immediately standing down with respect to all preparations for the previously scheduled April 18 meeting. This included instructions to Ghai's contract traffic consultant that all immediate deadlines for report preparation and submittals to the Planning Commission no longer applied.

It is assumed that the City's April 15 decision not to proceed with the scheduled April 18 hearing explains the decision not to timely distribute the 157 page staff report and agenda package as originally scheduled. Unfortunately, this extremely large volume of materials was not provided to this office until the afternoon of Tuesday, April 16. It is unlawful and unfair to the public for the City to play a game of hide and seek with respect to an important entitlement approval, particularly for a highly controversial project such as this.

A Drive-Thru Facility is Inappropriate for the Site

While logic and common sense suggest that three drive-thru facilities in a relatively small shopping center represent poor land use planning, the acknowledgement and representation by the applicant himself, promising to restrict the number of drive-thrus, should alone be sufficient grounds for the Planning Commission to deny this project. Specifically, on October 15, 2009, Mr. Paul Petrovitch, who ironically at the time, served as applicant for the current Burger King restaurant, directly represented to this Commission that he would not pursue development of a subsequent (third) drive-thru at the Ashley and Main Center.

> Rite Aid and I have agreed that we're now prohibited from having another drive through on the middle parcel. So that's not going to come before you. It would only be that building or something general retail... Paul Petrovitch (comments to Woodland Planning Comm., Oct. 15, 2009).[2]

[2] The entire October 15, 2009 Planning Commission meeting is available for review on DVD from the Community Development Department.

Based in substantial part on this representation, the Planning Commission approved the Burger King project. Although the passage of time appears to have caused Petrovitch Development Company to change its mind, this unequivocal prior representation must now be honored. More importantly, the Commission must stand by its prior determination and not approve the currently proposed conditional use permit, site plan, or design review.

The Project Does Not Qualify for a Class 32 Exemption

The City has determined that the Project qualifies for a Class 32 exemption (in-fill development) under the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000, et seq.).

In the City's zeal to process the Project, however, a number of potentially significant environmental considerations relating to circulation, parking, noise, safety, land use, and other impacts appear to have been ignored. For the reasons expressed below, the City should immediately suspend further permit processing, reconsider this ill-conceived plan, and conduct an initial study consistent with the requirements of the California Environmental Quality Act.

CEQA has 33 classes of categorical exemptions, each of which may only be applied when a project has no possibility of an environmental effect. (Pub. Resources Code § 21084(a); Cal. Code of Regulations, title 14, §§ 15300-15333.)[3] In order for a project to qualify for a Class 32 exemption (Cal. Code of Regulations, title 14, § 15332) the following conditions must be met:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value, as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

Because CEQA is designed to ensure the broad dissemination and consideration of a project's potential effect on the environment, exemptions under CEQA are narrowly construed. If a project does not squarely fit the terms of the proposed infill exemption, it is subject to challenge

[3] The CEQA Guidelines are set forth in their entirety at California Code of Regulations, Title 14, section 15000, et. seq.

even if located in an urban or densely populated area.[4] Among its many other problems, the proposed Project is unable to satisfy each of the conditions required by Guidelines section 15332, subdivisions (a) and (d).

Guidelines section 15332(a) specifies that "the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations." Under the City of Woodland Zoning Ordinance, Article 13 clearly distinguishes between "Cafes, Coffee Shops & Restaurants, Except Drive Through Facilities" and "Drive-in, Fast Foods, Self Service, Take Out Restaurants." The former is permitted in the City's General Commercial Zone (C-2) without any conditions, whereas the latter, when found in C-2 zone districts, requires compliance with certain conditions. A Starbucks with an attached drive-thru, such as the proposed Project, falls under the latter provision. Zoning Ordinance section 25-13-20 states the special conditions required, here, a conditional use permit. Unfortunately, the Planning Commission is considering this discretionary entitlement and conditions pursuant to a narrowly construed CEQA exemption, which as indicated above, can be applied only when there is no possibility whatsoever of a potentially significant environmental effect.

Section 15332(d) requires that "[a]pproval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality." To make this showing, an agency must prepare studies or retain experts to create an appropriate evidentiary record.[5] Here, the City's determination that the Project qualifies for the infill exemption will be upheld only if it is supported by substantial evidence.[6] There is no showing sufficient to meet the requirements of this condition. There is little doubt that an a third drive-thru in a small shopping center that already contains two operating drive-thrus will create significant effects relating to traffic, noise, air quality, and safety. Like all categorical exemptions, the agency's determination can be overcome if there is a reasonable possibility that the Project may result in significant environmental impacts due to unusual circumstances. (Cal. Code of Regulations, title 14,

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[4] *See, e.g., Tomlinson v. County of Alameda*, 188 Cal.App.4th 1406 (2010), *petition for review granted* (project in an unincorporated area did not qualify for infill categorical exemption because it was not located within city limits).

[5] *Banker's Hill, Hillcrest, Park West Cmty. Pres. Group v. City of San Diego*, 139 Cal.App.4th 249, 260 (2006) (in upholding application of infill exemption for a 14-unit high-rise condominium project, the court observed that "an agency will often have to conduct a fairly extensive preliminary review to develop substantial evidence that there will be no significant effect on traffic, noise, air quality, or water quality for a project that appears to fall under the urban infill exemption").

[6] *Id.* at 267-269 (the substantial evidence standard of review governs an agency's determination that a project falls within the terms of the infill exemption).

§ 1500.2(c).) The presence of three drive-thru facilities on a parcel of this size is an unusual circumstance likely to result in significant environmental impacts. This is particularly the case, as the Starbucks will generate considerably more on-site traffic, and in the area generally. The City has not and cannot make a showing supported by substantial evidence that the Project qualifies for a Class 32 exemption.

Preliminary Conclusions From the Peer Review of the City's Traffic Analysis

Ghai contracted with MRO Engineers, Inc., to review and comment on the *Starbucks Site Assessment – Main Street at Ashley Avenue* (KD Anderson & Associates, Inc., April 3, 2013), and the 157 page staff report and agenda package. Unfortunately, the City's lackadaisical approach to proceeding with the April 18 hearing has restricted the consultant's ability to provide anything more than a draft peer review analysis. The draft version, however, as attached, provides a conclusion, based on the *Starbucks Site Assessment – Main Street at Ashley Avenue* that:

> The site assessment revealed significant issues with regard to vehicular queuing at the project drive-through lane, vehicle queuing at the retail center driveways, on-site traffic flow, and adequacy of the proposed parking supply. These issues will result in delays and inconvenience for retail center patrons, as well as potential safety problems on-site and at the Main Street driveways. As a further consequence of these problems, patrons might be led to take their business to other retail centers where such problems do not exist. (MRO Engineers, p. 6)

This expert evidence constitutes substantial evidence sufficient to require full analysis under CEQA, and to eliminate the option of Class 32 exemption.

The Project Cannot Meet its Parking Requirements

As clearly indicated in the *Starbucks Site Assessment – Main Street at Ashley Avenue* prepared by KD Anderson & Associates, Inc., "the Starbucks site will have inadequate parking spaces to provide for its customers." (KD Anderson, p. 12.) To remedy this inadequacy, according to the staff report, the "Project was also conditioned requiring a parking and cross access easement agreement," which does not exist at this time. The staff report goes on to state that "[p]rior to approval of the final map the applicant shall enter into an Agreement for Conveyance of Easements and record it against the property. The map shall reference the agreement. The cross access easement will need to be established to allow for parking and cross access between Resultant Parcel 1 and Resultant Parcel 2." (Planning Commission Staff report,

p. 3) As another remedy for the parking insufficiency, the staff report recommends that "[p]er the KD Anderson site assessment report, customers for the Starbucks Café are anticipated to desire to park in the Rite Aid parking lot and there currently [is] no parking easement in place to allow this situation." (Planning Commission Staff Report, p. 6). Therefore, one of the remedies proposed for the obviously insufficient parking problem is to rely on non-existing reciprocal parking easements. When viewed in even the best light, this constitutes illusory mitigation under CEQA. The Planning Commission, however, should focus on the more blatant defect, which is that the proposed solution IS INDEED MITIGATION, and as a result, any attempt to apply a categorical exemption is completely undermined. If an impact requires mitigation, by definition a categorical exemption cannot apply. The City's only recourse is to prepare a mitigated negative declaration or an environmental impact report. There is no middle ground or opportunity for the Commission to finesse its way around this problem.

To further highlight the difficulties caused by insufficient parking and the lack of any current reciprocal parking easements, the draft peer analysis by MRO Engineers states:

> Parking demand associated with the Starbucks store will spill over into the portions of the retail center's parking lot devoted to rite Aid and Burger King, which will have a clear detrimental effect on those businesses. A shortage of on-site parking will further exacerbate on-site traffic circulation conditions, as potential patrons search for an available parking space. Ultimately, individuals who are unable to locate a convenient parking space will give up and travel elsewhere, resulting in loss of revenue for the existing merchants. (MRO Engineers, p. 5)

<u>The Proposed Conditional Use Permit Violates the Terms of the Declaration of Covenants, Conditions, Restrictions and Grants of Easements</u>

On June 30, 2009, a Declaration of Covenants, Conditions, Restrictions and Grants of Easements ("CC&Rs") was signed between Ghai and Ashley & Main, LLC. Within the CC&Rs, the parcel for the proposed Project here is defined as the "Shops Parcel." According to the CC&Rs, the restriction on use of the Shops Parcel specifically states that "no portion of the Shops Parcel shall be used for a restaurant business." (Declaration of Covenants, Conditions, Restrictions and Grants of Easements, p. 4) Thus, the proposed Project, which meets the definition of a restaurant use, violates the terms of the CC&Rs. They City should not knowingly be issuing an entitlement that violates a private party agreement.

The City has Provided an Unlawful Gift of Public Funds to the Project Developer

The traffic study used in support of the Project was unlawfully paid for by City of Woodland with funds from the Community Development Department contract services budget. The California Constitution prohibits public agencies from making or authorizing gifts of public funds. (Cal. Const., art. XVI, § 6.) The legislature here includes city and county bodies, such as the City of Woodland. An appropriation benefiting a private property constitutes an unconstitutional gift of public funds if the public agency receives no consideration in exchange for the expenditure. (*Allen v. Hussey* (1950) 101 Cal.App.2d 457, 473.) It would also constitute an unconstitutional gift if the expenditure did not fulfill a public purpose. (*County of Alameda v. Janssen* (1940) 16 Cal.2d 276, 281.) In determining whether an appropriation of public funds or property is to be considered a gift, the primary question is whether the funds are to be used for a public or a private purpose. The determination of what constitutes a public purpose is primarily a matter for legislative discretion, which is not disturbed by the courts so long as it has a reasonable basis. (*Paramount Unified School Dist. v. Teachers Assn. of Paramount* (1994) 26 Cal.App.4th 1371.) No such reasonable basis exist here. There simply is no law supporting the notion that public funds authorized for a traffic study that advances private development can be deemed a public purpose.

Conclusion

In addition to the comments set forth above, the prior comments submitted to Planning staff by Ghai on September 28, 2012, including all attachments[7], and all other written and oral comments received prior to and during the proceedings on this matter, are incorporated by reference. The Planning Commission should act promptly and decisively to halt the processing of this ill-conceived application that violates the City's long-standing commitment to principles of sound planning, CEQA, and the California Constitution.

Before any further consideration is given to this project, at minimum, the City must prepare a full initial study, as would be required of any other similarly situated project, rectify the gifting of public funds, and commit to an unbiased project review without the developer favoritism and hints of back room cronyism that unfortunately have tainted this application to date. We offer our assistance with respect to the City's anticipated efforts to achieve these goals.

[7] The September 28, 2012 communication from Ghai is set forth as Attachment B to the Planning Commission's April 18, 2013 agenda packet.

Thank you very much for your time and attention in consideration of these important concerns.

Very truly yours,

Timothy M. Taylor

Enclosure
cc: Paul Hanson
Andy Morris, Esquire

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April 23, 2013

VIA ELECTRONIC MAIL

Seth Wurzel, Chair and Members of the Woodland Planning Commission
City of Woodland
300 First Street
Woodland, CA 95695

Re: Consideration of Proposed Conditional Use Permit in the General Commercial Zone (C-2), 281 and 271 West Main Street; Applicant Petrovich Development Company

Dear Chairman Wurzel and Members of the Planning Commission:

On April 18, 2018, this firm submitted a letter for your consideration outlining the many legal bases upon which the City is precluded from further processing the above-referenced Ashley and Main project (the "Project"). Among the items detailed in that letter was an analysis explaining why the City's currently proposed CEQA Class 32 exemption for In-Fill Development Projects does not apply, and as a result the City must prepare an Initial Study to determine whether a Mitigated Negative Declaration or an Environmental Impact Report is required before approval of the requested Conditional Use Permit.

As the Commission is aware, the exceptionally hurried circumstances leading up to the original April 18 hearing date caused a significant volume of documents to be received by the Commission and interested members of the public with very little time before the hearing. This made comprehensive review and consideration of the materials nearly impossible, and ultimately led the Commission to extend the proceeding to April 25. As a result of the one week extension and a slightly more reasonable evaluation period, we have identified documentation in the record that compels the City to immediately halt further consideration of the Class 32 exemption.

Projects subject to CEQA categorical exemptions including Class 32 exemptions, "have been determined not to have a significant effect on the environment." (Pub. Resources Code §21084(a); CEQA Guidelines §15300.) There are a series of exceptions, however, that automatically disqualify projects that might otherwise fit the exemption criteria. The exception applicable to the pending Ashley and Main Project is expressly set forth in Guidelines section 15300.2(c), which reads:[1]

> "Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment *due to unusual circumstances*." (Emphasis added.)

This unusual circumstances exception has been widely interpreted in case law. (See *Banker's Hill, Hillcrest, Park W. Community Preservation Group v. City of San Diego* (2006) 139 CA 4th 249 at 261; *Turlock Irrigation Dist. V. Zanker* (2006) 140 CA 4th 1047, at 1066; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 CA 4th; and *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, at 204.) Simply stated, an agency's determination to seek a CEQA exemption is rebuttable. In fact, there is no need for absolute certainty regarding the existence of unusual circumstances. There must merely be a "reasonable possibility" that such unusual circumstances exist.

With respect to the current Project, not only is there a reasonable possibility of unusual circumstances, as explained in the April 18 letter, but there is actually confirmation from a source with intimate knowledge of the Project that precisely such unusual circumstances exist. Less than 3 weeks ago, on April 3, 2013, in an e-mail to Mr. Paul Hanson of the City's Community Development Department addressing a "solution to the parking requirement", Mr. Phil Harvey, Senior Vice President of Development for the Project applicant, Petrovitch Development Company, cited to Article 23, section 25-23-30 of the City Code as follows:

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[1] On page 5 of the April 18 letter, a typo mistakenly referenced "§1500.2(c)", when the correct reference should actually have been ""§15300.2(c)". I apologize for any confusion this may have caused.

> "**Modifications to Parking Requirements:** Under unique circumstances, the Community Development Director may grant modifications to the parking requirements contained in Section 25-23-10. Requests to provide more or less than the required number of parking spaces must be submitted in writing to the Community Development Director. This request shall clearly state the *unusual circumstances of the project which justify it not meeting the requirements of Section 25-23-10.* This request shall also include a description of the *mitigation measures that will be taken to reduce overall vehicle trips."*(Emphasis added.)[2]

This unambiguous and very recent acknowledgment by the developer's own Senior Vice President that section 25-23-30 applies to the Project, confirms that unusual circumstances justify relief from the standard parking obligations, and at the same time accepts the inclusion of mitigation measures aimed at reducing vehicle trips as the proposed mechanism for correcting the unusual circumstances. While vehicle trip reduction may indeed be a laudable goal for the City and even the developer, the express inclusion of mitigation measures as part of the Project approval, confirms without any doubt that either a Mitigated Negative Declaration or an EIR, and nothing else, must be approved before action can be taken on the Project. (*See Salmon Protection & Watershed Network v. County of Marin* (2004) 125 CA4th 1098, 1102 (an agency may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply).)

Because there is no longer any question that the proposed Project cannot legally be considered pursuant to a Class 32 exemption, rather than waste scarce additional agency resources and the time and money of my client and other members of the public, the Commission should immediately return this ill-conceived proposal to staff for proper consideration under CEQA and with the express directive that either a Mitigated Negative Declaration or an EIR be prepared.

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[2] A copy of Mr. Harvey's April 3, 2013 e-mail is included as Attachment E to the April 18, 2013 staff report to the Planning Commission. A copy is also attached to this letter for ease of reference.

Thank you very much for your service to the City of Woodland.

Very truly yours,

Timothy M. Taylor

Enclsoure
cc: Paul Hanson
Andy Morris, Esquire

Paul Hanson

From: Phil Harvey [phil@petrovichdevelopment.com]
Sent: Wednesday, April 03, 2013 12:15 PM
To: Paul Hanson
Cc: Ken King; Chris Poncin
Subject: Starbucks and Retail Building, Ashley Avenue & West Main Street

Paul,

As you are aware we have reviewed the recent issues related to the parking at the subject project. The City of Woodland has determined that our proposal for the development of the site is 4 spaces short of the parking requirement. In order to meet the parking and develop the site in an in-fill friendly manner and promote bicycle and alternative mode to improve air quality in the Woodland community we are proposing to install eight bicycle racks to reduce the required parking by 1 space and 2 electric vehicle parking spaces to reduce the parking requirement by an additional 3 spaces. These reductions and measures would make the project compliant with the City determined parking requirement for the project. These measures are allowed in the City of Woodland code under Section Article 23 which states:

> **Off-Street Parking, Section 25-23-30** - Special Provisions, parking requirements maybe be reduced or modified. The following discussion provides possible methods for reducing or modifying parking requirements.
>
> Bicycle Parking: Bike spaces shall be provided at locations and in amounts to be determined by the Traffic Engineer.
>
> One (1) car space may be omitted for each eight (8) bike spaces up to 5% of the required number of parking spaces in parking lots for commercial and industrial uses only.
>
> Under this provision only one (1) parking space can be replaced with eight (8) bike spaces.
>
> Other possible modifications are provided for:
>
> **Modifications to Parking Requirements:** Under unique circumstances, the Community Development Director may grant modifications to the parking requirements contained in Section 25-23-10. Requests to provide more or less than the required number of parking spaces must be submitted in writing to the Community Development Director. This request shall clearly state the unusual circumstances of the project which justify it not meeting the requirements of Section 25-23-10. This request shall also include a description of the mitigation measures that will be taken to reduce overall vehicle trips. The Community Development Director can only grant a modification to the parking requirements if the developer provides permanent mechanisms that will result in an overall air quality benefit. (Examples of such include park and ride lots, transit shuttles, etc.).

Please provide this direction as our solution to the parking requirement.

Let me know if you have any questions.

Thank you,

Phil

Philip J. Harvey, Architect
Senior Vice President of Development
Petrovich Development Company

ATTACHMENT 3

PROJECT TITLE:	**Starbucks' Café Drive-Thru at West Main Street & Ashley Avenue.** A request to approve a Conditional Use Permit, Site Plan, Design Review, and Public Art to allow a Starbucks' Café Drive-Thru and retail space in the General Commercial Zone (C-2).
LOCATION:	281 & 271 West Main Street
APPLICANT/OWNER:	Philip Harvey, Petrovich Development Company
ENVIRONMENTAL REPORT:	Categorical Exemption (Class 32 - In-Fill Development)
A.P.N.	065-010-044-000
PROJECT PLANNER:	Paul L. Hanson, AICP, Senior Planner
STAFF RECOMMENDATION:	Conditional Approval
REPORT FOR:	Planning Commission Public Hearing - 4/18/13
GENERAL PLAN DESIGNATION:	General Commercial (GC)
CURRENT ZONING:	General Commercial (C-2)
SPECIFIC PLAN DESIGNATION	None
EXISTING LAND USES:	Six Parking Spaces for Burger King and Vacant Lot
FLOOD ZONE:	X – Area Outside the 2% Annual Chance Flood Event, FIRM Community Panel Number – 060426-0445H Revised May 16, 2012.
STREET ACCESS:	West Main Street and Ashley Avenue

ADJACENT LAND USES & ZONING:

DIRECTION	LAND USE	ZONING
North	Precision Auto Body	General Commercial
South	Cherry Glen Apartments	Residential, Multi-family
East	Burger King Drive-Thru	General Commercial
West	Rite Aid Store	General Commercial

PENDING / POTENTIAL ACTION

Staff recommends that the Planning Commission take action on the following:

1. That the Planning Commission **Approve** the Conditional Use Permit, Site Plan, Design Review, Parking Modification, and Public Art for the Petrovich Development Company's Starbucks' Café Drive-Thru and retail space at 281 & 271 West Main Street. Revised application dated 11/19/12, Site, Elevations, and Landscape Plans dated 10/16/12, as based on the Findings of Fact and subject to the Conditions of Approval as provided in the Staff Report presented on April 18, 2013 **(See Attachment A - Application, Site, Elevations, and Landscape Plans).**

PROJECT SITE DESCRIPTION

The project site is a 0.51 ac. parcel along West Main Street, between the Burger King Restaurant and Rite Aid Store located at the southeast corner of West Main Street and Ashley Avenue. The site contains six (6) developed parking spaces for the Burger King restaurant.

BACKGROUND

In May of 2008, the City approved a Lot line Adjustment for the Woodland Development Company, LLC (AKA Petrovich Development Company), creating two (2) parcels, a 1.88-acre parcel for the development of a Rite Aid Store and a 1.07-acre parcel for future development. In July 2008, the City staff approved the Rite Aid Store building.

On October 15, 2009, the Planning Commission approved Tentative Parcel Map No. 4969 subdividing the 1.07-acre parcel into two (2) separate parcels. "Parcel 1" is 0.51 acres and "Parcel 2" is 0.56 acres (Burger King).

The Planning Commission also approved for the Petrovich Development Company, a Conditional Use Permit to allow for the construction of a 2,535 square foot fast food restaurant (Burger King Restaurant with a drive-thru) on "Parcel 2." The Conditional Use Permit also reduced the parking required for a restaurant with a drive-thru facility from the City standard of one (1) parking space for each fifty (50) square feet of gross floor area to one (1) parking space for each eighty-five (85) square feet of gross floor area, reducing the parking requirement from fifty-one (51) parking spaces to thirty (30) parking spaces. The Burger King was conditioned to provide a minimum thirty (30) parking spaces for the drive-thru restaurant.

The Conditional Use Permit allowed for the construction of fourteen (14) on-site parking spaces on the Burger King site, "Parcel 2", and the construction of six (6) parking spaces on "Parcel 1", for a total of twenty (20) constructed parking spaces. The Conditional Use Permit required the future development of "Parcel 1" to provide an additional ten (10) parking spaces for the Burger King Restaurant at the time "Parcel 1" was developed, bringing the total number of parking spaces to the required thirty (30) parking spaces for the Burger King Restaurant. See approved conditions below:

10. *Applicant shall provide six (6) city standards parking stalls along the north property line of Resultant Parcel 1. The additional parking stalls are required in order to offset the reduced number of onsite parking stalls being provided on Resultant Parcel 2 (Burger King). Parking stalls shall be included in the building plan submittal.*

11. Any future development proposal on Resultant Parcel 1 shall be designed to include an additional ten (10) parking spaces to offset the reduced number of parking spaces on Resultant Parcel 2 (Burger King).

The Project was also conditioned requiring a parking and cross access easement agreement.

8. Prior to approval of the final map the applicant shall enter into an Agreement for Conveyance of Easements and record it against the property. The map shall reference the agreement. The cross assess easement will need to be established to allow for parking and cross access between Resultant Parcel 1 and Resultant Parcel 2.

PROJECT PROPOSAL

The applicant proposes to construct a 2,700 square foot building, which will include a ±1,700 square foot Starbucks' Café Drive-Thru with 36 seats and a ±1,000 square foot retail space. The project proposes to provide 20 new parking spaces in addition to six (6) developed parking spaces on the project site.

CITY SERVICES

The project site is currently served by City water services. Any additional services shall be shown on the improvements plans to be reviewed and approved by Development Services Engineering prior to building permit issuance.

PUBLIC NOTIFICATION

Public notice advertising for the public hearing on this project was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Woodland's Municipal Code and State Planning Law. Two methods of public notice were used:

- Legal notice was published in the Woodland Daily Democrat on April 7, 2013.
- Notices were mailed to all property owners within 300 feet of the project site on or before April 3, 2013.

Copies of the factual staff report for the proposed project have been on file at City Hall since Tuesday, April 16, 2013.

Public comment was received prior to completing this staff repot from the owner, Sunny Ghai, of the adjacent Burger King at 251 West Main Street, and has been incorporated into the staff report **(See Attachment B – Public comment from Sunny Ghai, dated September 28, 2012)**. In Mr. Ghai comments, he refers to the project as a breach of the recorded CC&R's for the development. The City is not a party to those CC&R's and does not enforce them, but staff has addressed the concerns with traffic and parking.

APPLICABLE LAWS, CODES, AND ORDINANCES

The project is subject to several laws, codes, and ordinances:

- The California Environmental Quality Act (CEQA)
- The City of Woodland General Plan
- The City of Woodland Zoning Ordinance
- City of Woodland Community Design Standards
- The City of Woodland Municipal Code

ENVIRONMENTAL ASSESSMENT STATUS

This project qualifies for the categorical exemption from the provisions of CEQA, as the project is considered a Class 32 (CEQA Guidelines, 15332). CEQA identifies this as a Class 32 - Infill Development exemption and is listed in Title 14, Article 19 §15332 of the California Code of Regulations. This class exemption is required to adhere to the following requirements:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

The site is located within Woodland city limits. The proposed project site (0.51 ac.) is less than five acres in size. The site is surrounded by urban development. The site contains six (6) developed parking spaces and a vacant lot and does not provide habitat for sensitive species.

As conditioned, the development of the site will not result in significant traffic, noise, air quality, or water quality impacts. Existing streets are adequate to serve the facility. The project will comply with City noise standards. Existing utilities (storm water, sewer, water, electrical, gas) are adequate to serve the proposed project.

Prior to taking an action to approve the project as recommended, the Planning Commission is required to confirm this environmental determination in conjunction with action on the project. If this project is approved, staff will file a notice of exemption with the Yolo County Clerk's Office in conformance with Article 5 §15062(a) of the CEQA guidelines.

REVIEWING AGENCY COMMENTS

The project has been circulated to other City divisions and departments for review. All reviewing comments have also been integrated into the conditions of approval. Public comment was received prior to completing this staff report **(See Attachment B - Public comment from Sunny Ghai, owner of Burger King dated September 28, 2012).**

DISCUSSION

The project proposal before the Planning Commission is provided for in the City's adopted Zoning Ordinance: Drive-In, Fast Food, Self Service, Take-Out Restaurants require a Conditional Use Permit granted by the Planning Commission.

The Planning Commission approved the CUP for a fast food drive-thru (Burger King). At the time the Petrovich Development Company requested the tentative parcel map approved to subdivide the parcel into two lots, the parking requirements for the Burger King were required to be met on the adjacent parcel (Starbucks). This arrangement links the two sites of both in terms of parking and circulation.

In order to assess any possible impacts to on-site parking and internal vehicle circulation, the City hired KD Anderson & Associates, transportation engineers, to conduct an on-site parking and traffic site assessment **(See Attachment C - KD Anderson Site Assessment report dated April 3, 2013).** The purpose of this site assessment was to:

1) Determine the characteristics of a Starbucks coffee shop with a drive-through window;
2) Determine whether adequate queuing can be provided in a drive-through lane;
3) Determine the queuing requirements for outbound traffic at the driveways along Main Street with the addition of the project;
4) Review on-site circulation with the project and;
5) Determine if adequate parking will be available based on the existing parking conditions and the proposed additional parking.

The summary of the KD Anderson analysis provides the following concerns:

- The Starbucks project is supplying twenty (20) new spaces for their site in addition to the existing six (6) parking spaces. Ten of these new spaces are dedicated to Burger King: so a total of sixteen (16) parking spaces for Burger King are provided on the Starbuck site. The remaining ten (10) spaces will be dedicated for Starbucks and the retail pad.

  The parking utilization analysis (Table 6) indicated that a minimum of fourteen (14) stalls is required for Starbucks project, requiring twelve (12) spaces for Starbucks customers during peak periods and a minimum of two (2) spaces for the adjoining retail space. Therefore, the site will have a deficit of four parking spaces dedicated for Starbucks and the retail pad.

- Starbucks customers' may desire to park on the Rite Aid property in the parking spaces along West Main Street, which is known as Zone 3 in the Traffic Study. This area is convenient as it provides close parking spaces to the Starbucks' West Main Street driveway. This area also provides a short, direct route to the Starbucks and retail entrances. While the Rite Aid parking spaces provide a convenient location to park, there is not a parking easement agreement between the Starbucks project and Rite Aid Store.

- Queuing at the Starbucks interior drive-thru entrance likely will extend beyond the drive-through lane into the drive aisles. The traffic analysis indicated that a queue extending beyond the drive-through lane would occur about 33% of the time during the a.m. peak period. The extent of the blockage and the time the drive aisle is blocked is unknown as the queue delay is based upon how quickly orders are filled. Depending on the direction of approach and the number of vehicles queued, the two drive aisles blocked include the access to the Ashley Avenue driveway and the Starbucks' driveway along West Main Street.

- Queuing at the two West Main Street driveways could result with the addition of the Starbucks Drive-thru. Starbucks traffic is projected to lengthen the queues to four outbound vehicles. This could result in blockage of the Burger King drive-through exit or blockage of the interior driveway accessing the Rite Aid and the Starbucks drive-through entrance.

- Congestion during peak periods will be experienced around the Starbucks site as customers travel through the site, from the three driveways to the various uses. The congestion is expected to be most pronounced adjacent to the Starbucks drive-through entrance and at the interior driveways adjacent to the Main Street driveways.

- The drive aisle adjacent to the loading dock of the Rite Aid may possibly be blocked when deliveries are made to Rite Aid. The drive aisle will be reduced to about fourteen (14) feet in width when the loading dock is used; as noted earlier, the Starbucks drive-through queue will extend beyond the drive-through entrance. A car queuing adjacent to the loading dock may block the drive aisle, creating localized congestion until the drive-through queue dissipates.

- Left turn access into and out of the site along West Main Street is prohibited, although the traffic consultant noted numerous vehicles completing these movements. The addition of Starbucks will add up to 96 inbound trips and 92 outbound trips to the site. A significant portion of these trips will be completed using West Main Street, adding more conflicts within 200' of the Main Street / Ashley Avenue intersection. There appear to be four options that can affect traffic conditions along Main Street as well as internal to the site.

    1) Install 'no left turn' signs to provide right-in, right-out movements only.
    2) Install a raised median to prohibit left turn movements along Main Street. Additional study is needed.
    3) Modify the striping to allow full access at both driveways. Additional study is needed.
    4) Modify the striping to allow full access at one driveway. Additional study is needed.

Based on the KD Anderson site assessment, staff is recommending the following conditions of approval for consideration by the Planning Commission.

The request for an additional CUP to allow the Starbucks' Café Drive-Thru may cause periodic internal vehicle congestion as vehicles wait for the drive-through queue to clear. While this is not an overwhelming safety concern, it potentially will affect all the customers using the site.

- **Staff recommends a condition requiring the applicant to provide signs on their property to remind customers to be polite and courteous to other users on the site.**

Per the KD Anderson site assessment report, customers for the Starbucks Café are anticipated to desire to park in the Rite Aid parking lot and there currently no parking easement in place to allow this situation.

- **Staff recommends a condition requiring the applicant to provide signs on their property to remind customers not to park in the parking lot adjacent to the Rite Aid Store.**

- **Staff recommends a condition to encourage the applicant to work with Rite Aid to obtain a parking easement agreement. Verification of their efforts to obtain a parking agreement shall be submitted to the Community Development Department prior to issuing a grading or building permit.**

As mentioned in the KD Anderson site assessment report, left turns from West Main Street into the site are currently prohibited and left turn out on to West Main Street are also prohibited.

- **Staff recommends a condition requiring the developer to install signs at both driveways exiting on to West Main Street with "No Left Turn" signs to reinforce the right-in, right-out movement only.**

The parking deficit mentioned in the report will be addressed later in the staff report under *Off-Street Parking.*

STAFF ANALYSIS

Staff **supports** the project subject to the attached recommended conditions of approval for the Conditional Use Permit and city code requirements for the project and provides the following analysis:

GENERAL PLAN CONSISTENCY

The 2002 General Plan (GP) designation for the site is General Commercial (GC), which provides for retail, services, restaurants, professional and administrative offices, hotels, and motels, public and quasi-public uses, and similar and compatible uses. The proposed use of the site as a Drive-Thru Coffee shop and commercial retail space is consistent with General Plan. **The proposed project is consistent with the land use designation, policies, and intensity standards of the General Plan.**

ZONING CONSISTENCY

Land Use

The zoning designation for the site is (C-2) General Commercial. The Zoning Ordinance zone provides standards for properties located within General Commercial zones. The proposed use is consistent with the parcel's current land use designation, which allows consideration on restaurants with a drive-thru in the (C-2) General Commercial Zone, provided the Planning Commission approves a conditional use permit.

Setbacks

The C-2 zone establishes a minimum front yard setback of 20 feet. Said zone does not require side or rear yard setbacks unless the development abuts a residential zone. The proposed development meets all required setbacks as the building footprint will be setback approximately 80' from back of walk (front yard), and over 120' from the rear property line. Both side yards are adjacent to General Commercial parcels so no set back is required, however the east side of the proposed footprint will be approximately 13' from the east property line. This area allows for the 12' drive-thru lane and screen wall.

Height
No principal building in the General Commercial zone shall exceed sixty-five (65) feet in height except as provided in Article 25. The proposed building has a max height of 27 feet

Off-Street Parking
Article 23 of the Zoning Regulations commencing with Section 25-23-10 addresses off-street parking and loading requirements. The parking standards that could be applied are as follows:

O. Restaurants drive-ins, fast foods and self-service and take out:

One (1) parking space for each fifty (50) square feet of gross floor area, but not less than five (5) spaces. This requirement can be reduced when the Public Works Director finds the use shares parking and does provide delivery service.

The Zoning Ordinance allows for modification of parking standards subject to Community Development Department review, with the CUP, the Planning Commission can allow a reduction of the parking standards. The parking requirement used for the Burger King restaurant was reduced from the City standard of one (1) parking space for each fifty (50) square feet of gross floor area to one (1) parking space for each eighty-five (85) square feet of gross floor area. Reducing the parking requirement from fifty-one (51) parking spaces to thirty (30) parking spaces **(See Attachment D - Staff report from 2009).** Using this modified parking standard, **the Starbucks' Café Drive-Thru is 1,700 sq. ft in area and this calculate to twenty (20) parking spaces.**

The other parking standard used for restaurants, cafes, and coffee shops without a drive-thru.

P. Restaurants, cafes, and coffee shops, bars and other on sale liquor establishments:

One (1) parking space for each four (4) seats, but not less than five (5) spaces.

The Starbucks café is proposing 36 seats and this would calculate to nine (9) parking spaces.

For the retail portion of the project, the parking standard is as follows:

R. Retail stores, banks, and shopping centers:

Not less than one (1) parking space for each three hundred (300) square feet of gross floor area or more than one (1) parking space for each two hundred (200) square feet of gross floor area, except storage and loading areas, but not less than five (5) spaces.

The proposed retail space is 1,000 sq. ft. (1,000 ÷ 300 = 3.3) but there is a minimum requirement of five (5) parking spaces.

In determining the appropriate amount of vehicle parking for a Starbucks' Café Drive-Thru and retail space, the KD Anderson site assessment report concluded that the amount of parking for the Starbucks' Café Drive-Thru would be twelve (12) parking spaces and that two (2) parking spaces would be sufficient for this retail space.

Parking Summary

Business	Parking Needed	Parking Provided on Starbucks Site
Burger King	30 (14 on the Burger King Site)	16
Starbucks Café Drive-thru	12	8
Retail Space	2	2
	30	**26**
		Deficient 4 Parking Spaces

The Petrovich Development Company has requested a parking modification to reduce the number of parking spaces required for the project **(See Attachment E - Request for Parking Modification dated April 3, 2013)**

The Zoning Ordinance provides for applicants to requests for parking modifications:

Under Section 25-23-10 - Modifications to Parking Requirements: *Under unique circumstances, the Community Development Director may grant modifications to the parking requirements contained in Section 25-23-10. Requests to provide more or less than the required number of parking spaces must be submitted in writing to the Community Development Director. This request shall clearly state the unusual circumstances of the project which justify it not meeting the requirements of Section 25-23-10. This request shall also include a description of the mitigation measures that will be taken to reduce overall vehicle trips. The Community Development Director can only grant a modification to the parking requirements if the developer provides permanent mechanisms that will result in an overall air quality benefit. (Examples of such include park and ride lots, transit shuttles, etc.).*

In this circumstance, the Planning Commission will be making the decision whether to grant a reduction to the parking recommendations found in the KD Anderson site assessment report.

While the request from the developer does not specifically describe mitigation to reduce overall vehicle trips, it does propose a permanent mechanism that could result in an overall air quality benefit. The proposal is to install eight (8) bicycle racks and two (2) electrical vehicle-charging stations.

Under Section Article 23 Off-Street Parking, Section 25-23-30 - Special Provisions, parking requirements maybe be reduced or modified. The following discussion provides possible methods for reducing or modifying parking requirements.

> **Bicycle Parking:** Bike spaces shall be provided at locations and in amounts to be determined by the Traffic Engineer.
>
> *One (1) car space may be omitted for each eight (8) bike spaces up to 5% of the required number of parking spaces in parking lots for commercial and industrial uses only.*

Under this provision, only one (1) parking space can be replaced with eight (8) bike spaces.

This would leave a deficit of three (3) parking spaces. The Petrovich Development Company proposes to install two (2) electric vehicle-charging stations in place of the three (3) parking spaces. Staff would recommend that the Planning Commission consider a "one for one" replacement condition of approval that requires the applicant install three (3) electric vehicle-charging stations be installed "in-lieu" of the three (3) deficit parking spaces. Staff further recommends that these parking spaces not be exclusively for customers with electric vehicles, but be signed, requesting non-electrical vehicle customers to park in other available spaces.

Parking Summary:

Business	Parking Required per Zoning Ordinance	Parking Analysis Recommendations	Parking Provided
Burger King	30	16	16
Starbucks' Café Drive-Thru	9 to 20	12	8
Retail Space	5	2	2
	30 to 41	**30**	**26**
			Deficient of 4 Parking Spaces
Proposed Modifications	Eight (8) bicycle space Two (2) Electric Vehicle Charging Stations		**"In-lieu" of 4 vehicle parking space**
Staff Recommendation	Eight (8) bicycle space, Three (3) Electric Vehicle Charging Stations		**"In-lieu" of 4 vehicle parking space**

Lot Coverage

The allowable lot coverage in General Commercial Zone is 50%. The proposed building covers 12% of the site.

Landscaping

Article 22 of the Zoning Ordinance commencing with Section 25-22-10 addresses landscaping requirements. Zoning Ordinance requires that not less than six percent (6%) of the interior area of all auto parking lots shall be devoted to permanent landscaping. The Zoning Ordinance also requires that shade trees shall be planted and evenly distributed within the uncovered portions of the auto parking area so that at the trees maturity forty percent (40%) of the parking stalls and back up area will be in shade at high noon at such times as the trees have full foliage.

The Zoning Ordinance requires an eight (8) foot wide landscape strip along the public right-of-way. Presently, there is an eight (8) foot wide landscape strip that will be landscaped as part of this project. Staff is recommending that an abandoned street light base be removed as part of this project.

Applicant is required to comply with the State of California's new Water Efficient Landscape Ordinance AB 1881. The landscape architect shall document and attest to the compliance with the new State ordinance on the final landscape plans. Applicant shall submit and obtain from the Community Development Department approval for final landscape and irrigation plans.

DESIGN STANDARDS

The project site is subject to the Community Design Standards.

Design Standards for Development

Design elements and qualities that are to be incorporated into new construction include:

- Variety of surface texture
- Wall articulation and relief
- Roof overhangs proportional to the scale of the adjoining building wall
- Regular rhythm of windows
- Significant landscaping that complements the buildings
- Detailing such as tile accents, pop-outs or window trim.

DEVELOPER'S DESIGN CONCEPT:

As submitted by Philip Harvey, V.P Petrovich Development Company

The site and building design for the 2,700 s.f. Starbucks and Retail Building proposed for the center parcel at West Main Street and Ashley Avenue is intended to complete the shopping center with landscaping, site, and building design and materials that are complimentary to the existing buildings that were developed at the site over the past few years.

The shopping center, which is located on the southeast the corner of the intersection of Ashley Avenue and West Main Street, is a contemporary commercial design but includes design elements that are found on historic commercial buildings in Woodland. The new building designed for Starbucks and a retail tenant will continue with the same design style and historic elements that are found on the existing buildings at the site that include the Rite Aid drugstore and a Burger King restaurant.

This continuity of design is purposefully intended to form a cohesive whole on this important corner in the Woodland community. Specifically designed to accommodate the requirements for the coffee shop and retail space the project includes a drive-thru for Starbucks that will enable the project to meet the criteria for the tenant and the needs for today's users. Important historic design elements include red brick and natural building colors that are compatible with historic structures in Woodland as well as decorative metal awnings and metal window and door canopies that are reminiscent of those found on historic structures.

The location of the Starbucks drive-thru at the back and east side of the building places this important amenity necessary to the success of Starbucks at a secondary position allowing the building with a clear uninterrupted and open front to West Main Street for pedestrian connectivity and visibility from the building to West Main Street. A widened sidewalk area in front and immediately adjacent to the building will provide an area for outdoor furniture and encourage activity facing West Main Street. Additionally, the front of the building will include a ceramic mural for a public art component that is consistent with the panels on the drugstore and restaurant buildings further tying the overall project together. Overall the site design and landscaping materials will knit the entire shopping center together to form a completed project design for this intersection in Woodland."

The materials and colors being proposed include:

MATERIALS	COLORS
CMU Split Face	D225 (Gray)
Cement Plaster	Hearth Gold
Cement Plaster	Dry Creek
Brick Veneer	Autumn Sands Heritage Mod
Store Front, metal awning, trellis, & reveals	Old Town Gray

The building design as conditioned is consistent with the Community Design Standards.

Public Art

Per the Community Design Standards, the project is required to incorporate public art into the development and subject to review by the Planning Commission. The developer proposes two (2) tile murals similar to those used on the Rite Aid and Burger King.

Signage

Article 22 of the Zoning Regulations commencing with Section 25-23-01 addresses signs. In the C-2 zones, the Sign Ordinance allows the following signage:

Zone	Maximum Sign Height		Minimum Setback from Property Line	Total Sign Area Per Business
	Wall Mounted Signs	Ground Mounted Signs		All Permanent Signs
C-2	30 ft.	8 ft.	0 ft.	The length of one building frontage multiply by 2.0 Or the length of one street frontage multiply by 1.0

Total Sign area allowed for this project:

Tenant	Frontage	Total Sign Area Allowed
Starbucks	34' 2'	**68.3 sq. ft.**
Retail Space	19' 8"	**39.3 sq. ft**

Sign Proposal:

Sign	Type of Sign	Area (Sq. ft.)
Starbucks	Internally Illuminated Channel Letter	13.1
Coffee	Internally Illuminated Channel Letter	8.2
Drive Thru	Internally Illuminated Cabinet	7.3
Logo	Internally Illuminated Cabinet	19.6
Monument Sign	Illuminated Panel	
		Total 48.2

Signs are also subject to the requirements of the sign design requirements in the adopted Community Design Standards. The two (2) internally illuminated channel letters for the *Starbucks Coffee* sign complies with Community Design Standards. The other two (2) internally illuminated cabinet signs **do not** comply with Community Design Standards.

The Community Design Standards prohibits the placement of sign cabinets on building walls.

> *The placement of sign cabinets on building walls is prohibited (Community Design Standards, page 51).*

Therefore, the *Drive Thru* cabinet sign will be required to be modify to individual letters or removed.

The *Starbucks Logo* exceeds to area allowed for logos.

> *Logos are allowed provided they do not exceed 4 square feet in area. Larger size logos can be allowed provided the logo displays exceptional craftsmanship and quality of materials, such case to be reviewed on a case-by-case basis (Community Design Standards, page 51).*

Therefore, the logo will be required to be reduced to 4 square feet in area or redesigned to meet the intent of the Community Design Standards.

The two (2) signs directing on-site traffic as proposed exceed the Sign Ordinance's height restriction of 3 feet for these types of signs. Therefore, the two (2) signs directing on-site traffic will need to be reduced to the maximum height of three (3) feet.

The proposed menu board does not comply with Community Design Standard for monument signs. It will need to be modified similar to the Burger King menu board. This requirement comes from the Community Design Standards for monument style signs.

> *Monument signs shall be designed to complement the architectural style of the buildings they serve and shall utilize high quality materials such as brick, stone, tile, cast concrete or similar masonry materials. A cabinet sign placed on a base does not meet the intent of these standards. Cabinet signs may be allowed provided the entire cabinet exclusive of the sign face is encased in the above mentioned materials, or if the overall design of the sign is unique and meets the intent of these standards.*

Staff and Planning Commission have modified this requirement for menu boards, to only requiring a masonry base. Therefore, the menu will need to incorporate the masonry base into its design.

Performance Standards

The project is subject to the Performance Standards of the General Commercial Zone (Article 15). Commercial performances standards follow below:

SEC. 25-15-40 PERFORMANCE STANDARDS

A. All uses or activities shall be conducted wholly within completely enclosed buildings, except for auto service stations, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing, sales and services, or where in the opinion of the

Zoning Administrator the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

B. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with said residential zones.

C. Fencing and landscaping adequate to screen development from adjacent residential zones along rear and side property lines.

D. Maximum noise level at property lines not to exceed 65 dBA Ldn.

E. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except where screened to the satisfaction of the Planning Commission or the Zoning Administrator.

SEC. 25-15-50 OTHER REQUIRED CONDITIONS

A. All uses are subject to the provisions of Articles 22, 23, and 24.

B. The re-occupancy of a commercial building is subject to the approval of the Zoning Administrator.

C. Site plan approval required for all uses requiring a building permit.

The proposed project is as conditioned, is consistent with the Zoning Ordinance.

CONDITIONAL USE PERMIT

Article 27 of the Zoning Regulations commencing with Section 25-27-01 addresses conditional use permits. The Planning Commission may approve, conditionally approve or deny an application for a conditional use permit; and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance, and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any conditional use permit the Planning Commission shall be satisfied that, the proposed structure or use conforms to the requirements and the intent of this chapter and the General Plan. The zoning designation for the site is General Commercial. Within this zone, cafés with drive-thru are only permitted with a conditional use permit.

SUBSTANTIAL CHANGES

At the discretion of the Community Development Department, any substantial modifications or changes to the approved site plan and/or uses may result in further CEQA and traffic analysis and further public hearings.

APPEAL

The Planning Commission action on the Conditional Use Permit shall be final unless, within **fourteen (14) calendar days** after the decision, the applicant or any other person, including the City Council, any individual City Council member, or the City Manager, not satisfied with the decision of the Planning Commission, may appeal to the City Council. No conflict of interest shall exist solely by reason of the filing of an appeal by the City Council, an individual City

Council member, or the City Manager. Any appeal shall be filed with the City Clerk and, except an appeal by the City Council, a Council member, or the City Manger, shall be accompanied by a filing fee as prescribed by City Council resolution. The City Clerk shall set a date for a public hearing and shall give notice to the appellant, the applicant, and neighboring property owners in the manner provided in Section 25-27-20.

SUMMARY

The applicant is requesting approval of a Conditional Use Permit, Site Plan, Design Review, and Public Art to allow to construct a 2,700 square foot building, which will include a ±1,700 square foot Starbucks' Café Drive-Thru with 36 seats and a ±1,000 square foot retail space. The project proposes to provide 20 new parking spaces in the General Commercial (C-2) Zone.

RECOMMENDATION

Staff recommends approval of the project by approving the attached resolution which incorporates the findings and conditions listed below.

RECOMMENDATION

Staff recommends approval of the project by making an affirmative motion as follows:

Motion #1 **Move That The Planning Commission Approve The Conditional Use Permit (CUP), Site Plan, Design Review, Public Art, For The Starbucks' Café Drive-Thru Café with Drive-Thru and Retail Space Project Based On The Identified Findings Of Fact And Subject To The Identified Conditions Of Approval, By Taking The Following Actions:**

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered categorically exempt, as Class 32, In-Fill Development, per §15332 of the Public Resources Code;
- Determine that the project, as conditioned, is consistent with the General Plan;
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance;
- Determine that the project, as conditioned, is consistent with the Community Design Standards;
- Approve the Conditional Use Permit, Site Plan, Design Review, Parking Modification and Public Art to allow the construction and operation of a ±1,700 square foot Starbucks' Café Drive-Thru Café with Drive-Thru and a ±1,000 square foot retail space in the General Commercial Zone;

-OR-

Should the Commission decide to deny the project, the motion should be made as follows:

Motion #2 **Move That The Planning Commission Deny The Conditional Use Permit (CUP), For The Starbucks' Café Drive-Thru and Retail Space, Based On The Identified Findings Of Fact (Specify Findings)**

ATTACHMENTS:

A. Revised application dated 11/19/12, Site, Elevations, and Landscape Plans dated 10/16/12
B. Public comment from Sunny Ghai, dated September 28, 2012
C. KD Anderson Site Assessment Report dated April 3, 2013
D. Burger King Staff Report and PC Minutes from 2009
E. Email from Applicant dated April 7, 2013

FINDINGS FOR PROPOSED STARBUCKS' CAFÉ DRIVE-THRU CUP
Prepared for approval by the Woodland Planning Commission on April 18, 2013

CEQA Findings

1. In accordance with the provisions of CEQA, this project did qualify for a categorical exemption. The project is considered a Class 32 exemption, "Infill Development."
2. The review of the project as defined under CEQA represents the independent judgment of Woodland City Staff.

General Plan Consistency Findings

1. The proposed project, as conditioned, is consistent with the provisions outlined by the General Plan.

Zoning Consistency Findings

1. The proposed project, as conditioned, meets all regulatory requirements of the Zoning Ordinance.
2. Café with drive-thru is allowed in the General Commercial zone with a Conditional Use permit

Conditional Use Permit Findings

1. Adjacent properties are protected and the public interest is protected.
2. The conditions of approval are reasonably related to the use of the property.
3. The City is satisfied that the proposed structures and uses conform to the requirements and the intent of the Zoning Ordinance and the General Plan.
4. The design of the project and improvements will not cause serious public health problems. Utilities are available to the site.
5. The project is consistent with Article 27 of the Zoning Ordinance in that the proposed use is permitted as a conditional use in the zone and that the use may be allowed subject to conditions with respect to location, construction, time period, maintenance, and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property.

Community Design Standards Findings

1. The project substantially satisfies the design requirements of the Community Design Standards for development within the City of Woodland.
2. The public art proposal was reviewed the Woodland Planning Commission

CONDITIONS OF APPROVAL - April 18, 2013

PLANNING

1. The project is as described in the staff report prepared for the April 18, 2013 Planning Commission meeting to allow the use of the site at 281 & 271 West Main Street, for an Starbucks' Café Drive-Thru and retail space. The project shall be carried out in substantial compliance as depicted on the submitted Site, Elevations, and Landscape Plans dated 10/16/12, included in the staff report, except as modified in these conditions of approval and with any changes necessary to meet city codes and specifications.

2. The applicant shall defend, indemnify, and hold harmless the City of Woodland, its agents, officers or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the subject application by the City, its legislative body, advisory agencies or administrative officers. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either, at the City's discretion, undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney.

3. Prior to issuance of a Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Community Development Department. Design changes that require modifications to uses, elevations or site features other than discussed herein, shall be submitted for review and approval through the planning review process as a Design Review.

4. Prior to submittal for plan check, the applicant shall submit plans and elevations for review and approval by the Community Development Department. Once the final design drawings have been approved by the Community Development Department, two sets of the final planning project review plan set shall be provided to the Community Development Department to be date stamped and included in the project file. This set of plans shall be used for reference during the plan check review process. This Final Plan set, shall include all conditions of approval incorporated or clearly listed on the plans. The conditions shall be printed on a full-size plan sheet(s).

5. Revised plans and building elevations incorporating all conditions of approval shall be coordinated and submitted to the Community Development Department as one package in accordance with plan check requirements. All plans, including site, landscape, lighting, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of permits (such as encroachment or building). Any changes to the size, colors, construction materials, design or location of any structure or any other site or landscape improvement shall not be made without prior city approval.

6. Applicant shall provide the Community Development Department with a check for the sum of $25.00 made out to Yolo County to record the environmental document with Yolo County.

7. The Conditional Use Permit shall not be issued until the appeal period has expired or final action on an appeal has been rendered.

8. The approval period for the Conditional Use Permit shall become null and void after a period of twelve (12) months, if either the use permit has not been used or if substantial construction in good faith reliance on the approval has not commenced subsequent to such approval. The Community Development Director may extend the approval of a use permit for one (1) additional year, with the same conditions of approval, if circumstances have not changed. The request in writing must be received prior to the expiration of the use permit.

9. At the time of submittal for building permit, Site Plan Review shall be performed by the Community Development Department to ensure substantial compliance with the approved set of plans, pursuant to the requirements of Section 25-21-60 of the Zoning Ordinance.

10. Secure approval and satisfy requirements of all agencies that have jurisdiction.

11. Upon request, applicant shall provide a written report detailing compliance with Conditional Use Permit to the Community Development Department.

12. The applicant shall be responsible for informing all subcontractors, consultants, engineers or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Woodland Municipal Code, including the requirement that a business license be obtained by all entities.

13. A plan check fee shall be required by the Community Development Department when an application for a building permit is submitted.

14. The exterior noise level at the neighboring property line shall not exceed 65 dBA DNL.

SITE PLAN

15. Final plans shall comply with the design requirements in the Community Design Standards.

16. Roof mounted mechanical or utility equipment visible to the public shall be screened. The method of screening shall be architecturally integrated with the structure in terms of materials, color, shape, and size. Applicant to provide written verification that proper screening will block the visibility of roof mounted mechanical or utility equipment from the public.

17. Any new ground mounted mechanical or utility structures, including transformers shall be underground or located behind buildings where possible. If not possible, adequate screening shall be provided on three sides. Screening may include a combination of landscaping and masonry or lattice walls subject to Community Development Department approval.

18. Applicant shall construct a trash enclosure, which shall conform to the City of Woodland specifications. Trash enclosures shall be subject to design verification and approval by staff prior to issuance of building permits. Trash enclosure and recycling areas shall be adequately screened from view and shall be architecturally compatible with the proposed building design, by utilizing consistent materials and colors. Evidence of approval from Waste Management for the quantity, size, and location of the proposed trash and recycling enclosures shall be submitted with the building permit application.

19. Design parking lots in a manner that accommodates safe pedestrian access between buildings on the site and between buildings and the public right of way (street). This shall be accomplished through the use of textured paving (integral colored stamped concrete) to clearly define crosswalk areas and accent landscaping.

20. Drive-thru screen wall shall be provided with accents to prevent monotony.

21. Applicant shall remove existing street light base from landscape strip along West Main Street.

22. Applicant shall install signs on their property reminding customers not to park in the parking lot adjacent to the Rite Aid Store, to the satisfaction of the Community Development Department.

23. Applicant shall install signs reminding customers to be polite and courtesy to other users of the site, to the satisfaction of the Community Development Department.

24. Applicant shall install signs at both driveways exiting on to West Main Street with "No Left Turn" signs to enforce the right-in, right-out monument only, to the satisfaction of the Community Development Department.

25. Applicant is encouraged to work with Rite Aid Store to obtain a parking easement agreement. Verification of their efforts to obtain a parking agreement shall be submitted to the Community Development Department prior to issuing a grading or building permit.

26. Applicant shall install (Under Section 25-23-10 - Modifications to Parking Requirements) eight (8) bicycle spaces and three (3) Electric Vehicle Charging Stations "In-lieu" of 4 vehicle parking space, to the satisfaction of the Community Development Department. Applicant shall install signs reminding non-electrical vehicle customers to parking in other available parking spaces, to the satisfaction of the Community Development Department.

27. Applicant shall incorporate public art into the development per Community Design Standards Public art shall be installed prior to the final certificate of occupancy.

LANDSCAPING

28. Applicant shall comply with the State of California's new Water Efficient Landscape Ordinance AB 1881. The landscape architect shall document and attest to the compliance with the new State ordinance on the final landscape plans.

29. Applicant shall submit for review and receive final approval from the Community Development Department for a landscape and irrigation plan prepared in accordance with Article 22 of the Zoning Ordnance and Community Design Standards prior to the issuance of building permits.

30. Shade trees shall be planted and evenly distributed within the uncovered portions of the auto parking area (employee and customer) so that at the tree's maturity, forty percent (40%) of the parking stalls and back up area will be in shade at high noon at such times as the trees have full foliage, consistent with Section 25-22-20(b) 4. The landscape architect shall

document the calculations and attest to this on the final landscape plan. A shade calculation diagram shall be provided for review and approval.

31. The Raywood Ash Tree shall be removed form landscape plans and replaced with a shade tree from the City's Community Design Standards plant palette.

32. Landscape Plan shall indicate 3-inches of top dressing (bark) be used in all planter beds.

33. Vegetative matter shall cover 75 percent (75%) of the landscape area. The landscape architect shall document the calculations and attest to this on the final landscape plan.

34. For landscaping on private property, a minimum of 15-gallon (or larger) trees is required. Landscaping on private property can also use shrubs from 1-gallon containers. All landscape stock shall be inspected by the project landscape architect prior to installation. No root bound plants shall be used; only healthy, well-formed, and vigorous plant material shall be used. Landscape architect to provide written verification as to plant health.

35. Enter into a Landscape Maintenance Agreement. A Landscape Maintenance Agreement with the City shall be recorded prior to issuance of a building permit to assure continuing maintenance of landscaping.

LIGHTING

36. Lighting shall be confined to the site boundaries and to provide safety and security. All building entrances and pedestrian ways shall be adequately lighted pursuant to the City Code and the requirements of the Police Department.

37. Exterior lighting has not been provided. Exterior lighting design needs to reflect the architectural design of the building. Exterior lighting design to be reviewed and approved by the Community Development Department.

38. Lighting shall be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited.

39. Parking lot light poles shall be not be taller than the buildings within the development, or a maximum of 20 feet above grade whichever is less. The applicant shall submit a specification for any proposed light poles and base, for review and approval by the Community Development Department, prior to issuance of a building permit.

40. Photometric data must be provided to indicate that the employee and customer parking area(s) will be equipped with one (1) foot-candle of minimum maintained illumination per square foot of parking surface to include the entire paved area. The parking area shall be illuminated from dusk until the termination of business every operating day. Photometric data must also confirm the absent of "Hot Spots" or areas of ten (10) foot-candle of illumination per square foot or more.

SIGNS

41. Applicant shall obtain a building permit for any exterior signs prior to installation. All signs shall be in accordance with Sign Ordinance and Community Design Standards as outlined in

the staff report and shall be reviewed and approved by Community Development Department the prior to issuance of building permits.

BUILDING

42. This project must meet all criteria and mandates for these City adopted codes:

    2010 California Building Code (Including the Green Building Code)

    2010 California Plumbing Code

    2010 California Mechanical Code

    2010 California Electrical Code

    2008 Building Energy Efficiency Standards

    The Code of the City of Woodland

43. Other City and County Agencies (Health, Fire, Public Works, and Planning) may be required to approve the project prior to a building permit being issued.

44. Any deferred submittals that are not a part of the initial permit application must be listed on the cover sheet of the plan at the time of application for the project.

45. All plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state of California.

46. A licensed architect or licensed engineer shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

47. A soils investigation report shall be provide as specified in section 1803.2 of the 2010 CBC.

48. Entire area of development and path of travel from sidewalk and parking shall comply with the California Building Code for Accessibility. When conflicts exist between the ADA and the California building Code the standard that provides the greatest degree of accessibility shall comply.

49. Accessibility Compliance: Any unauthorized deviations from such regulations or building standards shall be rectified by full compliance within 90 days after discovery of the deviation.

DEVELOPMENT ENGINEERING

50. Applicant shall incorporate all measures identified in the project's traffic study. Any work in the right-of-way shall be done under an encroachment permit.

51. Applicant must meet all requirements set by Parcel Map #4969.

52. Applicant shall identify all existing access, sewer and storm easements on the onsite civil plans. Any shared utilities crossing property lines will require easements. Applicant shall record easements if they do not exist.

53. Applicant shall pay all development impact fees for the project. Fees will be due prior to issuance of the building permit and will be included with building permit fees.

54. Site shall comply with General Site Design Control Measures, Site-Specific Source Control Measures, and Treatment Control Measures as established in the Technical Guidance Manual for Storm Water Quality Control Measures. If unable to meet on site treatment requirements, applicant shall pay a storm water treatment in-lieu fee.

55. Applicant shall obtain an encroachment permit for all utility connections and work within the right-of-way. An encroachment permit application shall be submitted with and engineer's estimate of cost, and a sketch showing the work to be done. If the work is more significant than utility connections, improvement plans along with a plan check deposit for 3% of the cost estimate shall be submitted on City title block. This submittal is separate from the building permit submittal. All public improvements shall conform to the current City of Woodland Standard Specifications.

The following public improvements are required as a condition of development of this site, and shall be completed prior to certificate of occupancy:

56. The applicant shall install new utility connections, which shall conform to City of Woodland Standards and Specifications. Per conditions for Parcel Map 4969, each site shall have its own utilities. Plans showing prior installation of utilities may not be accurate. Applicant may wish to install separate meters for each building suite, as well as a separate landscape irrigation service. Each meter shall be installed under the encroachment permit.

57. Backflow protection devices are required on all commercial and landscape irrigation water services for the project. Backflow devices shall be tested by a City-approved tester and results provided to the Public Works Department prior to occupancy.

58. An existing sewer stub should have been provided with prior development (field verify). Connection to the existing stub shall be covered under the encroachment permit.

FIRE

60. Provide site access per Section 503, 2010 California Fire Code.

61. Ensure adequate fire protection water supply per Section 507, 2010 California Fire Code.

62. Provide portable fire extinguishers per 2010 California Fire Code Section 906.

63. Approved numbers or addresses shall be placed on buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. All new commercial buildings shall display a lighted street number in a prominent location with numbers not less than 6 inches in height.

N:\ComShare\!Planning\Planning Commission\AGENDAPC\2013\April 18, 2013\Staff Report - Starbucks 4-12-13.docx

ATTACHMENT A

Revise: 11.19.2012

City of Woodland

Community Development Department
520 Court St, Woodland CA 95695
(530) 661-5820 Fax (530) 406-0832
www.cityofwoodland.org

General Application Form

1. Owner/Applicant

PROPERTY OWNER: PETROVICH DEVELOPMENT COMPANY

MAILING ADDRESS: 825 K STREET, SUITE 300

CITY STATE ZIP CODE: SACRAMENTO, CA 95814

PHONE NUMBER: 916-442-4600

E-MAIL ADDRESS: PHIL@PETROVICHDEVELOPMENT.COM

PROJECT APPLICANT PHILIP HARVEY

MAILING ADDRESS: 825 K STREET

CITY STATE ZIP CODE: SACRAMENTO, CA 95814

PHONE NUMBER: 916-442-4600

E-MAIL ADDRESS: PHIL@PETROVICHDEVELOPMENT.COM

2. Application Requested

- [ ] General Plan Petition
- [ ] Zoning Amendment
- [ ] General Plan Amendment
- [ ] Tentative Subdivision Map
- [ ] Tentative Parcel Map
- [ ] Lot Line Adjustment
- [x] Site Plan Review
- [x] Design Review
- [x] Sign Design Review
- [x] Conditional Use Permit (CUP)
- [ ] Zoning Administrator Permit
- [ ] Variance
- [ ] Public Convenience or Necessity
- [ ] Other ____________

Is this request part of another application? [ ] Yes [x] No If so, what? ____________

3. Project Description

Project Name: PETROVICH - MAIN & ASHLEY

Site address or location: CORNER OF WEST MAIN STREET & ASHLEY AVENUE

Total Acres or Square Feet +/- .51 ACRES

Assessor's Parcel Number: 065-010-044

Is Your Project Located in a Flood Zone? [ ] Yes [x] No

Does this request include signage? [ ] Yes [x] No

4. Justification for Request

☞ **On a separate sheet, explain in detail your request and why you believe your request is justified.**

5. General Plan Amendment

Existing General Plan Designation	Gross Acres	Proposed General Plan Designation	Gross Acres

6. Zoning Amendment

Existing Land Use Zone	Gross Acres	Proposed Land Use Zone	Gross Acres

7. Residential Development

No. of residential units are being requested? ______

No. of lots will be created by this project? ______

Single Family ______ Half-plex ______

Duplex ______ Apartments ______

Condominiums ______ Other ______

Townhomes ______ Total Units ______

Do you intend to market the units for sale?

☐ YES ☐ No

Do you intend to market the units for rent?

☐ YES ☐ No

8. Commercial/Industrial Development

Indicate the type of commercial/industrial development proposed:

RETAIL

Indicate the gross and leasable square footage for each type of development:

+/- 2,800 SF GROSS, +/- 2,650 SF LEASE

9. Authority to File Application

Check one:

☑ Property Ownership ☐ Power of Attorney*

☐ Contract to Purchase* ☐ Other

Specify ______

*Attach Evidence of Authority

I hereby certify that the above information and accompanying documents are true and accurate to the best of my knowledge and acknowledge that the processing of this application may require additional fees and expenses for the preparation of necessary environmental documentation and planning studies. I certify that I have reviewed the current Hazardous Waste and Substances Site List, developed pursuant to AB 3750, and found that my project is not on the list.

APPLICATION WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF LEGAL OWNER OR OFFICIAL AGENT

11.19.2012

Applicant: **Date**

Legal Owner: **Date**

Legal Owner: **Date**

DEPARTMENT USE ONLY

Amount Paid: ______ Project No: ______

Amount Due:: ______ Logged by: ______ Date: ______

GP / Zoning Designation: ______ Planner: ______ Date: ______

JUSTIFICATION STATEMENT

This Site Plan Review, Design Review, Conditional Use Permit, and Sign Design Review application to the City of Woodland is for the development of a 2,900 s.f. retail building that will be developed the last remaining parcel in the commercial center located on the southeast corner of West Main and Ashley Streets in Woodland. This application is consistent with the City's General Plan and Zoning Ordinance for commercial development in the C-2 zone in which the parcel is located.

Currently the overall commercial center site, which contains three parcels, has an operational Rite Aid drugstore on the west portion of the development at the intersection of West Main and Ashley Streets and a Burger King restaurant on the east side of the commercial center along West Main Street. The site that is the subject of this application is the middle parcel of the commercial center and is approximately 0.51 acres in size. This application is for the entitlements to develop a building with associated site improvements that will accommodate a 1,700 s.f. Starbucks coffee shop with a drive-thru and a 1,200 retail space for a total of 2,900 gorss s.f.

The project site plan and building elevations have been designed to compliment the existing drugstore and restaurant buildings with compatible forms and materials to provide a cohesive commercial center. Additionally the site improvements will complete the overall site circulation and parking for the commercial center. Along with providing the parking requirement for the coffee shop and the retail space the development of this site also includes the 10 parking spaces for the Burger King restaurant that are required to be located on the middle parcel per the restaurant Condition Use Permit thus completing the City's desire for the parking to work together between all of the buildings in the commercial center.

The Starbucks coffee shop is relocation from an existing site further west on West Main Street. At the current location the coffee shop site does not accommodate a drive-thru operation which Starbucks has defined as essential to their continued operation on the west side of the City of Woodland. We are, therefore, asking for a Condition Use Permit for the drive-thru for the Starbucks in order to relocate to this site. Both the existing Rite Aid and the Burger King restaurant have drive-thrus in the commercial center but it should be noted that the drive-thru for Starbucks has been carefully designed such that it will not interfere with the operations of either of the existing drive-thrus on the overall site. The Rite Aid drive-thru, primarily accessed from the west or Ashley Street side of the center, experiences very little traffic and is only used for prescription services as required by the drugstore Conditional Use Permit. The Burger King restaurant has access from across the site as well as direct access from West Main Street via a driveway on the far eastern edge of the restaurant parcel. These multiple points of entry afford patrons to the Burger King multiple ways to access the restaurant drive-thru without crossing traffic to either the drugstore drive-thru or the coffee shop drive-thru that will be located on the center parcel.

PETROVICH DEVELOPMENT COMPANY

November 19, 2012

Mr. Paul Hanson, ACIP, Senior Planner
Community Development Department
City of Woodland
300 First Street
Woodland, California 95695

Subject: **Response to Completeness Letter for the Proposed Starbucks with Drive-Thru and Retail Space Rite Aid Center, Ashley Avenue and West Main Streets**

Dear Paul,

Please find attached 16 hard copies and a CD containing PDF's of the revised project drawings and documents for resubmittal incorporating the items in the letter you provided to us dated October 10, 2012. The following narrative follows your letter, which is attached, per each item:

General Application Form

1. Project Application: Please find attached to this letter a revised General Application Form indicating Philip Harvey as the project applicant consistent with the Letter of Agency that was originally submitted with the project application.

Site Plan

1. a. The parking legend is found on the right side of the site plan sheet under "Parking Statistics." Parking is provided per City of Woodland ordinance including the 10 stalls required by the CUP for the Burger King restaurant on the site. All parking spaces on the site are standard size stalls and typical stall dimensions are noted on the north side of the building. No stalls are overhanging stalls
   b. Employee counts are located in "Employee Data" on the right side of the site plan sheet.
   c. Lot Coverage: Total site area is 22,215 s.f., the building is 2,700 s.f. or 12% of the overall site area, landscape area is 4,760 s.f. or 21.5% of the overall site area, and the driveways and parking are 14,755 s.f. or 66.5% of the overall site area.
   d. The flood plain designation and finished floor elevation (building pad) are indicated on the preliminary grading plan that is included in this submittal.

e. See the note on the bottom of the preliminary grading plan submitted with this letter indicating that the project will meet the Storm Water Quality Ordinance requirement by paying the in-lieu fee due to the small size of the project parcel (22,215 s.f. or 0.51 acres).

Floor Plans

1. The use for each room has been indicated on the floor plan.
2. Door and window sizes are indicated on the floor plan.
3. Plumbing fixture layout has been indicated for the Starbucks space. Each restroom will include accessible fixtures and will have a toilet and a lavatory.
4. Service points for electrical, and gas utilities will be located along the back (south) side of the building. Water, sewer and storm drain will be accessed from existing lines shown on the Preliminary Grading Plans on the north side of the building that service the site.
5. Drawing scale of the floor plan is indicated at 1/8" = 1'-0".

Landscape Plans

a. Proposed landscape is drawn to illustrate five-year growth.
b. Shade areas for each tree are indicated on the landscape plan.

Design Review

a. The screen wall at the drive-thru will be split-face concrete block, split-face out, to be consistent with the existing sound wall on the south property line and the screen wall at the Burger King drive-thru.
b. HVAC roof mounted equipment screening is depicted on the "Site Section-HVAC Screening" drawing on Sheet A-91 of the drawings.
c. Public art will be located at the front of the building and will be a ceramic tile panel consistent with the panels installed on both the Rite Aid and the Burger King buildings at the project site.

Please let me know if you have any questions. I can be reached at the office at (916) 442-4600.

Sincerely,

Philip J. Harvey, Architect
C-14714
Petrovich Development Company
Senior Vice President of Development

PROJECT TEAM

OWNER
ASHLEY & MAIN, LLC
Sacramento, California
CONTACT - PHIL HARVEY

ARCHITECT
ARKTEGRAF, Inc.
1000 27TH STREET
SACRAMENTO, CA
CONTACT: - BENJAMIN DONAY

STRUCTURAL
-

ELECTRICAL
-

MECHANICAL
-

FIRE
-

PLUMBING
-

CODE ANALYSIS

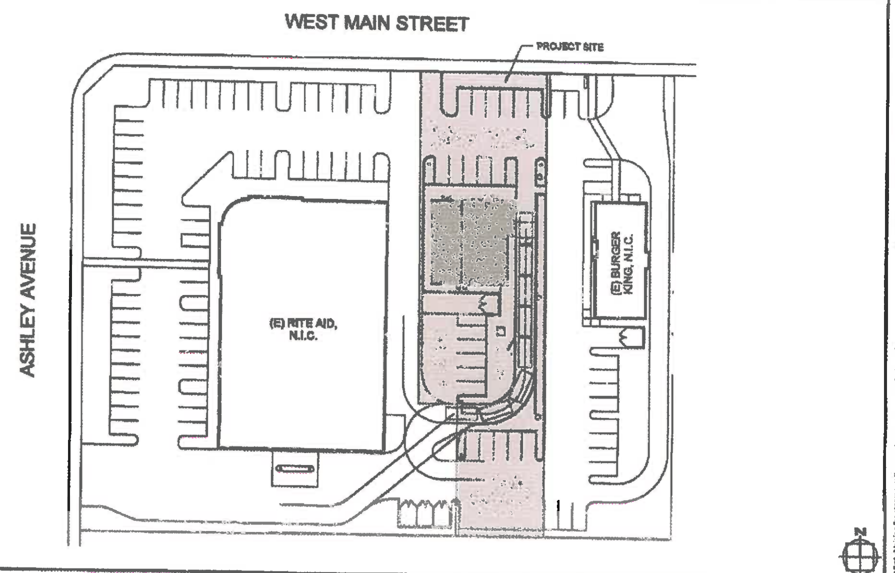
SITE STATISTICS:

A.P.N.	[illegible]	
DEVELOPMENT REVIEW:	-	
ZONE:	C-2	
SITE AREA:	+/- 22,318.6 S.F. (+/- .51 ACRES)	
PARKING REQUIRED:	24 SPACES	1 SP / 300 SQ. FT. 1 SP / 4 SEATS
PARKING PROVIDED:		
BURGER KING (COATS):		= 10 SPACES
RETAIL SPACE (SUITE 100):	[illegible]	= 4 SPACES
COFFEE SHOP (SUITE 200):	40 SEATS	= 10 SPACES
TOTAL PARKING PROVIDED:		24 SPACES

BUILDING STATISTICS:

CONSTRUCTION TYPE:	VB
NO. OF STORIES:	1
FIRE SPRINKLERS:	NO (LESS THAN 5,000 SF)
OCCUPANCY:	A-2
DESIGN CODES:	2010 CBC, CMC, CPC, CEC, CFC & 2010 CALIF. ENERGY CODES
BUILDING AREA:	± 2000 SQ. FT.

SITE PLAN



LOCATION MAP

ABBREVIATIONS

[illegible]

SYMBOLS

SECTION
VIEW NAME - IF NEEDED
SECTION IDENTIFICATION
SHEET WHERE SECTION IS DRAWN

DETAIL
NOTE - IF NEEDED
SECTION IDENTIFICATION
SHEET WHERE SECTION IS DRAWN

INTERIOR ELEVATIONS
NOTE - IF NEEDED
ELEVATION IDENTIFICATION
SHEET WHERE ELEVATION IS DRAWN

ROOM IDENTIFICATION
Room name
101
ROOM NAME
ROOM NUMBER

COLUMN LINE
LETTERS IN ONE DIRECTION, NUMBERS IN THE OTHER

DOOR SYMBOL
DOOR KEY

WINDOW SYMBOL
WINDOW KEY

REVISION
CLOUD AROUND REVISION

WORK POINT, CONTROL POINT OR DATUM POINT

INDEX OF DRAWINGS

G-00	COVER SHEET
L-1	LANDSCAPE PLAN
A-10	ARCHITECTURAL SITE PLAN
A-20	PLANS & ELEVATIONS
A-90	RENDERINGS
A-91	RENDERINGS

THESE DRAWINGS ARE INCLUDED FOR THE CONTRACTOR'S USE AS A CONVENIENCE TO THE OWNER. THEY ARE NOT A PART OF THE CONTRACT DOCUMENTS PREPARED BY THE ARCHITECT. THEY WERE PREPARED BY OTHERS NOT EMPLOYED BY THE ARCHITECT AND ARE NOT A PART OF THE WORK OF THE ARCHITECT, WHO TAKES NO RESPONSIBILITY FOR THEIR ACCURACY. PLEASE CONTACT THE SPECIFIC CONSULTANT FOR ANY QUESTIONS REGARDING THESE DRAWINGS.

DEFERRED SUBMITTALS

1. EXISTING FIRE SPRINKLER SYSTEM MODIFICATIONS
   A) SPRINKLER PLANS
   B) MONITORING SYSTEM PLANS FOR SPRINKLER SYSTEM

GENERAL NOTES

1. USE DIMENSIONS SHOWN - DO NOT SCALE DRAWINGS OTHER THAN FULL SCALE DRAWINGS. [illegible]
2. FULL SCALE AND LARGE SCALE DRAWINGS SHALL, IN GENERAL, GOVERN AND TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS, WHICH THEY ARE INTENDED TO AMPLIFY.
3. [illegible]
4. PRIOR TO STARTING CONSTRUCTION OR DEMOLITION, CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR CONFLICTS FOUND.
5. THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, CODES AND ADMINISTRATIVE DIRECTIVES BEARING ON THEIR WORK AND CONDUCT.
6. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
7. THE DIMENSIONS ARE TO FACE OF FINISH UNLESS INDICATED OTHERWISE ON THE DRAWINGS.
8. [illegible]
9. PROVIDE PORTABLE FIRE EXTINGUISHERS [illegible]
10. MAXIMUM FLAME SPREAD RATINGS OF WALL AND CEILING FINISHES SHALL BE CLASS III OR BETTER.
11. ALL EXTERIOR DOORS SHALL HAVE SELF-CLOSING DEVICES.
12. ALL CRACKS AND CREVICES AT JOINTS SHALL BE SEALED WITH AN APPROVED MATERIALS.
13. IT IS THE INTENT OF THE ARCHITECT TO PROVIDE ACCESSIBILITY TO THE AREA OF WORK COVERED BY THESE DOCUMENTS ACCORDING TO THE REQUIREMENTS OF THE ACCESSIBILITY REGULATIONS CONTAINED IN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND THE FEDERAL ADA STANDARDS FOR ACCESSIBLE DESIGN. [illegible]
14. THE GENERAL CONTRACTOR ASSUMES ANY RISK INVOLVED WITH PROCEEDING WITH CONSTRUCTION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. [illegible]
15. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING A FIRE SPRINKLER CONTRACTOR TO PERFORM ANY WORK TO THE EXISTING FIRE SPRINKLER SYSTEM AS REQUIRED.

DESCRIPTION OF WORK

ARKTEGRAF
INCORPORATED

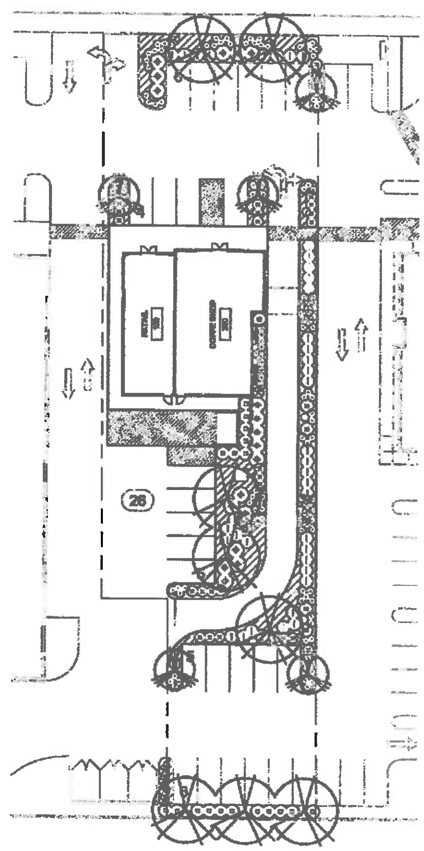
Architect

Revisions

Date
07/16/2012 - DR SUBMITTAL

Project
ASHLEY & MAIN, LLC
ASHLEY & MAIN
WOODLAND, CA

Sheet
G-00



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	FRA RAY	8	Fraxinus angustifolia 'Raywood' / Raywood Ash	15 gal
	LAG CHE	5	Lagerstroemia indica 'Cherokee' / Cherokee Crape Myrtle	15 gal
SHRUBS	**CODE**	**QTY**	**BOTANICAL NAME / COMMON NAME**	**SIZE**
	ABE EDW	40	Abelia x grandiflora 'Edward Goucher' / Glossy Abelia	5 gal
	ESC TER	19	Escallonia fradesii 'Terri' / Escallonia	5 gal
	HEM ORO	44	Hemerocallis x 'Stella de Oro' / Stella de Oro Daylily	1 gal
	JUN SKY	13	Juniperus virginiana 'Skyrocket' / Skyrocket Juniper	5 gal
	PIT CRE	8	Pittosporum tobira 'Cream De Mint' TM / Cream De Mint Dwarf Mock Orange	1 gal
	RHA BAL	31	Rhaphiolepis indica 'Ballerina' / Ballerina Indian Hawthorn	5 gal
	SAR RUB	1	Sarcococca ruscifolia / Fragrant Sarcococca	5 gal
	VIB SPR	22	Viburnum tinus 'Spring Bouquet' / Spring Bouquet Laurustinus	5 gal
VINE/ESPALIER	**CODE**	**QTY**	**BOTANICAL NAME / COMMON NAME**	**SIZE**
	TRA ESP	4	Trachelospermum jasminoides / Star Jasmine - Staked	5 gal
GROUND COVERS	**CODE**	**QTY**	**BOTANICAL NAME / COMMON NAME**	**SIZE**
	ARC RAD	130	Arctostaphylos uva-ursi 'Radiant' / Radiant Manzanita	1 gals 36" oc

8'x8' Greenscreen, Gloss Black, 5105 Trim, 5152 & Mounting Clip
Install Greenscreen 12" above finish grade in two locations on east wall.

PARKING LOT SHADE CALCULATIONS

TREE SYMBOL	100%	50%	25%
FRA. RAY.		8 (354) = 2,832	
LAG. CHE.		5 (151) = 755	

PARKING AND BACK UP AREA 7,020 s.f.
SHADE REQUIRED 3,510 s.f.
SHADE PROVIDED 3,587 s.f.
PERCENT SHADE 52%

0' 20' 40' 80'
SCALE 1" = 20'-0"

NORTH

YAMASAKI
LANDSCAPE ARCHITECTURE

ARKTEGRAF
INCORPORATED

Project
ASHLEY & MAIN, LLC
ASHLEY & MAIN
WOODLAND, CA

Sheet
L-1

(E) SITE PHOTO - 1

(E) SITE PHOTO - 2

(E) SITE PHOTO - 3

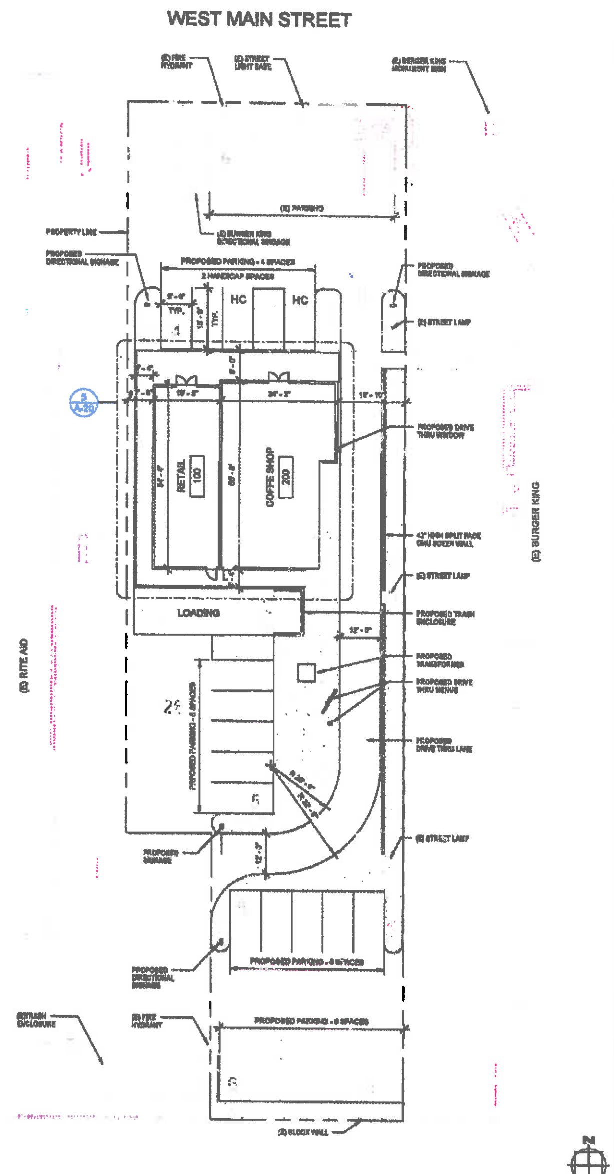
(E) MONUMENT SIGN

(E) MONUMENT SIGN

(E) TRASH ENCLOSURE

(E) BURGER KING

(E) RITE AID



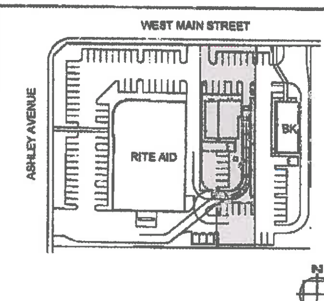
PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

GENERAL NOTES

KEY NOTES

KEY PLAN



ARKTEGRAF
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Architect

Revisions

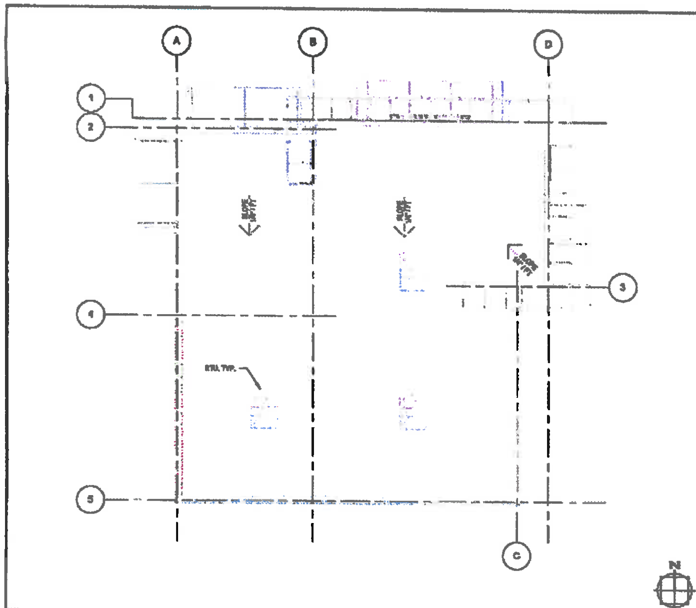
Date

Project

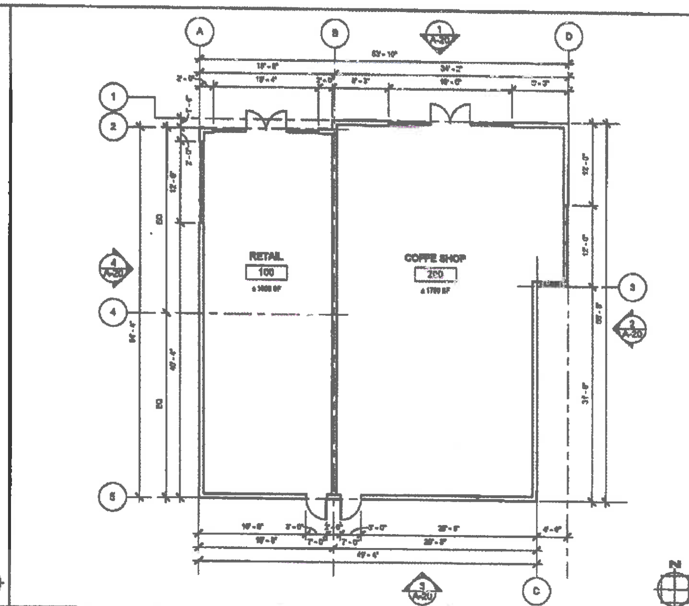
ASHLEY & MAIN, LLC
ASHLEY & MAIN
WOODLAND, CA

Sheet

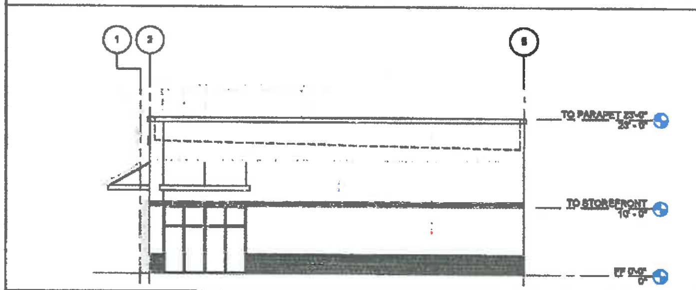
A-10



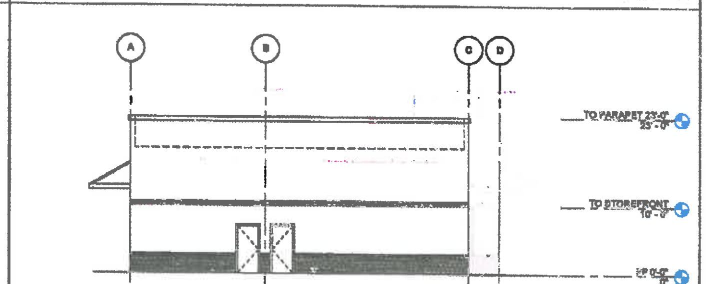
6 - ROOF PLAN
SCALE: 1/8" = 1'-0"



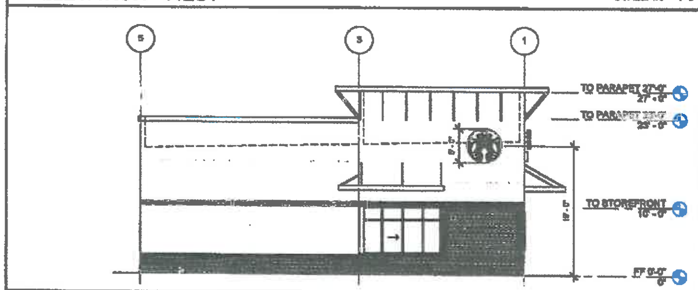
5 - FLOOR PLAN
SCALE: 1/8" = 1'-0"



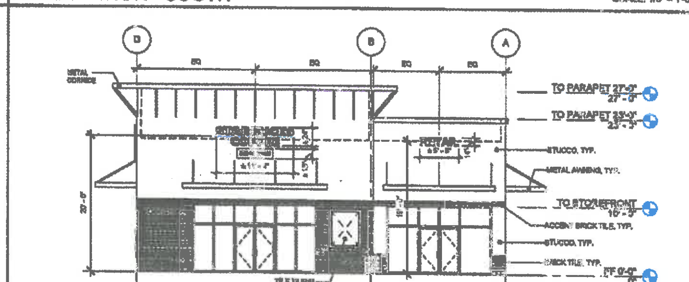
4 - ELEVATION - WEST
SCALE: 1/8" = 1'-0"



3 - ELEVATION - SOUTH
SCALE: 1/8" = 1'-0"



2 - ELEVATION - EAST
SCALE: 1/8" = 1'-0"



1 - ELEVATION - NORTH
SCALE: 1/8" = 1'-0"

GENERAL NOTES

KEY NOTES

LEGEND

ARKTEGRAF
INCORPORATED

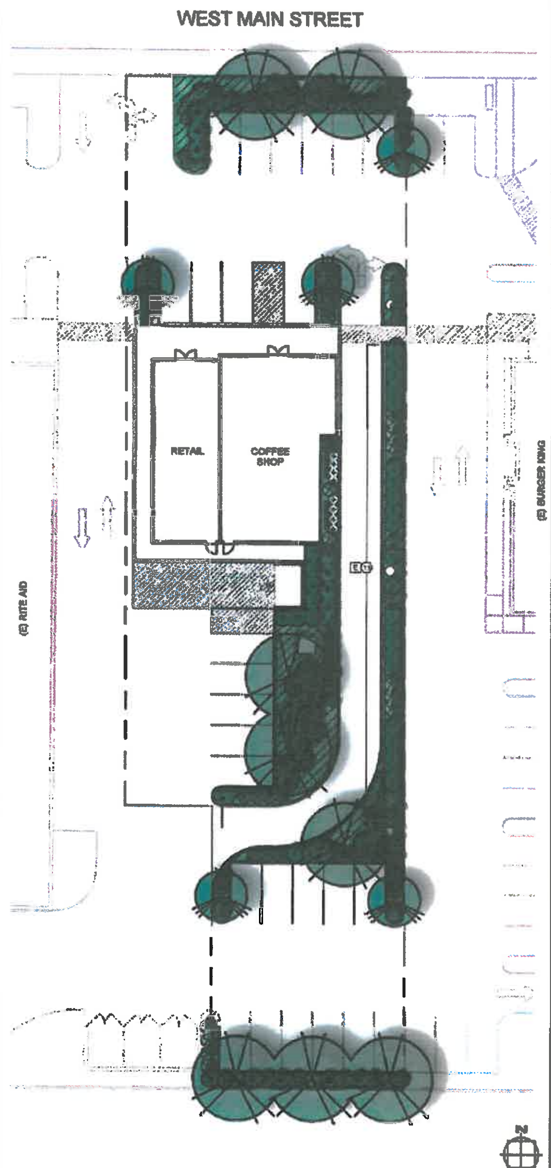
Architect

Revisions

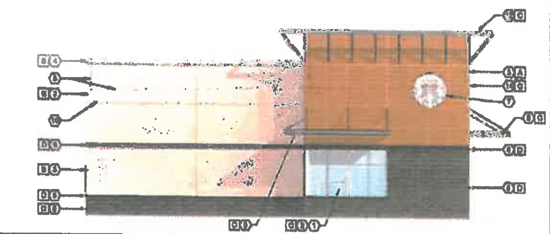
Date

Project
ASHLEY & MAIN LLC
ASHLEY & MAIN
WOODLAND, CA

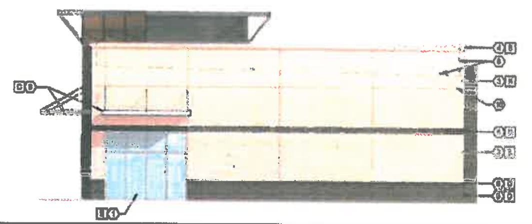
Sheet
A-20



LANDSCAPE PLAN SCALE: NTS



ELEVATION - EAST SCALE: 1/8" = 1'-0"



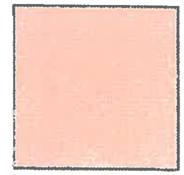
ELEVATION - WEST SCALE: 1/8" = 1'-0"

ELEVATION - SOUTH SCALE: 1/8" = 1'-0"

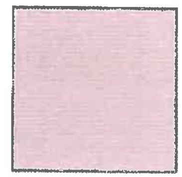
ELEVATION - NORTH SCALE: 1/8" = 1'-0"

MATERIALS:

A PAINT - DUNN EDWARDS - DEA165



B PAINT - DUNN EDWARDS - DE6122



C METAL AWNING/TRELLIS - AEP SPAN - OLD TOWN GRAY

D BRICK VENEER - ENDICOTT - AUTUMN SANDS

E CMU SPLIT FACE - BASALITE - C226

GENERAL NOTES

KEY NOTES

1. ALUMINUM STOREFRONT SYSTEM
2. PASS THRU WINDOW
3. CEMENT PLASTER OVER WOOD FRAMING
4. FOAM CORNICE WITH ACRYLIC PLASTER
5. THIN BRICK VENEER
6. ACCENT BAND
7. LOCATION OF EXTERIOR SIGNAGE, BY OTHERS, SEPERATE PERMIT REQUIRED.
8. LINE OF ROOF BEYOND
9. METAL AWNING
10. CEMENT PLASTER CONTROL JOINT
11. CERAMIC TILE MURAL BY LOCAL ARTIST
12. METAL CORNICE
13. CMU SCREEN WALL
14. CEMENT PLASTER METAL REVEAL

FINISH NOTES:

SYMBOL	MATERIAL	COLOR	MFR. NO.
A	PAINT	HEARTH GOLD	DUNN EDWARDS DEA165
B	PAINT	DRY CREEK	DUNN EDWARDS DE6122
C	METAL AWNING / TRELLIS / STOREFRONT / REVEAL	GRAY	AEP SPAN / KAWNEER / FRY REGLET
D	BRICK VENEER	AUTUMN SANDS HERITAGE MOD	ENDICOTT CLAY PRODUCTS
E	CONCRETE MASONRY SPLIT FACE UNIT	C226	BASALITE CONCRETE PRODUCTS

ARKTEGRÄF INCORPORATED

Architect

Revisions

Date

Project

ASHLEY & MAIN LLC
ASHLEY & MAIN
WOODLAND, CA

Sheet

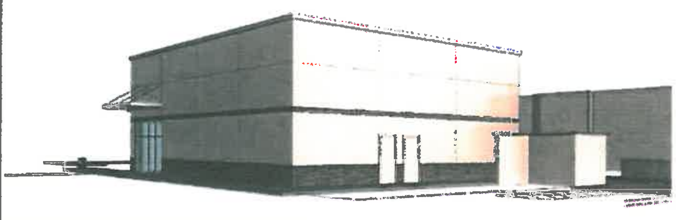
A-90

PERSPECTIVE - NORTHEAST

SCALE: NTS

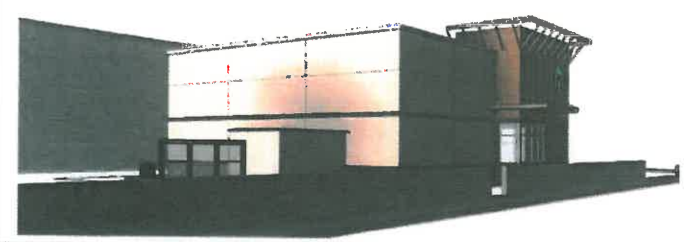
PERSPECTIVE - NORTHWEST

SCALE: NTS



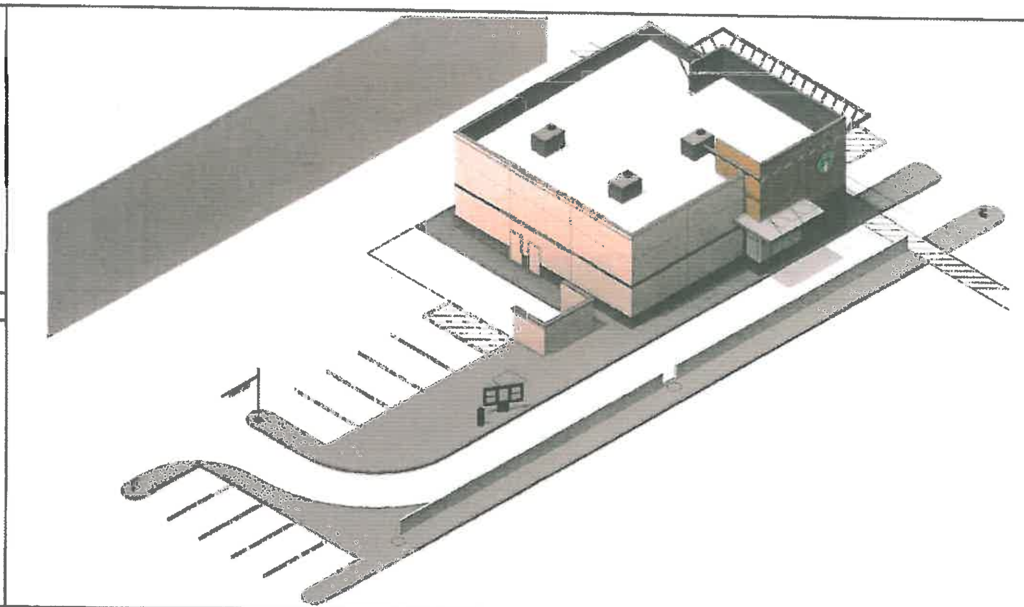
PERSPECTIVE - SOUTHWEST

SCALE: NTS



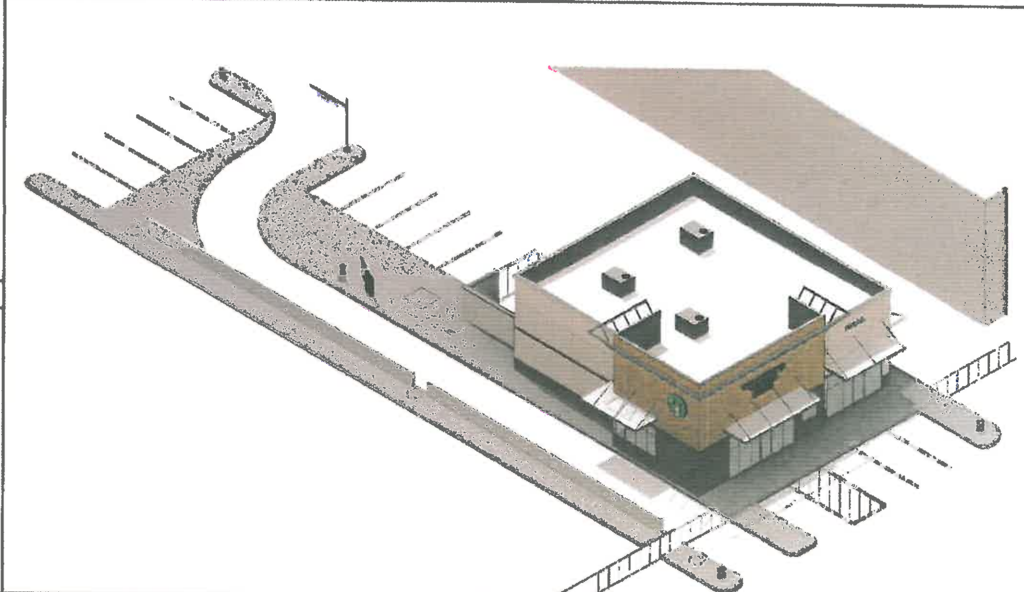
PERSPECTIVE - SOUTHEAST

SCALE: NTS



PERSPECTIVE - SOUTH BIRDS EYE

SCALE: NTS



PERSPECTIVE - NORTH BIRDS EYE

SCALE: NTS

ARKTEGRÄF
INCORPORATED

Architect

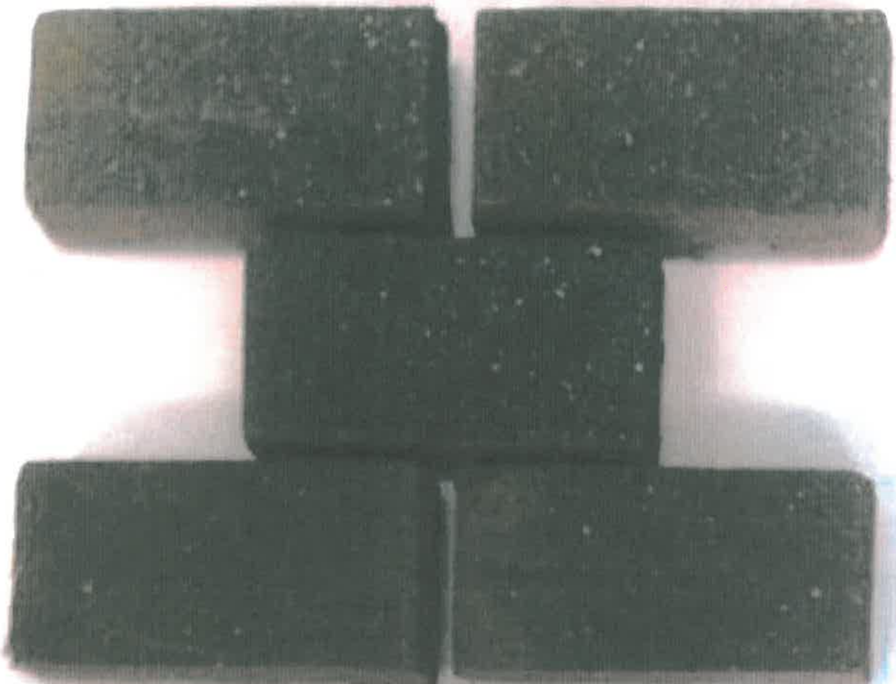
Revisions

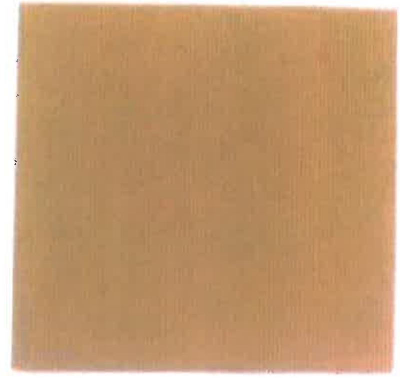
Delta	Date	Description

Date
05/18/2012 - DR SUBMITTAL

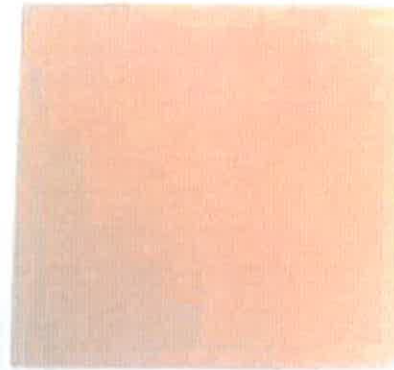
Project
ASHLEY & MAIN, LLC
ASHLEY & MAIN
WOODLAND, CA

Sheet
A-91



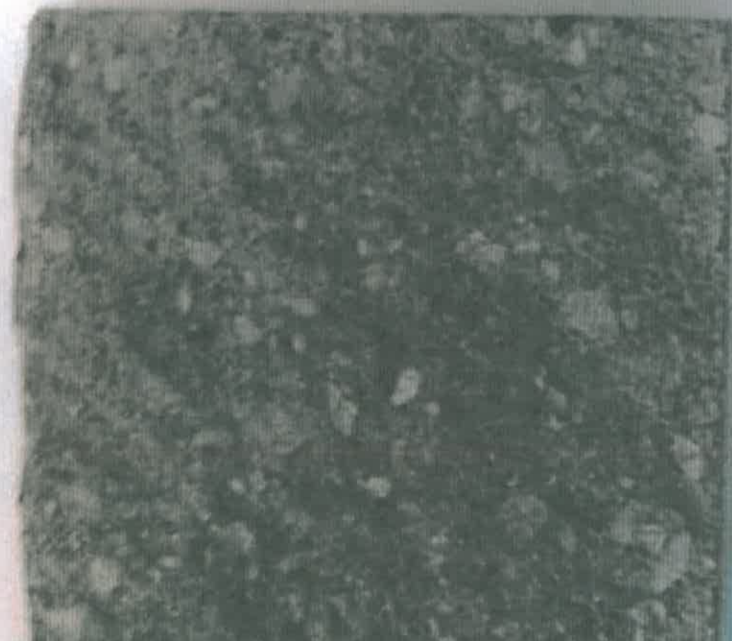


A PAINT DUNN EDWARDS
DE A165

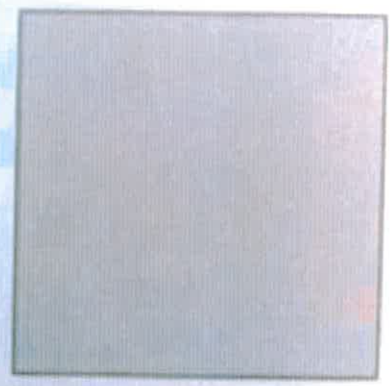


B PAINT - DUNN EDWARDS
DE6122

D BRICK VENEER - ENDICOTT - AUTUMN SANDS



E CMU SPLIT FACE - BASALITE - D225



C METAL AWNING / TRELLIS
AEP SPAN - OLD TOWN GRAY

ARKTEGRAF
INCORPORATED

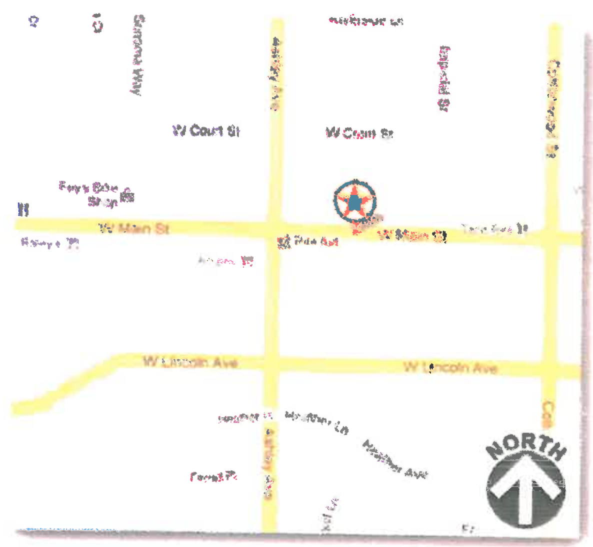
PROJECT:	ASHLEY & MAIN, LLC			
ADDRESS:	ASHLEY & MAIN WOODLAND, CA			
DATE:	[illegible]	TITLE:	MATERIAL BOARD	SHT. NO.
JOB NO:	11095			
REVISION:		SCALE:	[illegible]	[illegible]

North (West Main Street) Elevation

Showing five year landscape growth
Not to Scale

STARBUCKS COFFEE

Ashley & Main - Woodland, CA 96595



1 VICINITY MAP
SCALE: NTS

superior
electrical advertising
1700 West Anaheim Street
Long Beach, California
90813-1195
www.superiorsigns.com

Project:
STARBUCKS COFFEE

Address:
351 W. MAIN STREET
WOODLAND, CA

Account Manager:
JIM STERK

Designer:
PL

Scale: AS NOTED

Design No: 12-03-4720-00

Date: 03.27.12

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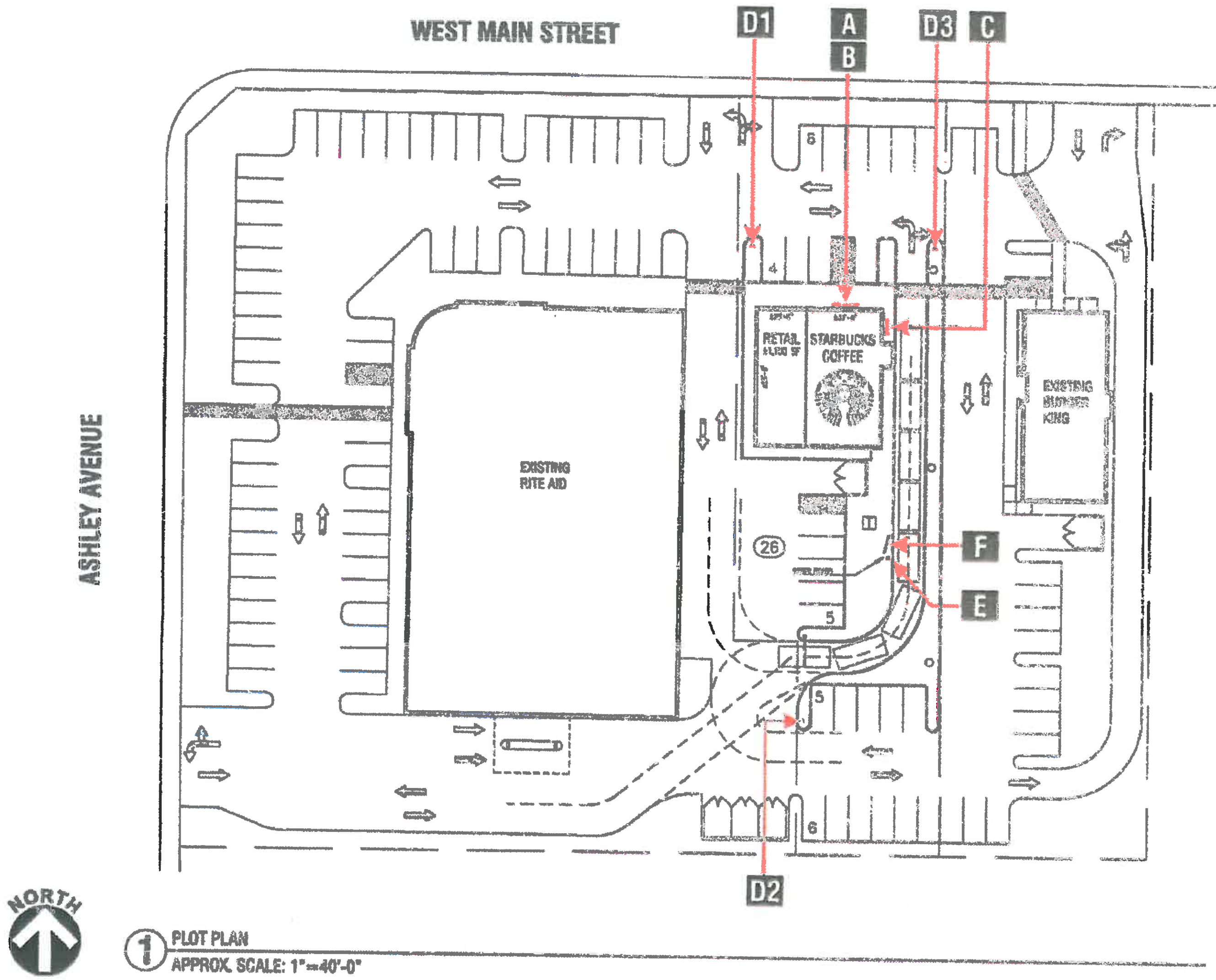

1 PLOT PLAN
APPROX. SCALE: 1"=40'-0"

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Project
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Address
251 W. MAIN STREET
WOODLAND, CA
95695

Account Manager
JIM STERK

Designer
PL 2.30

Scale: AS NOTED

Design No.: 12-03-4720-03

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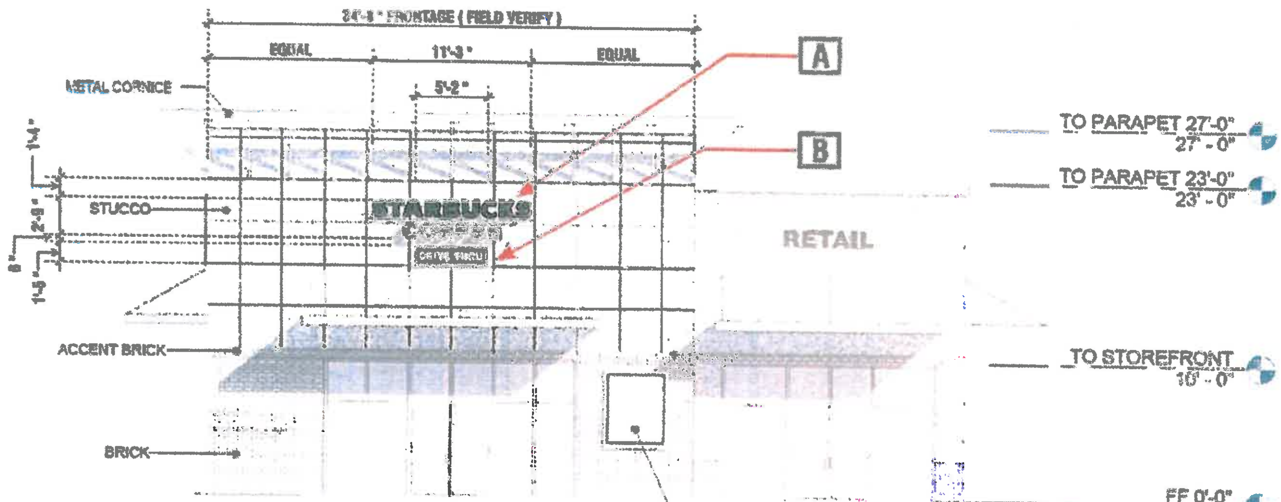
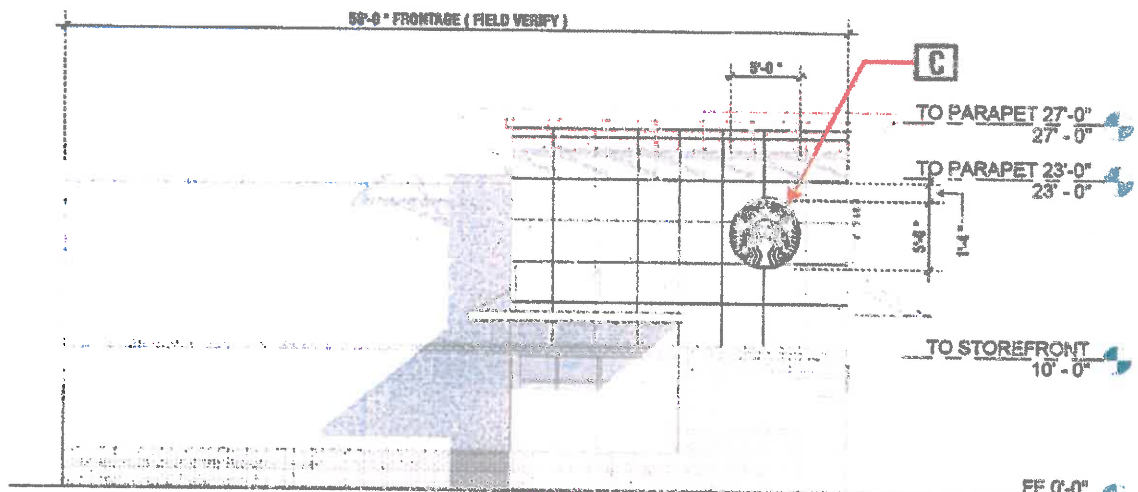


1 NORTH (FRONT) BUILDING ELEVATION
SCALE: 1/8"=1'-0"



2 EAST (LEFT SIDE) BUILDING ELEVATION
SCALE: 1/8"=1'-0"

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Address:
251 W. MAIN STREET
WOODLAND, CA
95695

Account Manager
JIM STERK

Designer
PL 3.59

Scale: AS NOTED

Design No.: 12-03-4720-00

Date: 03.27.12

Reg. No.:

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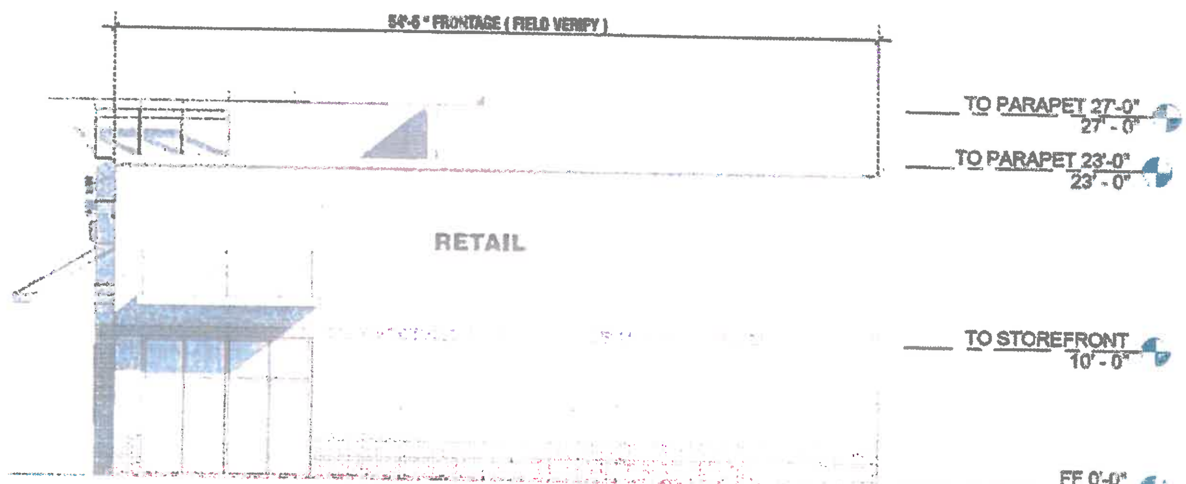
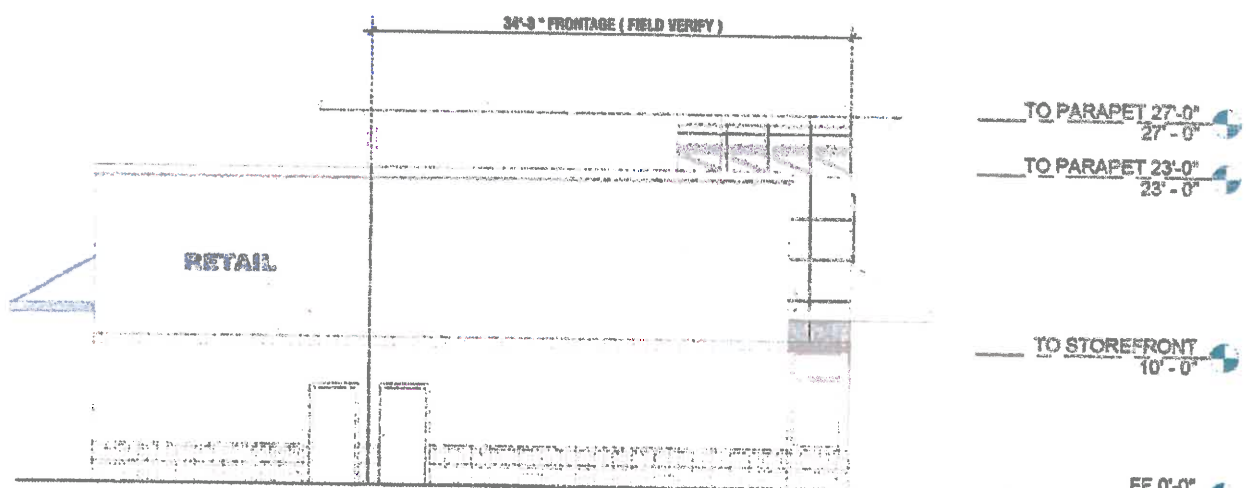


1 WEST (RIGHT SIDE) BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH (REAR) BUILDING ELEVATION
SCALE: 1/8" = 1'-0"

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Phone: 562.495.3808
Facsimile: 562.435.1867
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Project
STARBUCKS COFFEE

Address
231 W. MAIN STREET
WOODLAND, CA
95695

Account Manager
JIM STERK

Designer
PL 2.50

Scale: AS NOTED

Design No.: 12-03-4725-00

Date: 03.27.12

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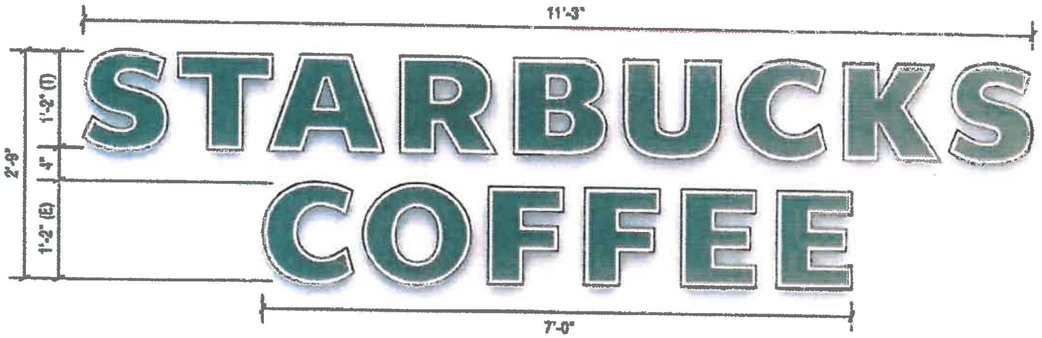
Production
FOR INSTALL ONLY ___ DATE
Acct. Mgr.

Page 34 OF 40



A SIGN ELEVATION / INTERNALLY ILLUMINATED GREEN FACE LIT STACKED CHANNEL LETTERS
QUANTITY: ONE (1) SET REQUIRED

SCALE: ¼" = 1'-0"

SPECIFICATIONS:

LETTERS:	INTERNALLY ILLUMINATED CHANNEL LETTERS
FACE:	#7328 WHITE ACRYLIC PLASTIC WITH 3M #3630-76 HOLLY GREEN VINYL OVERLAY OUTLINE REVERSED OUT TO SHOW THRU WHITE PLEX
TRIMCAP:	1" BLACK TRIMCAPS
RETURNS:	3" DEEP BLACK RETURNS
ILLUMINATION:	WHITE LUMIFICIENT LEDs WITH LUMIFICIENT POWER SUPPLIES
NOTES:	FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS PRIOR TO ANY FABRICATION

1 OUTLINE DETAIL
SCALE: NTS

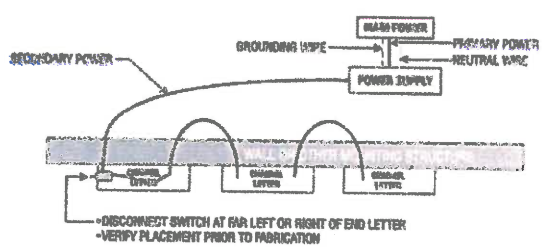
PLEASE REFER TO THE NUMBERED ITEMS BELOW FOR INCORPORATED INSTALL INSTRUCTIONS. LISTED INSTRUCTIONS TO BE FOUND WITH ACTUAL SIGNAGE (NUMBERED ITEMS CORRESPOND TO SECTION DETAIL)

ITEM #	DESCRIPTION
1	LIGHT EMITTING DIODES (LEDs)
2	DISCONNECT SWITCH
3	THREADED NIPPLE AND COUPLING (FLEX CONNECTOR)
4	CLASS 2 LOW VOLTAGE WIRING (NO CONDUIT REQUIRED)
5	POWER SUPPLY
5	FLEX (FLEXIBLE CONDUIT) / LIQUID TIGHT CONNECTIONS

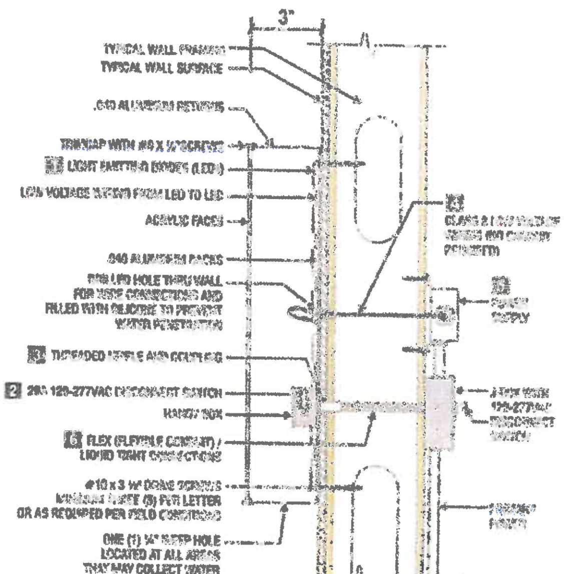
Note to All Contractors

120 **Sign Voltage**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL Listed silicone sealant.



3 LETTER LAYOUT - PLAN VIEW
NOT TO SCALE



2 TYPICAL SECTION DETAIL
SCALE: NTS

superior electrical advertising
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Long Beach, California 90813-1195
www.superiorsigns.com

Project:
STARBUCKS COFFEE

Address:
251 W. MAIN STREET
WOODLAND, CA
95695

Account Manager:
JIM STERK

Designer:
Ft. 3.50
Scale: AS NOTED
Design No: 12-02-4726-06
Date: 03.27.12
Rev. No.:
Revisions:

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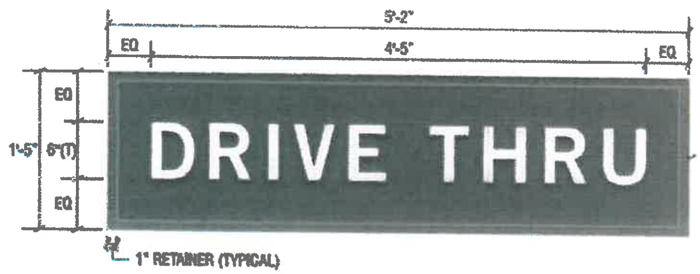


B SIGN ELEVATION / INTERNALLY ILLUMINATED FACE LIT DRIVE THRU CABINET

QUANTITY: ONE (1) UNIT REQUIRED SCALE: 1" = 1'-0"

1 SIDE ELEVATION

SCALE: 1" = 1'-0"

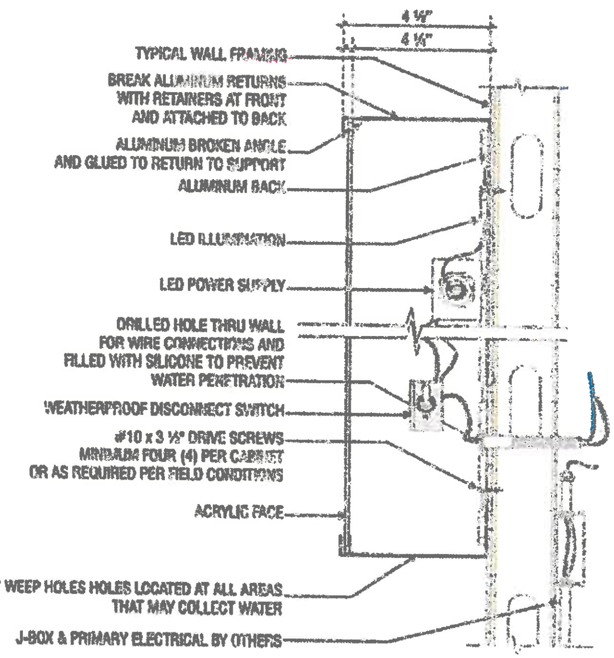
SPECIFICATIONS:

CABINET:	CUSTOM FABRICATED SINGLE FACE ILLUMINATED CABINET
FACE:	#7328 WHITE ACRYLIC PLASTIC WITH 3M TRANSLUCENT #3630-69 DURANODIC VINYL OVERLAY
COPY:	REVERSED OUT TO SHOW THRU WHITE PLEX
RETAINERS:	1" X 1" ALUMINUM RETAINERS PAINTED TO MATCH DURANODIC BRONZE
RETURNS:	4 ½" DEEP ALUMINUM PAINTED TO MATCH DURANODIC BRONZE
ILLUMINATION:	WHITE LUMIFICIENT LED ILLUMINATION WITH SELF-CONTAINED LUMIFICIENT POWER SUPPLY
NOTES:	FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS PRIOR TO FABRICATION

Note to All Contractors

120 Sign Voltage

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL Listed silicone sealant.



2 SECTION DETAIL

SCALE: NTS

superior electrical advertising

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Phone: 562.495.3808
Facsimile: 562.435.1867
www.superiorsigns.com

Project: STARBUCKS COFFEE

Address: 231 W. MAIN STREET WOODLAND, CA 95695

Account Manager: JIM STERK

Designer: PL 3.56

Scale: AS NOTED

Design No.: 12-03-4720-00

Date: 03.27.12

Reg. No.:

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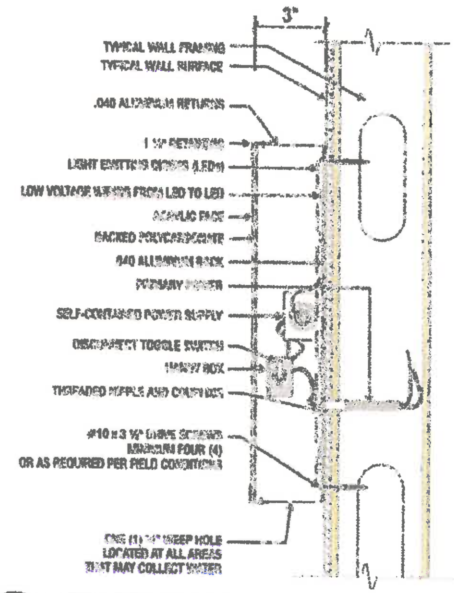
C SIGN ELEVATION / SELF-CONTAINED SINGLE FACE ILLUMINATED WALL MOUNT LOGO DISK

QUANTITY: ONE (1) SIGN REQUIRED — SCALE: 1" = 1'-0"

SPECIFICATIONS:

LOGO:	INTERNALLY ILLUMINATED WALL MOUNT LOGO DISK
FACE:	#7328 WHITE ACRYLIC PLASTIC WITH 3M #3630-76 HOLLY GREEN VINYL OVERLAY ALL WHITE TO BE REVERSED OUT TO SHOW THRU WHITE ACRYLIC PLASTIC, BACKED WITH CLEAR POLYCARBONATE
RETAINERS:	1 ½" ALUMINUM PAINTED BLACK
RETURNS:	3" DEEP BLACK RETURNS
ILLUMINATION:	WHITE LUMIFICIENT L.E.D.'S WITH SELF-CONTAINED LUMIFICIENT POWER SUPPLY
NOTES:	FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS PRIOR TO ANY FABRICATION



1 TYPICAL SECTION DETAIL
SCALE: NTS

Note to All Contractors

120 **Sign Voltage**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL listed silicone sealant.

superior electrical advertising
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Facsimile: 562.435.1867
www.superiorsigns.com

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Address:
251 W. MAIN STREET
WOODLAND, CA
95695

Account Manager:
JIM STERK

Designer:
Ft. 3.50

Scale: AS NOTED

Design No.: 12-03-4729-00

Date: 03.27.12

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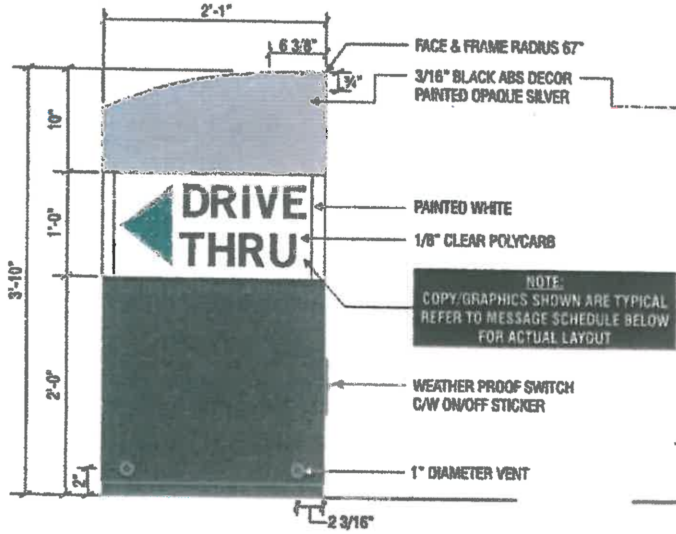
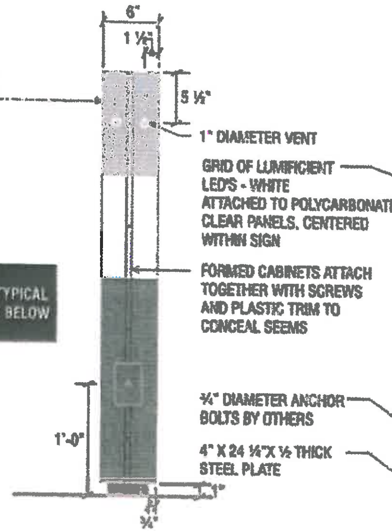
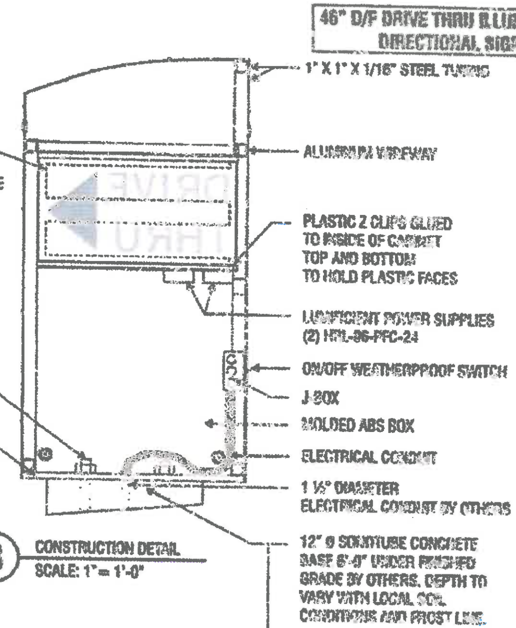


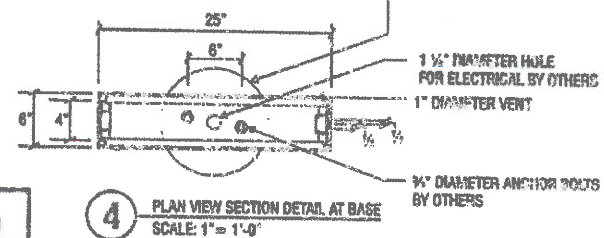
1 TYPICAL DRIVE THRU ILLUMINATED DIRECTIONAL SIGN
SCALE: 1" = 1'-0"



2 TYPICAL SIDE VIEW
SCALE: 1" = 1'-0"



3 CONSTRUCTION DETAIL
SCALE: 1" = 1'-0"



4 PLAN VIEW SECTION DETAIL AT BASE
SCALE: 1" = 1'-0"

CABINET: DOUBLE-FACE ILLUMINATED DIRECTIONAL SIGN MOLDED WITH 3/16" BLACK ABS
TOP: PAINTED GRAY TO MATCH PMS #430C
MIDDLE: PAINTED WHITE
BOTTOM: PAINTED PMS BLACK 7C
FACES: 1/8" CLEAR POLYCARBONATE WITH 2ND SURFACE 3M TRANSLUCENT SCOTCHCAL VINYL. #3630-76 HOLLY GREEN ARROW & BLACK OPAQUE LETTERS WITH #3630-22. #3630-20 WHITE DIFFUSER APPLIED BEHIND ALL
GRAPHICS: RED #3630-33 VINYL CIRCLE WITH BLACK OPAQUE #7725-12 VINYL CAR
ILLUMINATION: WHITE LUMIFICIENT LEDS WITH LUMIFICIENT POWER SUPPLIES
SCREWS: ROBERTSON SQUARE HEADS
RETURNS: 6" DEEP CABINET

NOTES:
- FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS PRIOR TO ANY FABRICATION
- SEE JOB SURVEY FOR ELECTRICAL PLACEMENTS

MESSAGE SCHEDULE LAYOUT

SIGN	QTY.	FRONT	BACK
D1	1	DRIVE THRU	DRIVE THRU
D2	1	DRIVE THRU	DRIVE THRU
D3	1	DO NOT ENTER	THANK YOU

TAG	SQ. FT.	SQ. FT.	VOLTS	AMPS
3637	2.1	8.0	120	0.8

1: FIGURED AS ILLUMINATED CENTER PART
2: FIGURED AS COMPLETE SIGNAGE

Note to All Contractors

120 Sign Voltage

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL listed silicone sealant.

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Long Beach, California
90813-1195
Phone: 562.495.3808
Facsimile: 562.435.1867
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Project: STARBUCKS COFFEE
Address: 231 W. MAIN STREET WOODLAND, CA
Account Manager: JIM STERK
Designer: PL 3.50
Scale: AS NOTED
Design No.: 12-03-4729-00
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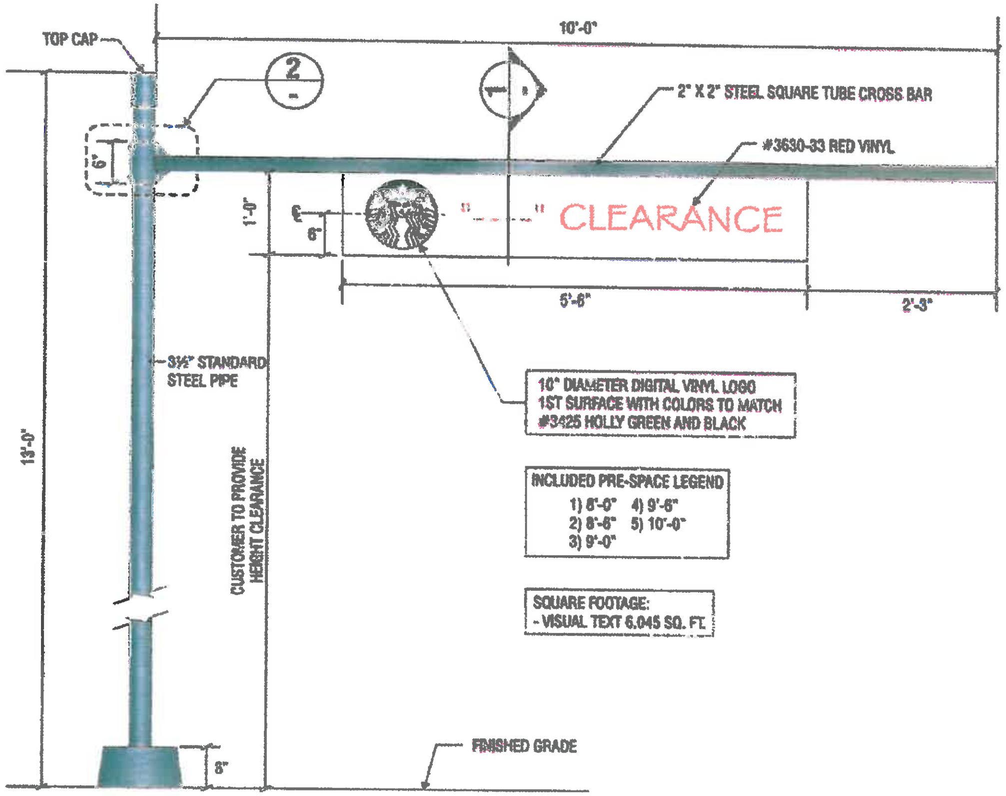
13'-0" NON-ILLUMINATED CLEARANCE SIGN



10" DIAMETER DIGITAL VINYL LOGO
1ST SURFACE WITH COLORS TO MATCH
#3425 HOLLY GREEN AND BLACK

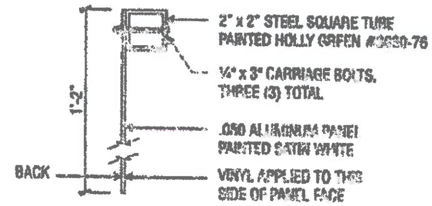
INCLUDED PRE-SPACE LEGEND
1) 8'-0" 4) 9'-6"
2) 8'-6" 5) 10'-0"
3) 9'-0"

SQUARE FOOTAGE:
- VISUAL TEXT 6.045 SQ. FT.

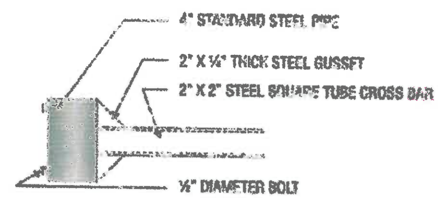
E HEIGHT RESTRICTION BAR
QUANTITY: ONE (1) UNIT REQUIRED

SCALE: ¾" = 1'-0"

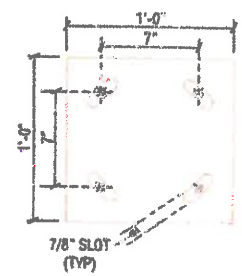
TAG NUMBER
S913 - HEIGHT RESTRICTION BAR



1 SIDE SECTION
SCALE: NTS



2 CROSS BEAM CONNECTION
SCALE: 1 ½" = 1'-0"



3 BASE PLATE TEMPLATE - CLEARANCE POLE
SCALE: 1 ½" = 1'-3"

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Project
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Address
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WOODLAND, CA
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Account Manager
JIM STERK

Designer
PL 3.56

Scale: AS NOTED

Design No.: 12-03-4720-09

Date: 03.27.12

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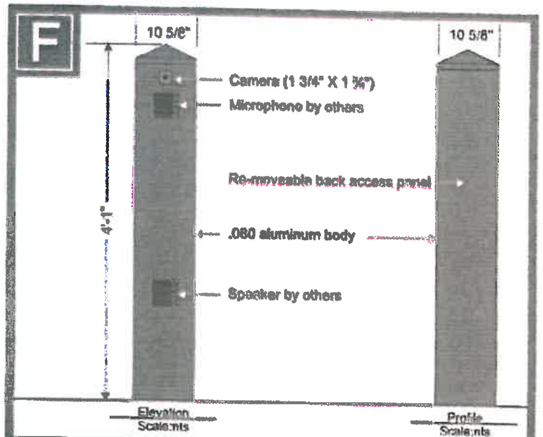
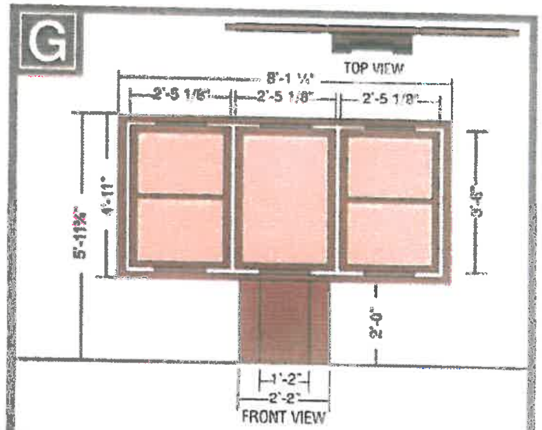


Tag Number	Sq.Ft.	Volts	Amps	Quantity
	3.75	120		1

G



Tag Number	Sq.Ft.	Volts	Amps	Quantity
S802	18.92	120	3.3	1

superior
electrical advertising
1700 West Anaheim Street
Long Beach, California

Project:
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231 W. MAIN STREET
WOODLAND, CA

Account Manager:
JIM STERK

Designer:
PL 3.59

Scale: AS NOTED

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Date: 03.27.12

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Acct. Mgr.

Sign Exhibits – Main & Ashley
Monument Sign

ATTACHMENT B

Paul Hanson

From:	SUNNY GHAI [sunny@ghaimanagement.com]
Sent:	Friday, September 28, 2012 11:41 AM
To:	Paul Hanson
Cc:	'Nick Ponticello'; Nick Ponticello
Subject:	RE: Application for Starbucks At Ashley & Main - Woodland
Attachments:	Woodland Conditional Use Permit.pdf; Woodland CC&R's.pdf; Ashley & Main CC&R's.pdf

Thanks Paul,
Please note that we strongly oppose this project and that Planning should not recommend as it is in breach of recorded CC&R's for that development which restrict another restaurant, is not parking compliant as a restaurant which Petrovich chooses not to call it and the traffic flow that the they show with the Starbucks customers entering from Ashley and coming out on Main is not going to happen. The six parking stalls in the front are dedicated to cover my parking shortfall.
CONDITION 11 OF THE BK CUP REQUIRES 10 PARKINGS TO BE DEDICATED FOR MY PARCEL.

The recorded covenants are attached herewith.

The Yolo County heath department as provided us confirmation that Starbucks falls under the category of a restaurant.

The Riteaid drive aisle is a one way exiting on Main and half of it is blocked with the rite aid truck ramp trailers.

In the end the Starbucks customers will jam up my driveways and kill my business.

Mr. Petrovich himself stated at our BK hearing that there was no likelihood of a second drive thru.

I am hopeful that this application will die before it reaches the planning commission and save me the legal expense of engaging an attorney to have it stopped.

I do not see any reason for staff to support it in contravention of what was agreed at my hearing and what is on record.

WHERE CAN I SEE THE APPLICATION AND THE CONCEPTUAL SITE PLAN ON LINE?

Sunny Ghai
Ghai Management Services,Inc
(A Franchisee of Burger King Corp.)
(Licensee of Intercontinental Hotel Group)
(Dealers for Chevron, Shell & Conoco)
1904 Via Di Salerno,
Pleasanton CA 94566.
Tel: (510) 573 5905
Cell: (510) 333 7802
Fax: (510) 490 5001

From: Paul Hanson [mailto:Paul.Hanson@cityofwoodland.org]
Sent: Friday, September 28, 2012 11:08 AM
To: 'sunny@ghaimanagement.com'
Subject: Application for Starbucks At Ashley & Main - Woodland

Paul Hanson

From: SUNNY GHAI [sunny@ghaimanagement.com]
Sent: Thursday, February 16, 2012 8:41 PM
To: Paul Hanson
Cc: 'Nick Ponticello'; Nick Ponticello
Subject: 251 w. main St
Attachments: New Site Plan.pdf; First Amendment to CCRs 2-6-12.doc; First Amendment to CC&Rs Redline (PDC 2-6-12).doc; CA-Yolo-Document-Year DocID-2009 23138.pdf; technomic-top-500-chains-report.pdf; 2011-04-26-starbu.pdf; 2011_top_500_supplier_brochure_lo-res.pdf; dynTop_100.pdf

Nick/ Paul, <<...>> <<...>> <<...>> <<...>> <<...>> <<...>> <<...>> <<...>>

Please be advised that Petrovich has approached us to amend the CC & R's at the West Main BK/ Riteaid development to change the use clauses to allow for a two tenant building one of which will be a Starbucks with Drive Thru.

Petrovich is asking to amend the use clauses and at the same time saying that Starbucks is NOT a restaurant which is the restricted use on the center parcel.

I have provided them ample evidence that Starbucks is a restaurant and Yolo County health also treats it as such.

Please pull the tapes or minutes of the hearing for the BK CUP and the planning commission members were very clear that no more Drive Thru's in that development. It was at their insistence that the use restriction was added in the CC&R;s.

The site plan which is attached itself is atrocious.

It literally allows for a part of the Starbucks traffic to enter through the BK driveway which would kill our business.

The CC&R's clearly call the center parcel a shops parcel and my parcel the restaurant parcel. Petrovich wants to call Starbucks a shop.

Before the city wastes time on working with Petrovich I just wanted to give a heads up that we will strongly oppose this and BK corporate has already told us that they would support us with legal help if Petrovich still tried to go ahead.

AS AN FYI THE NEW STARBUCKS WILL NOT BRING ANY ADDITIONAL BUSINESS TO THE CITY AS THEY ARE PLANNING TO CLOSE AN INLINE IN THE CITY AND REPLACE IT WITH THIS ONE.

There is so much redundant space in the city and they could look at buildings like the long John Silver which could use something nicer.

Please let me have your thoughts.

SUNNY GHAI

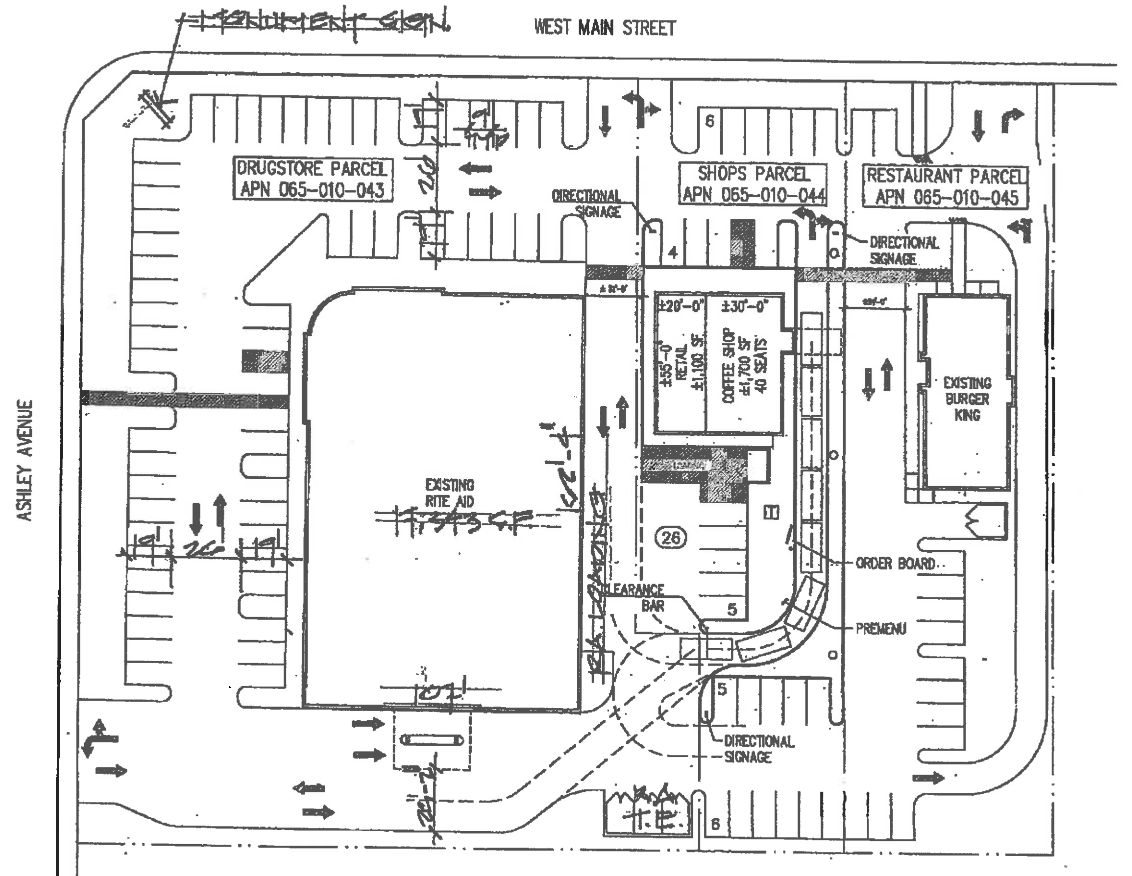

EXHIBIT A-2 TO LEASE
EXHIBIT B-3 TO CC&Rs

① PARCEL 1 SITE PLAN

SITE STATS

PARKING REQUIRED
PARCEL 1:

COFFEE SHOP (40 SEATS): 1 SPACE PER 4 SEATS =	10 SPACES
RETAIL (1,100 SF): 1 SPACE PER 300 SF =	4 SPACES
C.U.P ITEM #11: 10 SPACES TO OFFSET PARCEL 2 REDUCED PARKING =	10 SPACES
TOTAL	24 SPACES
PARKING PROVIDED PARCEL 1:	28 SPACES

DRIVE THRU:
±150'-0" LF (8 CAR) STACK

SITE INFO:

A.P.N.	065-010-044
ZONED:	C-2
EXISTING USE:	COMMERCIAL
SITE AREA:	.51 ACRES
PROPOSED USE:	RETAIL (±1,100 SF) RESTAURANT (±1,700 SF)

City of Woodland

October 16, 2009

Petrovich Development Company
5046 Sunrise Blvd. Suite 1
Fair Oaks, CA 95628

RE: Planning Commission Approval for Tentative Parcel Map #4969 & Burger King Conditional Use Permit near the corner of Main Street and Ashley Ave (APN: 065-010-42):

Petrovich Development Company:

The City of Woodland's Planning Division would like to congratulate you for receiving Planning Commission approval for Tentative Parcel Map #4969 to subdivide one (1) existing 46,675 sq. ft 1.07± acre parcel into two (2) parcels. This approval also includes a Conditional Use Permit to allow of for the construction of a 2,535 sq. ft. Burger King restaurant with drive-thru. Please be aware that this approval comes with conditions that must be adhered to at all times. Please review the following conditions which have been placed on the project as of October 15, 2009.

CONDITIONS OF APPROVAL

1. This Conditional Use Permit is for a 2,535 square foot fast food restaurant with drive-thru facility. The use shall be located near the southeast corner of Ashley Avenue and Main Street adjacent to the existing Rite Aid shopping center (APN: 065-010-42) in the (C-2) General Commercial Zone. The use shall provide a minimum of 14 on-site parking stalls, and shall include an additional six (6) parking spaces to be located on the adjacent Resultant Parcel 1 along the northernmost property line.

2. This Tentative Parcel Map #4969 includes approval to subdivide one (1) existing parcel 1.07± acres into two (2) separate parcels. Resultant Parcel 1 will be approximately 22,266 square feet or .51± acres. Resultant Parcel 2 will be approximately 24,409 square feet or .56 acres.

3. The applicant shall hold harmless the City, its council members, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the city and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of permit. Applicant further agrees to provide a defense for the City in any such action.

4. Any violation of the Conditional Use Permit or any of its conditions or citation or notification of violation by the Woodland Fire Department, Yolo County Environmental Health Department, Public Works Department, Building Division or agency having responsibility to assure public health and safety for the use will be grounds for considering revocation of the Conditional Use Permit.

5. Prior to Certificate of Occupancy, the applicant shall construct a 6-foot masonry wall to provide privacy, separation and reduce impacts between the project area and the adjacent residential properties to the south. Masonry wall shall extend across the rear property line of both Resultant Parcel 1 and Parcel 2 of Tentative Parcel Map No. 4969. Masonry wall shall be consistent in terms of design and height with the approved masonry sound wall on the Rite Aid site to the west.

6. Prior to Certificate of Occupancy, the applicant shall construct a 42" masonry wall to provide privacy, separation and reduce impacts between the project area and the property to the west. Masonry wall shall extend along the west property line and shall run the length of the drive-thru. Masonry wall shall be architecturally compatible with the building that it serves and as depicted in the revised color elevations dated 8/24/09.

7. Prior to issuance Certificate of Occupancy all on-site entryways (driveways) and pedestrian crossings shall be provided with accent paving (integral colored stamped concrete) in order to define and beatify the project site.

8. Prior to approval of the final map the applicant shall enter into an Agreement for Conveyance of Easements and record it against the property. The map shall reference the agreement. The cross assess easement will need to be established to allow for parking and cross access between Resultant Parcel 1 and Resultant Parcel 2.

9. Applicant shall provide paved access to Resultant Parcel 2 across Resultant Parcell from the Rite Aid site. Paved access is required for access and proper site circulation.

10. Applicant shall provide six (6) city standards parking stalls along the north property line of Resultant Parcel 1. The additional parking stalls are required in order to offset the reduced number of onsite parking stalls being provided on Resultant Parcel 2 (Burger King). Parking stalls shall be included in the building plan submittal.

11. Any future development proposal on Resultant Parcel 1 shall be designed to include an additional ten (10) parking spaces to offset the reduced number of parking spaces on Resultant Parcel 2 (Burger King).

12. FEMA Flood Certificate required. The Flood Certificate will be used to determine Base Flood Elevation (BFE). Enclosed slab floor height shall be at or above BFE and compliance with any other applicable FEMA requirements relating to the project shall be documented. Prior to foundation a Flood Certificate Inspection will be required. All mechanical and electrical equipment shall be above the BFE or approved for below the

BFE. A final Flood Certificate will be required prior to issuance of a Certificate of Occupancy.

13. Prior to issuance of any building permits, the applicant shall submit an Arborist Report prepared by a licensed, certified arborist. Report shall include an overall evaluation of the site and shall include a tree protection plan and recommendations for pruning and care of adjacent oak trees located on the lot to the east (Yolo Vet).

14. To the extent possible, all revised or new landscaped areas shall be designed to be water conserving. The applicant shall work to design a landscape plan that uses drought tolerant practices including plant species, irrigation methods and ground cover.

15. Applicant shall provide the Community Development Department with a check for the sum of $25.00 addressed to Yolo County to be used to record the Categorical Exemption with the Yolo County Recorder office.

16. The project shall be completed in substantial conformance to the plans submitted to the Community Development Department (CDD) and date stamped September 24, 2009. Any proposed design changes that require modifications to the elevations or site plan reviewed by the Planning Commission shall be resubmitted to CDD for review and approval.

17. Prior to any use of the site, or business activity being commenced thereon, or issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Community Development Department. The site shall be inspected for compliance prior to the issuance of Certificate of Occupancy.

18. All revised plans and building elevations incorporating all conditions of approval for the project shall be coordinated and submitted to the Community Development Department as one package in accordance with plan check requirements. All plans, including site, grading, landscape and irrigation, mechanical and utility shall be coordinated for consistency prior to the issuance of any permits (such as grading, encroachment, building, etc.). Any changes to size, colors, construction materials, design or location of any structure or landscape improvements shall not be made without prior City approval.

19. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements in the City of Woodland Municipal Code, including the requirement that a Business Registration be obtained by all entities doing business in the City as well as hours or operation requirements in the City.

20. The Conditional Use Permit must be exercised within one year of issuance, or it shall be deemed null and void by act of law (Section 25-27-70).

Once again please remember that that above Conditions of Approval must be adhered to at all times. If you have any additional questions or comments please feel free to contact me at (530) 661-5826 and I will be happy to assist you.

Respectfully,

Jimmy A. Stillman, Associate Planner

First American Title Insurance Company
NCS-387810-AT

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Ashley & Main, LLC
825 K Street
Sacramento, California 95814

YOLO Recorder's Office
Freddie Oakley, County Recorder
DOC- 2010-0011095-00
Acct 103-First American Title
Tuesday, APR 27, 2010 15:09:00
Ttl Pd $49.00 Nbr-0000872070
VRB/R6/2-8

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RECIPROCAL NONEXCLUSIVE EASEMENT AGREEMENT

This Declaration of Covenants, Conditions and Restrictions and Reciprocal Nonexclusive Easement Agreement (the "Declaration"), dated for reference purposes as of April 14, 2010, is made and entered into by and between ASHLEY & MAIN, LLC, a California limited liability company ("A&M"), and NORCAL II CO-BRANDS, INC., a California corporation ("NORCAL"). A&M and NORCAL are hereinafter sometimes referred to as the "Parties".

RECITALS

A. A&M is the owner of that certain real property located in the City of Woodland, Yolo County, California, identified as a portion of former Assessors Parcel Number 065-010-42, as is more particularly described in Exhibit A (the "A&M Parcel").

B. NORCAL is the owner of that certain real property located in the City of Woodland, Yolo County, California, identified as a portion of former Assessors Parcel Number 065-010-42, as is more particularly described in Exhibit B (the "NORCAL Parcel").

C. The A&M Parcel and the NORCAL Parcel are each sometimes referred to as a "Parcel" or, collectively, as "Parcels."

D. The NORCAL Parcel is contiguous to the A&M Parcel. NORCAL and A&M intend to improve their Parcels for commercial use purposes.

E. The City of Woodland ("CITY") requires that the Parties grant to each other certain nonexclusive reciprocal easements for ingress, egress, and parking of motor vehicles in, over and across and appurtenant to portions of their respective Parcels, and the Parties desire to grant such easements for the mutual benefit of both Parcels.

F. CITY also requires the Parties to grant each other certain nonexclusive reciprocal easements for shared on-site storm drain and sanitary sewer lines to allow both the A&M Parcel and the NORCAL Parcel to connect to CITY utilities for storm drain and sanitary sewer, and the Parties desire to grant such easements for the mutual benefit of both Parcels.

G. The parties acknowledge the recordation of that certain document entitled "Declaration of Covenants, Conditions, Restrictions and Grant of Easements," dated June 30, 2009 and recorded on July 20, 2009, in the office of the Yolo County Recorder as Instrument No. 2009-23138 of Official Records (the "Prior Declaration") as it applies to both Parcels and

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declare that nothing in this Declaration is intended to alter the provisions of the Prior Declaration as it applies to the two Parcels.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Development under Prior Declaration. A&M, as Declarant under the Prior Declaration acknowledges that the property subject to the Prior Declaration is being developed under the alternative Site Plan set forth in the Prior Declaration identified in Exhibit B-2. Pursuant to the Prior Declaration, all provisions in the Prior Declaration pertaining to development of that Property pursuant to Exhibit B-2 are now in effect, including the provision under Paragraph 1(h) that the Restaurant Parcel (which is the NORCAL Parcel) shall be used only for the operation of a fast food restaurant for a period of twenty (20) years. A&M further acknowledges that NORCAL has obtained a conditional use permit from CITY authorizing development of the NORCAL Parcel for use as a fast food, being a Burger King Restaurant, of 2,535 square feet with drive-thru facility. As Declarant under the Prior Declaration, A&M consents to such use.

2. Use Restrictions under Prior Declaration. To the extent applicable to the two Parcels, the use Restrictions and any other terms contained in the Prior Declaration are acknowledged to be applicable to the two Parcels as fully as though set forth in this Declaration in full.

3. Reciprocal Easements. The easements herein granted in each instance shall be perpetual and shall be appurtenant to the Parcel owned by the respective grantee of such easement

4. Parking Requirements. As of the effective date of this Agreement, NORCAL has received approval from CITY for the development of a Burger King restaurant on the NORCAL Parcel (the "Burger King Project"). With the approval of CITY, NORCAL is relying on the A&M Parcel to meet the parking requirements imposed on it by CITY for the Burger King Project. A&M is willing to provide such parking on the following terms, to wit, A&M shall at all times maintain sufficient parking on the A&M Parcel so that, after taking into account the number of spaces recognized by CITY for the Burger King Project on the NORCAL Parcel, the two Parcels together satisfy CITY'S parking requirements. All parking areas shall be paved so as to provide dust-free, all weather surfaces with parking spaces designated by lines painted on the paved surfaces.

5. The Parties hereby grant to each other and their successors and assigns mutual, reciprocal easements or ingress and egress to allow for cross access between the two Parcels and to provide for the non-exclusive right for each Party, its agents, employees, tenants, subtenants, licensees and invitees to Park in the areas designated for parking on the other Party's Parcel.

6. No Barriers to Easements for Ingress, Egress and Parking. The Parties agree that no walls, fences, or other barriers shall be constructed or erected within the area of the easements granted herein for ingress, egress and parking, that would prevent or unreasonably impair pedestrian or vehicular traffic from enjoying (i) the use or exercise of the easements, (ii) free access between the two Parcels or (ii) free access between either Parcel and the contiguous public roadway.

easements granted herein for ingress, egress and parking, that would prevent or unreasonably impair pedestrian or vehicular traffic from enjoying (i) the use or exercise of the easements, (ii) free access between the two Parcels or (ii) free access between either Parcel and the contiguous public roadway.

7. Use. The easements granted herein for ingress, egress and parking are nonexclusive and shall be used only for the purposes of ingress, egress and parking of motor vehicles for the use and benefit of the owners, occupants, and business invitees of the A&M Parcel and the NORCAL Parcel for access to and from said Parcels and to and from the adjoining public street.

8. Grant of Reciprocal Easements for Storm Drain and Sanitary Sewer. Each Party grants to the other Party a reciprocal easement under and through its Parcel for the benefit of and appurtenant to the other Party's Parcel for the installation, maintenance and repair of shared on-site storm drain and sanitary sewer lines to allow both Parcels to connect to CITY storm drain and sanitary sewer utility services. The reciprocal easements shall include the right of access to install, maintain and repair such lines, provided the Party exercising such right of entry gives reasonable notice under the circumstances of the planned entry, makes appropriate arrangements with the other Party to minimize the effect on such Party of the planned entry, including where possible the performance of work during non-business hours, and leaves the Party's Parcel as near as possible to its condition before such entry. The entering Party shall also save, indemnify and hold harmless the other Party from and against all claims and liability for damages or injuries to personal or property arising from such entry.

10. Effective Upon Recordation. The Agreement shall be effective upon the date that it is recorded in the Official Records, Yolo County, California, shall constitute obligations running with the land described in Exhibit A and Exhibit B, and shall be binding upon all future owners, occupants, lessees, sublessees, their business invitees, and holders of any interest in such land, or in any portion thereof.

11. Headings. The headings of the sections and paragraphs of this Agreement are for convenience and reference only, and shall not be deemed to limits, expand, or define the contents of the respective sections or paragraphs.

12. Exhibits. All exhibits to which reference is made and that are attached hereto are incorporated in this Agreement by this reference.

This Agreement is executed on the dates shown below for each Party.

A&M:	NORCAL:
ASHLEY & MAIN, LLC a California limited liability company	NORCAL II CO-BRANDS, INC. a California corporation
Signed In Counterpart By: ______________________ PAUL S. PETROVICH Manager	By: ______________________ Name: CHARANSIT GHAL Title: PRESIDENT

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ACKNOWLEDGMENT

State of California)
) ss.
County of Alameda)

On 4-20-2010 before me, Dianna M. Bettencourt, Notary Public, personally appeared Charanjit Sethi, who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signatures~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Dianna M. Bettencourt

DIANNA M. BETTENCOURT
COMM. # 1879431
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
COMM. EXPIRES FEB. 6, 2014

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7. Use. The easements granted herein for ingress, egress and parking are nonexclusive and shall be used only for the purposes of ingress, egress and parking of motor vehicles for the use and benefit of the owners, occupants, and business invitees of the A&M Parcel and the NORCAL Parcel for access to and from said Parcels and to and from the adjoining public street.

8. Grant of Reciprocal Easements for Storm Drain and Sanitary Sewer. Each Party grants to the other Party a reciprocal easement under and through its Parcel for the benefit of and appurtenant to the other Party's Parcel for the installation, maintenance and repair of shared on-site storm drain and sanitary sewer lines to allow both Parcels to connect to CITY storm drain and sanitary sewer utility services. The reciprocal easements shall include the right of access to install, maintain and repair such lines, provided the Party exercising such right of entry gives reasonable notice under the circumstances of the planned entry, makes appropriate arrangements with the other Party to minimize the effect on such Party of the planned entry, including where possible the performance of work during non-business hours, and leaves the Party's Parcel as near as possible to its condition before such entry. The entering Party shall also save, indemnify and hold harmless the other Party from and against all claims and liability for damages or injuries to personal or property arising from such entry.

9. Effective Upon Recordation. The Agreement shall be effective upon the date that it is recorded in the Official Records, Yolo County, California, shall constitute obligations running with the land described in Exhibit A and Exhibit B, and shall be binding upon all future owners, occupants, lessees, sublessees, their business invitees, and holders of any interest in such land, or in any portion thereof.

10. Headings. The headings of the sections and paragraphs of this Agreement are for convenience and reference only, and shall not be deemed to limits, expand, or define the contents of the respective sections or paragraphs.

11. *Exhibits.* All exhibits to which reference is made and that are attached hereto are incorporated in this Agreement by this reference.

This Agreement is executed on the dates shown below for each Party.

A&M:	NORCAL:
ASHLEY & MAIN, LLC a California limited liability company	NORCAL II CO-BRANDS, INC. a California corporation
	Signed In Counterpart
By: ______________ PAUL S. PETROVICH Manager	By: ______________ Name: Title:
Dated: 4/19 ______, 2010	Dated: 4/20 ______, 2010

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ACKNOWLEDGMENT

State of California)
) ss.
County of Sacramento)

On 4-19-2010 before me, Susan Lynn Millsap, Notary Public, personally appeared Paul S. Petrovich, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SUSAN LYNN MILLSAP
COMM. #1701281
NOTARY PUBLIC • CALIFORNIA
YOLO COUNTY
Comm. Exp. OCT. 27, 2010

Susan Lynn Millsap

EXHIBIT A

THE A&M PARCEL

LEGAL DESCRIPTION

Real property in the City of Woodland, county of Yolo, State of California, described as follows:

PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 4969, RECORDED March 11, 2010 IN BOOK 2010 OF MAPS, AT PAGES 13-14, YOLO COUNTY RECORDS.

EXHIBIT B

THE NORCAL PARCEL

LEGAL DESCRIPTION

Real property in the City of Woodland, county of Yolo, State of California, described as follows:

PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 4969, RECORDED March 11, 2010 IN BOOK 2010 OF MAPS, AT PAGES 13-14, YOLO COUNTY RECORDS.

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END OF DOCUMENT

ATTACHMENT

Attached is the document you (or someone on your behalf) requested. As required by Section 12956.1(b) of the California Government Code, please take note of the following:

"If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income (as defined in subdivision (p) of Section 12955 of the Government Code) or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

PETROVICH DEVELOPMENT COMPANY
5046 Sunrise Boulevard
Fair Oaks, CA 95628-4945

YOLO Recorder's Office
Freddie Oakley, County Recorder
DOC- 2009-0023138-00
Acct 106-Title Court
Monday, JUL 20, 2009 14:59:00
Ttl Pd $74.00 Nbr-0000831677
LUP/R8/1-23

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND GRANT OF EASEMENTS

(WEST MAIN STREET AND ASHLEY AVENUE, WOODLAND, CALIFORNIA)

THIS DECLARATION OF COVENANTS, CONDITONS, RESTRICTIONS AND GRANT OF EASEMENTS ("Declaration"), dated for reference purposes only as of June 30, 2009, is made and declared by Ashley & Main, LLC, a California limited liability company, as Grantor and as Grantee ("Declarant").

RECITALS

This Declaration is made in contemplation of and with reference to the following facts, understandings, and intentions of the Declarant:

A. Declarant is the owner in fee simple of that certain real property consisting of approximately 128,543 gross square feet, identified as Assessor's Parcels Number 065-010-17-1, 065-010-23-1 & 065-010-024-1, and commonly addressed as 251 and 291 West Main Street, Woodland, California (the "Property"). A legal description of the Property is attached hereto as "Exhibit A". The Property is also shown on the alternative Site Plans attached hereto as "Exhibit B-1" and "B-2".

B. Declarant plans to develop the Property as an integrated retail shopping center. The property is to be subdivided into either two or three parcels that Declarant intends be improved with buildings, parking, landscaping and other common area improvements. If developed pursuant to Exhibit B-1, one parcel is to be comprised of approximately 67,387 net usable square feet (the "Drugstore Parcel"), and one parcel is to be comprised of approximately 46,584 square feet (the "Shops Parcel"). If developed pursuant to Exhibit B-2, one parcel is to be comprised of approximately 67,387 net usable square feet (the "Drugstore Parcel"); the contiguous parcel is to be comprised of approximately 22,143 net usable square feet (the "Shops Parcel"); and, the easterly most parcel is to be comprised of approximately 24,441 net usable square feet (the "Restaurant Parcel"). The entire Property is sometimes hereinafter referred to as the "Shopping Center", and the land that comprises one or more portions of the Property is sometimes hereinafter referred to as a "Parcel" or "Parcels".

C. It is the purpose and intent of this Declaration to subject each of the Parcels that now or hereafter may comprise a portion of the Shopping Center to certain covenants, conditions, and restrictions and to the grant of non-exclusive reciprocal easements as hereinafter set forth, for the mutual benefit of the owners of all property within the Shopping Center and their respective heirs, executors, successors, assigns, grantees, mortgagees and tenants.

DECLARATION

NOW, THEREFORE, Declarant does hereby impose the following covenants, conditions, restrictions, grant of non-exclusive reciprocal easements, and encumbrances upon the Property which shall be binding upon and inure to the mutual benefit of Declarant, its successors, assigns, transferees, mortgagees and tenants, and which shall attach to and run with the Property, and shall be a limitation upon any future owner or owners of any part of the Property. Each of the easements granted herein shall be appurtenant to the dominant estate, and all covenants, conditions, restrictions and encumbrances shall be covenants running with the land and shall be mutual equitable servitudes in favor of the Property and any portion thereof.

1. LAND USE RESTRICTIONS.

(a) Permitted Uses. Except as otherwise provided in this Declaration, the Shopping Center and any portion thereof shall be used, if at all, only for the construction, operation and maintenance thereon of retail mercantile businesses, service oriented businesses, businesses serving food and beverages, business and professional offices, financial institutions, and related and similar uses common to community-type retail shopping centers, and for Common Areas relating to and necessary to the operation of the foregoing. "Common Area" and "Common Areas" as used herein means all areas within the interior boundaries of the Shopping Center, exclusive of all buildings to be constructed thereon.

(b) Prohibited Uses if Developed Pursuant to Exhibit B-1. If the Property is developed pursuant to Exhibit B-1, without the written consent of all owners of all portions of the Shopping Center, no portion of the Shopping Center shall be used for office purposes (except as incidental to a permitted use); a restaurant which exceeds 2,500 square feet (and provided further the total amount of square footage for such a use in the Shopping Center shall not exceed 4,000 square feet); a bowling alley; a gym in excess of 3,000 square feet; skating rink; billiard room; bingo parlor; dance hall; massage parlor (excepting a business such as Massage Envy, a day spa, or similar operation); a beauty school; barber college; reading room; house of worship; a place of instruction or testing (excepting a business such as Sylvan Learning Center or similar operation), or any other operation catering primarily to students or trainees rather than to customers (except for a facility that is incidental to the use and operation of retail goods sold on the premises); a facility for manufacturing, assembling, distilling (except for a business such as Brew Pub, Brew it Up, or similar business) or, refining, smelting or mining or for agricultural activities; a warehouse or self-storage units; a flea market, auction or a business selling "second hand" goods (except for high quality apparel or antiques and collectables) or a business selling distressed fire sale, bankruptcy or going out of business merchandise unless pursuant to a court order; a bar, tavern, nightclub; cocktail lounge, or any other establishment that sells alcoholic beverages for on-premises consumption (except as part of a full-service restaurant, provided such restaurant complies with the square footage set forth herein, or a fast casual or quick service restaurant serving alcoholic beverages as an incidental part of its food service operation such as Chipotle, Pasta Pomodoro, and those primarily serving pizza); pornographic shop; adult book or adult video or adult magazine store (provided that a store which has a small separate area for adult titles shall be permitted); a "head shop"; a mortuary; an automobile repair shop; car wash; a self serve laundromat; a dry cleaning plant employing hazardous materials as defined by law; a lot, building or showroom for the renting, leasing or selling of, or displaying for the purpose of renting, leasing or selling of any boat, motor vehicle or trailer (unless incidental to the operation of another business such as an auto parts store or gas station); a mobile home or trailer park; a junkyard; any ground floor residential; a warehouse or, industrial purposes.

(c) Prohibited Uses if Developed Pursuant to Exhibit B-2. If the Property is developed pursuant to Exhibit B-2, no portion of the Shopping Center shall be used for those purposes set forth in Section 1 (b) above, and no portion of the Shops Parcel shall be used for an office, school or restaurant having more than eight seats unless the main entry door of the restaurant is located on the south side of the building to be located on the Shops Parcel. In the event of permanent cessation for a period exceeding twelve (12) consecutive months (excluding force Majeure events, or remodeling or alteration of the building located o the Restaurant Parcel during a period of not in excess of six (6) consecutive months) of the operation of a restaurant on the Restaurant Parcel, Declarant will negotiate in good faith with Rite Aid or its successors to determine if adding additional seating rights to the Shops Parcel for restaurant use is appropriate.

(d) Primary Use of Drugstore Parcel. As of the date of recordation of this Declaration, the primary use of the Drugstore Parcel shall be that of a "Drugstore" as hereinafter defined. In the event that the Drugstore Parcel ceases to be used for purposes of a Drugstore, no portion of the building located thereon shall be used primarily for the sale of a retail product category or for a service that is then the primary product line or service of a tenant or occupant of the building located on the Shops Parcel or the Restaurant Parcel.

(e) Drugstore Defined. A "Drugstore" means a retail business that requires or has a license or permit to conduct a pharmacy, or which employs or is required to employ a registered or licensed pharmacist, and any store, business, trade or profession that is called, labeled, named or commonly known or referred to as a "drug store", "drugstore", "pharmacy", or "apothecary", and may offer for sale pharmaceuticals, prescription drugs, so-called "Health aids" (including, without limitation, over the counter medications, vitamin supplements, mineral supplements and medical equipment), "Beauty aids" (including, without limitation, hair care products and cosmetics) or any other product lines within the primary use of the Drugstore Building. Excluded from the definition of Drugstore is a retail business that devotes not more than ten percent (10%) of the retail floor area with in the store, excluding aisle space adjacent thereto, for the sale of "health aids" or "beauty aids", as hereinabove defined. Examples of Drugstores include, without limitation, Thrifty Payless, Rite Aid, Walgreen Drug Stores, Longs Drugs, Price-Less Drug Stores, Valu-Rite Pharmacies, and freestanding Sav on Drugs.

(f) Restriction on Drugstore Use. No portion of the Shops Parcel or Restaurant Parcel shall now, or in the future, be used for a Drugstore. The provisions of this Paragraph 1(e) shall become void and of no further force or effect upon the permanent cessation for a period exceeding twelve (12) consecutive months (excluding Force Majeure events, or remodeling or alteration of the premises during periods of not more than six (6) consecutive months) of the Drugstore business (or in the case of permanent cessation of the sale of any particular line of products, then as to that line) on the Drugstore Parcel.

(g) Restriction on Use of Shops Parcel. As provided in Section 1 (c) above, if the Property is developed pursuant to Exhibit B-2, no portion of the Shops Parcel shall be used for a restaurant business. This prohibition on the use of the Shops Parcel for restaurant purposes shall become void and of no further force and effect upon permanent cessation for a period exceeding twelve (12) consecutive months (excluding Force Majeure events, or remodeling or alteration of the premises during periods of not more than six (6) consecutive months) of the operation of a restaurant on the Restaurant Parcel.

(h) Restriction on Use of Restaurant Parcel. If the Property is developed pursuant to Exhibit B-2, for a period of twenty (20) years following the recordation of this Declaration the Restaurant Parcel shall be used only for the operation of a fast food restaurant. After said twenty (20) years the Restaurant Parcel may be used for any lawful purpose permitted under this Declaration and by the City of Woodland.

(i) Intent Regarding Permitted Uses. In no event shall any owner, occupant or tenant use any building to be located on the Property, or portion thereof, for any use or purpose that is not consistent and compatible with the intention of this Declaration, and at all times during the term of this Declaration the buildings and other improvements shall be maintained and operated as a first-class shopping center of a quality equal to that maintained and operated in other first-class shopping centers in the Woodland/Davis area.

(j) No Interference with Common Areas. No use of the Shopping Center shall be made that shall interfere with the use of the Common Areas within the Shopping Center for the purposes for which they were intended as provided in this Declaration, or impede the free flow of vehicular or pedestrian traffic thereon.

(k) Unauthorized Activities. No person shall in or on any part of the Common Areas:

(1) vend, peddle, or solicit orders for sale or distribution of any merchandise, device, service, periodical, book, pamphlet, or other matter whatsoever;

(2) exhibit any sign, placard, banner, notice, or other written material except as permitted by this Declaration;

(3) distribute any circular, booklet, handbill, placard, or other material;

(4) solicit membership in any organization, group, or association or solicit contributions for any purposes (except for a business that has club or membership benefits);

(5) parade, patrol, picket, demonstrate, rally, or engage in any conduct that might tend to interfere with or impede the use of any of the Common Areas

by any permittee, create a disturbance, attract attention, or harass, annoy, disparage, or be detrimental to the interest of any of the retail establishments within the Shopping Center;

(6) use any sound-making devices of any kind or create or produce in any manner noise or sound that is annoying, unpleasant, or distasteful to occupants or permitttees; and/or

(7) deface, damage, demolish any sign, light standard or fixture, landscaping material, or other improvement within the Common Areas or the property of customers, business invitees, or employees situated with the Common Areas.

The foregoing restrictions in items (1), (2), (3), and (4) shall not apply to promotional activities of the Shopping Center, nor to periodic activities of charitable and/or community service groups such as sale of Girl scout cookies, school bake sales, and like activities or if it is part of the standard business practice of an occupant. The foregoing restrictions in items (2), (3), (4), and (5) shall not apply to labor disputes and/or political free speech activities where under applicable law third parties shall have the right to come onto parts of the Shopping Center for such purposes; provided, however, the Owner(s) of the Common Area affected by any such activities shall take all reasonable efforts to minimize the disruptive effect such activities cause to the Shopping Center to the extent permitted by then applicable law. The term "Owner" and "Owners" as used in this Declaration shall mean the fee title holder(s) of any part of the land and buildings that comprise the Shopping Center.

(l) Restriction on Use of Hazardous Materials. No Owner shall use, or allow the use of "Hazardous Materials" (defined below) on, about, under or in its Parcel, or the Shopping Center, except as part of the business operation conducted therein in the ordinary course as part of a first-class Shopping Center in accordance with the standards of this Declaration. In the event of a release in, about, under or on the Shopping Center, or any portion thereof, of any "Hazardous Materials" (defined below), the Owner responsible for such release (which includes releases caused by the Owner, or the occupant or tenant on an Owner's Parcel, or their permitted users) shall immediately take such remedial actions as may be necessary to clean up the same in accordance with the requirements of all Environmental Laws. Each Owner, occupant and tenant shall use, handle and store any Hazardous Materials hereunder in accordance with the applicable requirements of Environmental Laws. Each Owner shall notify the other Owners of any such release of Hazardous Materials of which it gains knowledge or receives notice, and of any violation of Environmental Laws of which it receives notice from any governmental agency having jurisdiction. Each Owner shall indemnify, defend, protect and hold the other Owners harmless from and against any and all claims, actions, proceedings, losses, suits, liabilities, damages, deficiencies, fines, penalties, costs or expense (including without limitation sums paid in settlement of claims, reasonable attorneys' fees, consultants' fees, investigation and laboratory fees, court costs and litigation expenses), which arise out of or in connection with the indemnifying Owner's breach of the provisions of this Section.

For purposes of this Section, the following terms shall have the following meanings: (a) "Environmental Laws" shall mean all present and future statutes, ordinances, orders, rules and regulations of all federal, state or local governmental agencies relating to the use, generation, manufacture, installation, release, discharge, storage or disposal of Hazardous Materials; and (b) "Hazardous Materials" shall mean petroleum, petroleum products, asbestos, polychlorinated biphenyls, radioactive materials, radon gas and any chemical, material or substance now or hereafter defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous waste," "restricted hazardous waste" or "toxic substances," or words of similar import, under any Environmental Law, or listed or identified in, or regulated by, any Environmental Law.

2. MAINTENANCE OF BUILDING EXTERIORS; INSURANCE. Each Owner of property within the Shopping Center shall:

(a) Exterior Building Maintenance. Provide for appropriate upkeep and maintenance of the exterior of the buildings and improvements located within such Owner's respective Parcel to assure that the Shopping Center and each part thereof is maintained in a manner and retains at all times the appearance of similar community anchored shopping centers in the Woodland/Davis area, and

(b) Building Insurance. Carry insurance at least as broad as the ISO Clauses of Loss-Special Form policy upon all buildings located within such Owner's respective portion of the Shopping Center and providing for at least ninety percent (90%) of the full replacement cost thereof (excluding foundations and excavations). The loss, if any, covered by such insurance shall be paid to the respective Owner unless payment of all or a portion of said insurance is required to be made to a mortgagee, deed of trust beneficiary, or leaseback lessor, as its interest may appear. Each Owner shall have the power to adjust and settle any loss with its insurer. In the event of any damage to or destruction of any building in the Shopping Center from any cause insured against by the insurance required hereunder, the affected Owner shall either repair any such damage or destruction and reconstruct the building in accordance with (1) the general concept of an integrated shopping center, and (2) the provisions of this Declaration, or shall cause the building to be demolished and the Parcel to be improved with landscape and asphalt paving appropriately marked for parking purposes. The affected Owner shall commence restoration and reconstruction as herein provided as soon as possible after receipt of the proceeds from insurance therefore and shall use all due diligence to repair or reconstruct within a reasonable period of time thereafter, or shall use due diligence in the demolition and removal of the damaged or destroyed building.

3. COMMON AREA EASEMENTS.

(a) Grant of Easements. Declarant as grantor for all Parcels within the Shopping Center hereby grants and conveys to each and every other Parcel, for the benefit of the Owners of such other Parcels, their successors, assigns, tenants, customers and invitees, and the customers and invitees of such tenants, and for the benefit of such Parcels, as grantees, the following:

(1) A non-exclusive easement for ingress and egress (but not for parking) by vehicular and pedestrian traffic upon, over and across that portion of the Common Areas of each other Parcel.

(2) Non-exclusive easements under, through and across that portion of the Common Areas of each other Parcel for the installation, maintenance, removal and replacement of water drainage systems or structures, water mains, sanitary sewers,

water sprinkler system lines, telephone or electrical conduits or systems, gas mains, and other public utilities and service easements. All such systems, structures, mains, sewers, conduits, lines and other public utility improvements shall be maintained and repaired by the grantee thereof (e.g., the Owner and/or third party utility company that is granted the easement in question), and shall be installed and maintained below the ground or surface levels of the Shopping Center, except where the improvements of the particular utility involved is not amenable to being placed underground (such as, but not limited to, transformers and risers) as long as such above ground improvements do not interfere with the intended use of other Common Areas. Each Owner shall upon request by another Owner execute a recordable grant of utility easement to a public utility company if necessary to effectuate the provisions of this Section, provided any such grant of easement shall be specifically subject to the provision of this Section concerning maintenance and relocation.

(b) Nature of Easements. Each and all of the easements and rights granted or created in this Section are appurtenances to the applicable portions of the Shopping Center and none of the easements and rights may be transferred, assigned or encumbered except as an appurtenance to such portions. For the purposes of the easements and rights, the Parcel benefited will constitute the dominant estate, and the particular Parcels in the Shopping Center which respectively are burdened by such easement and rights will constitute the servient estate. Each of the easements and rights contained in this Section (whether affirmative or negative in nature) are made for the direct mutual and reciprocal benefit of each Parcel in the Shopping Center, and will create mutual equitable servitudes upon each Parcel in favor of every other Parcel in the Shopping Center.

(c) Non-Interference with Use. All storm drains, water mains, sanitary sewers, water sprinkler system lines, telephone or electrical conduits or system, gas mains, utility lines, transformers and meters situated within the Shopping Center shall be maintained in a safe condition by the grantee of the easement, and no grantee of a utility easement under this Section shall, in the use, construction, reconstruction, operation, maintenance or repair of any such items, in any way interfere, obstruct or delay the business or the public access to and from the Parcel burdened by the easement.

(d) No Barricades or Changes in Parking; No Charge for Parking. No walls, fences or barriers, of any sort or kind, shall be constructed or maintained in the Shopping Center, or any portion thereof, by an Owner which shall prevent or impair the use or exercise of any of the easements granted herein, or the free access and movement, including, without limitation, pedestrian and vehicular traffic between the various Parcels, provided however the parking areas on each of the Parcels shall be for the sole use of the Owner (or tenant) of such Parcel, its tenants, subtenants, customers, employees, invitees, licensees and nothing herein shall be construed to be a shared parking easement or shall it be deemed to grant any such rights thereto. There shall be no decrease in the parking spaces or change in parking striping, layout or pattern of traffic flow for the Shopping Center from that shown on Exhibit B without the prior written consent of the Declarant. Additionally, no Owner or occupant of a parcel shall charge any fee for parking in the Common Areas.

4. MAINTENANCE OF COMMON AREAS.

(a) Appointment of Maintenance Director. Declarant shall be the first "Maintenance Director" of the Shopping Center Common Areas. From and after the date the Shopping Center opens for business (e.g., the first store in the Shopping Center opens for business) and, in such capacity, the Maintenance Director shall have and is hereby given the full right and authority of operation, control and maintenance of the entire Common Areas, consisting of driveways, sidewalks, parking areas, delivery ways, loading areas (except loading docks), and landscaped areas. Such right and authority of the Maintenance Director shall continue until terminated as hereinafter provided.

(b) Resignation of Maintenance Director; Election of Replacement. In the event that the Declarant shall desire to relinquish its duties and obligations as the first Maintenance Director hereunder after completing a term as the Maintenance Director of not less than two (2) years, then Declarant may provide to the Owners sixty (60) days' prior written notice of Declarant's resignation. Such resignation shall not be effective until such time as a new Maintenance Director is appointed pursuant to this Section. The Owners shall, within sixty (60) days of receipt of the notice of resignation, attempt to reach an agreement among themselves as to who shall assume the duties and obligations of the Maintenance Director. If the Owners can not reach an agreement as to the appointment of a new Maintenance Director within such sixty (60) day period, the Owners shall within five (5) days of the expiration of the sixty (60) day period choose the Maintenance Director between themselves through a blind draw of a name, with the Owner whose name is drawn assuming the duties and obligations of the Maintenance Director for a term of not less than two (2) years. Thereafter, if a Maintenance Director desires to resign after performing its duties for a minimum of two (2) years, it shall provide to the Owners sixty (60) days' prior written notice of such intended resignation. The Owners shall within such sixty (60) day period attempt to reach an agreement among them as to who shall assume the duties and obligations of the Maintenance Director, and failing such agreement the position shall rotate among the Owners.

In the event that any Owner ceases to have the obligations to act as Maintenance Director hereunder, such Owner shall cease to have any liability or responsibility for any acts, events, or circumstances occurring subsequent to and not as a result of its performance or non-performance of its duties hereunder while Maintenance Director. Any Owner succeeding to the duties and obligations of the first Maintenance Director shall have all of the rights, powers and privileges of the Maintenance Director upon such Owners succession as Maintenance Director.

(c) Default of Maintenance Director; Remedies by Owners. In the event the majority of the Owners (excluding the owner that is Maintenance Director at the time) determine that the Maintenance Director is in default of its obligations, such Owners shall give the Maintenance Director written notice specifying the default(s) and the name of the Owner that shall assume the obligations of the Maintenance Director if the defaults are not cured with the period of time set forth herein. The Maintenance Director shall have thirty (30) days following receipt of such default notice within which to cure the default(s) in question; provided, if the nature of the default is such that it cannot reasonably be cured within such thirty (30) day period, then the commencement of the cure within such thirty (3) day period shall be deemed a cure within thirty (30) days, as long as the Maintenance Director diligently pursues completion of such cure. If the Maintenance Director does not cure a default within the time provided, the Maintenance

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Director shall be replaced with the new Maintenance Director designated in the default notice, and the defaulting Maintenance Director shall be liable to all other Owners for all damages, costs, and expenses incurred by such Owners resulting from the Maintenance Director's default of its obligations hereunder.

(d) Maintenance Director's Obligations. The Maintenance Director shall operate and maintain, or cause to be operated and maintained, the Common Areas, including the landscaping thereon, located within the Shopping Center, and shall keep the same, or cause the same to be kept, in good condition and repair with adequate lighting and shall maintain the surface areas thereof in a level and smooth condition, evenly covered with the type of surfacing material originally installed thereon, or shall cause the same thus to be so maintained. As part of the operation, the Maintenance Director shall obtain and maintain general public liability insurance insuring all Owners and their designees who now or hereafter own portions of the Shopping Center against claims for personal injury, death or property damage occurring in, upon, or about the Common Areas located in the Shopping Center. Such insurance shall be written with an insurer licensed to do business in the State of California, and shall hold a "General Policyholder's Rating" or at least B+X, or equivalent rating as set forth in the most current issue of "Best Insurance Guide", or a company or companies of equivalent reputation and quality. The limits of liability for such insurance shall initially be Three Million Dollars ($3,000,000.00) combined single limit for injury to or death of any number of persons, or for damage to property arising out of any one occurrence. The foregoing limits of liability shall be increased upon the written agreement of the Owners. The Maintenance Director shall cause to be issued certificates of insurance to each of the other Owners of the Shopping Center, which certificates shall provide that such insurance shall not be cancelled or amended without ten (10) days' prior written notice to each of such Owners. The insurance policy shall contain a cross-liability endorsement, and may be carried under a blanket policy of insurance covering other locations, provided the coverage afforded by such blanket policy shall not be reduced or diminished by reason of the use of such blanket policy, and provided further the requirements of this Section are otherwise satisfied.

(e) Common Area Maintenance Expenses. The Maintenance Director shall expend only the monies reasonably necessary for the operation and maintenance of the Common Areas in order to keep the Common Areas in good repair and clean condition and to operate the same on a non-profit basis to the end that the expenses in connection therewith shall be kept at a reasonable level. The costs and expenses incurred by the Maintenance Director in connection with the operation and maintenance of the Common Area are hereinafter referred to as the "Common Area Maintenance Expenses." As used herein, Common Area Maintenance Expenses shall mean all costs and expenses of every kind and nature whatsoever as may be reasonably made or incurred by the Maintenance Director in operating, managing and maintaining the Common Areas as required by this Declaration. Common Area Maintenance Expenses shall include, without limitation, costs and expenses in connection with the following: general maintenance; resurfacing; striping; maintenance of Shopping Center identification signs, if any; maintenance and replacement of directional signs; maintenance and replacement of landscaping; water charges and other utilities expenses incurred in connection with the operation and maintenance of the Common Area; premiums for all insurance required to be maintained by the Maintenance Director in connection with the Common Areas pursuant to this Declaration; rubbish removal; security system and/or security service engaged in connection with the Common Areas where the Maintenance Director reasonably demonstrates such security systems and/or service is reasonably required; charges due under service agreements on equipment used in the maintenance and operation of the Common Areas; replacement of lighting standards and facilities in the Common Areas; costs of materials, supplies, and tools; amount paid to third parties for providing direct non-management services to the Common Areas; business and/or excise taxes levied against the Maintenance Director as a result of it operating and maintaining the Common Areas; license, permit and inspection fees; costs of compliance with any fire, safety, or other governmental rules, regulations, laws, statutes and/or ordinances; wages, salaries (including employee benefits and employee taxes), or an appropriate allocation thereof, or for personnel working full or part time in connection with the maintenance of the Common Areas (excluding management personnel); and personal property taxes on items or equipment and personal property used in connection with the operation and maintenance of the Common Areas. Common Area Maintenance Expenses shall not include: (1) the cost of the original construction of the Shopping Center or any additions or expansions to the Common Area or the Shopping Center, (2) any repairs or work performed to any portion of the Shopping Center intended to be occupied by individual tenants, and the cost of correcting any defects in the original construction of the Shopping Center, (3) any reserves for future expenditures not yet incurred beyond the current calendar year, (4) ground lease rental, (5) costs incurred by Declarant or Maintenance Director for repair or restoration to the extent that Declarant is reimbursed by insurance or condemnation proceeds or that the same is covered by warranty, (6) costs, including permit, license and inspection costs, incurred with respect to the installation of improvements made for tenants or other occupants or incurred in renovating or otherwise improving, decorating, painting or redecorating vacant space for tenants or other occupants, (7) attorneys' fees, leasing commissions and other costs and expenses incurred in connection with negotiations or disputes with present or prospective tenants or other occupants of, or persons, firms or entities, with respect to the Shopping Center (except for attorneys' fees and costs incurred by the Declarant or Maintenance Director in connection with enforcing the provisions of this Agreement), (8) interest, points and fees on debts or amortization on any mortgage(s) or any debt instrument(s) encumbering all or any portion of the Shopping Center or the real property upon which the Shopping Center is located, (9) any compensation paid to clerks, attendants or other persons in commercial concessions operated by Declarant or Maintenance Director (10) cost of the installation of signs identifying the owner and/or manager of the Shopping Center, (11) electric power costs for which any tenant or occupant directly contracts with the local public service company for their interior space, (12) any costs relating to Hazardous Materials, (13) charitable contributions, (14) off-site traffic lights, (15) any charges for depreciation of the Shopping Center, (16) costs incurred by Declarant or Maintenance Director due to the gross negligence or misconduct of Declarant or Maintenance Director or its/their agents, contractors or employees , and (17) the cost of any electric current or utility furnished to any leasable area of the Shopping Center (unless such area is being utilized by Declarant or Maintenance Director or its/their agents for maintenance, administrative purposes or other purposes consistent with this Agreement). In addition, any Common Area Maintenance Costs for blacktop replacement (excepting routine maintenance such as slurry seal coat), paving replacement, or curb, gutter, sidewalk or adjoining street or other capital improvement or repair required by a governmental or public authority or assessment district, or any other expense or cost for a capital addition or replacement to the Common Areas of the Shopping Center expected to have a lifetime exceeding three (3) years shall be amortized over the reasonable lifetime of such capital addition or

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replacement, or in the case of assessment by governmental or public authority, over the longest period provided by law.

(f) Certain Expenses Not Applicable to All Owners. If an Owner or occupant of a building conducts business beyond ordinary business hours of a majority of the businesses at the Shopping Center the Owner of such Building shall pay to the Maintenance Director those items of Common Area Maintenance Expenses that are attributable to operations between 11:00 p.m. and 8:00 a.m., including, without limitation, security costs, and, unless separately metered, utility costs providing parking lot lighting during such after-hour operations. In this regard the Maintenance Director shall have the right to install separate and/or additional meters measuring the electrical consumption in providing parking lot lighting after hours, and the cost of such meters shall be paid for by the Owner of the building in which such business is taking place.

(g) Payment of Common Area Maintenance Expenses. The Maintenance Director shall, from time to time, but not more often than monthly send to each and every Owner or occupant of a building a written statement of the total Common Area Maintenance Expenses for the preceding month or longer period. Within thirty (30) days after receipt of such statement, each and every such Owner or occupant shall pay to the Maintenance Director its applicable percentage share of the total Common Area Maintenance Expenses. However, notwithstanding the foregoing, the Maintenance Directory may, in the alternative, reasonably estimate Common Area Maintenance Expenses in advance as follows:

(1) For the first partial and first full calendar years following the opening of the Shopping Center for business, the Maintenance Director shall reasonably estimate Common Area Maintenance Expenses for such partial and first full years.

(2) For each calendar year subsequent to the first full calendar year following the opening of the Shopping Center for business (when the first store in the Shopping Center opens for business), the estimate for a calendar year shall be based on Common Area Maintenance Expenses actually incurred during the immediately preceding calendar year, except if the Maintenance Director can reasonably demonstrate that certain items will increase during such calendar year, then such estimate can include such increased items of expense. The Owners shall approve each annual adjustment, which approval shall not be unreasonably withheld or delayed.

Upon approval of such annual estimates the Owners of each building in the Shopping Center shall pay one-twelfth (1/12th) of their percentage share, as hereinafter set forth, of such estimate on the first day of each month during the calendar year covered by such estimate.

Within sixty (60) days after the end of each calendar year, the Maintenance Director shall prepare and deliver to each Owner a statement showing in reasonable detail the Common Area Maintenance Expenses for the immediately preceding calendar year, reasonable written data supporting the billing and showing the basis for the determination of each Owner's percentage share of such Common Area Maintenance Expenses. If an Owner's percentage share of the actual Common Area Maintenance Expenses for a given calendar year exceeds the total payments actually made of the owner's estimated share of such expenses during such calendar year, such Owner shall pay the Maintenance Director the deficiency within thirty (30) days after such Owner's receipt of such statement. If any Owner's payments actually made during a given calendar year exceeds the Owner's percentage share of actual Common Area Maintenance Expenses for that calendar year, the Maintenance Director shall credit the amount of such overpayment toward such Owner's next payments due hereunder.

(h) Management Fee. The Maintenance Director may charge a management fee of ten percent (10%) of the Common Area Maintenance Expenses, which costs for the purposes of calculating the management fee shall not include depreciation, utilities, real and personal property taxes, insurance premiums, or any single capital expenditure in excess of Fifteen Thousand Dollars ($15,000.00). Such management fee and the manner of its calculation shall be included in the statements or annual estimate of Common Area Maintenance Expenses. The Fifteen Thousand Dollar ($15,000.00) amount (the "Capital Expenditure Figure") is subject to adjustment at each January 1 during the Term of this Declaration (the "Adjustment Date") as follows:

(1) The base for computing the adjustment is the Index, as hereinafter defined, which is in effect on the date of the commencement of the Term of this Declaration ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Extension Index") is to be used in determining the amount of the adjustment. If the Extension Index has increased over the beginning Index, the Capital Expenditure Amount for the following calendar year (until the next adjustment) shall be set by multiplying Fifteen Thousand Dollars ($15,000.00) by a fraction, the numerator of which is the Extension Index and the denominator of which is the Beginning Index.

(2) the Index referred to in the preceding paragraph is the Consumer Price Index for All Urban Consumers (base year being the year in which the first store opens for business in the Shopping Center) for the San Francisco-Oakland-San Jose, California CMSA published by the United States Department of Labor, Bureau of Labor Statistics.

(3) If the Index is changed so that the base year differs from that in effect when the Term of this Declaration commences, the Index shall be converted in accordance with the conversion factor published by the Untied States Department of Labor, Bureau o Labor Statistics. If the Index is discontinued or revised during the Term of this Declaration, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result.

(i) Books and Records; Inspection and Audit. The Maintenance Director shall keep separate and complete books of account covering the Common Area Maintenance Expenses and shall preserve such books for at least twenty-four (24) months after the close of each calendar year. Any Owner shall have the right to examine and/or audit the books at its sole cost and expense during reasonable business hours and without unreasonable frequency.

(j) Owner's Percentage Shares of Common Area Expenses. The percentage share of Common Area Maintenance Expenses to be borne by the Owner of any building for any year shall be determined by multiplying all of the Common Area Maintenance Costs by a fraction, the numerator of which shall be equal to the square footage of floor area of such Owner's building, and the denominator of which shall be equal to the aggregate of the square footage of all floor area of all buildings in the Shopping Center, as the same may exist from time to time.

5. REAL PROPERTY TAXES.

(a) Payment of Taxes. All Owners of any parcel in the Shopping Center shall pay prior to delinquency all taxes and assessments of the Common area and building owned by them. If any such Owner shall fail to pay any such taxes and assessments prior to delinquency, any other Owner may pay such taxes and assessments and the curing Owner may then bill the defaulting Owner for the expense incurred. If the defaulting Owner shall not pay the bill within fifteen (15) days of receipt, the curing Owner shall have a lien on the property of the defaulting Owner for the amount of such bill, which amount shall bear intersect at the maximum rate permitted by law.

(b) Contest of Taxes. Any Owner shall have the right to contest the amount or validity of any tax or assessment which it is required to pay hereunder, provided such Owner (1) bears all expenses of such contest; (2) promptly upon termination of such proceedings (but in any event prior to any sale of the Parcel for taxes), pays in full, together with all penalties and interest thereon, the amount of taxes and assessments then found to be due and payable.

6. SIGNS.

(a) Sign Approval; Permitted Signs. For so long as Declarant owns any portion of the Shopping Center, Declarant shall have the right to approve all building, monument and other signage to be installed within the Shopping Center. No other signs shall be erected or maintained in the Shopping Center. In no event shall any sign be installed on the roof of a building or which projects above the top of any parapet wall, or roof line if it is to be affixed to the side of a building not having a parapet wall.

(b) Building Sign Maintenance. Each sign located in the Shopping Center shall be maintained in good condition and repair by the Owner or Occupant of the building or space where such sign is located, or by the parties maintaining sign placards on any monument sign.

(c) Monument Sign. Subject to obtaining all necessary governmental approvals and permits, Declarant agrees that it will attempt to construct two (2) monument signs on the Property as depicted on Exhibit "B". If Declarant only obtains approval to construct one (1) monument sign it shall be constructed at the corner of Main Street and Ashley Avenue. The Drugstore Parcel shall have the right to maintain a sign placard in the top 67% of each side of all monument signs. If the Drugstore Parcel utilizes the top 67% of such signs it shall pay 67% of the costs of designing, constructing, operating and maintaining each such sign (collectively, the "Sign Costs"), if it uses a lesser area it shall pay a pro-rata share of the Sign Costs. In the event that the Property is developed pursuant to Exhibit B and the Restaurant Parcel is unable to obtain all necessary governmental approvals and permits to construct a monument sign on the Restaurant Parcel, the Restaurant Parcel shall have the right to maintain a sign placard in the second space from the top of the monument sign located on Main Street. If the Restaurant Parcel utilizes such sign space it shall pay a pro-rata share of the costs of designing, constructing, operating and maintaining the monument sign.

(d) Prohibited Signs and Devices. No Owner or occupant of the Shopping Center shall allow or cause to be used in any building any signs (other than as permitted by the Sign Criteria), and/or any advertising media such as, without limitation, phonographs, radios, public address systems, sound production or reproduction devices, excessively bright lights, changing, flashing, flickering or moving lights or lighting devices or any similar devices, the effect by which shall be heard/or visible from the exterior of any buildings located in the Shopping Center.

7. INDEMNIFICATION; LIABILITY INSURANCE

(a) Indemnification. Each Owner shall protect, indemnify, defend and hold free and harmless the other Owners, and their agents, servants, employees, officers, directors and occupants, from and against any and all loss,, damage, liability, cost or expense, including, without limitation, attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which such other Owners, their agents, servants, employees, officers, directors and occupants may incur, pay or become obligated to pay on account of any, all and every demand or claim, or assertion of liability, or any claim or action founded thereon arising or alleged to have arisen out of any act or omission of the indemnifying Owner, its agents, servants, employees, officers, and directors whether such claim or claims, action or actions, be for damages, injury to person or property, including the property of the indemnified Owner, or death of any person, made by any person, group or organization, whether employed by any of the owners hereto or otherwise.

(b) Liability Insurance.

(1) Each of the Owners shall at its own expense, maintain, or cause to be maintained, in force during the Term of this Declaration a policy or policies of comprehensive liability insurance in single combined limits of not less than the coverage required to be maintained by the Maintenance Director with respect to the Common Area (as such amount may be increased), written by one (1) or more responsible insurance carriers licensed to do business in the Sate of California, which shall insure against liability for bodily injury to and/or death of and/or damage to property of any person or persons in any one (1) occurrence. The insurance required to be provided by the Owners pursuant to this Section shall be with companies holding a "general Policyholders Rating" of at least B+X, or equivalent rating, as set forth in the most current issue of "Best Insurance Guide," or a company or companies of equivalent reputation and quality.

(2) Each of the Owners shall deliver to the other Owners certificates of insurance evidencing the existence in force of the policies of insurance hereinabove provided for. Each of such certificates shall provide that such insurance shall not be cancelled or materially amended unless ten (10) days prior written notice of such cancellation or amendment is given to and received by the Owners designated on such certificate as holder thereof.

(3) Each Owner shall name the other Owners as additional insured, and such policies shall contain cross-liability endorsements. All such insurance may be carried under a blanket policy covering other locations, provided that the coverage afforded by such blanket policy shall not be reduced or diminished by reason of the use

of such blanket policy of insurance, and provided further that the requirements of this Section are otherwise satisfied.

(4) In the event of loss due to any of the perils for which insurance is required pursuant to this Declaration, each Owner shall look first to its insurance (or self insurance) for recovery. Each Owner hereby grants to each other Owner, on behalf of any insurer providing insurance to either of them, with respect to the Shopping Center, a waiver of any right of subrogation which any insurer of one party may acquire against the other by virtue of payment of any loss under such insurance (or self insurance), provided that such waiver of the right of subrogation shall not be operative where the effect is to invalidate such insurance coverage. Owner's waiver of subrogation herein shall be equally applicable whether Owner self-insures or procures insurance.

(c) Mechanics' Liens. If a mechanics' and/or materialman's lien is filed against a Parcel, the Owner of such Parcel shall cause such lien to be removed of record within twenty (20) days form the date the lien is filed. The indemnity provisions hereinabove shall apply to mechanics' and materialmans' liens.

8. APPROVALS.

Whenever the consent and/or approval of an Owner is required, such consent and/or approval shall not be unreasonably withheld, or unreasonably delayed taking into account the circumstances surrounding such request for consent and/or approval. If an Owner refuses its consent and/or approval, it shall state its reason(s) therefore in writing to the requesting Owner(s), and failure to state such reason(s) in writing shall conclusively be deemed a consent and/or approval of the request in question. The failure of an Owner to respond to a request for consent within thirty (30) days from receipt of the request shall be deemed to be such Owner's approval of the request.

9. MORTGAGES SUBORDINATE TO AGREEMENT.

Any mortgage affecting ay portion of the Shopping Center shall at all times be subject and subordinate to the terms of this Declaration and any person foreclosing any such Mortgage, or acquiring title by reason of a deed in lieu of foreclosure, shall acquire title to the property affected thereby subject to all of the terms of this Declaration.

10. DEFAULT; REMEDIES.

(a) Default of Owner. An Owner shall be deemed to be in default upon the expiration of fifteen (15) days from receipt or written notice from any other Owner specifying the particulars in which such Owner has failed to perform the obligations of this Declaration unless that Owner, prior to the expiration of such fifteen (15) days, has rectified the particulars specified in the default notice. However, such Owner shall not be deemed to be in default if such failure (except the failure to pay any monetary obligation) cannot be rectified within the fifteen (15) day period despite its best commercial efforts in good faith to do so, and such Owner shall have commenced to cure the default within the fifteen (15) days and diligently pursues such cure until completed. In the event of a default that is not curable or not cured as provided in this Section, each non-defaulting Owner shall have all of the rights and remedies set forth in this Section 10.

(b) Failure to Pay Common Area Maintenance Expenses. In the event any Owner fails or refuses at any time to pay when due its share of Common Area Maintenance Expenses as set forth in this Declaration (a "Delinquent Assessment"), which default continues for a period of fifteen (15) days after receipt of written notice of same, then legal action may be instituted against the defaulting Owner by the Maintenance Director and/or Declarant to collect the amount or amounts due, or by any other Owner paying the Delinquent Assessment ("Curing Owner") for reimbursement plus interest at the maximum rate permitted by law to be charged by non-exempt lenders under the California usury laws (the "Maximum Rate of Interest") from the date due until paid. Furthermore, the Maintenance Director, Declarant, and/or the Curing Owner shall have the right to record a lien on any one or more Parcels of the defaulting Owner for the amount of the Delinquent Assessment, which amounted shall bear interest at the Maximum Rate of Interest until paid; provided however, that if there is a bona fide dispute as to the existence of such default or of the amount due and all undisputed amounts are paid, then there shall be no right to record a lien on such Owner's Parcel, with respect to the disputed amounts, until such dispute is settled by mutual agreement or final court decree, provided that such dispute is diligently prosecuted to resolution. The right to record a lien as provided herein shall not be impaired by an intervening sale or other disposition of the affected Parcel by the defaulting Owner. For purposes of this paragraph, a Delinquent Assessment shall include the Maintenance Director's, Declarant's, and/or the Curing Owner's costs (including actual attorneys' fees and costs incurred, whether or not suit or a foreclosure action is filed) of curing and collecting the Delinquent Assessment.

(c) Other Remedies. In addition to the foregoing, if any Owner defaults in the performance of any provisions of this Declaration, any other Owner may institute legal action against the defaulting Owner for specific performance, declaratory relief, damages or other suitable legal or equitable remedy. In addition to the recovery of damages and of any sums expended on behalf of the defaulting Owner, the prevailing party in the action shall be entitled to receive form the other party its actual attorneys' fees and costs for services rendered to the prevailing party in any such action (including any appeal thereof). The remedies and liens provided in this Section and the enforcement thereof as herein provided shall be in addition to, and not in substitution for or exclusion of, any other rights or remedies which the Owners may have under this Declaration or at law or in equity.

(d) Liens. Any liens provided for in this Declaration shall only be effective when filed for record as a claim of lien against the defaulting Owner in the Office of the Yolo County Recorder, signed and verified, which claim of lien shall contain the following as well as any other information required by law in order to make the lien effective:

(1) A statement of the unpaid amount of costs and expenses;

(2) A description sufficient for identification of that Parcel of the defaulting Owner which is the subject of the lien;

(3) The last known name and address of the Owner or reputed Owner of the Parcel which is the subject of the lien; and

(4) The name and address of the lien claimant.

The lien, when so established against the real property described in the lien, shall be prior and superior to any right, title, interest, lien or claim which may be or has been acquired or attached to such real property after the time of filing of the lien. The lien may be enforced by any remedies afforded lien claimants under applicable law or otherwise, including, without limitation, causing a Notice of Default, to be recorded against the defaulting Owner's Parcel and thereafter causing the Parcel to be sold in the manner provided by applicable law. Any such sale shall be held as promptly as possible. The Maintenance Director, Declarant, and/or the Curing Party shall have the owner to bid on the Parcel of the defaulting Owner at such foreclosure sale. Upon payment in full (prior to foreclosure) of the Delinquent Assessment together with all applicable interest due thereon, the Maintenance Director, Declarant, and/or the Curing party shall promptly cause to be recorded a further notice stating the satisfaction and release of the lien against the defaulting Owner's Parcel.

11. TERM; DURATION.

This Declaration and the covenants, conditions, restrictions and reciprocal easements set forth herein shall run with and bind the Shopping Center and shall inure to the benefit of each owner of land within the Shopping Center and their respective heirs, personal representatives, successors and assigns, for a term beginning on the date this Declaration is recorded and continuing for so long as a drugstore is operated on the Drugstore Parcel. At such time, the covenants and restrictions herein shall terminate unless extended for successive periods of 10 years each pursuant to Section 12 below.

12. MODIFICATION.

This Declaration may not be modified in any respect whatsoever, or rescinded, in whole or in part, or extended except with the written consent of the owners of all parcels in the Shopping Center, and then only by written instrument duly executed and acknowledged by said owners and recorded in the Official Records, Yolo County, California.

13. NOT A PUBLIC DEDICATION.

Nothing herein contained shall be deemed to be a gift or a dedication of any portion of the Shopping Center to the general public or for the general public or for any public purposes whatsoever, it being the intention of the parties that this Declaration shall be strictly limited to and for the purposes herein expressed,. The right of the public or any person to make any use whatsoever of the Shopping Center or any portion thereof is by permission, and subject to control of the owner of the respective parcel. However, the owners by mutual agreement may periodically restrict ingress to and egress from the Shopping Center in order to prevent a prescriptive easement from arising by reason of continued public use.

14. BREACH SHALL NOT PERMIT TERMINATION.

No breach of this Declaration shall entitle any Owner to cancel, rescind, or otherwise terminate this Declaration, but such limitation shall not affect in any manner any other rights or remedies which such Owner may have hereunder by reason of any breach of this Declaration. No third party, including without limitation occupants, users, licensees, or tenants of the Shopping Center shall have any rights under this Declaration or be deemed in any manner a third party beneficiary of this Declaration. Any breach of any of said covenants or restrictions, however, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value, but such covenants or restrictions shall be binding upon and effective against such owner of any of said property or any portion thereof whose title thereto is acquired by foreclosure, trustee's sale, or otherwise. Neither party shall have the right to recover consequential damages against the other party as a result of a breach of this Declaration.

15. GENERAL PROVISIONS.

(a) Counterparts. This Declaration may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

(b) Entire Agreement. This Declaration, together with all Exhibits and documents referred to herein constitute the entire agreement among the parties with respect to the subject matter, and supersede all prior understandings or agreements. Only a writing signed by all Owners may modify this Declaration. All exhibits to which reference is made in this Declaration are deemed incorporated in this Declaration whether or not actually attached.

(c) Partial Invalidity. If any provision of this Declaration is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Declaration shall continue in full force and effect and shall in no way be impaired or invalidated, and the parties agree to substitute for the invalid or unenforceable provision a valid and enforceable provision that most closely approximates the intent and economic effect of the invalid or unenforceable provision.

(d) Choice of Law, Interpretation. This Declaration and each and every related document are to be governed by, and construed in accordance with, the laws of the State of California. The provisions of this Declaration shall be construed as to the fair meaning and not for or against any party based upon any attribution to such party as being the sole source of the language in question.

(e) Waiver of Covenants, Conditions or Remedies. The waiver by one party of the performance of any covenant, condition or promise, or of the time for performing any act, under this Declaration shall not invalidate this Declaration nor shall it be considered a waiver by such party of any other covenant, condition or promise, or of the time for performing any other act required, under this Declaration. The exercise of any remedy provided in this Declaration shall not be a waiver of any consistent remedy provided by law, and the provisions of this Declaration for any remedy shall not exclude any other consistent remedies unless they are expressly excluded.

(f) Time of the Essence. Time shall be of the essence as to all times for performance.

(g) Attorneys' Fees. In the event that any party hereto institutes an action or proceeding for a declaration of the rights of the parties under this Declaration, for injunctive relief, for an alleged breach or default of, or any other action arising out of, this Declaration, or in the event any party is in default of its obligations pursuant thereto, whether or not suit is filed or prosecuted to final judgment, the non-defaulting party or prevailing party shall be entitled to its reasonable attorneys' fees and to any court costs incurred, in addition to any other damages or relief award.

(h) Notices. Whenever a provision is made for the giving of notice, demand, or request for consent or approval, or grant or withholding of consent or approval (collectively "notice"), the notice shall be in writing and signed by or on behalf of the party giving the notice and served by registered or certified mail or overnight courier. If served by registered or certified mail, the notice shall be deposited in the United States Mail, postage prepaid, with return receipt requested, addressed to the intended recipient at the address maintained by the County of Yolo for the mailing of real property tax statements, unless subsequently changed in writing and shall be conclusively deemed served on the date indicated on the return receipt. If served by overnight courier, the notice shall be conclusively deemed served on the date of delivery or attempted delivery as shown in the courier's records. If delivery is refused or the notice is unclaimed, the notice shall be conclusively deemed served forty-eight (48) hours after mailing.

(i) Headings The headings or titles of the various Sections and paragraphs of this Declaration are for convenience of reference only and shall not modify, define or limit any of the terms or provisions contained therein.

(j) Non-Merger. The ownership of the entire Shopping Center by the same Owner shall not effect a merger or termination of this Declaration

THIS DECLARATION is and shall be binding upon and shall inure to the benefit of each Owner of a Parcel constituting a portion of the Shopping Center and its respective successors, assigns, heirs, administrators, executors, and legal representatives.

IN WITNESS WHEREOF, Declarant has executed this Declaration on June 30, 2009.

ASHLEY & MAIN, LLC
a California limited liability company

By: ______________________
PAUL S. PETROVICH
Manager

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Woodland, County of Yolo, State of California, described as follows:

PARCEL ONE:

BEGINNING AT A POINT ON THE NORTH LINE AND NORTH 89 DEGREES 54' 30" WEST 1186.27 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 2 EAST, M.B.D. & M., ACCORDING TO THE OFFICIAL PLAT THEREOF; RUNNING THENCE SOUTH 0 DEGREES 07' 30" WEST 340.00 FEET; THENCE NORTH 89 DEGREES 54' 30" WEST 134.00 FEET; THENCE NORTH 0 DEGREES 07' 30" WEST 340.00 FEET TO SAID SECTION LINE; THENCE SOUTH 90 DEGREES 54' 30" EAST ALONG SAID SECTION LINE 134.00 FEET TO THE POINT OF BEGINNING.

APN: 065-010-17-1

PARCEL TWO:

PARCEL B, PARCEL MAP NO. 2836, FILED OCOTBER 31, 1978, IN BOOK 4 OF PARCEL MAPS, PAGE 49, YOLO COUNTY RECORDS, EXCEPTING THEREFROM THAT PORTION DEDICATGED OT THE COUNTY OF YOLO AS RECORDED IN BOOK 1331; PAGE 506 RECORDS OF YOLO COUNTY, CALIFORNIA

EXCEPTING FROM PARCELS ONE AND TWO ABOVE THAT LINE WITHIN THE BOUNDARIES WEST MAIN STREET AND ASHLEY AVENUE AS THEY PRESENTLY EXIST.

APN: 065-010-24-1

PARCEL THREE:

PARCEL A, PARCEL MAP NO. 2836, FOR LAURENCE A. MAYFIELD, FILED OCTOBER 31, 1978, IN BOOK 4 OF PARCEL MAPS, PAGE 49, YOLO COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL "A" DEDICATED TO THE COUNTY OF YOLO AS DESCRIBED IN BOOK 1331 AT PAGE 506, YOLO COUNTY RECORDS.

APN: 065-010-23-1

EXHIBIT B-1

SITE PLAN

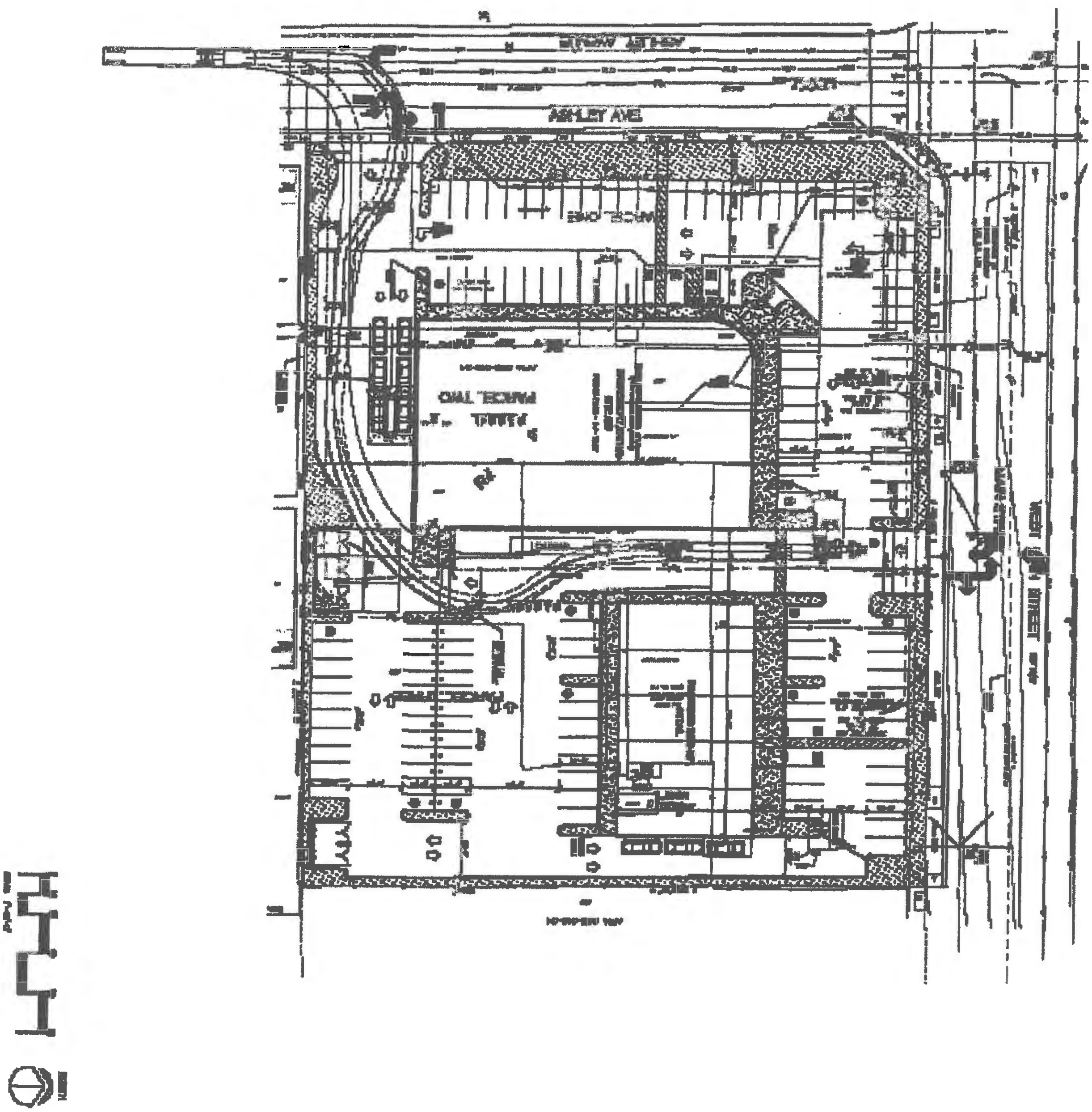
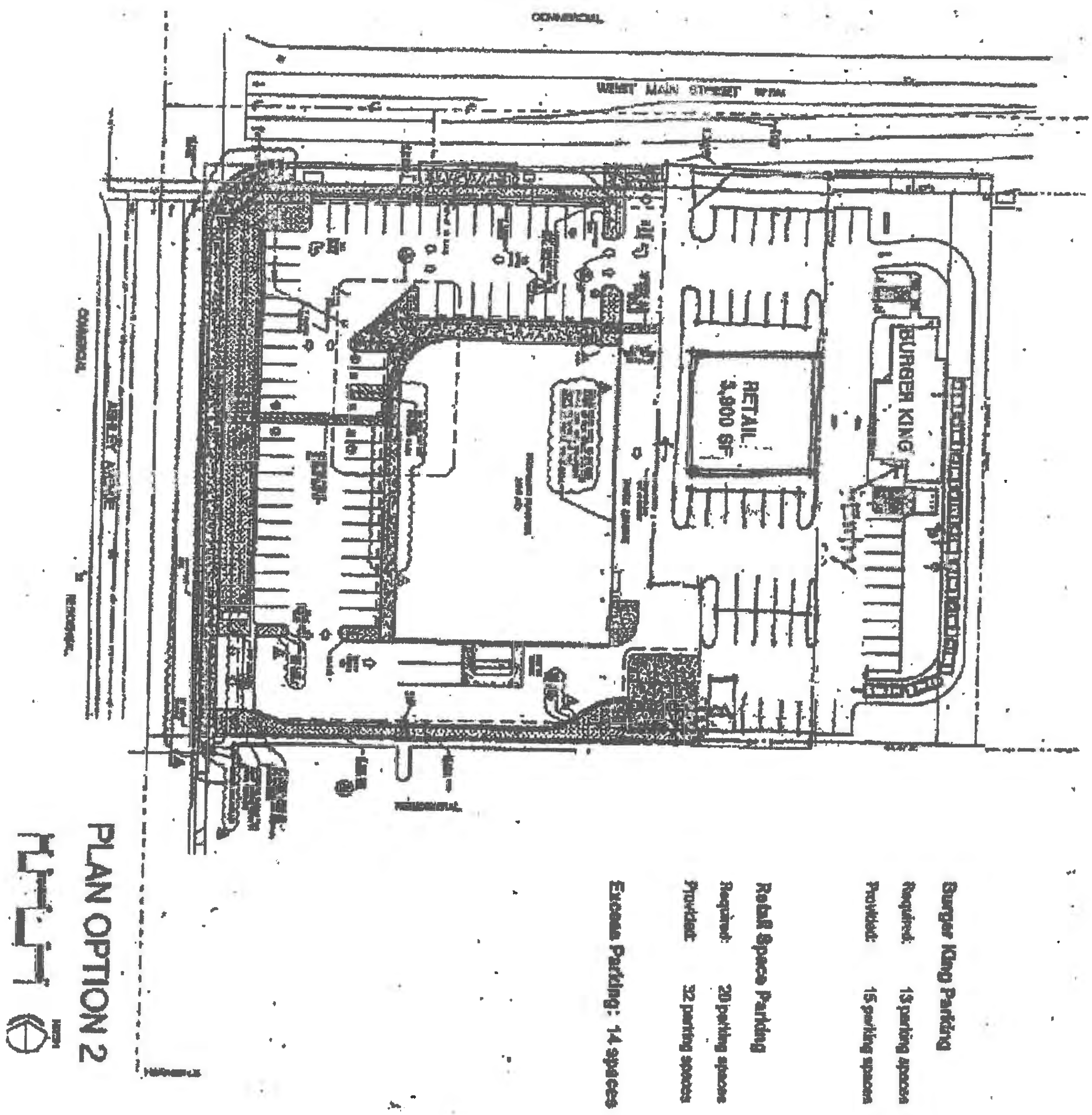


EXHIBIT B-2

ALTERNATIVE SITE PLAN



NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

On July 8, 2009, before me, Bruce F. Stewart, Notary Public, personally appeared **PAUL S. PETROVICH**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Bruce F. Stewart
Notary Public

Commission expires May 25, 2013
Notary Commission No. 18448144
Notary Phone: (916) 966-4600
County of Principal Place of Business: Sacramento

BRUCE F. STEWART
Commission # 1848144
Notary Public - California
Sacramento County
My Comm. Expires May 25, 2013

Comm#1848144

END OF DOCUMENT

QSR
Limited-Service, Unlimited Possibilities

February 16, 2012

INDUSTRY NEWS (/NEWS) | May 3, 2007

Technomic Top 500 Chains Report

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The 500 largest U.S. restaurant chains registered solid performance, posting 6 percent annual sales growth in 2006, according to data released today by Technomic at the 22nd Annual Elliot Leadership Conference. In its annual report on the top U.S. restaurant chains, the leading foodservice consultancy found that U.S. systemwide sales for the Top 500 rose to an estimated $212.7 billion in 2006, up nearly $13 billion over 2005 on a same-chain basis.

"As the U.S. economy continued to struggle against rising gas prices, aggressive chain restaurant unit expansion and menu price increases fueled the Top 500 to outperform the restaurant industry at large, which grew 5.9 percent," said Darren Tristano, Managing Director of Technomic Information Services.

Significant growth continued to come from the limited-service beverage, donut and bakery cafe categories with Starbucks, Dunkin Donuts and Panera Bread posting 2006 double-digit sales growth of 21.5, 20.7 and 19.7 percent, respectively. McDonald's, the largest U.S. restaurant chain grew 5.7 percent with sales exceeding $27.1 billion. Subway continued to dominate the growing other sandwich segment with 7.5 percent sales growth and total sales in excess of $7.7 billion.

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Comments ()
Printer-friendly version (http://www.qsrmagazine.com/print/27926)

Limited-service chains within the Technomic Top 500 accounted for 82 percent of all U.S. "fast food" restaurants. As a whole, this group grew at a rate of 5.8 percent. Chicken, which grew at 4.9 percent, was another limited-service sub-segment with sales growth above their segment average. Within this segment, Atlanta-based Chick-fil-A grew 15.2 percent with sales of nearly $2.3 billion.

Growth continued to be driven by quick-casual chains. The Mexican category was led by Chipotle and Qdoba Mexican Grill which posted U.S. systemwide sales growth of 42.8 and 31.7 percent, respectively. The Asian category continued its sales growth with P.F. Chang's Pei Wei concept (34.5 percent) and Panda Express (21.7 percent). Standouts in the other sandwich segment included Potbelly Sandwich Works and McAlister's Deli with growth of 51.4 and 23.1 percent, respectively.

Within full-service restaurants, Top 500 full-service ethnic Asian and Italian categories posted strong sales growth rates of 9.8 and 7.0 percent, respectively, compared to an overall full-service industry growth rate of 6.0 percent. The real success story was in the varied menu category which continued to outperform the segment with 10.3 percent sales growth, led by America's two largest casual dining chains; Applebee's Neighborhood Grill & Bar (8.4 percent) and Chili's Grill & Bar (14.5 percent) increased sales largely through unit growth and price increases. The steak category posted strong results with sales growth of 6.4 percent. Seafood (4.5 percent), Mexican (3.4 percent) and Family-style restaurants (2.7 percent) showed only modest growth.

In total, the top 10 fastest-growing chains' sales accounted for $4.8 billion, a 38% increase over 2005. Unit counts grew 23 percent.

Impressively, 4 chains with sales over $2 billion achieved double-digit growth in 2006 including Starbucks (21.5 percent), Dunkin Donuts (20.7 percent), Chick-fil-A, (15.2 percent) and Chili's Grill & Bar (14.5 percent).

While the Top 500 chains posted strong growth in the aggregate, individual results varied dramatically with sales ranging from Salsarita's Fresh Cantina's 153 percent growth to Tony Roma's 27 percent estimated sales decline. Fully 77 percent of the Top 500 restaurant chains posted at least nominal sales increases; 103 of these chains suffered sales declines in 2006. Both winners and losers appeared in each segment and menu category. These widely-mixed results demonstrate the overall competitiveness of the industry and the need for suppliers and operators to carefully identify and focus upon the winners.

International performance by the Top 100 restaurant companies remained strong in 2006. International sales (up 11.2 percent) outpaced U.S. sales (up 5.9 percent); international unit growth was also up 8.0 percent vs. 3.8 percent for U.S. units. International sales leader McDonald's posted systemwide sales growth of 9.3 percent internationally.

Comments

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Save Preview

USA TODAY

Starbucks spurts to No. 3 U.S. restaurant chain

Updated 4/27/2011 3:27 PM |

By Bruce Horovitz, USA TODAY

In a striking cultural signal of just how differently consumers are eating, Starbucks has leaped ahead of Burger King and Wendy's to become the nation's third-largest chain restaurant in domestic sales.

By Lynne Sladky, APA Starbucks in Coral Gables, Fla.

Enlarge

By Lynne Sladky, AP

A Starbucks in Coral Gables, Fla.

Starbucks now ranks behind only No. 1 McDonald's and runner-up Subway, according to research firm Technomic's just-released listing of America's top 500 restaurant chains in total 2010 U.S. sales.

For decades, the nation's top three restaurant chains were the burger and fries triumvirate: McDonald's, Burger King and Wendy's. No longer. Two of 2010's top three — Subway and Starbucks — don't even sell burgers or fries.

Today, even as the coffee kingpin is expected to report stellar second-quarter earnings, it has got something else to crow about. "Starbucks keeps gaining and gaining," says Ron Paul, president of Technomic. "Carrying a Starbucks cup in your hand says something about you as a person."

PHOTO: A photo timeline of Starbucks over 40 years
STORY: Starbucks hits 40 as it continues to branch out
STORY: Starbucks drops its name from logo

One key to the recent success of Starbucks is an ongoing shift in how consumers define "healthy," says Sandra Stark, vice president of food at Starbucks. People used to think low-calorie or low-fat meant healthy food, she says. More recently, she says, that's evolved to food whose ingredients consumers understand and can pronounce. Two years ago, Starbucks was among the first chains to remove all artificial

ingredients from its food.

com

Not that the chain doesn't have challenges. The prices it pays for coffee beans and milk have skyrocketed, forcing it to recently raise coffee prices. And the company is undertaking a massive — possibly risky — effort to evolve into a grocery store seller of much more than coffee products.

"Starbucks has become the default cup of coffee for most people," says Bryant Simon, history professor at Temple University and author of Everything but the Coffee: Learning About America.

"Starbucks has been one of the strongest growth stories in all of retail over the past 20 years," says Sharon Zackfia, analyst at William Blair & Co.

Starbucks' recent growth, however, is also due to the shared weakness of Burger King and Wendy's, says Paul. "They both need to figure out where their niche is."

Executives from Burger King and Wendy's declined to comment.

2011 Technomic TOP 500

CHAIN RESTAURANT REPORT

THE annual restaurant industry update.

Rankings.

Performance.

Growth.

Trends.

Forecasts.

TECHNOMIC

Food Industry. Facts. Insights. Consulting.

- Clients
- Employment

Top 100 U.S. Chain Restaurants

Rank	Chain Name	2010 U.S. Sales ($000)	% Change
1.	McDonald's	$32,395,000	4.4%
2.	Subway	10,600,000	6.0
3.	Starbucks	9,070,000*	8.7
4.	Burger King	8,710,000*	-2.5
5.	Wendy's Old Fashioned Hamburgers	8,340,000*	-0.6
6.	Taco Bell	6,950,000*	2.2
7.	Dunkin' Donuts	5,620,000*	6.1
8.	Pizza Hut	5,390,000*	7.8
9.	KFC	4,710,000*	-3.9
10.	Applebee's Neighborhood Grill & Bar	4,316,492	-1.8
11.	SONIC Drive-Ins	3,623,476	-4.5
12.	Chili's Grill & Bar	3,589,400	-4.8
13.	Chick-fil-A	3,583,000	11.4
14.	Olive Garden	3,391,000	3.1
15.	Domino's Pizza	3,305,636*	9.1
16.	Arby's	3,010,000*	-6.8
17.	Jack in the Box	2,930,000*	-5.0
18.	Panera Bread	2,916,441	4.3
19.	IHOP	2,605,228	2.2
20.	Dairy Queen	2,445,000*	-1.0
21.	Red Lobster	2,380,000	-2.2
22.	Outback Steakhouse	2,250,000*	0.1
23.	Denny's	2,113,000	-1.1
24.	Papa John's	2,097,272*	1.9
25.	Cracker Barrel Old Country Store	1,911,664	1.9
26.	Chipotle Mexican Grill	1,831,922	20.7
27.	T.G.I. Friday's	1,769,000*	-3.6
28.	Buffalo Wild Wings Grill & Bar	1,703,032	13.8
29.	Hardee's	1,695,000*	2.1
30.	Golden Corral	3,639,726	5.4
31.	Popeyes Louisiana Kitchen	1,635,000*	2.5
32.	Ruby Tuesday	1,480,000*	-5.9
33.	The Cheesecake Factory	1,443,024*	3.6
34.	Quiznos	1,430,000*	-14.7
35.	Panda Express	1,404,456	12.8
36.	Carl's Jr.	1,310,000*	-4.4
37.	Texas Roadhouse	1,257,888	6.3
38.	Little Caesars	1,253,000*	10.9
39.	Whataburger	1,225,657	4.1
40.	Red Robin Gourmet Burgers	1,143,175	2.2

Rank	Chain Name	2010 U.S. Sales ($000)	% Change
41.	Bob Evans	992,489	-0.4
42.	P.F. Chang's	939,382	0.4
43.	LongHorn Steakhouse	921,000	5.0
44.	Hooters	888,000*	-1.0
45.	Church's Chicken	872,000	1.6
46.	Waffle House	871,000*	0.3
47.	Steak n Shake	786,564*	4.3
48.	Zaxby's	777,585	8.3
49.	Perkins Restaurant & Bakery	773,000*	-4.0
50.	Old Country Buffet/HomeTown Bufet	735,792	-10.2

To view chain restaurants ranked 51-100 click here

This chart is taken from the 2011 Technomic Top 500 Chain Restaurant Report.
Learn more about this publication.

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- Operator Profiles
- Price Tracking
- Propietary Consulting
- Research Panels
- Retailers

ATTACHMENT C

KD Anderson & Associates, Inc.
Transportation Engineers

April 3, 2013

Mr. Bruce Pollard
CITY OF WOODLAND
Community Development Department
300 First Street
Woodland, CA 95695

RE: STARBUCKS SITE ASSESSMENT – MAIN STREET AT ASHLEY AVENUE

Dear Mr. Pollard:

As requested, KD Anderson & Associates, Inc. has prepared an assessment for the proposed Starbucks coffee shop with drive-through window located in the southeast quadrant of the Main Street / Ashley Avenue intersection. The existing site has a conditional use permit that allows a Starbucks coffee shop excluding the drive-through component. The project will construct a building pad of 2,700 square feet and will include a 1,700 square foot Starbucks coffee shop with drive-through and a 1,000 square foot specialty retail shop.

Technical Objectives

The purpose of this assessment was to:

1) determine the characteristics of a Starbucks coffee shop with drive-through window

2) determine whether adequate queuing can be provided in a drive-through lane;

3) determine the queuing requirements for outbound traffic at the driveways along Main Street with the addition of the project;

4) review on-site circulation with the project;

5) determine if adequate parking will be available based on the existing parking conditions and the proposed additional parking.

Some of the components of this analysis are short term effects on the site due to drive-through characteristics. Impacts of these short terms characteristics are described through observation with less emphasis on the more commonly analyzed hourly evaluations.

3853 Taylor Road, Suite G • Loomis, CA 95650 • (916) 660-1555 • FAX (916)660-1535

Project Location

The proposed project is located between the existing Rite Aid pharmacy to the west and the existing Burger King restaurant with drive-through window to the east; an empty dirt pad currently exists. Access to the project site will be via the existing three common driveways serving the combined site. One driveway is located along Ashley Avenue while the other two are located along Main Street. The driveway along Ashley Avenue provides full access. Two driveways along Main Street provide right-in, right-out access only. The 'Burger King' driveway is located at the far east end of the site, about 350' from the intersection while the 'Starbucks' driveway is located about midway between the Burger King driveway and the Main Street / Ashley Avenue intersection, about 200' from the intersection. The Starbucks driveway will provide the most direct access to the Starbucks pad.

Left turn movements, both inbound and outbound, were observed along Main Street into and out of both driveways; however, motorists can be cited for an illegal turn across a 'median' (CVC §21651 – Divided Highways)[1]. Figure 1 presents the project location within the site.

Data Collection

Peak hour turning movement counts (TMC) were conducted during mid-February 2013 at the two site driveways along Main Street; they were conducted while school was in session. In addition to turning movement counts vehicle queuing data was also recorded at the drive-through windows for the Burger King and Rite Aid. Peak hour a.m., noon and p.m. queues were observed for use in reviewing on-site circulation. Parking utilization was also surveyed on the site during a typical weekday to determine how many spaces are available during these peak two-hour periods. Utilization was determined based on counts conducted at 15-minutes intervals. The industry standard for full utilization is when 85% of the spaces are used.

One element of this study was to determine the expected queuing that could occur as a result of the drive-through lane of the proposed Starbucks coffee shop. As part of the data collection a similarly sized Starbucks coffee shop with drive-through window was observed during the a.m., noon and p.m. peak hours. The Starbucks observed was located along a major street with a 35 mph posted speed and within a shopping area adjacent to the roadway in order to provide a like comparison to the projected conditions. Vehicle queuing in the drive-through was also observed with queues counted at 15 minute intervals to establish an expected queue length for the proposed site. A "Starbucks" trip generation rate was developed based on the data collected.

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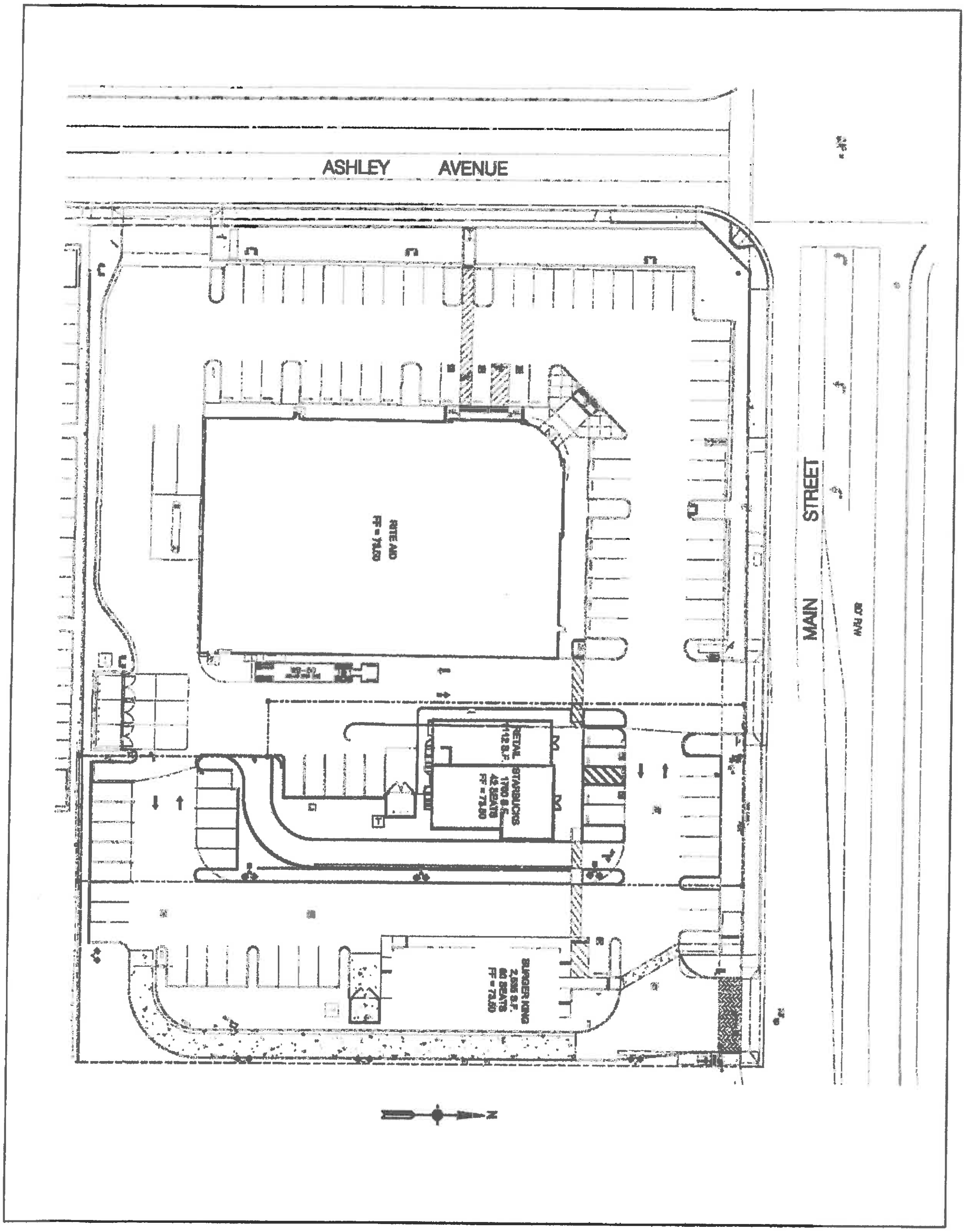
[1] Whenever a highway has been divided into two or more road ways by means of intermittent barriers or by means of a dividing section of not less than two feet in width, either unpaved or delineated by curbs, double-parallel lines, or other markings on the roadway, it is unlawful to do either of the following: (1) To drive any vehicle over, upon, or across the dividing section. (2) To make any left, semicircular, or U-turn with the vehicle on the divided highway, except through an opening in the barrier designated and intended by public authorities for the use of vehicles or through a plainly marked opening in the dividing section.



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SITE PLAN

figure 1

Project Characteristics

The development of the proposed project will generate traffic to and from the project site. The amount of additional traffic entering or leaving the site depends on two factors:

- Trip Generation, the number of new trips that will be generated by the project, and
- Trip Distribution and Assignment, the direction of travel and specific routes that the new traffic will take.

Based on the site plan provided by Kravets Development the Starbucks site will consist of a 1,700 ± square foot Starbucks coffee shop with drive-through window and an 1,000 ± square feet specialty retail shop. The number of vehicle trips that are expected to be generated by development of the proposed project can be estimated using typical trip generation rates that have been developed based on the nature and size of project land uses. Trip rates complied by the Institute of Transportation Engineers (ITE) and presented in the publication *Trip Generation, 9th Edition* were reviewed. Table 1 presents the estimated trip generation for the site with the coffee shop land use and the specialty retail land use. Using this method the project could generate up to 190 a.m. peak hour trips and 76 p.m. peak hour trips, depending on the variable used (square footage or seats). One deficiency with the ITE rates is that no information is available for the noon peak period. This time period can be an important analysis time period for specific land uses such as fast food restaurants, one of which is adjacent to the project.

TABLE 1
PROJECT TRIP GENERATION†

Land Use	Amount	Peak Hour					
		Rate			Rate		
		AM	In	Out	PM	In	Out
Starbucks Coffee Shop with Drive-Through (LU 937)	1.7 ksf (36 seats)	110.75 (4.69)	0.51	0.49	42.93 (1.21)	0.50	0.50
Specialty Retail (LU 826)	1.0 ksf	1.71*	0.75	0.25	2.71	0.44	0.56
		Trips			Trips		
		AM	In	Out	PM	In	Out
Starbucks Coffee Shop with Drive-Through (LU 937)		188 (169)	96 (86)	92 (83)	73 (44)	36 (22)	37 (22)
Specialty Retail (LU 826)		2	2	0	3	1	2
Total Trips		**190**	**98**	**92**	**76**	**37**	**39**

ksf – thousand square feet

* - assumed 25% of peak hour of generator

† - From ITE Trip Generation, 9th Edition (Noon Peak information unavailable)

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A second methodology was considered in developing trip generation for the site. Peak hour counts were conducted at a Starbucks coffee shop with similar characteristics to the proposed site. The Starbucks studied is about 2,450 square feet with 51 seats. The location is along a street with a posted speed of 35 mph and is situated within a neighborhood shopping center. A Jack-in-the-Box restaurant with drive-through window is also present; however, the two uses are about 300' apart. A.m., noon and p.m. peak hour counts were conducted and trip generation rates were developed based on square footage and seating. Table 2 presents the trip generation rates and projected trips based on the peak hour counts of this Starbucks coffee shop. Using the rates developed by observing a similar sized Starbucks yields peak hour trips of between 184 and 187 a.m. trips, 71 to 72 noon trips and 53 to 54 p.m. trips.

This assessment utilized the field-derived trip rates to develop traffic characteristics of the Starbucks coffee shop, while ITE trip rates were used to account for the 1,100± square foot retail development. The rates shown in Table 2 were used to assess the project.

TABLE 2
PROJECT TRIP GENERATION †

Land Use	Amount	Peak Hour								
		AM Rate			Noon Rate			PM Rate		
		AM	In	Out	Noon	In	Out	PM	In	Out
Starbucks Coffee Shop with Drive-Through	1.7 ksf (36 seats)	108.16 (5.20)	0.51	0.49	41.63 (2.00)	0.45	0.55	31.02 (1.49)	0.46	0.54
Specialty Retail (LU 826)	1.0 ksf	1.71*	0.75	0.25	6.84	0.75	0.25	2.71	0.44	0.56
		Trips			Trips			Trips		
		AM	In	Out	Noon	In	Out	PM	In	Out
Starbucks Coffee Shop with Drive-Through		184 (187)	94 (95)	90 (92)	71 (72)	32 (32)	39 (40)	53 (54)	24 (25)	28 (29)
Specialty Retail (LU 826)		2	2	0	2	2	0	3	1	2
Total Trips		**186 (189)**	**96 (97)**	**90 (92)**	**73 (74)**	**34 (34)**	**39 (40)**	**56 (57)**	**25 (26)**	**30 (31)**

ksf – thousand square feet
* - assumed 25% of peak hour of generator
† - trip rates derived from actual counts at similar Starbucks

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Queuing at Drive-Through Lanes

A queuing analysis was undertaken to determine the effects of three drive-through windows in a constrained area. Table 3 presents queuing data collected at the existing Rite Aid and Burger King drive-through windows and also presents the projected Starbucks queues. The Starbucks projections were based on the observed queues at the comparable Starbucks, using a straight line proportion to develop projected queues for this site.

The table indicates that each of the drive-through lanes has varying peaking times. The Burger King drive-through lane has its highest usage during the noon peak hour, as does the Rite-Aid. The Starbucks drive-through peaks primarily during the morning with an additional smaller peak during the noon peak hour. Since arrivals and departures can vary on any given day the worst queues during the peak two-hour period were considered.

Figures 2 and 3 present the projected average longest queue lengths on an average day based on the data from Table 3. Figure 2 illustrates the queue expected to be generated in the a.m. beginning at the order board. This queue will extend beyond the drive-through lane. Depending on the direction of arriving vehicles one or two drive aisles could be blocked to through traffic, along either or both of the south and east sides of the Rite Aid. The queues observed at the Starbucks location are short term; however, it is possible that any vehicles leaving the Rite Aid parking lot or accessing the Burger King from either of these two aisles could be blocked. Figure 3 presents the projected queue lengths during the noon peak hour. During the noon peak hour, Burger King experiences its maximum queues with up to six vehicles queued. The Starbucks queue is expected to be about four vehicles, which will leave one vehicle outside the drive-through lane. Vehicles will be able to bypass this vehicle queued for Starbucks; however, concurrent two-way travel would be unlikely.

TABLE 3
QUEUING DATA AT DRIVE-THROUGH LANES*

Time A.M. / Noon / P.M.	Burger King	Rite Aid‡	Starbucks†
7:00 / 11:30 / 4:00	0 / 3 / 0	0 / 2 / 1	1 / 1 / 1
7:15 / 11:45 / 4:15	0 / 3 / 1	0 / 1 / 0	4 / 1 / 1
7:30 / 12:00 / 4:30	1 / 6 / 1	0 / 0 / 1	4 / 1 / 1
7:45 / 12:15 / 4:45	1 / 3 / 0	0 / 1 / 0	3 / 4 / 1
8:00 / 12:30 / 5:00	0 / 2 / 0	0 / 1 / 0	6 / 1 / 1
8:15 / 12:45 / 5:15	1 / 1 / 1	0 / 0 / 0	6 / 1 / 1
8:30 / 1:00 / 5:30	1 / 5 / 0	1 / 4 / 1	4 / 1 / 1
8:45 / 1:15 / 5:45	1 / 4 / 1	0 / 2 / 2	2 / 1 / 1

* queues observed begin at reader board

† adjusted for size of Starbucks using straight line proportion

‡ 1 Rite Aid truck and 1 UPS truck parked at the rear service entrance facing project site between 12:30 and 1:30 (not shown in count).

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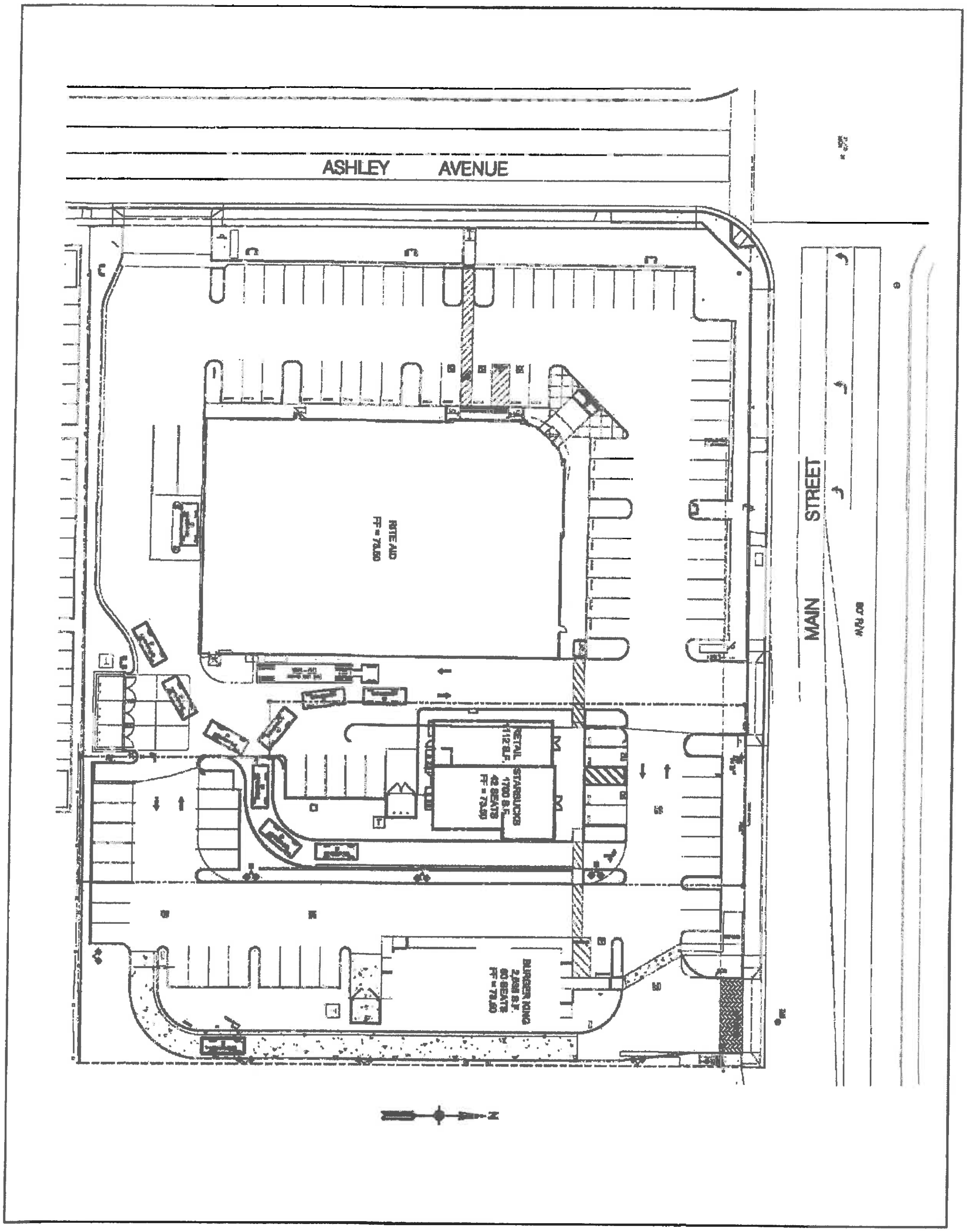

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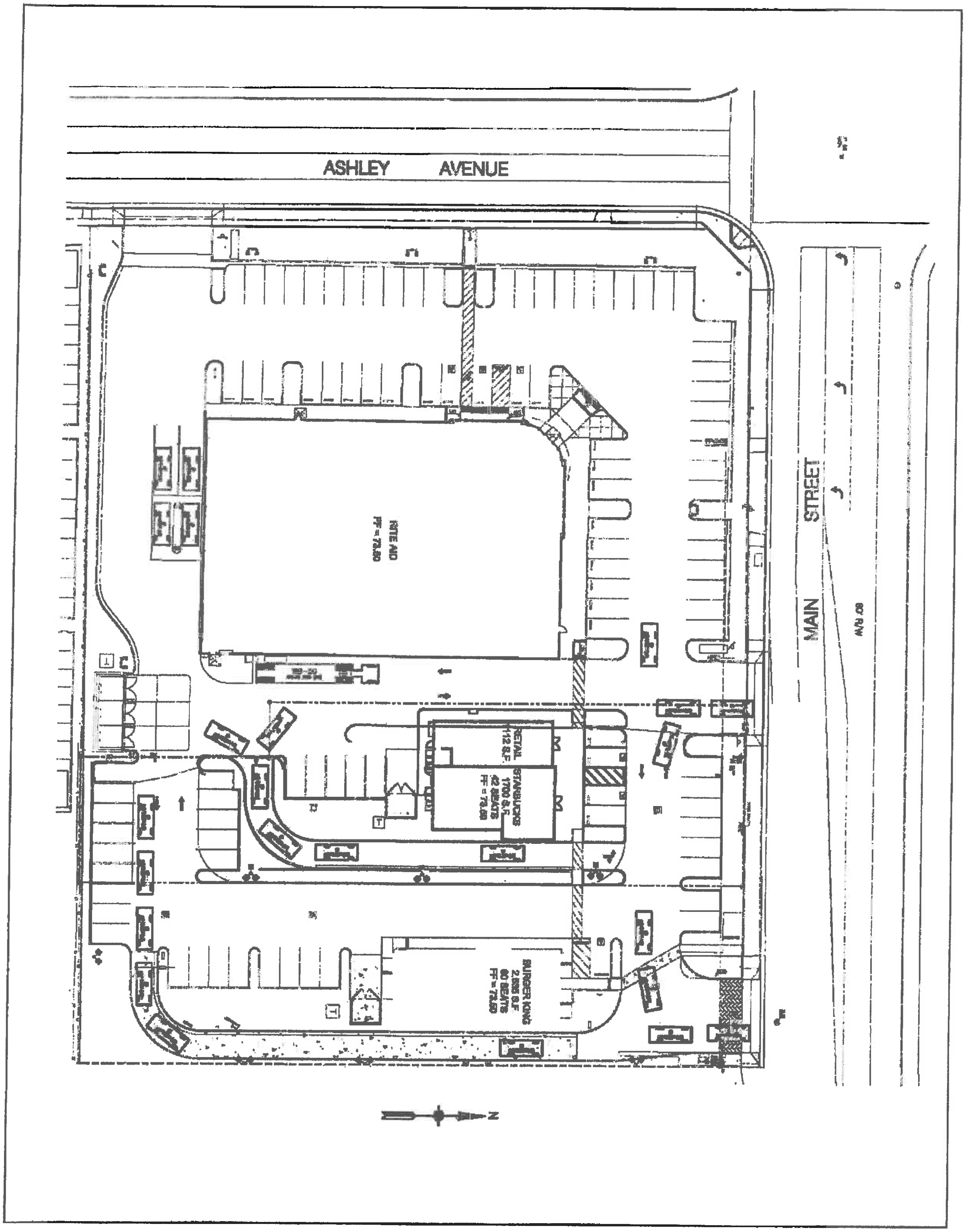
AM DRIVEWAY QUEUES

figure 2



NOON DRIVEWAY QUEUES AND CONFLICT POINTS

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figure 3

Poisson Distribution Analysis

The queuing analysis also determined the likelihood of queues at the Starbucks site blocking the internal roadways adjacent to the Rite-Aid store. The Starbucks site was the only drive-through lane analyzed as this lane, if exceeded, can block internal circulation of the entire site. Observation of the Rite Aid drive-through lane indicated that adequate storage is available. The drive-through lane queue for the Burger King currently extends outside of the drive-through lane. This currently blocks 3 parking spaces and could block an additional 5 spaces with the project completed; however, the location of the Burger King drive-through lane keeps vehicles along the perimeter of the site and general appears to cause circulation issues related to the Burger King.

A Poisson Distribution was used to develop the possible queues at various rates. For example, the 95th percentile queue is often used to develop the length of turn pockets. The 95th percentile queue indicates that the queue is exceeded only 5% of the time. The Poisson Distribution is a discrete probability distribution that occurs in a fixed period of time with a known average rate. The Poisson Distribution assumes that the process, in this case the number of cars that will be queued, occurs randomly. The Poisson Distribution determines the likelihood that the count will be a specific number during one period of observation based on the average rate of occurrence.

Table 4 presents the Poisson Distribution for the a.m. and noon peak periods. During the a.m. it is likely that a four car queue will be observed about 50% of the time. This queue will be contained in the drive-through lane. The distribution also indicates that about 33% of the time a queue of five vehicles will occur while a six car queue will occur almost 20% of the time. If the queue exceeds four vehicles drive aisles will be blocked. The extent of the blockage is unknown as the length of blockage is related to how quickly the vehicles in front depart the drive-through lane. For example, if the customers in front are ordering a cup of coffee the blockage would be expected to be short; however, if one customer orders multiple specialty coffees the blockage could be lengthened.

It is also unknown which drive-aisles would be blocked as driver characteristics will dictate the direction of blockage and the extent of blockage. A six car queue, for example, may extend into the drive aisle between the Rite Aid and the Starbucks, or it may extend across the drive aisle along the south side of the site. The driver's characteristics may also affect the extent of the queue. An impatient motorist may block a drive aisle because they don't want someone to cut in front of them.

A queue of four cars or less is expected regularly during the noon peak period. The queues will be maintained within the drive-through lane. Queues will extend into the drive aisles 5% of the time.

TABLE 4
POISSON DISTRIBUTION
STARBUCKS DRIVE-THROUGH QUEUE

Average Number of Vehicles Queued in 15-Minute Interval (m)	Probability	Average Number of Vehicles Appearing in Interval	Queue Exceeded (rounded)
AM			
3.8 vehicles*	0.978	1	98%
	0.893	2	89%
	0.731	3	73%
	0.527	4	53%
	0.332	5	33%
	0.184	6	18%
	0.091	7	9%
	0.04	8	4%
Noon			
1.4 vehicles*	0.753	1	75%
	0.408	2	41%
	0.167	3	17%
	0.054	4	5%

* average observed queue in a 15-minute period during a 2 hour peak period

Queuing at Main Street Driveways

Queues were also observed during the noon peak period at the two driveways providing access to the site along Main Street; the Burger King driveway was also observed during the a.m. and p.m. peak periods. The noon peak is the period that the three uses will, as an aggregate, experience the highest short-term volumes. Table 5 displays the observed vehicles at each of these driveways for the entire peak 2-hour periods. The maximum observed queue at both Burger King and Starbucks driveways was two vehicles during the noon peak. These queues are dependent on left turning vehicles as outbound left turns cause the longest delays.

TABLE 5
MAXIMUM OBSERVED VEHICLES AT MAIN STREET DRIVEWAY ACCESSES

	West Driveway (Rite Aid)				East Driveway (Burger King)			
	Inbound Left	Inbound Right	Outbound Left	Outbound Right	Inbound Left	Inbound Right	Outbound Left	Outbound Right
AM (7-9)	N/R	N/R	N/R	N/R	7	3	1	7
Noon (11:30 – 1:30)	31	32	17	30	24	25	14	23
PM (4-6)	N/R	N/R	N/R	N/R	17	2	8	38

N/R – not recorded

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The maximum queue observed at the Starbucks site was a three-vehicle queue entering the adjacent roadway during the a.m. peak. Two vehicles were queued in the noon period and a single vehicle queued in the p.m. peak hour. The addition of Starbucks traffic to the existing queues could add up to two vehicles at either driveway during the noon peak; it is assumed that one vehicle would exit at the opposite driveway or via Ashley Avenue. This would result in up to a four car queue exiting either the Burger King or Starbucks driveway. The length of delay is based on available gaps in traffic along West Main Street. These additional vehicles could block both internal intersections depending how the motorists queue when exiting the site. A four car queue could block both the Burger King driveway and driveway-aisle or the Starbucks driveway aisle (Figure 3).

Parking Utilization

There are 78 existing marked parking stalls on the entire site. 58 stalls are dedicated to Rite Aid. The remaining 20 spaces are dedicated to Burger King. Figure 4 illustrates the existing parking broken into five zones. Zone 1 provides parking for Burger King customers (12 stalls); Zone 2 (8 stalls) is also a dedicated parking area for Burger King customers. Two of the stalls are on the Burger King site while the remaining 6 are on the Starbucks site, fronting Main Street; Zone 3 (12 stalls) is a small parking area for Rite Aid customers that is expected to have spillover parking from Starbucks; Zone 4 is Rite Aid parking (46 stalls) and Zone 5 is an existing dirt pad that will house the proposed Starbucks. There are no dedicated parking stalls in Zone 5; however, a field review noted that Burger King customers use the pad. It is estimated that about 20 cars could park there in a single file. The proposed Starbucks will add 20 additional new parking spaces to the site. Ten new spaces will be dedicated to Burger King while ten stalls will be dedicated for the Starbucks and retail pad.

Based upon information provided by the City there is a parking easement between the Burger King site and the Starbucks site. However, a parking easement does not exist between the Rite Aid site and the other sites. Therefore, all parking for the Starbucks and Burger King sites has to be within their properties as there is no shared parking entitlement to use the Rite Aid parking spaces. The ten Starbucks stalls will include four spaces on the Main Street side of the building pad and five spaces between the building pad and the drive-through lane. The last stall will be located with the ten Burger King stalls, on the south side of the site.

A parking utilization study was conducted every 15 minutes during each of the three count periods to determine how many spaces are available at any given time of these peak periods. A similar study was conducted at the Starbucks study site to determine the projected number of stalls that will be needed. The time periods included 7:00 – 9:00 a.m., 11:30 a.m. – 1:30 p.m. and 4:00 - 6:00 p.m. Parking was counted by the zones previously identified.

Parking management practices consider parking to be "fully utilized" at levels below 100%. This is due to poor parking practices and the inability of motorists to recognize vacant spaces. Parking lots are considered to be fully utilized at 85% occupancy.

Each of the existing and proposed uses has different peak hours. Starbucks coffee shops with drive-through lanes experience high a.m. peaks, with lower noon peaks and even lower p.m. peaks. Burger King and Rite Aid stores have low a.m. peak hour usage but higher noon and p.m. peaks. The entire 2-hour periods in the a.m. and noon periods are shown in 15-minute increments while the highest 15-minute interval is shown for the p.m. peak period. Table 6 provides the parking utilization for the entire site. The Starbucks column (Zone 5) presents two figures. The first figure provides the Starbucks parking based on a proportional basis between the proposed Starbucks and the Starbucks that was observed in the field. The second figure presents the existing number of vehicles parked in Zone 5. The second volume, the existing Burger King customers, is assumed to move to assigned Burger King stalls in Zone 5.

The parking utilization study showed that in the frontage parking along Main Street (Zone 2) "capacity" will be reached with the addition of one vehicle. This could occur with the completion of the Starbucks as this parking zone provides frontage access to the Starbucks / retail store entrance.

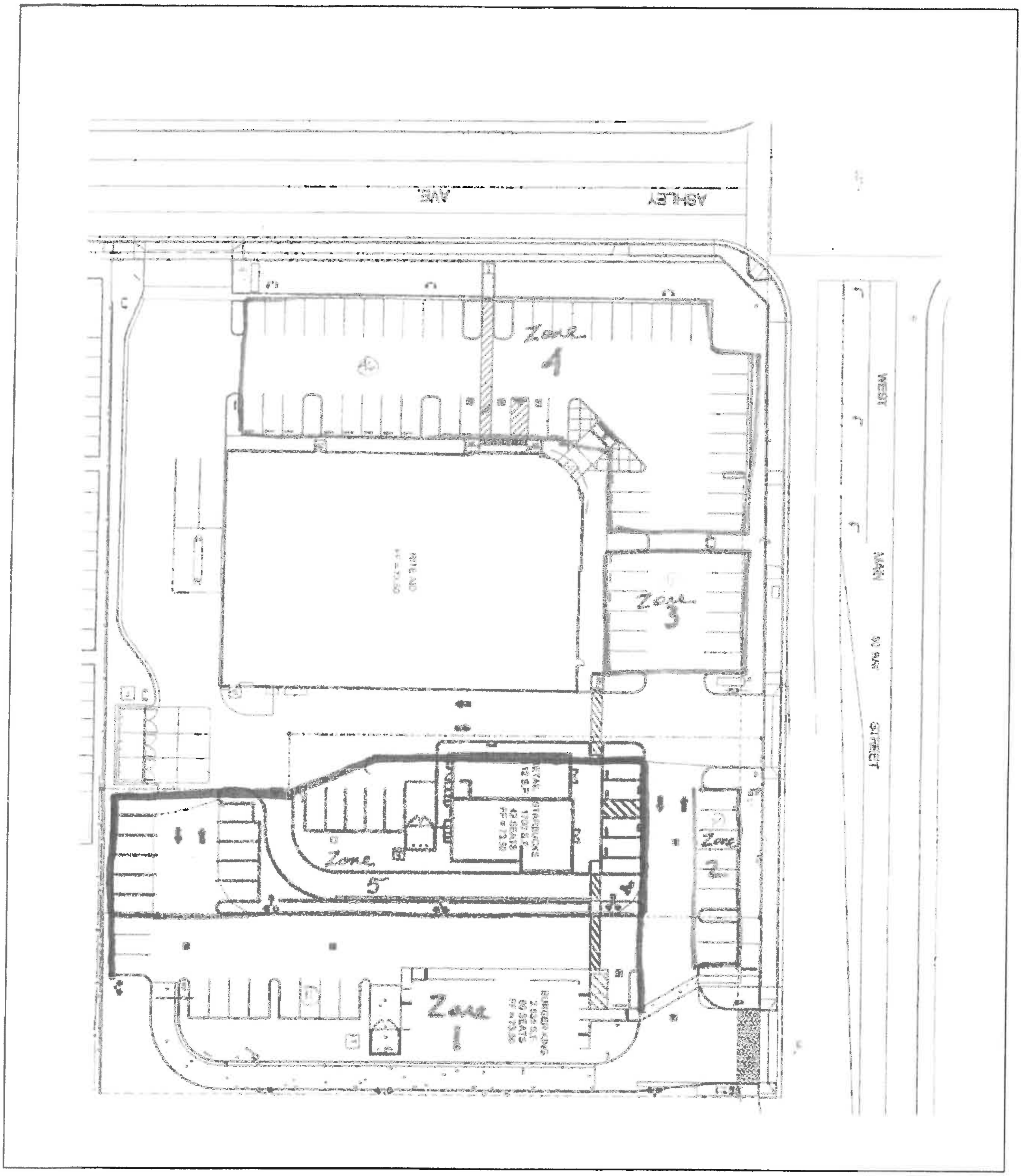
While shared parking is available between the Burger King and Starbucks sites, the Starbucks site will have inadequate parking spaces to provide for their customers. Based on the parking breakdown in Table 6 the Starbucks parking will be overcapacity during 6 of the 8 15-minute time periods in the a.m. peak 2-hour period. During the noon 2-hour peak period the Starbucks parking will be overcapacity in 5 of the 8 periods. The proposed parking will be adequate during the 2-hour p.m. peak period. Adequate parking will be available if Zone 5 is shared, but it is likely that Zone 2 will be at capacity during both the entire a.m. peak 2-hour period and the noon peak 2-hour period. Customers for both Starbucks and Burger King are likely to park in these spaces before driving to the rear of the site. Similarly, the four Starbucks spaces fronting Main Street will also be used regularly by either Starbucks or Burger King patrons.

Assuming that the retail store has two vehicles parked at any time during the noon and p.m. peak periods Zone 5 would be at capacity during the noon peak period. Zone 5 could have a 90% parking utilization (18 parked vehicles) during this 2-hour period. This includes the spillover of the parking currently on the dirt pad. It is unlikely that capacity could be reached in Zone 5 during the a.m. or p.m. periods.

Spillover of Starbucks customer parking into Rite Aid parking just west of the driveway (Zone 3) is likely as these Rite Aid spaces provide a convenient and direct access to the Starbucks coffee shop.

Table 7 indicates that 85% utilization (17 cars) in Zone 5 overall would occur 4% of the time during the a.m. period. This assumes no cars are parked for the retail store. During the noon period 17 parked vehicles (i.e. 85%) would occur 5% of the time assuming no retail store parking. With the retail store included, 85% parking utilization would occur 10% of the time. Capacity would not be reached during the p.m. period as 8 parked vehicles would occur 9% of the time.

KDA



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PARKING UTILIZATION ZONES

figure 4

TABLE 6
PARKING BREAKDOWN

	Burger King (Zone 1)	Main St - Project Frontage (Zone 2)	Main St – Rite Aid Frontage (Zone 3)	Rite Aid (Zone 4)	Starbucks Parking (Projected)** (Zone 5)
Available Stalls (Utilization)	11	8	12	46	20 (10 Starbucks / 10 Burger King)
Time Period					
7:00 – 7:15	1 (9%)	1 (13%)	0 (0%)	1 (2%)	6 / 0 (30%)
7:15 – 7:30	2 (18%)	1 (13%)	0 (0%)	2 (4%)	10 / 0 (50%)
7:30 – 7:45	4 (36%)	2 (25%)	0 (0%)	4 (9%)	12 / 0 (60%)
7:45 – 8:00	4 (36%)	4 (50%)	0 (0%)	4 (9%)	7 / 0 (35%)
8:00 – 8:15	4 (36%)	4 (50%)	1 (8%)	8 (17%)	10 / 0 (50%)
8:15 – 8:30	4 (36%)	6 (75%)	2 (16%)	12 (26%)	13 / 0 (65%)
8:30 – 8:45	3 (27%)	3 (38%)	2 (16%)	13 (28%)	12 / 0 (60%)
8:45 – 9:00	4 (36%)	3 (38%)	1 (8%)	11 (24%)	13 / 0 (65%)
11:30 – 11:45	4 (36%)	3 (38%)	3 (25%)	12 (26%)	11* / 0 (55%)
11:45 – 12:00	6 (55%)	4 (50%)	7 (58%)	17 (37%)	14* / 0 (65%)
12:00 – 12:15	6 (55%)	5 (63%)	3 (25%)	14 (30%)	14* / 1 (7%)
12:15 – 12:30	5 (45%)	3 (38%)	4 (33%)	18 (39%)	14* / 4 (90%)
12:30 – 12:45	6 (55%)	2 (25%)	4 (33%)	21 (46%)	10* / 3 (65%)
12:45 – 1:00	4 (36%)	1 (13%)	4 (33%)	21 (46%)	9* / 3 (55%)
1:00 – 1:15	5 (45%)	4 (50%)	5 (42%)	16 (35%)	6* / 2 (40%)
1:15 – 1:30	3 (27%)	5 (63%)	7 (58%)	20 (43%)	6* / 2 (40%)
5:30 – 5:45	6 (55%)	5 (63%)	7 (58%)	18 (39%)	6 / 0 (30%)

* includes 2 spaces for retail
**includes existing parking on dirt pad
x / y - projected Starbucks parking / existing parking on dirt pad

KDA

TABLE 7
POISSON DISTRIBUTION
STARBUCKS PARKING (ZONE 5)

Average Number of Starbucks Vehicles Parked in 15-Minute Interval (m)	Probability	Average Number of Vehicles Appearing in Interval	Parking Exceeded (rounded)
AM			
10.4 vehicles*	0.591	10	59%
	0.467	11	47%
	0.350	12	35%
	0.248	13	25%
	0.166	14	17%
	0.106	15	11%
	0.064	16	6%
	0.037	17	4%
Noon			
10.8 vehicles* (12.0 vehicles†)	0.397 (0.538)	12	40% (54%)
	0.290 (0.424)	13	29% (42%)
	0.201 (0.318)	14	20% (32%)
	0.132 (0.228)	15	13% (23%)
	0.082 (0.156)	16	8% (16%)
	0.049 (0.101)	17	5% (10%)
	0.028 (0.063)	18	3% (6%)
PM			
4.5 vehicles*	0.826	3	83%
	0.658	4	66%
	0.468	5	47%
	0.297	6	30%
	0.169	7	17%
	0.087	8	9%

* average observed queue in a 15-minute period during a 2 hour peak period
† average with maximum of 2 spaces used by retail store

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On-Site Circulation

There are three driveways providing access to the site. These driveways help determine the progression of vehicle circulation on the site. Full access to the site is provided along Ashley Avenue, where the driveway is located at the southern end of the site. Right-in, right-out access is provided along Main Street. As noted earlier, right-in, right-out access is legally provided along Main Street, however, many patrons make left turns inbound and outbound across the median, which defines the roadway as a divided highway. The various access routes are described below and illustrated in Figure 5.

From Main Street west - Motorists approaching the site from the west can make a right turn into the site via either of the two driveways depending on the location of their visit. The easterly Main Street driveway provides direct outbound movements for Burger King as the drive-through lane is aligned with the driveway. Inbound right turning motorists have to make an immediate right turn and then an immediate left turn to go to Burger King. Motorists continuing straight (parallel to Main Street) can either follow the circulating lane around to the front of Rite Aid and around to the pharmacy drive-through or make a left turn to the aisle between the Starbucks pad and the Rite-Aid.

The westerly driveway allows motorists to enter the site and continue straight through what will be the most direct access to the drive–through lane entrance for the Starbucks. This route can also be used for motorists accessing the Burger King drive-through. This drive-aisle is between the backside of the Rite-Aid and the side of the Starbucks / Retail pad. A loading dock for Rite-Aid is located along this aisle. The width between the Rite-Aid building and the proposed curb for the building pad is about 23 feet. Rite-Aid uses this loading dock for deliveries. The concrete pad for tractor-trailers can be seen in Photo 1 along the east side of the Rite-Aid building. A tractor-trailer parked at the loading dock reduces the effective lane width to about 14 feet. This requires opposing vehicles to travel one direction at a time.

Motorists using either Main Street driveway to access the Rite-Aid pharmacy drive-through have to drive through the Rite Aid parking field (Zone 4) fronting both Main Street and Ashley Avenue or proceed to the back side of the site via either Burger King or Starbucks drive aisle. In these instances the vehicle is facing the pharmacy drive-through exit and has to turn around near the Ashley Avenue driveway entrance.

From Main Street east - Access from Main Street east of the site should occur via the Ashley Avenue driveway. However, motorists approaching the site from Main Street east of Ashley Avenue currently cross over the median to enter either of the two driveways. As noted earlier, these movements can result in a citation as the vehicle is turning across a divided highway.

Once on site, vehicles make the same movements as vehicles approaching from the west. The left turn provides added conflicts that do not exist for right turning traffic, specifically having to cross the eastbound through movement path and having to enter the westbound traffic flow.

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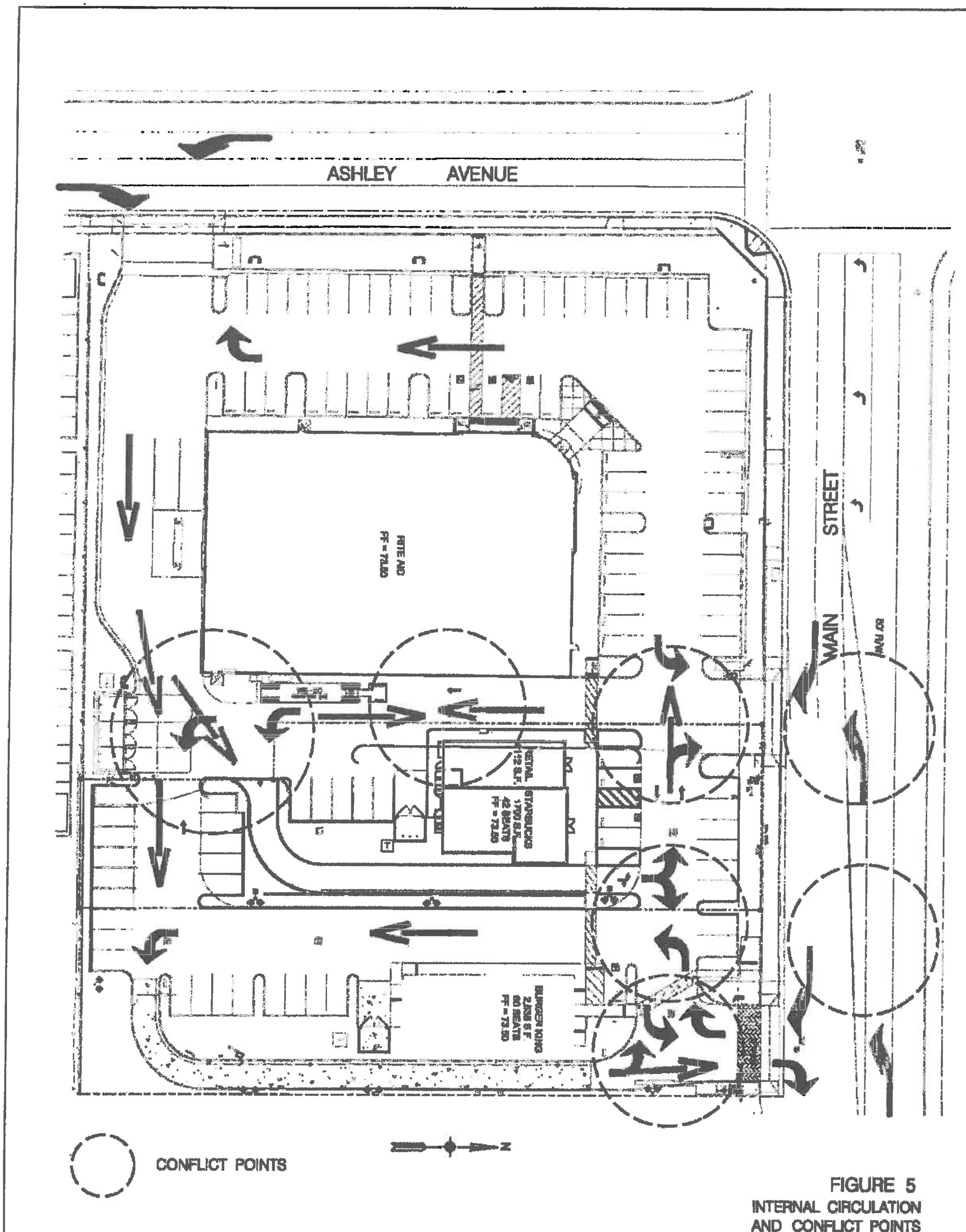
From Ashley Avenue – Motorists entering the site via Ashley Avenue proceed along the south side of the Rite-Aid store and can directly enter the pharmacy drive-through. Vehicles proceeding to either the Burger King or the Starbucks would continue past the pharmacy drive-through to the Starbucks drive aisle. At this intersection patrons can either make a 45° left turn to enter the Starbucks drive-through lane or continue straight to the Burger King drive-through lane.

Figure 5 presents a diagrammatic representation of the various internal circulating routes. The figure also presents the key conflict areas that currently occur and will occur with the construction of the Starbucks pad. Due to the multiple drive-through lanes within a constrained area there are conflict points at almost every internal intersection. Based on field observation of a similarly sized Starbucks as well as this location it is likely that short term delays will occur as patrons maneuver through these intersections to their destinations.

Alternative Pad Layout

An alternative layout was qualitatively evaluated to determine if a different layout may provide better accessibility for the Starbucks pad. The layout evaluated would relocate the pick-up window to the northwest corner of the site as illustrated in Figure 6. The layout would result in a reduction of parking from 20 stalls to 17 stalls, but would increase the number of vehicles stored in the drive-through aisle to 7 behind the order board. The parking utilization for Zone 5 would increase due to the reduction in overall parking in this zone.

Cars would continue to enter the drive-through lane at the southwest corner of the site but would exit in the northwest corner. Almost all vehicles leaving the Starbucks drive-through would make a right turn and proceed toward the Main Street driveway. Assuming that left turns are prohibited along Main Street all eastbound customers would exit via a right turn onto Main Street while the remaining outbound customers would drive through the Rite Aid parking lot and head to Ashley Avenue. If left turns are made onto Main Street it is expected that the driveway queue would block access to Rite Aid parking.



INTERNAL CIRCULATION AND CONFLICT POINTS

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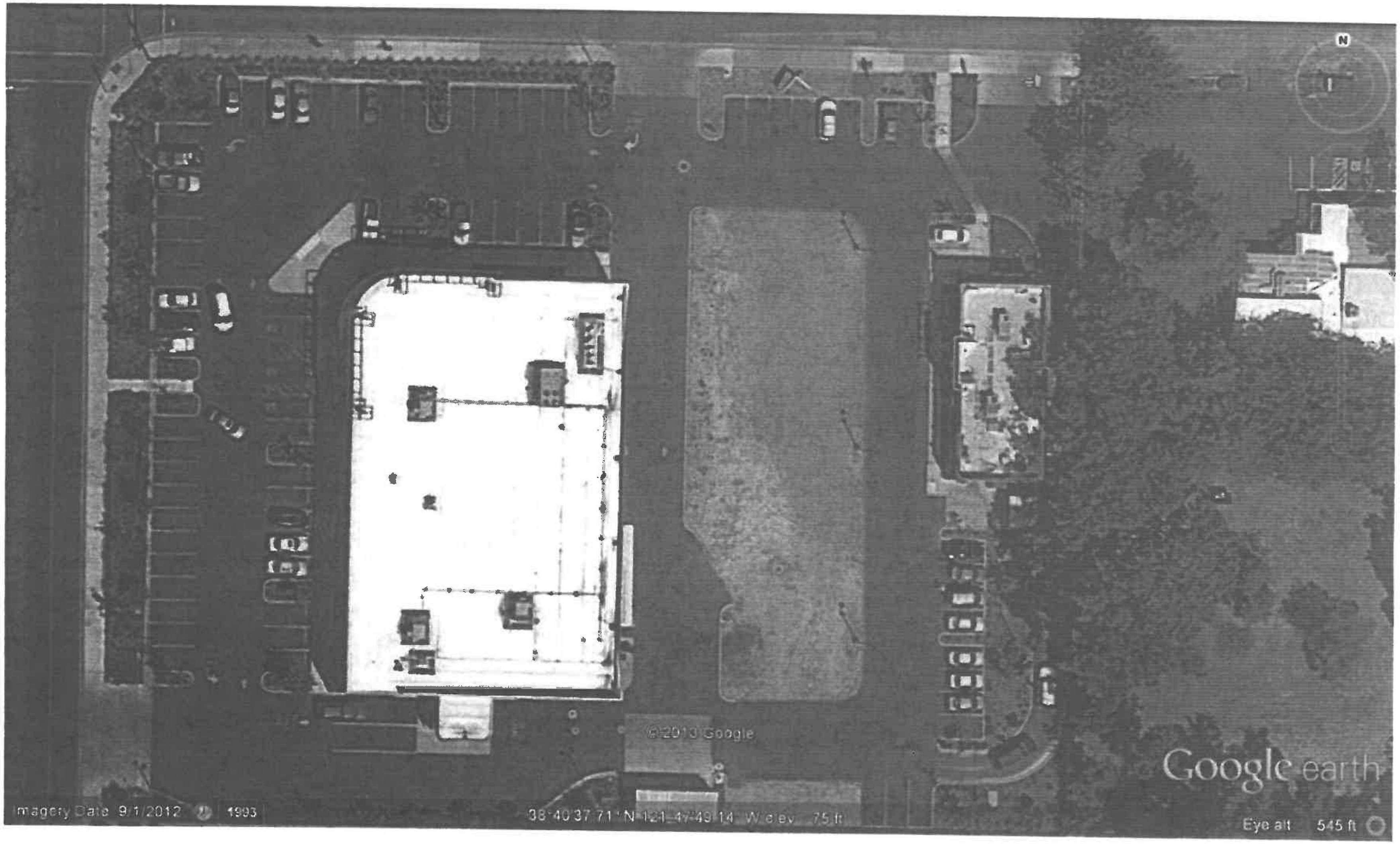
figure 5



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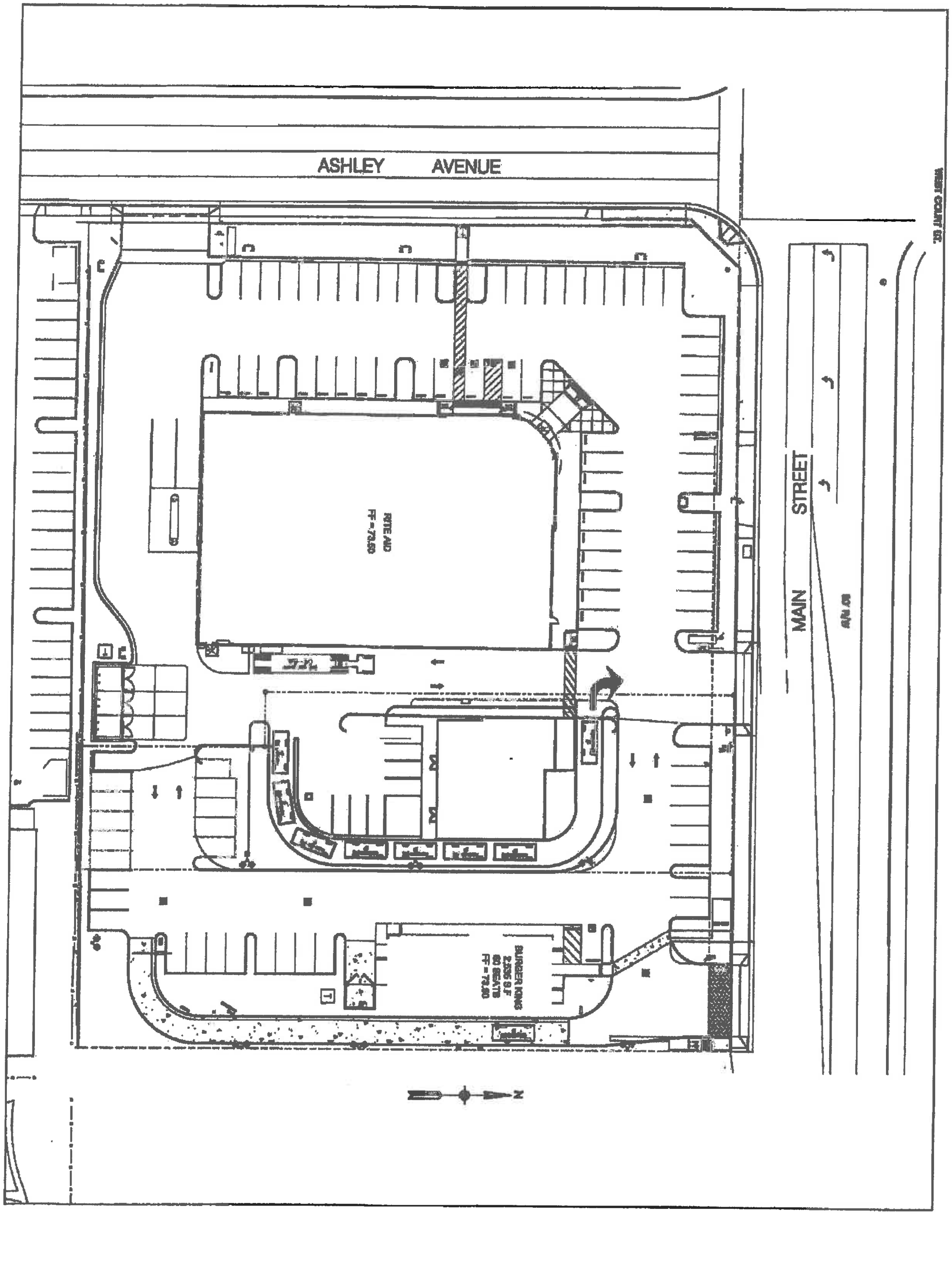
AERIAL VIEW OF SITE

Photo 1



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ALTERNATIVE SITE LAYOUT

figure 6

Summary

An infill project is proposed within the neighborhood shopping center in the southeast quadrant of Main Street at Ashley Avenue. The project includes a 1,700± square foot, 36-seat Starbucks coffee shop with drive-through lane and a 1,000 ± square foot "retail" store. The location is between a Burger King restaurant with drive-through lane to the east and a Rite Aid pharmacy with drive-through lane to the west. This analysis considered a review of on-site circulation and access given the proximity of three drive-through lanes in a constrained area. The site is approximately 375 feet long by 300 feet wide and includes two driveways along Main Street and one driveway along Ashley Avenue. The easterly driveway along Main Street is located at the far east end of the site and is aligned with the exit of the Burger King drive-through lane while the westerly driveway is aligned with the drive-aisle between the proposed Starbucks site and the rear side of the Rite Aid. This rear side of Rite-Aid also includes a loading dock for tractor-trailer deliveries to Rite Aid. Left turns to and from Main Street are currently prohibited by Section 21651 of the vehicle code; however, site observations noted that these movements are made at both driveways.

The Ashley Avenue driveway is located at the far southwest corner of the site and provides a direct access to the drive-through pharmacy and the Burger King drive-through lane. This access will also provide a direct access to the Starbucks drive-through lane.

Key elements of this evaluation included whether the proposed Starbucks drive-through can accommodate the projected queuing, the effect of a third drive-through lane on overall site circulation and whether adequate parking can be provided on site.

ITE provides trip generation for a.m. and p.m. peak hours for "coffee/donut shops with drive-through windows" (Land Use 937). No trip generation data is provided during the noon peak hour, nor is any data provided for queuing of the drive-through lane. A Starbucks coffee shop with drive-through capability similar to the proposed project was observed to determine trip rates and projected queues for the site. Based on the data collected trip generation rates and projected queues were developed based on a direct proportion of the independent variables, i.e. the square footage of the site and the number of seats. The project is estimated to generate 187 a.m. trips, 72 noon trips and 54 p.m. trips based on the projected number of seats.

The peak queues, i.e., the number of vehicles queued behind the reader board will occur in the a.m. peak hours when six vehicles are projected to queue. The queues are expected to decrease throughout the day with a queue of four vehicles during the noon peak and a single vehicle in the p.m. peak. A queue of four or more cars will spill into the drive-aisles of the site. Using a Poisson distribution to determine the likelihood of queues at any time it was determined that a queue of four vehicles will occur about 50% of the time while a six-car queue will occur about 20% of the time.

The Burger King drive-through lane experiences its longest queues (5 vehicles) in the noon peak. This queue extends beyond the drive-through lane entrance but appears to have minimal effect on internal circulation as the drive-through lane is located along the perimeter of the site. During

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this time Starbucks is projected to have a four car queue. While there is no interaction between the two queues, a drive-aisle could be blocked by a Starbucks patron waiting in line behind the order board.

A review of existing and projected queues at the driveways providing access to Main Street was also undertaken for the applicant-supplied layout. Main Street is currently striped as a divided highway along the project frontage. Any motorist turning across this divided highway is subject to citation (CVC § 21651). During the peak noon hour existing left turns at the two driveways range from 15 to 19 inbound left turns and between 8 and 10 outbound left turns. These volumes will increase with the addition of the Starbucks project. Based on observations at a similar Starbucks it is projected that the short-term queues would lengthen during the peak noon period to up to four vehicles at either driveway. The 4-car queues could result in blockage of the two internal intersections adjacent to the two Main Street driveways. This was illustrated in Figure 3.

The proposed project raises the following concerns:

- The Starbucks site is supplying 20 new spaces for the site. Ten of these new spaces are dedicated to Burger King; this will provide 16 parking spaces on the Starbucks site. The remaining 10 spaces will be dedicated for Starbucks and the retail pad. The parking utilization analysis (Table 6) indicated that a minimum of 14 stalls is required for Starbucks. This includes 12 spaces for Starbucks customers during peak periods and a minimum of two spaces for the adjoining retail space. The site will have a deficit of four parking spaces dedicated for Starbucks and the retail pad.

- Starbucks is likely to have their customers park within Zone 3, dedicated for Rite Aid customers. This zone is convenient as it provides close parking spaces to the west Main Street driveway. This zone also provides a short, direct route to the Starbucks and retail entrances. While the Rite Aid parking spaces provide a convenient location to park a cross parking easement does not exist with the Rite Aid site.

- Queuing at the Starbucks drive-thru entrance will extend beyond the drive-through lane. The Poisson distribution analysis indicated that a queue extending beyond the drive-through lane will occur 33% of the time during the a.m. peak period. The extent of the blockage and the time the drive aisle is blocked is unknown as the queue delay is based upon how quickly orders are filled. Depending on the direction of approach and the number of vehicles queued the two drive aisles that could be blocked include the access to the Ashley Avenue driveway and the Starbucks driveway along West Main Street.

- Queuing at the two Main Street driveways could result with the addition of the Starbucks site. Starbucks traffic is projected to lengthen the queues to four outbound vehicles. This could result in blockage of the Burger King drive-through exit or blockage of the interior driveway accessing the Rite Aid and the Starbucks drive-through entrance.

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- Congestion during peak periods will be experienced around the Starbucks site as customers travel through the site, from the three driveways to the various uses. The congestion is expected to be most pronounced adjacent to the Starbucks drive-through entrance and at the interior driveways adjacent to the Main Street driveways.

- The drive aisle adjacent to the loading dock of the Rite Aid will likely be blocked when deliveries are made to Rite Aid. The drive aisle will be reduced to about 14' when the loading dock is used; as noted earlier, the Starbucks drive-through queue will extend beyond the drive-through entrance. A car standing adjacent to the loading dock will likely block the drive aisle, creating localized congestion until the drive-through queue dissipates.

- Left turn access into and out of the site along Main Street is prohibited, although a site visit identified numerous vehicles completing these movements. The addition of Starbucks will add up to 96 inbound trips and 92 outbound trips to the site. A significant portion of these trips will be completed using Main Street, adding more conflicts within 200' of the Main Street / Ashley Avenue intersection. There appear to be four options that can affect traffic conditions along Main Street as well as internal to the site.

    1) Install 'no left turn' signs to provide right-in, right-out movements only.
    2) Install a raised median to prohibit left turn movements along Main Street. Additional study is needed.
    3) Modify the striping to allow full access at both driveways. Additional study is needed.
    4) Modify the striping to allow full access at one driveway. Additional study is needed.

Should you have any questions please free to contact me directly at (916) 660-1555. You may also reach me via e-mail at jflecker@kdanderson.com.

Sincerely,

KD Anderson & Associates, Inc.

Jonathan D. Flecker, P.E.
Transportation Engineer

KDA

ATTACHMENT D

PROJECT TITLE:	**Ashley & Main Street Tentative Parcel Map # 4969 & Burger King Conditional Use Permit:** Request for a Tentative Parcel Map to subdivide one (1) existing parcel into two (2) parcels near the southeast corner of Ashley Avenue and Main Street. The application also includes a request for a Conditional Use Permit to allow for the construction of a 2,535 sq. ft Burger King fast food restaurant with drive-thru facility.
APPLICANT/OWNER:	Applicant/Owner: Petrovich Development Company Buyer: Singh's Foodservice, Inc
ENVIRONMENTAL REPORT:	Categorical Exemption: Class 32: In-Fill Development Class 15: Minor Land Divisions
A.P.N.	065-010-42
PROJECT PLANNER:	James A. Stillman, Associate Planner
STAFF RECOMMENDATION:	Conditional Approval
REPORT FOR:	Planning Commission Public Hearing –10/15/2009
GENERAL PLAN DESIGNATION	General Commercial (GC)
EXISTING LAND USES:	Vacant
FLOOD ZONE:	Zone "AE" – Special flood hazard areas subject to inundation by 1% annual chance flood event. FIRM Community Panel Number - 0604260410C Revised July 9, 2003.
STREET ACCESS:	Ashley and Main Streets

ADJACENT LAND USES & ZONING:

North	Precision Auto Body	C-2
South	Cherry Glen Apartments	R-M
East	Yolo Veterinary	C-2
West	Rite Aid	C-2

PENDING/POTENTIAL ACTION

Staff recommends that the Planning Commission take action on the following:

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered Categorically Exempt, Article 19 §15332 - Class 32, In-Fill Development & §15315 - Class 15, Minor Land Divisions.
- Finding of Consistency with the General Plan;
- Finding of Consistency with the Zoning Ordinance;
- Finding of Consistency with the Subdivision Ordinance;

- Approval of Tentative Parcel Map #4969 to subdivide one (1) existing 46,675 sq. ft, 1.07± acre parcel into two (2) separate parcels in the General Commercial (C-2) Zone. Resultant Parcel 1 will be 22,266 sq. ft and Resultant Parcel 2 will be 24,409 sq. ft.
- Approval of a Conditional Use Permit to allow for the construction of a 2,535 sq. ft fast food restaurant (with drive-thru) providing 14 onsite parking spaces, 6 spaces on Resultant Parcel 1 and cross access easement for reciprocal parking and cross access between Resultant Parcel 1 and Resultant Parcel 2.
- Approval of Public Art for the new Burger King Restaurant.

PROJECT PROPOSAL

OVERVIEW

The applicant is seeking approval to subdivide one (1) existing Parcel, 1.07± acres of vacant land near the southeast corner of Ashley Avenue and Main Street into two (2) separate parcels (See Attachment #.2). The proposed subdivision would allow for the future development of two commercial sites adjacent to the newly constructed Rite Aid at the corner of Ashley and Main Streets. If approved, Resultant Parcel 1 would provide 0.51± acres, or 22,266.7 square feet of vacant, developable land. Resultant Parcel 2 would provide 0.56± acres, or 24,409.2 square feet to accommodate for the construction of a fast food restaurant.

The applicant is also requesting approval of a Conditional Use Permit to allow for the construction of a 2,535 square foot, 60 seat fast food restaurant (Burger King) with drive-thru facility (See Attachment 3). Per the Zoning Ordinance a Conditional Use Permit (CUP) is required all fast food establishments that include drive-thru facilities in the General Commercial (C-2) Zone.

Included as part of the development application, the applicant is seeking approval of the proposed public art to be placed on the west building elevation of the Burger King (See Attachment 7). Per the Community Design Standards, public art is required for all new commercial developments.

PROJECT LOCATION

The project site is located near the southeast corner of Ashley Avenue and Main Street in the (C-2) General Commercial Zone. The project site is the former location of Doan's Auto Body which was removed by the Petrovich Development Company with a demolition permit prior to the construction of the adjacent Rite Aid.

CITY SERVICES

The project site is currently served by City water, sewer and garbage services. Electric and Gas services are provided by Pacific Gas & Electric. Telephone service will be provided by SBC. No additional hookups will be required as part of this application.

FLOOD ZONE

FEMA NFIP Development Requirements: Under the currently applicable Flood Insurance Rate Map (FIRM) (City of Woodland, California, Yolo County, Map Number 0604260410C Map Revised July 9, 2003) the property is shown in Flood Zone AE which is identified as "Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood Event". The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood. Applicant will be required to provide a FEMA Flood Certificate prior to issuance of Certificate of Occupancy to ensure that the slab floor is at or above the Base Flood Elevation (BFE) (See COA #12).

APPLICABLE LAWS, CODES, AND ORDINANCES

The project is subject to several laws, codes, and ordinances (See Attachment 6):

- The California Environmental Quality Act (CEQA)
- The City of Woodland General Plan
- The City of Woodland Zoning Ordinance
- The City of Woodland Subdivision Ordinance
- City of Woodland Municipal Code
- Floodplain Management Regulations,
- Community Design Standards

PUBLIC NOTIFICATION

Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Office Manager in accordance with the notification procedures as set forth in the City of Woodland's Municipal Code and State Planning Law. Two methods of public notice were used:

- Legal notice was published in the Woodland Daily Democrat on Wednesday, September 30, 2009.
- Notices were mailed to all property owners within 300 feet of the project site at least 10 days prior to the public hearing date.

Copies of the staff report for the proposed project have been on file at City Hall Annex at 520 Court Street since October 8, 2009. No public comment was received prior to the completion of the staff report.

ENVIRONMENTAL ASSESSMENT STATUS

This project qualifies for a Categorical Exemption(s) from the provisions of CEQA, as the project has been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The proposed project qualifies for two (2) separate Categorical Exemptions including a Class 32 In-Fill Development & Class 15 Minor Land Division.

A Class 32 In-Fill Development Exemption consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban development.

(c) The project site has no value as habitat for endangered, rare of threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

A Class 15 Minor Land Division Exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Prior to taking any action to approve the project as recommended, the Planning Commission is required to confirm this environmental determination in conjunction with action on the project. If this project is approved, staff will file a Notice of Exemption with the Yolo County Clerk's Office in conformance with Article 5 §15062(a) of the CEQA guidelines.

REVIEWING AGENCY COMMENTS

All reviewing agency comments have been integrated into the recommended conditions of approval.

STAFF ANALYSIS

Staff supports this project subject to the attached conditions of approval and provides the following analysis:

GENERAL PLAN CONSISTENCY

The 2002 General Plan (GP) designation for the site is General Commercial (GC), which provides for retail, services, restaurants, professional and administrative offices, hotels, and motels, public and quasi-public uses, and similar and compatible uses.

The General Plan designates land for and seeks to encourage infill, reuse and intensification within developed areas, as long as it reflects the character of the surrounding neighborhood and does not result in significant effects. The General Plan also seeks to minimize the visual impacts of commercial development and to enhance the City's major corridors, landscapes and streetscapes. The proposed project with the recommended conditions is consistent with the General Plan designation, as restaurants are considered an appropriate use in the General Commercial zone.

ZONING CONSISTENCY

Land Use

The zoning designation for the site is (C-2) General Commercial. This zone provides standards for properties located within General Commercial zones. The proposed use is consistent with the parcels current land use designation as fast food restaurants with a drive-thru are permitted in the (C-2) General Commercial Zone, provided that a conditional use permit is applied for and secured prior to issuance of building permit.

Setbacks

The C-2 zone establishes a minimum front yard setback of 20 feet. Said zone does not require side or rear yard setbacks unless the development abuts a residential zone. The proposed development meets all required setbacks as the building footprint will be setback approximately 80' from back of walk (front yard), and over 120' from the rear property line. Both side yards are adjacent to General Commercial parcels so no set back is required, however the east side of the proposed footprint will be approximately 13' from the east property line. This area allows for the 12' drive-thru and screen wall.

Height

No principal building in the General Commercial zone shall exceed sixty-five (65) feet in height except as provided in Article 25. The proposed building has a max height of 21.6 feet.

Off Street Parking

Article 23 of the Zoning Ordinance commencing with Section 25-23-01 addresses off-street parking and loading requirements. Parking requirements for restaurants with drive-thru facilities shall provide one

(1) parking space for each fifty (50) square feet of gross floor area, but no less than five (5) spaces. This requirement can be reduced when the Public Works Director or designee finds that the proposed use shares parking with an adjacent use. Staff has discussed the City's current parking ratio for fast food restaurants with the City's traffic engineer and his position is that the newest parking generation for such uses, per the Institute of Transportation Engineering (ITE) Trip generation book requires no more than one (1) parking space per 85 sq.ft of gross floor area.

Staff supports the use of this revised parking count based on the fact that this count has been used on similar projects within the past few years. Staff has permitted a one (1) per 85 sq. ft parking count on both the Carl's Jr. site located at the corner of Main St. and the Hwy 113 off-ramp, as well as at the McDonalds at 55 W. Court St. Using this count, the proposed 2,535 sq.ft Burger King would need to provide a minimum 30 on-site parking stalls.

The applicant is proposing that any development on Resultant Parcel 1 and Parcel 2 of TPM No. 4969 and the adjacent Rite Aid site be considered as one development rather than three separate developments. With that being said, the three parcels would need to be designed to accommodate shared parking and cross access between all three (3) parcels in order to meet city standards. This would allow one parcel to offset any deficiency in onsite parking or other city requirements so long as the total number of required spaces between the three parcels is meet.

The site plan for the proposed Burger King shows 14 on-site parking stalls to be provided, with an additional six (6) parking spaces to be placed along the northernmost property line of resultant Parcel 1. This would provide for 20 parking stalls to be used at this time for the proposed Burger King (See Attachment 4). It is important to understand that no development is being proposed at this time on Resultant Parcel 1, however if the three (3) sites are going to work together it means some facilities such as parking will need to be shared across parcel lines.

The Rite Aid site was developed as a general commercial use requiring one (1) parking space per 300 sq. ft of gross floor area. The 17,300 sq. ft store was required to provide at least 58 on-site parking stalls but the total number provided was actually 65 for an excess of seven (7) parking stalls.

Any future development on Resultant Parcel 1 will most likely be for general commercial uses and would require the same parking requirement as Rite Aid of one (1) parking space per 300 sq. ft of gross floor area. Given the size of the Resultant Parcel 1, and the need for shared parking between the three (3) sites, it appears that the max building footprint allowed on this site would be no larger than 4,500 sq. ft. A building with a footprint of 4,500 sq. ft would require 15 parking spaces, however based on the conceptual design as seen in Resultant Parcel 1 would be able to accommodate 34 spaces (See Attachment 4). With an excess of 19 spaces being provided on Resultant Parcel 1, the three (3) parcels together would provide for a total of 113 parking spaces for an excess of ten (10) parking spaces, enough to offset the missing spaces on the Burger King site. In order to ensure that the missing spaces are included in the future development of Resultant Parcel 1, staff has included a condition of approval that requires any development of Resultant Parcel 1 to provide an additional ten (10) parking spaces to off-set the reduction in on-site parking on the Burger King site (See COA #'s 10 & 11).

Fencing

Section 25-21-40 of the Zoning Regulations addresses fences. This section states that fences or walls at or under 8 feet in height may be placed along property lines on interior lots. All fences over 6-feet in height require a building permit.

Staff has recommended a condition of approval which requires the applicant to construct a six foot masonry wall along the rear property line in order to screen the proposed development from the multi family complex to the south. Staff also recommends a 42" masonry screen wall be constructed along the east property line of the project site to provide a buffer between the proposed drive-thru and the existing Yolo Veterinary Hospital (See COA #'s 5 & 6). All screen walls shall be designed to be compatible with the style and materials of the architecture of the site. Landscaping shall be used in combination with such walls to cover at least 50% of the wall within a five year period.

Landscaping

Article 22 of the Zoning Regulations commencing with Section 25-22-01 addresses landscaping and landscape design requirements. The Zoning Ordinance also requires that no less than six percent (6%) of the interior area of all auto parking lots shall be devoted to permanent landscaping. Additionally, shade trees are to be planted and evenly distributed within the uncovered portions of the auto parking area so that forty percent (40%) of the parking stalls and back up area will be in shade at high noon when the trees are at full maturity.

In recognition of the serious water shortage concerns facing the state of California, communities are being required to implement the Water Conservation Landscaping Act of 2006 (Assembly Bill 1881) which requires cities and counties, to adopt landscape water conservation ordinances by January 1, 2010. In light of this, staff is recommending that all onsite landscaping be drought tolerant in terms of the plant pallet and irrigation methods, and that all landscape plans be approved by a certified landscape architect (See COA # 14).

Lighting

Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with adequate illumination. A minimum lighting level with a one (1) foot-candle shall be maintained at the ground level and is required per the Security Ordinance. Such lighting shall be architecturally compatible with the building they serve and shall be equipped with vandal-resistant covers. Prior to issuance of a building permit, the applicant shall submit a lighting plan to be reviewed and approved by the Planning Department. Lighting plans shall include photometric and distribution data attesting to the required illumination level of one foot-candle of light on the parking surface from dusk until the termination of business every operating day. (Ord. No. 1089, § 1 (part).

Signage

Article 22 of the Zoning Regulations commencing with Section 25-23-01 addresses signs. The applicant will be required to submit for design review and approval for all signs to be placed on site prior to installation. Signs must be reviewed under a separate building permit and tenants shall submit construction drawings and receive approval from both the building and planning divisions for all signage.

Project Design

Per the Community Design Standards, all new commercial developments shall conform to minimum standards in terms of design and site layout. The commercial design standards were developed to ensure quality design that requires the use of multiple materials, articulation and discourages franchise design.

The applicant is proposing to design the Burger King using like building materials and detailing as found on the adjacent Rite Aid. The intent of the proposed design is to create a cohesive shopping center between Resultant Parcel 1 and 2 and the Rite Aid site due to their close proximity and need for shared facilities. The project architect proposes painted stucco walls with three (3) different color variations of brick veneer to be used as accents to the building. The design calls for the two (2) tower elements to be completely encased with "Old Town Red" brick veneer, while the primary walls will have a stucco finish with a 3-foot brick "carob" wainscot along all four sides of the building. Two soldier stripes of "Tumbleweed" brick will be included, one along the top of the brick waistcoat and the other just below the parapet walls. The building also includes black metal awnings above all windows and matching black metal cornices atop both tower elements, similar to that which is found on Rite Aid.

Site Plan

The site plan has been designed to work in conjunction with Resultant Parcel 1 and the Rite Aid site. There are three (3) points of access to the proposed Burger King. The primary access point will be located on-site in the northeast corner of the parcel. This 33' wide access points allows for two traffic ingress and egress onto Main Street. There are two additional access points that serve Resultant Parcel 1 and 2 as well as the Rite Aid. As stated, cross access and shared parking will be required between all three (3) parcels and has been included in the conditions of approval.

Public Art

Per the Community Design Standards, all new commercial and industrial developments are required to provide public art. All public art shall be reviewed and approved by the Planning Commission prior to Certificate of Occupancy. The applicant is proposing to place two (2) 5'x5' painted tile murals by artist Maggie Jimenez on the west facing elevation of the proposed Burger King restaurant (See Attachment 7). The murals will be designed on weather-resistant exterior tiles. The glazing will provide for a vibrant and colorful finish that can be found in the weaving art of many indigenous cultures. The imagery on the murals refers to iconic symbols found in many forms of art throughout history and across many cultures. If approved, the two new tiles will add to the two existing tiles located on the north facing wall of the Rite Aid, approved by the Planning Commission at the February 19, 2009 meeting.

Performance Standards

Per SEC. 25-15-40 Performance Standards: The following shall be met upon approval of any development application in the General Commercial (C-2) Zone.

A. All uses or activities shall be conducted wholly within completely enclosed buildings, except for auto service stations, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing, sales and services, or where in the opinion of the Zoning Administrator the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding areas.
B. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with said residential zones.
C. Fencing and landscaping adequate to screen the development from adjacent residential zones along the rear and side property lines.
D. Maximum noise level at property lines not to exceed 65dBA Ldn.
E. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale or other disposition shall be prohibited except where screened to the satisfaction of the Planning Commission or the Zoning Administrator.

Other Required Conditions

Per SEC. 25-15-50 Other Required Conditions: The following shall be meet upon approval and or reuse of any development application in the General Commercial (C-2) Zone.

A. All uses are subject to the provisions of Articles 22, 23, and 24.

B. The re-occupancy of a commercial building is subject to the approval of the Zoning Administrator.
C. Site Plan approval is required for all uses requiring a building permit.

Conditional Use Permit

Article 27 of the Zoning Regulations commencing with Section 25-27-01 addresses Conditional Use Permits. The zoning designation for the subject site is (C-2) General Commercial. Within this zone, Drive-in, Fast Foods, Self-Service, and Restaurants require a Conditional Use Permit be obtained prior to obtaining a Business License.

The Planning Commission may approve, conditionally approve or deny an application for a conditional use permit; and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction, time period, maintenance, and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any conditional use permit the Planning Commission shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this Chapter and the General Plan.

All requirements will be specified within the conditions of approval. Failure to adhere to these conditions may result in the revocation of the conditional use permit.

RECOMMENDATION

Staff recommends approval of Tentative Parcel Map #4969 to subdivide one (1) existing 1.07± acre parcel into two (2) separate parcels. Staff also recommends approval of a Conditional Use Permit to allow for the construction of a 2,535 sq. ft. Burger King restaurant with drive-thru facility and proposed public art.

Motion #1 **Move That The Planning Commission Approve the Ashley & Main Street Tentative Parcel Map # 4969 &;**

Move That The Planning Commission Approve the Burger King Conditional Use Permit & Public Art Based On The Identified Findings Of Fact And Subject To The Identified Conditions Of Approval, By Taking The Following Actions:

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered categorically exempt, Article 19 §15332 – Class 32, Infill Development & §15315 – Class 15, Minor Land Divisions.
- Determine that the project, as conditioned, is consistent with the General Plan.
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance.
- Determine that the project, as conditioned, is consistent with the Subdivision Ordinance
- Determine that the project, as conditioned, is consistent with the Community Design Standards.
- Approval of a Tentative Parcel Map #4969 to subdivide one (1) existing 46,675 sq. ft, 1.07± acre parcel into two (2) separate parcels in the General Commercial (C-2) Zone. Parcel 1 will be 22,266 sq. ft and Parcel 2 will be 24,409 sq. ft.
- Approval of a Conditional Use Permit to allow for the construction of a 2,535 sq. ft fast food restaurant (with drive-thru) providing 14 onsite parking spaces, 6 spaces on Resultant Parcel 1 and a cross access easement for reciprocal parking and cross access between Resultant Parcel 1 and Resultant Parcel 2.
- Approval of the Public Art for the Burger King Restaurant.

-OR-

Should the Commission decide to deny the project, the motion should be made as follows:

Motion #2 **Move That The Planning Commission Deny the Ashley & Main Street Tentative Parcel Map # 4969 &;**

Move That The Planning Commission Deny the Burger King Conditional Use Permit & Public Art, Based On The Identified Findings Of Fact (Specify Findings)

ATTACHMENTS:

1. Application and Letter of Justification
2. Tentative Parcel Map No. 4969
3. Site Plan/Landscape Plan
4. Parking Analysis
5. Elevations
6. Applicable City Codes & Regulations
7. Proposed Public Art

FINDINGS FOR ASHLEY & MAIN STREET TENTATIVE PARCEL MAP #4969 & BURGER KING CONDITIONAL USE PERMIT

The following "Findings" have been prepared for approval by the Woodland Planning Commission on October 15, 2009.

CEQA Findings

1. In accordance with the provisions of CEQA, this project qualifies for a Categorically Exemption, Article 19 §15332/15315 – Class 32, In-Fill Development and Class 15, Minor Land Divisions.
2. The review of the project as defined under CEQA represents the independent judgment of Woodland City Staff.

General Plan Consistency Findings

1. The proposed project, as conditioned, is consistent with the provisions that have been outlined by the General Plan.

Zoning Consistency Findings

1. The proposed project, as conditioned, meets all regulatory requirements of the Zoning Ordinance.

Conditional Use Permit Findings

1. Adjacent properties are protected and the public interest is protected.
2. The conditions of approval are reasonably related to the use of the property.
3. The City is satisfied that the proposed structure and use conforms to the requirements and the intent of the Zoning Ordinance and the General Plan.
4. The design of the project and improvements will not cause serious public health problems. Utilities are available to the site.
5. The project is consistent with Article 27 of the Zoning Ordinance in that the proposed use is permitted as a conditional use in the zone and that the use maybe allowed subject to conditions with respect to location, construction, time period, maintenance, and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property.

Subdivision Ordinance Findings

1. The proposed project, as conditioned, meets all regulatory requirements of the Woodland Subdivision Ordinance.

2. The submitted material conforms to the requirements of the Planning Commission as to form and content.

3. The application contains a legal description prepared by a licensed surveyor or registered engineer for each of the newly created parcels.

4. A Certificate of Compliance is recorded.

5. The Planning Commission finds that the proposed division of land complies with the requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities water supply availability, environmental protection, and other requirements of State law and this Chapter.

Tentative Parcel Map Findings

1. The proposed project, as conditioned meets all regulatory requirements of the Subdivision Map Act and the City of Woodland Subdivision Ordinance.

2. The conditions of approval are reasonably related to the use of the property.

CONDITIONS OF APPROVAL

1. This Conditional Use Permit is for a 2,535 square foot fast food restaurant with drive-thru facility. The use shall be located near the southeast corner of Ashley Avenue and Main Street adjacent to the existing Rite Aid shopping center (APN: 065-010-42) in the (C-2) General Commercial Zone. The use shall provide a minimum of 14 on-site parking stalls, and shall include an additional six (6) parking spaces to be located on the adjacent Resultant Parcel 1 along the northernmost property line.

2. This Tentative Parcel Map #4969 includes approval to subdivide one (1) existing parcel 1.07± acres into two (2) separate parcels. Resultant Parcel 1 will be approximately 22,266 square feet or .51± acres. Resultant Parcel 2 will be approximately 24,409 square feet or .56 acres.

3. The applicant shall hold harmless the City, its council members, officers, agents, employees, and representatives from liability for any award, damages, costs, and fees incurred by the city and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of permit. Applicant further agrees to provide a defense for the City in any such action.

4. Any violation of the Conditional Use Permit or any of its conditions or citation or notification of violation by the Woodland Fire Department, Yolo County Environmental Health Department, Public Works Department, Building Division or agency having responsibility to assure public health and safety for the use will be grounds for considering revocation of the Conditional Use Permit.

5. Prior to Certificate of Occupancy, the applicant shall construct a 6-foot masonry wall to provide privacy, separation and reduce impacts between the project area and the adjacent residential properties to the south. Masonry wall shall extend across the rear property line of both Resultant Parcel 1 and Parcel 2 of Tentative Parcel Map No. 4969. Masonry wall shall be consistent in terms of design and height with the approved masonry sound wall on the Rite Aid site to the west.

6. Prior to Certificate of Occupancy, the applicant shall construct a 42" masonry wall to provide privacy, separation and reduce impacts between the project area and the property to the west. Masonry wall shall extend along the west property line and shall run the length of the drive-thru. Masonry wall shall be architecturally compatible with the building that it serves and as depicted in the revised color elevations dated 8/24/09.

7. Prior to issuance Certificate of Occupancy all on-site entryways (driveways) and pedestrian crossings shall be provided with accent paving (integral colored stamped concrete) in order to define and beatify the project site.

8. Prior to approval of the final map the applicant shall enter into an Agreement for Conveyance of Easements and record it against the property. The map shall reference the agreement. The cross assess easement will need to be established to allow for parking and cross access between Resultant Parcel 1 and Resultant Parcel 2.

9. Applicant shall provide paved access to Resultant Parcel 2 across Resultant Parcel1 from the Rite Aid site. Paved access is required for access and proper site circulation.

10. Applicant shall provide six (6) city standards parking stalls along the north property line of Resultant Parcel 1. The additional parking stalls are required in order to offset the reduced number of onsite parking stalls being provided on Resultant Parcel 2 (Burger King). Parking stalls shall be included in the building plan submittal.

11. Any future development proposal on Resultant Parcel 1 shall be designed to include an additional ten (10) parking spaces to offset the reduced number of parking spaces on Resultant Parcel 2 (Burger King).

12. FEMA Flood Certificate required. The Flood Certificate will be used to determine Base Flood Elevation (BFE). Enclosed slab floor height shall be at or above BFE and compliance with any other applicable FEMA requirements relating to the project shall be documented. Prior to foundation a Flood Certificate Inspection will be required. All mechanical and electrical equipment shall be above the BFE or approved for below the BFE. A final Flood Certificate will be required prior to issuance of a Certificate of Occupancy.

13. Prior to issuance of any building permits, the applicant shall submit an Arborist Report prepared by a licensed, certified arborist. Report shall include an overall evaluation of the site and shall include a tree protection plan and recommendations for pruning and care of adjacent oak trees located on the lot to the east (Yolo Vet).

14. To the extent possible, all revised or new landscaped areas shall be designed to be water conserving. The applicant shall work to design a landscape plan that uses drought tolerant practices including plant species, irrigation methods and ground cover.

15. Applicant shall provide the Community Development Department with a check for the sum of $25.00 addressed to Yolo County to be used to record the Categorical Exemption with the Yolo County Recorder office.

16. The project shall be completed in substantial conformance to the plans submitted to the Community Development Department (CDD) and date stamped September 24, 2009. Any proposed design changes that require modifications to the elevations or site plan reviewed by the Planning Commission shall be resubmitted to CDD for review and approval.

17. Prior to any use of the site, or business activity being commenced thereon, or issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Community Development Department. The site shall be inspected for compliance prior to the issuance of Certificate of Occupancy.

18. All revised plans and building elevations incorporating all conditions of approval for the project shall be coordinated and submitted to the Community Development Department as one package in accordance with plan check requirements. All plans, including site, grading, landscape and irrigation, mechanical and utility shall be coordinated for consistency prior to the issuance of any permits (such as grading, encroachment, building, etc.). Any changes to size, colors, construction materials, design or location of any structure or landscape improvements shall not be made without prior City approval.

19. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements in the City of Woodland Municipal Code, including the requirement that a

Business Registration be obtained by all entities doing business in the City as well as hours or operation requirements in the City.

20. The Conditional Use Permit must be exercised within one year of issuance, or it shall be deemed null and void by act of law (Section 25-27-70).

APPLICABLE CITY CODES AND REGULATIONS

This list is not an exhaustive list of all applicable City code requirements for this project. It is intended to serve to inform the applicant of common standards that must be meet prior to Certificate of Occupancy:

1. The Conditional Use Permit shall not be issued until the appeal period has expired or final action on an appeal has been rendered.

2. Prior to Certificate of Occupancy, applicant shall secure approval and satisfy requirements of all agencies with jurisdiction.

3. Prior to Certificate of Occupancy, applicant shall submit for review and approval for all proposed signs. All signs shall be submitted under a separate building permit.

4. All mechanical equipment, whether roof-mounted or on the ground, shall be fully screened from view.

5. All uses or activities as described in the project description for the proposed use shall be conducted wholly within completely enclosed buildings, except for off-street parking and loading.

6. Prior to Certificate of Occupancy, all off-street parking shall be constructed to City standards and shall comply with the City's shade and lighting requirements.

7. Lighting shall be confined to the site boundaries and to provide safety and security. All building entrances and pedestrian ways shall be adequately lighted pursuant to the City Code and the requirements of the Police Department.

8. Lighting shall be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited. Exterior light design shall be approved by the Community Development Department.

9. All landscape planters shall be planted and maintained per City Standards. Vegetative matter shall cover no less than 75% of the required landscape area. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivation.

10. Prior to issuance of building permit, applicant shall submit and obtain from the Community Development Department approval for a final landscape and irrigation plan.

11. Applicant shall be required to install a masonry trash enclosure. Trash enclosure shall be of integral color split face block with a reinforced corrugated metal door and roof. Landscaping shall surround the trash enclosure on at least three sides. Trash enclosure shall be subject to design verification and approval by staff prior to issuance of building permits.

12. If the Zoning Administrator finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent property, or have a substantial adverse impact on public facilities or services, the Zoning Administrator may refer the Conditional Use Permit to the Planning Commission for further review. If, upon such review, the Commission finds that any of

the results above have occurred, the Planning Commission shall modify or revoke the Conditional Use Permit.

13. Automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, 2002 edition, City of Woodland Municipal Code Chapter 9 and the 2007 California Fire Code. Three (3) sets of plans shall be submitted to the Woodland Fire Department Fire Prevention Office for review and approval. Please note on plans that automatic fire sprinkler plans are a deferred submittal.

14. A plan check and inspection fee will be required upon submittal of plans for plan check for automatic fire sprinkler system. Contact the City of Woodland Fire Department Prevention for current fees.

15. The outside audible warning for the fire sprinkler system shall be from an approved horn-strobe device located on the street side of the building.

16. A Fire Alarm system is required per City of Woodland Municipal Code Chapter 9 and the 2007 California Fire Code. This requirement shall be noted on the building plans as a deferred submittal.

17. Fire Alarm System shall be designed and installed in accordance with NFPA 72, 2002 edition, City of Woodland Municipal Code Chapter 9 and the 2007 California Fire Code. Three (3) sets of plans shall be submitted to the Woodland Fire Department Fire Prevention Officer for review and approval.

18. A plan check and inspection fee will be required upon submittal of plans for plan check of fire alarm systems. Contact the City of Woodland Fire Department Prevention for current fees.

19. The fire department connection shall be located within 40 feet of a hydrant along an approved route. The fire department connection shall be installed on the street side of the building.

20. Knox Caps are required for the fire department connection. The Knox Caps may be ordered with the Knox Box application form. The Knox Application form is available through the Woodland Fire Department Fire Prevention Office.

21. An automatic fire extinguishing system is required per City of Woodland Municipal Code Chapter 9 and the 2007 California Fire Code, Section 904 for the protection of a Commercial kitchen exhaust hood and duct system. This requirement shall be noted in the building plans as a deferred submittal.

22. Automatic fire extinguishing systems shall be designed and installed in accordance with California Code Section 904. Three (3) sets of plans shall be submitted to the Woodland Fire Department Fire Prevention Office for review and approval.

23. A plan check and inspection fee will be required upon submittal of plans for plan check for an automatic extinguishing system. Contact the City of Woodland Fire Department Prevention for current fees.

24. Access for Fire Department apparatus is required to be a minimum of 20'. No-parking fire lanes shall be required to be painted I approved locations where parking of vehicles may restrict the

20-foot access lanes. Please contact the Woodland Fire Department Fire Prevention Office to determine the location of fire lanes.

25. Provide fire extinguishers in accordance with the 2007 California Fire Code.

26. The turning radius of a fire apparatus access road shall be a minimum standard turning radius of 20 feet inside and a 40 foot outside diameter. This dimension may be increased when determined by the Fire Code Official.

27. Approved numbers or addresses shall be placed on all new and existing in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. All new commercial buildings shall display a lighted street number in a prominent location with number no less than 6 inches in height.

28. Am "A" occupancy plan review is required prior to the approval of the building permit. Plans shall be submitted through the City of Woodland Community Development Department.

General

29. Enter into an Improvement Agreement for the construction of public improvements prior to construction of any improvements, approval of improvement plans, approval of final map, or issuance of building permits.

30. Prepare, and submit for approval, a utility site plan prior to preparation of full improvement plans.

31. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Woodland Standard Specifications. This submittal is separate from the building permit submittal. All public improvements shall conform to the current City of Woodland Standard Specifications.

32. Plans should be coordinated with the improvement plans for the recently constructed adjacent Rite Aid project.

33. All trenching will require slurry backfill.

34. If improvements are constructed and/or installed by a party or parties other than the Developer, which improvements benefit Developer's property, Developer shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) or approval of the final map on the property.

35. Final map shall tie into two City control network monuments in accordance with the City's electronic submission ordinance.

36. Development shall pay impact fees in effect at time of issuance of building permit. If credit is desired for existing buildings, applicant shall apply for it prior to building demolition and develop a credit plan prior to Final Map.

Streets

37. Replace existing driveway with a Type "C" commercial driveway per the current City of Woodland Standards. The driveway design will need to be approved by the City Engineer.

38. No trees or foundations are allowed along the Main Street frontage where the existing water main is located (behind back of walk).

39. Prior to approval of the final map the applicant shall enter into an Agreement for Conveyance of Easements and record it against the property. The map shall reference the agreement. The cross assess easement will need to be established to allow for parking and cross access between Resultant Parcel 1 and Resultant Parcel 2 (Parcel 1 and 2).

Sewer

40. Both parcels (1 and 2) will require their own separate sewer connections in accordance to City standards.

41. Applicant shall fund the necessary TV inspection of any new sewer main.

Water

42. Both parcels (1 and 2) will require their own separate water connections/meters/backflow device in accordance to City standards.

Storm Drain

43. This project is considered a new development which will require stormwater pollution control measures for General Site Design, Site-Specific Control, and Treatment Control. Refer to the City's Stormwater Technical Guidance Manual for information of how to meet the stormwater control requirements. As an infill project, the applicant may pay an in-lieu fee to meet the stormwater treatment control requirements. The in-lieu fee will be calculated by City staff and paid prior to improvement plan approval.

44. Previous site development of the adjacent Rite Aid site designed the stormwater from Resultant Parcel 1 and 2 to be commingled and to outflow onto Ashley Avenue per DOC 2009-0009527-00 on file at the Yolo County Recorder's Office. A cross access easement needs to be established between the Resultant Parcel 1 and 2 properties as well as between Parcel 1 and 2.

45. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit. Applications/projects disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less that 1 acre shall include a BMP to be approved by the City Engineer.

46. This project must meet all criteria and mandates for these City adopted codes:

    A. 2007 California Building Code

    B. 2007 California Plumbing Code

C. 2007 California Mechanical Code

d. 2007 California Electrical Code

E. 2007 California Energy Compliance Code

F. The Code of the City of Woodland

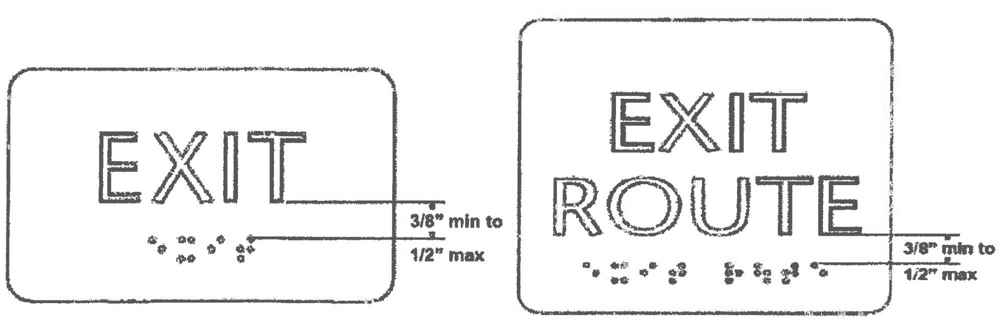
47. Entire facility shall comply with the California Building Code for Accessibility. When conflicts exist between the ADA and the California Building Code the standard that provides the greatest degree of accessibility shall comply.

48. Accessibility Compliance: Any unauthorized deviations from such regulations or building standards shall be rectified by full compliance within 90 days after discovery of the deviation.

49. Please be sure to completely remove any and all occurrences of the term "Handicapped" (including any abbreviations of the term such as "HC", "H/C", "H-Cap", etc.) from all plan sheets and associated construction documents. This requirement is based on the California Division of State Architect (DSA) determination that the term is considered offensive to many people and their subsequent removal of the term from all documents (typically the term "Accessible", "Disabled Access" and abbreviations such as "ACC" and "D.A.", etc. are used in lieu of "Handicapped" and its derivatives). This is the policy of the City of Woodland.

50. Plans shall include a completely detailed Means-of-Egress Compliance Floor Plan (i.e., an Exiting Floor Plan) that clearly shows (on a room-by-room basis) Room/Area Names, Occupancy Classifications, Space Uses, Floor Areas, Occupant Loads, Path of Egress Directional Arrows with common-travel distances and maximum travel distances called out and occupant load aggregations at significant locations where occupant loads approach or exceed 30 occupants, Exit Sign Locations (with directional arrows), Panic Hardware Locations including a referenced Means-of Egress Legend that lists and describes all symbols and conventions used on the plan. Provide sheet-number references for any referenced schedules (e.g., door, room, sign, occupant load schedules, etc. or other means-of-egress details that are located on other sheets in the plan-set. CBC 1001.2, CBC 106.1.2 Appendix, and CBC Chapter 10 in general.

51. Plans shall provide a detail showing the required Tactile Exit Signs with the word "EXIT" at exit doors and "EXIT ROUTE" at interior exit access doors per CBC 1117B.5.5 Items 1 & 2 (characters raised 1/32" minimum, 5/8" high minimum and 2" high maximum); and accompanied by the "Contracted Grade II Braille tactile exit sign" per CBC 1011.3 and CBC 1117B.5.1 Item 1. Plans shall clearly show the locations of tactile exit signs with references to enlarged details in the plan and specify that they shall be mounted on the wall adjacent to the latch side of single doors and on the nearest adjacent wall to double doors preferably on the right and at a height of 60-inches above finished floor and where they can be approached to within 3-inches. Use details and notes in the plans or sign schedule to show compliance with these requirements. CBC 1011.3 Items #1, #3 & #4, CBC 1117B.5.1, CBC 1117B.5.5 Items 1 & 2, and CBC 1117B.5.6



52. In buildings with more than 1 marked exit, project electrical lighting plans must show the required 90-minute emergency power (typically a self-contained emergency light fixture with a built-in battery for backup power) complying with CBC 1006.4 serving the means of egress illumination at Exterior Door Landings on the Exterior side per CBC 1008.1.5 in the event the building's power is interrupted. CBC 1006.3 Item #5 for Exterior Door Landings.

53. The TOP of the outlet BOX of controls or switches used by room occupants (employees or the public) to control lighting, HVAC, appliances, etc. shall not be greater than 48-inches above the floor. CEC 406 FPN & CBC 1117B.6 Item #5

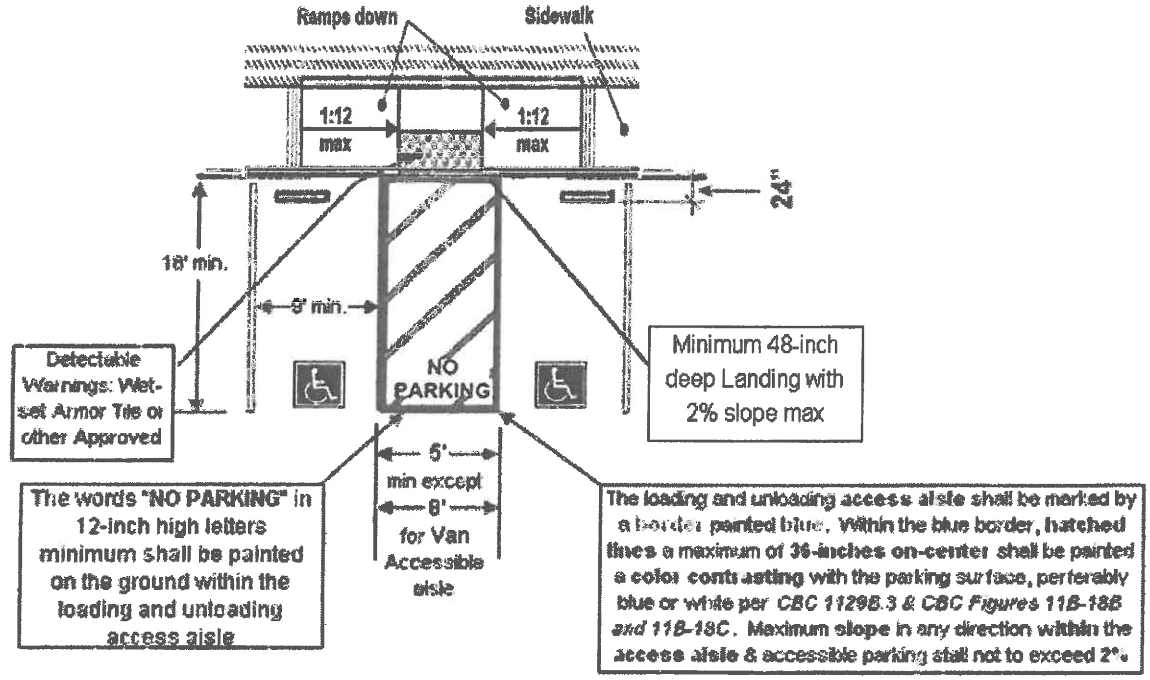
54. The BOTTOM of convenience receptacle outlet boxes on branch-circuits of 30-amps or less shall be installed at least 15-inches above the floor and the TOP of the boxes not greater than 48-inches above the floor (except for receptacles mounted in the floor). CEC 406 FPN & CBC 1117B.6 Item #5

55. Accessible walkways along the accessible route of travel shall be continuously accessible, are minimum 48-inches wide, have a maximum cross-slope 2%, except that up to 4% cross slope is permitted for distances up to 20-feet, and if and where necessary to change elevation exceeding 1/2 inch vertical offset with a slope exceeding 5% (i.e., 1:20 slope) ramps complying with CBC 1133B.5, CBC 1127B and/or 1133B as appropriate (note: maximum allowable accessible ramp slope is 1:12) shall be provided. Be sure to provide references to enlarged construction details for any proposed ramps exceeding 5% in slope including labeled slopes and dimensions for all required features (landings, handrails, guardrails, toe-rails, curbs, etc.) and clarify on plans which, if any, features are existing and which are new or revised. CBC 1133B.7, CBC 1133B.5 and 1127B

56. Within accessible multi-accommodation toilet rooms, doors shall not swing into the clear floor space required for accessible fixtures (e.g., accessible water closet in the accessible stall, one accessible lavatory and one accessible urinal where urinals are present). CBC 1115B.3.1 Item #2 with Exception and CBC Figure 11B-1B:

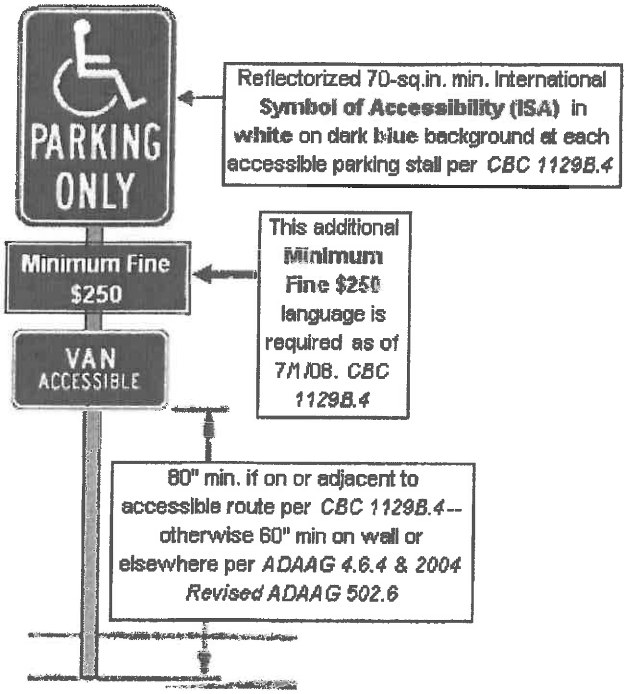
57. Plans shall specify where displays, Point of Sale Machines and/or other screen devices (LEDs, cathode ray tubes, etc.) are intended to be viewed by the user that the display screens shall be positioned so they are readily visible to and usable by a person sitting in a wheelchair with approximate eye level of 45-inches. CBC 1117B.7.5 Items #1, #2 and #3 and CBC 1110B.1.4 for M-occupancies

58. Plans shall show and specify that the accessible parking loading and unloading access aisle shall be marked by a border painted blue. Within the blue border, hatched lines a maximum of 36-inches on-center shall be painted a color contrasting with the parking surface, preferably blue or white per CBC 1129B.3 Item #1 & CBC Figures 11B-18B and 11B-18C. Maximum slope in any direction within the access aisle & accessible parking stall shall not exceed 2%. CBC 1129B.3 Item #1Emergency Express Items effective July 1, 2008



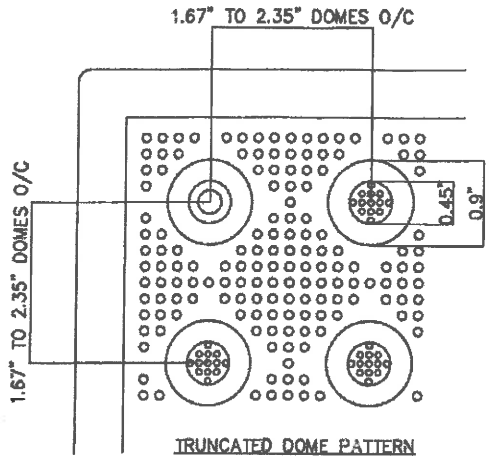
59. CBC 1104B.5 Item #4 requires that each dining, banquet and bar area shall have one wheelchair seating space for each 20 seats (seating shall be designed and arranged to permit use by wheelchair occupants, and shall comply with CBC 1122B). Access to such seating spaces shall be provided with main aisles not less than 36-inches clear width. The ratio of accessible seating is based on the total number of seats provided. Please be sure the plans clearly show how requirements for wheelchair accessibility to both fixed and non-fixed seating for each unique functional area (e.g., indoor dining, outdoor dining, etc.) by clearly labeling each wheelchair accessible seating location on the Floor Plan and including referenced enlarged construction details and elevations for each unique type of fixed seating accommodation proposed. CBC 1104B.5 Item #4 and CBC 1122B (Also see ADAAG Section 5.1)

60. Each parking space reserved for persons with disabilities shall have in addition to the required minimum 70-in2 reflective sign consisting of a profile view of a wheelchair with occupant in white on dark blue background, shall include or be supplemented by additional "Minimum Fine $250" language that is required by emergency legislation effective as of 7/1/08. The additional "Minimum Fine $250" language may be included on the wheelchair profile sign or it may posted on a separate sign immediately below the wheelchair profile sign per CBC 1129B.4. At Van Accessible parking, the Van Accessible sign is typically mounted immediately below the new "Minimum Fine $250" language. Specify on plans that the lowest part of signs on or adjacent to a walking surface shall be not less than 80-inches above grade and those mounted on walls or similar locations shall be not less than 60-inches above the parking space finished grade or sidewalk grade per ADAAG 4.6.4 and 2004 Revised ADAAG 502.6. CBC 1129B.4



61. Plans must provide referenced, dimensioned, construction details for accessible dining tables clearly showing that the tops of accessible dining-tables shall be between 28" to 34" high with under-table knee space not less than 27" high, 30" wide & 19" deep. CBC 1104B.5 Item #4 & CBC 1122B

62. Plans shall note that required detectable warnings (truncated domes) shall be installed and note that the warning surfaces shall be contrasting yellow (Federal Color No. 33538), slip-resistant truncated domes with surfaces that shall differ from adjoining walking surfaces in resiliency or sound on cane contact. (If color contrast is insufficient, a 1-inch-wide black strip shall separate the yellow warning surface from the main walking surface). Pattern: Detectable warnings consisting of a surface with truncated domes that are aligned in a square grid (in-line) pattern and spaced 2.35-inches on-center is preferred and specifically permitted by DSA/AC Interpretation IR 11B-4 Items #1 & #2. Note that where detectible-warning products other than wet-set Armor-Tile are proposed, samples of such products shall be submitted and subject to the approval of the building official. CBC 1127B.5, CBC 1127B.5 Item #8, CBC 1121B.2.1(a), CBC 1133B.8.5 and DSA/AC Interpretation IR 11B-4 Items #1 & #2 and California State Referenced Standards Code, Title 24, Part 12, Sections 12-11A.201-211 and 12-11B.201-211 Detectable Warnings



63. Plans shall specify that prior to utilization of newly constructed or altered potable water piping systems, all affected potable water piping shall be disinfected using steps prescribed in CPC 609.1.1 through CPC 609.9.4 as follows: (.1) Flush pipe system with clean potable water until only potable water appears at points of outlet, (.2) System shall be filled with water-chlorine solution of 50-ppm chlorine minimum & allowed to stand for 24-hours; or 200-ppm for 3-hours, (.3) Following the allowed contact time, chlorine residual shall be flushed with clean potable water until the water coming from the system does not exceed the chlorine residual in the potable flushing water; and (.4) Repeat the procedure if bacterial examination made by an approved agency shows contamination persists in the system. CPC 609.9

64. Toilet Paper Dispensers and other accessories within accessible toilet compartments shall not reduce minimum space dimensions by more than 3-inches--Toilet Paper Dispensers typically need to be the recessed type in order to comply—the far end of the toilet paper dispenser in the accessible toilet stall shall be located no greater than 12-inches in front of the toilet bowl (preferably with the toilet paper dispenser center-line located 7 to 9-inches in front of the toilet bowl per new upcoming ADA requirements). CBC 1115B.4

65. Plans shall show the location of the required State of California Approved Double-Check-Valve Backflow Prevention Device. Please contact Dave Settles at City of Woodland Public Works at (530) 6615882 for requirements. CPC 603.1, CPC 603.2.4, CPC 603.3, City of Woodland Public Works Department, CPC Table 14-1 Mandatory Testing Standards: ASSE 1024-2003 and AWWA C510-97

66. Because water pressure at times of high-demand frequently drops to 30-lbs in the area of this project, Be sure plans to confirm that water system sizing has accounted for this issue (if a booster pump is proposed, be sure to show location and specify make, model and installation requirements). Revise plans to include a sizing table for the water system sizing (1/2-inch through 2-inch with respective WSFU's for each pipe size). CPC 610.0 through CPC 610.13, CPC Tables 6-4 through CPC Table 6-7, CPC Appendix-A and City of Woodland

67. Please note CPC plumbing fixture requirements on the Cover Sheet of the plans a rationale and calculations based on the number of occupants (be sure to use exiting occupant loads as calculated using CBC Table 1004.1.1) that references specific requirements of CPC 412 and CPC Tables 4-1 for the minimum number and types of plumbing fixtures (Water Closets, Urinals, Lavatories, etc.) required and the number proposed by fixture type and category and be sure the submitted plans reflect compliance as specified in the calculations. Note, if you feel the plumbing fixture requirements generated by CPC Chapter 4 and CPC Tables are inappropriate

for your project, please include a detailed rationale on the justifying an alternative to specific CPC requirements for consideration by the Building Official. CPC 413 and CPC Table 4-1 and CBC Table 10-A

68. Please be sure to contact Ted Crandall, City of Woodland Environmental Compliance Specialist (if you haven't already done so), at (530) 406-5107 to determine the location and requirements for the interception and treatment of any grease, oil or other deleterious wastes if and where required for waste or runoff discharged from the facility. Be sure to revise the plans to note Ted's requirements and clearly show and specify how the project shall comply. CBC 106.1.1 Appendix, CPC 1011, CPC 1012, CPC 1014, CPC 1015, CPC 1016 and CPC 1017

69. Where commercial range and/or other commercial cooking equipment is proposed, please be sure the plans to clearly specify the type of cooking equipment proposed, hoods where required by CMC 508.1, the type of hood(s) required (e.g., Type I or Type II hood per CMC 502.0 Definitions of "HOOD, Type I, Type II"). Where any kitchen cooking equipment is proposed to be installed without a hood, please provide manufacturer's documentation that the proposed equipment has been listed in accordance with UL 197 or equivalent, otherwise submit complete plans, details and specifications clearly showing compliance with CMC 507, 508 Hoods, 509 Grease Removal Devices in Hoods, 510 Exhaust Duct Systems, CMC 511 Air Moving Equipment/Exhaust Fans, CMC 512 Auxiliary Equipment, CMC 513 Fire Extinguishing Equipment, CMC 514 Procedures, CMC 515 Safety and CMC 516 Recirculating Systems and/or CMC Solid-Fuel as appropriate for the cooking equipment and systems proposed. CMC Part II--Commercial Hoods and Kitchen Ventilation

70. If plans show multiple air-moving units comprise that a system that singly or in aggregate supply air in excess of 2000 CFM to enclosed space(s) within the building and that one or more of the spaces served by the system does not have direct exit to the exterior of the building. Please be sure the plans to show and identify how the HVAC systems comply with CMC 609.0 requirements for an automatic shutoff accomplished by interrupting the power source of the air-moving equipment upon detection of smoke by smoke SFM listed and approved detectors in the main supply-air duct or alternatively, specify automatic-shutoff via connection to a total coverage smoke detection system complying with the CFC or otherwise smoke detectors that are factory installed in listed air-moving equipment may be used in lieu of smoke detectors installed in the main supply-air duct served by such equipment. CMC 609.0 and California State Fire Marshal Code Interpretation #02-024

71. If the proposed building is more than 15-feet in height, please be sure the plans clearly show and specify how access from the interior of the building shall be provided to the any roof mounted furnace/cooling unit(s). Be sure to show and/or specify that the proposed inside means of roof access shall be by a permanent or foldaway inside stairway or ladder, terminating in an enclosure, scuttle or trapdoor not less than 22-inches by 24-inches in size, which shall open easily and safely under all conditions. Additionally, be sure to specify at least 6-feet clearance between the roof-access opening and the edge of the roof or otherwise show and specify rigidly fixed rails (or parapets) minimum 42-inches in height on the exposed side. CMC 904.10.3.1 through CMC 904.10.3.3 and CMC 1106.3 Exception #4

72. If the building is more than 15-feet in height, please be sure the plans clearly show and specify how permanent lighting will be provided for the any roof-mounted furnace/cooling unit(s) at the roof access location. The switch for such lighting shall be located inside the building near the access leading to the roof. Be sure to coordinate with electrical plans. CMC 904.10.3.4 and CMC 1106.3 Exception #4

73. Be sure the Cover Sheet includes a block labeled "Deferred Submittals Under This Permit" that includes an itemized list of proposed deferred submittals that will be submitted and approved under this permit including any separate submittals required by the Fire Marshal for any proposed Automatic Fire Sprinkler System and Fire Alarm System but where complete plans and/or calculations are deferred to a later time (e.g., deferred trusses). CBC 106.3.3

74. If trusses are proposed to be a deferred submittal, City of Woodland permits deferred submittal of truss calculations/shop-drawings provided that the AOR/EOR submits a truss layout drawing for review that clearly defines bearing points, drag loads, girder trusses, spacing, orientation, shape and other significant truss features as required to confirm deferred trusses will comply with the EOR/AOR's design. FYI: deferred truss submittals shall consist of two (2) complete sets of engineered truss shop-drawings and calculations including bracing requirements, truss-layout, and details (showing axial and bending stresses, joint designs and hanger model call-outs), clearly indicating that the designs conform to the CBC 106.3.4.2 and letter from the architect or engineer of record (AOR or EOR) stating that the truss drawings and calculations have been reviewed and that they are in compliance with the intent of the structural design per CBC 106.3.4.2 (or provide two truss-calculation packages with the AOR/EOR's shop-drawing approval stamp bearing his wet signature).. CBC 106.3.4.2 and City of Woodland

75. If concrete light pole base columns are proposed, be sure structural plan specifies required light-pole anchor bolt size per the light pole manufacturer's specifications and shows and specifies how the Light pole anchor bolts set in the top of the column-footings shall be provided with lateral reinforcement consisting of at least two #4 or three #3 rebar located within 5-inches of the top of the concrete column-footing and which also shall enclose at least 4 vertical bars (specify bar size in design) per ACI 318 Section 710.5.6. Additional lateral ties shall be provided for the remainder of the column footing below at 12-inch intervals (i.e., 16 x designed longitudinal bar diameter) per ACI 318 Section 7.10.5 (an appropriately spaced wound circular Helix is permitted in lieu of individual ties). Lateral ties shall be provided with a minimum 135-degree seismic hooks (90-degree minimum hook for circular ties). CBC 1907.10

76. Because this project is located in an area classified as Seismic Design Category D, please revise the plans to specify that the proposed new suspended ceiling system shall conform to ASCE 7-05, ASTM C635 and ASTM C636 as referenced by CBC 1613.1 and CBC 803.9.1 and shall additionally conform to the following requirements: A heavy duty T-bar grid system shall be used (i.e., Heavy Duty as classified by the Manufacturer per ASTM C635 Section 4.1.3.3 & Table 1). The width of the perimeter supporting closure angle shall be not less than 2-inches. In each orthogonal horizontal direction, one end of the ceiling grid shall be attached to the closure angle and the other end in each horizontal direction shall have a 0.75-inch clearance from the wall and shall rest upon and be free to slide on a closure angle and construction shall conform the other specific requirements where applicable as noted in ASCE 7-05 13.5.6.2.2 (except that item "h" special inspection is not required because ASCE 7 Appendix Chapter 11A is specifically excluded from the CBC by CBC 1613.1). Otherwise provide ICC approved SDC-D alternatives as noted in the comment below. If you wish to defer selection and submittal a specific suspended ceiling system, revise the Cover Sheet of the plans to list "Suspended Ceiling System details and specification for SDC-D" under "DEFERRED SUBMITTALS" per CBC 108.7.

77. Be sure to include at least one labeled floor plan clearly showing the proposed locations of all Fire Extinguishers.

APPROVED ACTION MINUTES
CITY OF WOODLAND
PLANNING COMMISSION
THURSDAY, OCTOBER 15, 2009

VOTING MEMBERS PRESENT:	Lopez; Wurzel; Murray; Barzo; Sanders; Gonzalez
VOTING MEMBERS ABSENT:	None
STAFF MEMBERS PRESENT:	Norris; Stillman; Pollard

The meeting was called to order at 7:00 PM.

- CDD Monthly Status Report:
  - Cindy Norris, Principal Planner: She reviewed the report with the Commissioners.
- Director's Report:
  - Cindy Norris:
    - She advised that a Spring Lake update will be provided to the City Council, including a Building Unit Allocation (BUA) interpretation.
    - She discussed an upcoming SACOG workshop series.
    - She discussed the State adopted Model Water Efficient Landscape Ordinance, with which all cities will be required to comply. She said the flyer provided to the Commission includes a workshop on November 3.
    - She discussed the Notice of Preparation that was mailed regarding the Gateway II Environmental Impact Report (EIR). This includes a 30-day notice period in which to solicit comments that runs through November 2 and a scoping meeting scheduled for October 21st at 6:00 PM in the City Council Chambers..
- Approval of Minutes: **September 17, 2009**

  It was moved by Commissioner Sanders and seconded by Commissioner Gonzalez that the Planning Commission minutes of September 17, 2009 be approved as written.

AYES:	Commissioners Lopez, Wurzel, Barzo, Sanders and Gonzalez
NOES:	None
ABSTAINED:	Murray
ABSENT:	None

- Public Comment: This is an opportunity for the public to speak to the Commission on any item other than those listed on the Agenda. The Chairman may impose a time limit on any speaker.
  - None

- Communication – Commission Statements and Requests: This is an opportunity for the Commission members to make comments and announcements to express concerns or to request Commission's consideration of any item a Commission member would like to have discussed at a future Commission meeting.

  - Commissioner Murray: She discussed a tour of the Waste Water Treatment Plant that is scheduled for the end of the month. She would like the Planning Commission to attend as well.
  - Cindy Norris: She said that she will look in to this for the Commissioners.
  - Commissioner Sanders: He asked about guidelines on tree planting for the Planning Commission to reference when looking at landscaping plans.
  - Cindy Norris: She said that the City does have a master tree list and she can provide.

- Subcommittee Reports:
  - Commissioner Barzo: He asked if the subcommittee list is current.
  - Cindy Norris: She said that she will bring the list back to the Commission for review.

PUBLIC HEARING:

Ashley & Main Street Tentative Parcel Map No. 4969 and Burger King Conditional Use Permit

The applicant, Petrovich Development Company, is requesting a Tentative Parcel Map No. 4969 to subdivide one (1) existing 46,675 sq. ft., 1.07± acre parcel into two (2) parcels. The application also includes a request for a Conditional Use Permit to allow for the construction of a 2,535 sq. ft. Burger King restaurant with drive-thru facility, and approval of required public art. The subject site is located near the southeast corner of Ashley Avenue and Main Street (APN: 065-010-42) in the General Commercial (C-2) Zone.

Applicant/Owner:	Petrovich Development Company
Buyer:	Ghai Management Services, Inc.
Staff Contact:	Jimmy Stillman, Associate Planner
Environmental Document:	Categorical Exemption
Recommended Action:	Conditional Approval

- Jimmy Stillman, Associate Planner: He provided a presentation on the Tentative Parcel Map and Conditional Use Permit.
- Commissioner Murray: She asked about plans for a building on the third parcel.

- Paul Petrovich, Owner: He said that there are no elevations yet for the other parcel but expects it will be general retail and not another drive-thru facility.

The Commissioners further discussed the issue of parking with Staff.

- Bruce Pollard, Sr. Civil Engineer: He spoke generally about turning radiuses for drive-thru facilities.
- Commissioner Barzo: He opened public comment.
- Sunny Ghai, Buyer: He spoke about the turning radius of the drive-thru and parking spots.
- Commissioner Barzo: He asked Mr. Ghai if he agreed to the conditions.
- Sunny Ghai: He said that he agrees.
- Commissioner Barzo: He closed public comment.

The Commissioners continued to discuss the project.

It was moved by Commissioner Sanders and seconded by Commissioner Murray that the Planning Commission approves the Ashley & Main Street Tentative Parcel Map No. 4969 and; that the Planning Commission approves the Burger King Conditional Use Permit and Public Art based on the identified findings of fact and subject to the identified Conditions of Approval, by taking the following actions:

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered categorically exempt, Article 19 §15332 – Class 32, Infill Development & §15315 – Class 15, Minor Land Divisions.
- Determine that the project, as conditioned, is consistent with the General Plan.
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance.
- Determine that the project, as conditioned, is consistent with the Subdivision Ordinance
- Determine that the project, as conditioned, is consistent with the Community Design Standards.
- Approval of a Tentative Parcel Map #4969 to subdivide one (1) existing 46,675 sq. ft, 1.07± acre parcel into two (2) separate parcels in the General Commercial (C-2) Zone. Parcel 1 will be 22,266 sq. ft and Parcel 2 will be 24,409 sq. ft.
- Approval of a Conditional Use Permit to allow for the construction of a 2,535 sq. ft fast food restaurant (with drive-thru) providing 14 onsite parking spaces, 6 spaces on Resultant Parcel 1 and a cross access easement for reciprocal parking and cross access between Resultant Parcel 1 and Resultant Parcel 2.
- Approval of the Public Art for the Burger King Restaurant.

AYES:	Commissioners Lopez, Wurzel, Murray, Barzo, Sanders and Gonzalez
NOES:	None

ABSTAINED: None
ABSENT: None

NEW BUSINESS:

- None

OLD BUSINESS:

- None

There being no further business, the meeting was adjourned at 7:41 PM.

Respectfully submitted,

Cindy Norris
Principal Planner

ATTACHMENT E

Paul Hanson

From:	Phil Harvey [phil@petrovichdevelopment.com]
Sent:	Wednesday, April 03, 2013 12:15 PM
To:	Paul Hanson
Cc:	Ken King; Chris Poncin
Subject:	Starbucks and Retail Building, Ashley Avenue & West Main Street

Paul,

As you are aware we have reviewed the recent issues related to the parking at the subject project. The City of Woodland has determined that our proposal for the development of the site is 4 spaces short of the parking requirement. In order to meet the parking and develop the site in an in-fill friendly manner and promote bicycle and alternative mode to improve air quality in the Woodland community we are proposing to install eight bicycle racks to reduce the required parking by 1 space and 2 electric vehicle parking spaces to reduce the parking requirement by an additional 3 spaces. These reductions and measures would make the project compliant with the City determined parking requirement for the project. These measures are allowed in the City of Woodland code under Section Article 23 which states:

> **Off-Street Parking, Section 25-23-30** - Special Provisions, parking requirements maybe be reduced or modified. The following discussion provides possible methods for reducing or modifying parking requirements.
>
> Bicycle Parking: Bike spaces shall be provided at locations and in amounts to be determined by the Traffic Engineer.
>
> One (1) car space may be omitted for each eight (8) bike spaces up to 5% of the required number of parking spaces in parking lots for commercial and industrial uses only.
>
> Under this provision only one (1) parking space can be replaced with eight (8) bike spaces.
>
> Other possible modifications are provided for:
>
> **Modifications to Parking Requirements:** Under unique circumstances, the Community Development Director may grant modifications to the parking requirements contained in Section 25-23-10. Requests to provide more or less than the required number of parking spaces must be submitted in writing to the Community Development Director. This request shall clearly state the unusual circumstances of the project which justify it not meeting the requirements of Section 25-23-10. This request shall also include a description of the mitigation measures that will be taken to reduce overall vehicle trips. The Community Development Director can only grant a modification to the parking requirements if the developer provides permanent mechanisms that will result in an overall air quality benefit. (Examples of such include park and ride lots, transit shuttles, etc.).

Please provide this direction as our solution to the parking requirement.

Let me know if you have any questions.

Thank you,

Phil

Philip J. Harvey, Architect
Senior Vice President of Development
Petrovich Development Company

ATTACHMENT 4

City of Woodland

PLANNING COMMISSION AGENDA

APRIL 25, 2013
CITY COUNCIL CHAMBERS
6:30 PM
DRAFT Minutes

1. Call to order

2. Roll Call
Commissioners Present: Murray, Murphy, Wurzel, Holt, Wells, Lizarraga
Commissioner Absent: Lopez

Staff Present: Nick. Ponticello, Community Development Director; Paul Hanson, AICP, Senior Planner; Bruce. Pollard, Development Engineer, Brent Meyer, Principal Civil Engineer

3. **Director's Report**: This an opportunity for the Community Development Department's Director or designee to provide the Commission with information on any items other than those listed on the Agenda.
NONE

5. **Public Comment**: This is an opportunity for the public to speak to the Commission on any item other than those listed on the Agenda. The Chairman may impose a time limit on any speaker.
NONE

6. **Communication - Commission Statements and Requests**: This is an opportunity for the Commission members to make comments and announcements to express concerns or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.
NONE

7. **Subcommittee Reports**:
NONE

PUBLIC HEARING:

8. **Starbucks' Café Drive-Thru Conditional Use Permit**: The applicant, Petrovich Development Company is requesting a Conditional Use Permit to allow for the construction of a 2,700 square foot building, which will include a ±1,700 square foot Starbucks' Café Drive-Thru with 36 seats and a ±1,000 square foot retail space, and approval of required public art. The project proposes to provide 20 new parking spaces in addition to six (6) developed parking spaces on the project site. The subject site is located at 281 & 271 West Main Street (APN: 065-010-044) in the General Commercial (C-2) Zone.

Applicant:	Petrovich Development Company
Environmental Document:	Categorical Exemption
Staff Contact:	Paul L Hanson, AICP, Senior Planner.
Recommended Action:	Conditional Approval

Motion: ***Commissioner Murray made a motion to the approval of the Starbucks' Café Drive-Thru Conditional Use Permit with additional conditions of approval:***

1. *Prior to certificate of occupancy applicant shall prepare improvement plans for approval of the City Engineer and obtain an encroachment permit to modify signing and striping on West Main Street. Improvements shall include micropaving the full width of West Main Street from 50' west of the striping modification (but not further west than Ashley Avenue) to 50' east of the striping modification. Modification of striping shall permit the full left turn access to the driveway closest to the intersection with Ashley Avenue.*

   Once roadway work has been completed and the certificate of occupancy has been issued, the City shall monitor the effectiveness of the changes to West Main Street. At the end of three (3) years, the City shall make a final determination as to whether the existing improvements can remain or the applicant/property owner should be required, as previously agreed to, install an island median the satisfaction of the traffic engineer.

2. *Applicant shall provide additional on-site striping, markings/legends, and signs to improve safety and circulation to the satisfaction of the Community Development Department and Traffic Engineer. This work shall include:*

a) *Stripe the driveway aisle between Starbuck Project and the Rite Aid Store;*

b) *Stripe and lettering a "Do Not Block" area near the trash enclosure (final location to be determine by the CDD);*

c) *Install a "left Turn Only" at the end of the exit for the Starbucks Drive-thru aisle;*

d) *Install a sign informing customers "No Access to Starbucks Drive-Thru" coming from the Ashley Avenue driveway.*

The amended motion was seconded by Commissioner Lizarraga.

Ayes: Wurzel, Murphy, Wells, Holt

No's

Abstain:

NEW BUSINESS: NONE

OLD BUSINESS: NONE

9. Adjournment

The Planning Commission of the City of Woodland encourages all parties interested in a matter scheduled to be reviewed, discussed and acted on at a meeting, to participate in the public discourse, which may include the submission of written comments and materials. The Planning Commission notifies the public that those materials received less than 24 hours before a meeting date and time may not be able to be considered completely. Further, the Planning Commission encourages interested parties to attend the meeting to discuss any matter of concern and to explain their comments more fully.

ATTACHMENT 5

STOEL RIVES LLP
ATTORNEYS AT LAW

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Sacramento, California 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

TIMOTHY M. TAYLOR
tmtaylor@stoel.com

April 23, 2013

VIA ELECTRONIC MAIL

Seth Wurzel, Chair and Members of the Woodland Planning Commission
City of Woodland
300 First Street
Woodland, CA 95695

Re: Consideration of Proposed Conditional Use Permit in the General Commercial Zone (C-2), 281 and 271 West Main Street; Applicant Petrovich Development Company

Dear Chairman Wurzel and Members of the Planning Commission:

On April 18, 2018, this firm submitted a letter for your consideration outlining the many legal bases upon which the City is precluded from further processing the above-referenced Ashley and Main project (the "Project"). Among the items detailed in that letter was an analysis explaining why the City's currently proposed CEQA Class 32 exemption for In-Fill Development Projects does not apply, and as a result the City must prepare an Initial Study to determine whether a Mitigated Negative Declaration or an Environmental Impact Report is required before approval of the requested Conditional Use Permit.

As the Commission is aware, the exceptionally hurried circumstances leading up to the original April 18 hearing date caused a significant volume of documents to be received by the Commission and interested members of the public with very little time before the hearing. This made comprehensive review and consideration of the materials nearly impossible, and ultimately led the Commission to extend the proceeding to April 25. As a result of the one week extension and a slightly more reasonable evaluation period, we have identified documentation in the record that compels the City to immediately halt further consideration of the Class 32 exemption.

Projects subject to CEQA categorical exemptions including Class 32 exemptions, "have been determined not to have a significant effect on the environment." (Pub. Resources Code §21084(a); CEQA Guidelines §15300.) There are a series of exceptions, however, that automatically disqualify projects that might otherwise fit the exemption criteria. The exception applicable to the pending Ashley and Main Project is expressly set forth in Guidelines section 15300.2(c), which reads:[1]

> "Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment *due to unusual circumstances*." (Emphasis added.)

This unusual circumstances exception has been widely interpreted in case law. (See *Banker's Hill, Hillcrest, Park W. Community Preservation Group v. City of San Diego* (2006) 139 CA 4th 249 at 261; *Turlock Irrigation Dist. V. Zanker* (2006) 140 CA 4th 1047, at 1066; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 CA 4th; and *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, at 204.) Simply stated, an agency's determination to seek a CEQA exemption is rebuttable. In fact, there is no need for absolute certainty regarding the existence of unusual circumstances. There must merely be a "reasonable possibility" that such unusual circumstances exist.

With respect to the current Project, not only is there a reasonable possibility of unusual circumstances, as explained in the April 18 letter, but there is actually confirmation from a source with intimate knowledge of the Project that precisely such unusual circumstances exist. Less than 3 weeks ago, on April 3, 2013, in an e-mail to Mr. Paul Hanson of the City's Community Development Department addressing a "solution to the parking requirement", Mr. Phil Harvey, Senior Vice President of Development for the Project applicant, Petrovitch Development Company, cited to Article 23, section 25-23-30 of the City Code as follows:

[1] On page 5 of the April 18 letter, a typo mistakenly referenced "§1500.2(c)", when the correct reference should actually have been ""§15300.2(c)". I apologize for any confusion this may have caused.

> "**Modifications to Parking Requirements:** Under unique circumstances, the Community Development Director may grant modifications to the parking requirements contained in Section 25-23-10. Requests to provide more or less than the required number of parking spaces must be submitted in writing to the Community Development Director. This request shall clearly state the *unusual circumstances of the project which justify it not meeting the requirements of Section 25-23-10.* This request shall also include a description of the *mitigation measures that will be taken to reduce overall vehicle trips."*(Emphasis added.)[2]

This unambiguous and very recent acknowledgment by the developer's own Senior Vice President that section 25-23-30 applies to the Project, confirms that unusual circumstances justify relief from the standard parking obligations, and at the same time accepts the inclusion of mitigation measures aimed at reducing vehicle trips as the proposed mechanism for correcting the unusual circumstances. While vehicle trip reduction may indeed be a laudable goal for the City and even the developer, the express inclusion of mitigation measures as part of the Project approval, confirms without any doubt that either a Mitigated Negative Declaration or an EIR, and nothing else, must be approved before action can be taken on the Project. (*See Salmon Protection & Watershed Network v. County of Marin* (2004) 125 CA4th 1098, 1102 (an agency may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply).)

Because there is no longer any question that the proposed Project cannot legally be considered pursuant to a Class 32 exemption, rather than waste scarce additional agency resources and the time and money of my client and other members of the public, the Commission should immediately return this ill-conceived proposal to staff for proper consideration under CEQA and with the express directive that either a Mitigated Negative Declaration or an EIR be prepared.

---

[2] A copy of Mr. Harvey's April 3, 2013 e-mail is included as Attachment E to the April 18, 2013 staff report to the Planning Commission. A copy is also attached to this letter for ease of reference.

Thank you very much for your service to the City of Woodland.

Very truly yours,

Timothy M. Taylor

Enclsoure
cc: Paul Hanson
Andy Morris, Esquire

Paul Hanson

From: Phil Harvey [phil@petrovichdevelopment.com]
Sent: Wednesday, April 03, 2013 12:15 PM
To: Paul Hanson
Cc: Ken King; Chris Poncin
Subject: Starbucks and Retail Building, Ashley Avenue & West Main Street

Paul,

As you are aware we have reviewed the recent issues related to the parking at the subject project. The City of Woodland has determined that our proposal for the development of the site is 4 spaces short of the parking requirement. In order to meet the parking and develop the site in an in-fill friendly manner and promote bicycle and alternative mode to improve air quality in the Woodland community we are proposing to install eight bicycle racks to reduce the required parking by 1 space and 2 electric vehicle parking spaces to reduce the parking requirement by an additional 3 spaces. These reductions and measures would make the project compliant with the City determined parking requirement for the project. These measures are allowed in the City of Woodland code under Section Article 23 which states:

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Please provide this direction as our solution to the parking requirement.

Let me know if you have any questions.

Thank you,

Phil

Philip J. Harvey, Architect
Senior Vice President of Development
Petrovich Development Company

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TIMOTHY M. TAYLOR
tmtaylor@stoel.com

April 18, 2013

VIA ELECTRONIC MAIL

Seth Wurzel, Chair and Woodland Planning Commission
City of Woodland
300 First Street
Woodland, CA 95695

Re: Consideration of Proposed Conditional Use Permit in the General Commercial Zone (C-2), 281 and 271 West Main Street; Applicant Petrovitch Development Company

Dear Chairman Wurzel and Members of the Planning Commission:

This firm represents Sunny Ghai/ Norcal II Co-Brands, Inc., operator of a Burger King restaurant, with drive-thru on the easternmost of three commercial parcels located at the Ashley and Main Shopping Center, at 281 & 271 West Main Street, at the intersection of Ashley and Main. This letter is submitted in opposition to the proposed conditional use permit for Petrovich Development Company to construct and operate a 2,700 square foot commercial building on the 0.51 acre middle (vacant) parcel (Assessor's Parcel No. 065-010-044)[1]. The development proposal includes a 1,700 square foot Starbucks containing 36 seats, with a drive-thru facility, and a 1,000 square foot retail space (the "Project").

This item is scheduled for consideration by the Planning Commission on April 18, 2013. Please accept our apologies for the late timing of this letter, but as explained below, this resulted directly from actions by the City and developer with respect to processing this approval.

Violation of Due Process Rights

There have been several disturbing irregularities with respect to the upcoming hearing. The extent and nature of these irregularities raise serious due process considerations and at minimum, require the Planning Commission to continue this hearing to provide a full and fair opportunity for interested members of the public to meaningfully analyze the City's extensive documentation and to comment on the project.

[1] The third parcel at the Ashley and Main Center includes a Rite Aid store, also with a drive-thru facility.

Alaska California Idaho
Minnesota Oregon Utah Washington

The City originally scheduled the Planning Commission hearing for April 18, 2013. Late in the afternoon on Monday April 15, 2013, this office was informed by e-mail from Community Development Department staff that the public hearing was being delayed four weeks, and rescheduled to May 16, 2013. No staff report or project documentation was made available at that time. Ghai, and likely other members of the public, detrimentally relied on this notification by immediately standing down with respect to all preparations for the previously scheduled April 18 meeting. This included instructions to Ghai's contract traffic consultant that all immediate deadlines for report preparation and submittals to the Planning Commission no longer applied.

It is assumed that the City's April 15 decision not to proceed with the scheduled April 18 hearing explains the decision not to timely distribute the 157 page staff report and agenda package as originally scheduled. Unfortunately, this extremely large volume of materials was not provided to this office until the afternoon of Tuesday, April 16. It is unlawful and unfair to the public for the City to play a game of hide and seek with respect to an important entitlement approval, particularly for a highly controversial project such as this.

<u>A Drive-Thru Facility is Inappropriate for the Site</u>

While logic and common sense suggest that three drive-thru facilities in a relatively small shopping center represent poor land use planning, the acknowledgement and representation by the applicant himself, promising to restrict the number of drive-thrus, should alone be sufficient grounds for the Planning Commission to deny this project. Specifically, on October 15, 2009, Mr. Paul Petrovitch, who ironically at the time, served as applicant for the current Burger King restaurant, directly represented to this Commission that he would not pursue development of a subsequent (third) drive-thru at the Ashley and Main Center.

> Rite Aid and I have agreed that we're now prohibited from having another drive through on the middle parcel. So that's not going to come before you. It would only be that building or something general retail... Paul Petrovitch (comments to Woodland Planning Comm., Oct. 15, 2009).[2]

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[2] The entire October 15, 2009 Planning Commission meeting is available for review on DVD from the Community Development Department.

Based in substantial part on this representation, the Planning Commission approved the Burger King project. Although the passage of time appears to have caused Petrovitch Development Company to change its mind, this unequivocal prior representation must now be honored. More importantly, the Commission must stand by its prior determination and not approve the currently proposed conditional use permit, site plan, or design review.

The Project Does Not Qualify for a Class 32 Exemption

The City has determined that the Project qualifies for a Class 32 exemption (in-fill development) under the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000, et seq.).

In the City's zeal to process the Project, however, a number of potentially significant environmental considerations relating to circulation, parking, noise, safety, land use, and other impacts appear to have been ignored. For the reasons expressed below, the City should immediately suspend further permit processing, reconsider this ill-conceived plan, and conduct an initial study consistent with the requirements of the California Environmental Quality Act.

CEQA has 33 classes of categorical exemptions, each of which may only be applied when a project has no possibility of an environmental effect. (Pub. Resources Code § 21084(a); Cal. Code of Regulations, title 14, §§ 15300-15333.)[3] In order for a project to qualify for a Class 32 exemption (Cal. Code of Regulations, title 14, § 15332) the following conditions must be met:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value, as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

Because CEQA is designed to ensure the broad dissemination and consideration of a project's potential effect on the environment, exemptions under CEQA are narrowly construed. If a project does not squarely fit the terms of the proposed infill exemption, it is subject to challenge

[3] The CEQA Guidelines are set forth in their entirety at California Code of Regulations, Title 14, section 15000, et. seq.

even if located in an urban or densely populated area.[4] Among its many other problems, the proposed Project is unable to satisfy each of the conditions required by Guidelines section 15332, subdivisions (a) and (d).

Guidelines section 15332(a) specifies that "the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations." Under the City of Woodland Zoning Ordinance, Article 13 clearly distinguishes between "Cafes, Coffee Shops & Restaurants, Except Drive Through Facilities" and "Drive-in, Fast Foods, Self Service, Take Out Restaurants." The former is permitted in the City's General Commercial Zone (C-2) without any conditions, whereas the latter, when found in C-2 zone districts, requires compliance with certain conditions. A Starbucks with an attached drive-thru, such as the proposed Project, falls under the latter provision. Zoning Ordinance section 25-13-20 states the special conditions required, here, a conditional use permit. Unfortunately, the Planning Commission is considering this discretionary entitlement and conditions pursuant to a narrowly construed CEQA exemption, which as indicated above, can be applied only when there is no possibility whatsoever of a potentially significant environmental effect.

Section 15332(d) requires that "[a]pproval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality." To make this showing, an agency must prepare studies or retain experts to create an appropriate evidentiary record.[5] Here, the City's determination that the Project qualifies for the infill exemption will be upheld only if it is supported by substantial evidence.[6] There is no showing sufficient to meet the requirements of this condition. There is little doubt that an a third drive-thru in a small shopping center that already contains two operating drive-thrus will create significant effects relating to traffic, noise, air quality, and safety. Like all categorical exemptions, the agency's determination can be overcome if there is a reasonable possibility that the Project may result in significant environmental impacts due to unusual circumstances. (Cal. Code of Regulations, title 14,

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[4] *See, e.g., Tomlinson v. County of Alameda*, 188 Cal.App.4th 1406 (2010), *petition for review granted* (project in an unincorporated area did not qualify for infill categorical exemption because it was not located within city limits).

[5] *Banker's Hill, Hillcrest, Park West Cmty. Pres. Group v. City of San Diego*, 139 Cal.App.4th 249, 260 (2006) (in upholding application of infill exemption for a 14-unit high-rise condominium project, the court observed that "an agency will often have to conduct a fairly extensive preliminary review to develop substantial evidence that there will be no significant effect on traffic, noise, air quality, or water quality for a project that appears to fall under the urban infill exemption").

[6] *Id.* at 267-269 (the substantial evidence standard of review governs an agency's determination that a project falls within the terms of the infill exemption).

§ 1500.2(c).) The presence of three drive-thru facilities on a parcel of this size is an unusual circumstance likely to result in significant environmental impacts. This is particularly the case, as the Starbucks will generate considerably more on-site traffic, and in the area generally. The City has not and cannot make a showing supported by substantial evidence that the Project qualifies for a Class 32 exemption.

Preliminary Conclusions From the Peer Review of the City's Traffic Analysis

Ghai contracted with MRO Engineers, Inc., to review and comment on the *Starbucks Site Assessment – Main Street at Ashley Avenue* (KD Anderson & Associates, Inc., April 3, 2013), and the 157 page staff report and agenda package. Unfortunately, the City's lackadaisical approach to proceeding with the April 18 hearing has restricted the consultant's ability to provide anything more than a draft peer review analysis. The draft version, however, as attached, provides a conclusion, based on the *Starbucks Site Assessment – Main Street at Ashley Avenue* that:

> The site assessment revealed significant issues with regard to vehicular queuing at the project drive-through lane, vehicle queuing at the retail center driveways, on-site traffic flow, and adequacy of the proposed parking supply. These issues will result in delays and inconvenience for retail center patrons, as well as potential safety problems on-site and at the Main Street driveways. As a further consequence of these problems, patrons might be led to take their business to other retail centers where such problems do not exist. (MRO Engineers, p. 6)

This expert evidence constitutes substantial evidence sufficient to require full analysis under CEQA, and to eliminate the option of Class 32 exemption.

The Project Cannot Meet its Parking Requirements

As clearly indicated in the *Starbucks Site Assessment – Main Street at Ashley Avenue* prepared by KD Anderson & Associates, Inc., "the Starbucks site will have inadequate parking spaces to provide for its customers." (KD Anderson, p. 12.) To remedy this inadequacy, according to the staff report, the "Project was also conditioned requiring a parking and cross access easement agreement," which does not exist at this time. The staff report goes on to state that "[p]rior to approval of the final map the applicant shall enter into an Agreement for Conveyance of Easements and record it against the property. The map shall reference the agreement. The cross access easement will need to be established to allow for parking and cross access between Resultant Parcel 1 and Resultant Parcel 2." (Planning Commission Staff report,

p. 3) As another remedy for the parking insufficiency, the staff report recommends that "[p]er the KD Anderson site assessment report, customers for the Starbucks Café are anticipated to desire to park in the Rite Aid parking lot and there currently [is] no parking easement in place to allow this situation." (Planning Commission Staff Report, p. 6). Therefore, one of the remedies proposed for the obviously insufficient parking problem is to rely on non-existing reciprocal parking easements. When viewed in even the best light, this constitutes illusory mitigation under CEQA. The Planning Commission, however, should focus on the more blatant defect, which is that the proposed solution IS INDEED MITIGATION, and as a result, any attempt to apply a categorical exemption is completely undermined. If an impact requires mitigation, by definition a categorical exemption cannot apply. The City's only recourse is to prepare a mitigated negative declaration or an environmental impact report. There is no middle ground or opportunity for the Commission to finesse its way around this problem.

To further highlight the difficulties caused by insufficient parking and the lack of any current reciprocal parking easements, the draft peer analysis by MRO Engineers states:

> Parking demand associated with the Starbucks store will spill over into the portions of the retail center's parking lot devoted to rite Aid and Burger King, which will have a clear detrimental effect on those businesses. A shortage of on-site parking will further exacerbate on-site traffic circulation conditions, as potential patrons search for an available parking space. Ultimately, individuals who are unable to locate a convenient parking space will give up and travel elsewhere, resulting in loss of revenue for the existing merchants. (MRO Engineers, p. 5)

The Proposed Conditional Use Permit Violates the Terms of the Declaration of Covenants, Conditions, Restrictions and Grants of Easements

On June 30, 2009, a Declaration of Covenants, Conditions, Restrictions and Grants of Easements ("CC&Rs") was signed between Ghai and Ashley & Main, LLC. Within the CC&Rs, the parcel for the proposed Project here is defined as the "Shops Parcel." According to the CC&Rs, the restriction on use of the Shops Parcel specifically states that "no portion of the Shops Parcel shall be used for a restaurant business." (Declaration of Covenants, Conditions, Restrictions and Grants of Easements, p. 4) Thus, the proposed Project, which meets the definition of a restaurant use, violates the terms of the CC&Rs. They City should not knowingly be issuing an entitlement that violates a private party agreement.

The City has Provided an Unlawful Gift of Public Funds to the Project Developer

The traffic study used in support of the Project was unlawfully paid for by City of Woodland with funds from the Community Development Department contract services budget. The California Constitution prohibits public agencies from making or authorizing gifts of public funds. (Cal. Const., art. XVI, § 6.) The legislature here includes city and county bodies, such as the City of Woodland. An appropriation benefiting a private property constitutes an unconstitutional gift of public funds if the public agency receives no consideration in exchange for the expenditure. (*Allen v. Hussey* (1950) 101 Cal.App.2d 457, 473.) It would also constitute an unconstitutional gift if the expenditure did not fulfill a public purpose. (*County of Alameda v. Janssen* (1940) 16 Cal.2d 276, 281.) In determining whether an appropriation of public funds or property is to be considered a gift, the primary question is whether the funds are to be used for a public or a private purpose. The determination of what constitutes a public purpose is primarily a matter for legislative discretion, which is not disturbed by the courts so long as it has a reasonable basis. (*Paramount Unified School Dist. v. Teachers Assn. of Paramount* (1994) 26 Cal.App.4th 1371.) No such reasonable basis exist here. There simply is no law supporting the notion that public funds authorized for a traffic study that advances private development can be deemed a public purpose.

Conclusion

In addition to the comments set forth above, the prior comments submitted to Planning staff by Ghai on September 28, 2012, including all attachments[7], and all other written and oral comments received prior to and during the proceedings on this matter, are incorporated by reference. The Planning Commission should act promptly and decisively to halt the processing of this ill-conceived application that violates the City's long-standing commitment to principles of sound planning, CEQA, and the California Constitution.

Before any further consideration is given to this project, at minimum, the City must prepare a full initial study, as would be required of any other similarly situated project, rectify the gifting of public funds, and commit to an unbiased project review without the developer favoritism and hints of back room cronyism that unfortunately have tainted this application to date. We offer our assistance with respect to the City's anticipated efforts to achieve these goals.

[7] The September 28, 2012 communication from Ghai is set forth as Attachment B to the Planning Commission's April 18, 2013 agenda packet.

Thank you very much for your time and attention in consideration of these important concerns.

Very truly yours,

Timothy M. Taylor

Enclosure
cc: Paul Hanson
Andy Morris, Esquire

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April 23, 2013

VIA ELECTRONIC MAIL

Seth Wurzel, Chair and Members of the Woodland Planning Commission
City of Woodland
300 First Street
Woodland, CA 95695

Re: Final Version Review of Starbucks Site Assessment – Main Street at Ashley Avenue (MRO Engineers)

Dear Chairman Wurzel and Members of the Planning Commission:

In order to present a version of the above-referenced report to the Planning Commission last week, particularly following the irregularities with respect to the scheduled hearing date, the traffic consultant, MRO Engineers, retained by Ghai Management Services, Inc. ("Ghai") was able to prepare only a draft version for submittal. Attached please find the now final peer review report for your consideration at the special hearing on Thursday, April 25, 2013. The report remains generally unchanged from the version presented to the Commission last week, with the exception of the additional section entitled "City Staff Report".

Very truly yours,

Timothy M. Taylor

Enclosure
cc: Cindy Norris
Paul Hanson
Andy Morris

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April 18, 2013

Ms. Parissa Ebrahimzadeh
Stoel Rives LLP
500 Capitol Mall, Suite 1600
Sacramento, California 95814

Subject: Review of *Starbucks Site Assessment – Main Street at Ashley Avenue*

Dear Ms. Ebrahimzadeh:

As requested, MRO Engineers, Inc., has completed a review of the *Starbucks Site Assessment – Main Street at Ashley Avenue* (KD Anderson & Associates, Inc., April 3, 2013), which was prepared for the City of Woodland, California. This analysis addressed various issues related to traffic access and circulation at the proposed Starbucks project in the southeast quadrant of the intersection of Main Street/Ashley Avenue in Woodland. According to a site plan presented in the report, the proposed project includes the development of a 1,700-square-foot (SF) Starbucks coffee shop with 42 seats and a 1,112 SF specialty retail shop.

The proposed Starbucks store includes a drive-through lane that requires approval of a conditional use permit by the City of Woodland. This is particularly important, as the two current occupants of the retail center (Burger King and Rite Aid) both have drive-through lanes.

STARBUCKS SITE ASSESSMENT SUMMARY

The *Starbucks Site Assessment – Main Street at Ashley Avenue* prepared for the City of Woodland by KD Anderson & Associates addressed the following elements of the proposed project:

- Adequacy of the queuing space provided at the Starbucks drive-through lane;
- Adequacy of the queuing space provided at the retail center driveways along Main Street;
- Safety and efficiency of the on-site traffic circulation system; and
- Adequacy of the on-site parking supply upon completion of the proposed project.

Our review of this document confirmed the key findings reported in the analysis report, including:

- Queues of vehicles will extend out of the Starbucks drive-through lane, blocking critical internal access and circulation routes, causing delay, inconvenience, and possible safety issues for patrons of the retail center. This will also interfere with access to the Rite Aid loading dock.
- Queues of vehicles waiting to exit the retail center will exceed the available driveway throat depth, again interfering with internal traffic flow and potentially causing rear-end or broadside crashes on Main Street as drivers desiring to enter the site may be blocked from doing so.
- Internal traffic conflicts will occur, as the queuing issues presented above cause blockage of drive aisles within the center. This will result in delays and inconvenience for patrons,

potentially leading them to seek out other retailers. More importantly, it could cause significant difficulty with regard to emergency vehicle access.

- Inadequate parking will be provided by the proposed project, leading to a shortage of parking at the retail center, excessive internal circulation as drivers search for available parking, and, ultimately a loss of revenue for the merchants, as customers choose to patronize retailers who provide adequate parking.

We also noted that the trip generation estimate that was the basis for much of the analysis reported in the KD Anderson document was faulty; it underestimated the volume of project-related traffic by addressing a smaller project than is actually proposed. Consequently, the problems identified in the report are understated.

The key findings presented in the KD Anderson site assessment report are summarized below, using excerpts from that document.

Starbucks Drive-Through Lane Queuing Space Adequacy

The adequacy of the queuing space at the Starbucks drive-through lane is a particular focus of the site assessment. Key statements in this regard include the following (with emphasis added in **bold** font):

- "This [a.m. peak-hour] **queue will extend beyond the [Starbucks] drive-through lane**. Depending on the direction of arriving vehicles **one or two drive aisles could be blocked** to through traffic, along either or both of the south and east sides of the Rite Aid. . . . it is possible that any vehicles leaving the Rite Aid parking lot or accessing the Burger King from either of these two aisles could be blocked." [KD Anderson, p. 6]

- "During the noon peak hour . . . [t]he Starbucks queue is expected to be about four vehicles, which will leave **one vehicle outside the drive-through lane**. Vehicles will be able to bypass this vehicle queued for Starbucks; however, **concurrent two-way travel would be unlikely**." [KD Anderson, p. 6]

- "During the a.m. it is likely that **a four car queue will be observed about 50% of the time**. This queue will be contained in the drive-through lane. The distribution also indicates that **about 33% of the time a queue of five vehicles will occur** while **a six car queue will occur almost 20% of the time**. If the queue exceeds four vehicles drive aisles will be blocked." [KD Anderson, p. 9]

  NOTE: Although the previous statement indicates that a queue of four vehicles can be contained within the drive-through lane, it is inconsistent with other statements in the report. Also, Figures 2 and 3 in the report illustrate a condition in which **any queue greater than three vehicles extends beyond the drive-through lane into the adjacent drive aisle**. Moreover, page 21 of the KD Anderson report states: "A queue of four or more cars will spill onto the drive-aisles of the site."

- "Queuing at the Starbucks drive-thru entrance will extend beyond the drive-through lane. The Poisson distribution analysis indicated that **a queue extending beyond the drive-through lane will occur 33% of the time during the a.m. peak period**." [KD Anderson, p. 22]

This problem was illustrated on Figures 2 and 3 in the site assessment report. For reference, those figures are presented here in Attachment A. Figure 2 shows that in the a.m. peak hour the traffic circulation aisle along the west edge of the proposed Starbucks site would be completely blocked. Moreover, the circulation aisle running along the southern edge of the retail center could be blocked. This has serious repercussions with respect to emergency vehicle access within the site. Under these circumstances, fire trucks or ambulances could have difficulty reaching the Burger King site.

Main Street Driveway Queuing Space Adequacy

The KD Anderson site assessment also addressed queuing at the two Main Street driveways at the retail center. Key findings included the following (again with added emphasis in **bold** font):

- "The addition of the Starbucks traffic to the existing queues could add up to two vehicles at either driveway during the noon peak . . . [t]his would result in up to a four car queue exiting either the Burger King or Starbucks driveway. . . . **These additional vehicles could block both internal intersections** depending on how motorists queue when exiting the site. A four car queue **could block both the Burger King driveway and driveway-aisle or the Starbucks driveway aisle**." [KD Anderson, p. 11]
- ". . . short-term queues would lengthen during the peak noon period to up to four vehicles at either driveway. The 4-car queues **could result in blockage of the two internal intersections adjacent to the Main Street driveways**." [KD Anderson, p. 22]

Figure 3 in the KD Anderson report (see Attachment A) illustrates this problem. In addition to hindering internal traffic flow, blockage of the internal driveway intersection could prevent inbound vehicles from completely entering the site, potential leading to crashes. For example, as shown on Figure 3 at the Burger King driveway (i.e., the easternmost Main Street driveway), if an impatient exiting driver pulls into the internal intersection, an entering vehicle will be blocked from proceeding onto the site. If two or more vehicles are entering simultaneously, part or all of the trailing vehicle(s) will extend out into Main Street. This leads to the distinct possibility of that vehicle being hit by an eastbound vehicle on Main Street. In the case of a vehicle entering via a right turn, the crash would be a rear-end collision. For a left-turning entering vehicle, a broadside collision would most likely result, which might be substantially more severe.

On-Site Traffic Circulation

The KD Anderson site assessment makes clear that the Starbucks building would have a significant adverse impact on traffic circulation within the retail center, as follows:

- "**Congestion during peak periods will be experienced around the Starbucks site** as customers travel through the site, from the three driveways to the various uses. The **congestion is expected to be most pronounced adjacent to the Starbucks drive-through entrance and at the interior driveways adjacent to the Main Street driveways**." [K D Anderson, p. 23]
- "**The drive aisle adjacent to the loading dock of the Rite Aid will likely be blocked when deliveries are made to Rite Aid**. The drive aisle will be reduced to about 14' when the loading dock is used; as noted earlier, the Starbucks drive-through queue will extend beyond the drive-through entrance. A car standing adjacent to the loading dock will likely block the

drive aisle, creating localized congestion until the drive-through queue dissipates." [K D Anderson, p. 23]

On-Site Parking Supply

According to the KD Anderson report, the proposed project will involve construction of 20 new parking spaces. Ten of those spaces, however, will be dedicated to the Burger King, leaving only ten for the use of the Starbucks and the adjoining retail. The City of Woodland Zoning Ordinance ("Article 23 – Off-Street Parking & Loading") provides parking requirements for various land uses. The relevant requirements are as follows:

- Restaurants, cafes, and coffee shops: One parking space for each four seats, but not less than five spaces.
- Retail stores, banks, and shopping centers: Not less than one parking space for each 300 square feet of gross floor area or more than one parking space for each 200 gross square feet, except storage and loading areas, but not less than five spaces.

Based on these requirements, the project's parking requirement would be 15 parking spaces, as follows:

- Starbucks: 10 parking spaces (42 seats at one space per four seats)
- Retail space: 5 parking spaces (1,112 square feet at one space per 300 square feet equals four spaces, but the minimum requirement is five spaces).

The calculation summarized above assumes that the proposed Starbucks with drive-through lane is not considered a "drive-in," in which case the parking requirement would be one space for each 50 gross square feet, for a total Starbucks parking requirement of 34 spaces. Combined with the five spaces required for the retail space, a total requirement of 39 parking spaces would result.

The proposed ten-space project parking supply falls five spaces short of meeting the City's minimum parking requirement.

Moreover, addition of the parking demand generated by the Starbucks project will result in an overall parking deficit at the retail center. According to the KD Anderson report (with emphasis added in **bold** font):

- ". . . **the Starbucks site will have inadequate parking spaces** to provide for their customers." [K D Anderson, p. 12]
- ". . . **the Starbucks parking will be overcapacity during 6 of the 8 15-minute time periods in the a.m. peak** 2-hour period. **During the noon 2-hour peak period the Starbucks parking will be overcapacity in 5 of the 8 periods**." [K D Anderson, p. 12]
- "**Spillover of Starbucks customer parking into Rite Aid parking just west of the driveway . . . is likely** as these Rite Aid spaces provide a convenient and direct access to the Starbucks coffee shop." [K D Anderson, p. 12]
- "**The site will have a deficit of four parking spaces** dedicated for Starbucks and the retail pad." [K D Anderson, p. 22]

In addition, parking demand associated with the Starbucks store will spill over into the portions of the retail center's parking lot devoted to Rite Aid and Burger King, which will have a clear detrimental effect on those businesses. A shortage of on-site parking will further exacerbate on-site traffic circulation conditions, as potential patrons search for an available parking space. Ultimately, individuals who are unable to locate a convenient parking space will give up and travel elsewhere, resulting in loss of revenue for the existing merchants.

TECHNICAL REVIEW OF KD ANDERSON & ASSOCIATES SITE ASSESSMENT

As described above, the site assessment conducted by KD Anderson & Associates identified a number of significant problems that would result from implementation of the proposed Starbucks project. Those problems primarily relate to excessive vehicular queues at the Starbucks drive-through lane as well as at the retail center's Main Street driveways. On-site traffic congestion and safety issues resulting from the additional traffic associated with the proposed project were also identified. The increased on-site traffic congestion could potentially represent a significant public safety issue, as emergency vehicles will have difficulty traversing the site.

As documented in Tables 1 and 2 of the KD Anderson report, the site assessment is based on estimates of project-generated traffic developed using two sources. The first source is the Institute of Transportation Engineers (ITE) *Trip Generation Manual.* That document is the preeminent source of information relating to the volume of traffic associated with a broad range of land uses, including coffee shops of the type proposed here.

The second source employed in developing project-related trip generation estimates was a survey of a similar Starbucks store. In that case, the number of trips associated with the store was converted into trip rates in terms of trips per 1,000 SF and trips per seat.

Several issues were identified with respect to the project trip generation estimates employed in the KD Anderson analysis, however. As shown in Tables 1 and 2, the estimates based on the number of seats at the store reflected a total of 36 seats. All of the report figures that illustrate the project site plan, however, show that the proposed Starbucks will have 42 seats. Consequently, the estimated number of peak-hour trips is about 17 percent too low. Referring specifically to Table 2, which presents the trip generation estimate used in the analysis (based on field observations at a similar Starbucks store), the proposed store would generate 218 AM peak-hour trips, rather than the 187 assumed in the analysis. Table A summarizes a comparison of the trip generation values used in the site assessment (based on 36 seats) to a corrected estimate based on 42 seats.

Table A
Trip Generation Comparison

	AM Peak Hour			Noon Peak Hour			PM Peak Hour		
	Total	In	Out	Total	In	Out	Total	In	Out
Starbucks - 36 Seats[1]	187	95	92	72	32	40	54	25	29
Starbucks – 42 Seats[2]	218	111	107	84	38	46	63	29	34
Difference	31	16	15	12	6	6	9	4	5

Notes:
1 As used in KD Anderson & Associates site assessment.
2 As shown on project site plan.

Similarly, the specialty retail trip generation estimate used in the analysis is low, as it is based on a 1,000 SF retail use, whereas the site plan shows a proposed 1,112 SF store. Thus, the specialty retail estimate is about 10 percent lower than will actually be experienced.

CITY STAFF REPORT

In the Staff Report prepared for the April 18, 2013, Planning Commission meeting, City of Woodland staff acknowledged all of the traffic access and circulation issues identified in the KD Anderson analysis. Despite this, City staff recommended approval of the proposed project.

Conditions of Approval

The staff-recommended conditions to remedy these project-related impacts consist of the installation of three signs, as follows:

- One reminding customers to be "polite and courteous,"
- One reminding Starbucks customers not to park in the Rite Aid parking area, and
- "No Left Turn" signs for exiting traffic at both Main Street driveways.

These conditions will be thoroughly ineffective in addressing the potential traffic access and on-site circulation issues. They will do nothing to shorten the excessive queues at either the Starbucks drive-through lane or the Main Street driveways. Similarly, they will have no effect on the likelihood of Starbucks customers encroaching on the Rite Aid parking lot.

The "No Left Turn" signs address only exiting traffic, while the real safety problem associated with left turns at these locations concerns inbound traffic (which might queue back into the flow of traffic on Main Street if the on-site circulation aisles are blocked). More importantly, signs of this sort have very little effect in actually preventing left turns from occurring. The only effective method to prohibit left turns is through the installation of a physical barrier, such as a raised median on Main Street.

A fourth condition :"encourages" the Starbucks applicant to work with Rite Aid to obtain a parking agreement. Any condition that "encourages" rather than "requires" a particular action is no condition at all.

In short, the recommended conditions of approval will have no effect in resolving the numerous traffic access and circulation issues that will occur if the proposed project is constructed.

Parking Analysis

The Staff Report also addresses the acknowledged parking deficiency that will exist upon completion of the proposed Starbucks project. However, the approach taken in this analysis understates the magnitude of the deficiency. Key factors relating to the adequacy of the project's parking supply are as follows:

- City of Woodland Zoning Regulations require 34 parking spaces for the Starbucks (i.e., one space per 50 SF).

- Approval of a parking variance similar to the one granted upon approval of the Burger King would reduce the required parking supply to 20 spaces (i.e., one space per 85 SF).
- The retail space (which is variously reported as 1,000 SF; 1,112 SF; or 1,200 SF) is required to provide five parking spaces, which is the minimum requirement for retail stores.
- Thus, the total City of Woodland parking requirement for the proposed project is 25 – 39 spaces.
- The project proposes to provide a net total of 10 parking spaces. (The project will construct 26 spaces, but 16 of those are dedicated to Burger King.)
- Therefore, the parking deficiency associated with the Starbucks project is 15 – 29 parking spaces.

The four-space parking deficiency described in the Staff Report is based on ignoring City of Woodland requirements and accepting information presented in the KD Anderson report. Unfortunately, the KD Anderson recommendation is based on a single set of observations at a "similar" Starbucks location. The extremely limited nature of the parking utilization data raises significant questions regarding the validity of the information and the associated conclusions regarding the amount of parking needed for the proposed project.

Beyond the questions concerning the amount of parking needed for Starbucks, the KD Anderson report concluded (and City staff accepted) that the retail space could get by with only two parking spaces. Presumably, this limited parking supply would accommodate one employee and one patron. If the retail space has two employees, no patron parking will be available.

In summary, the proposed project's parking deficiency is substantially greater than the Staff Report indicates. With the proposed net parking supply of only 10 spaces (after the 16 Burger King spaces are deducted from the total 26-space supply), only five parking spaces will be available for Starbucks patrons, after the five required retail spaces are considered. As noted above, the Starbucks itself will require at least 20 parking spaces (and as many as 34, if no parking variance is approved), leading to a parking deficit for the project of 15 – 29 spaces.

Parking Conditions of Approval

As a Condition of Approval to remedy the substantial parking deficiency, City staff are calling for provision of three electric vehicle charging stations on-site. Presumably, these charging stations would be provided at parking spaces that have already been proposed and, consequently, do not represent additional spaces.

No information is provided to indicate how many electric vehicles are in daily use in Woodland and, therefore, how meaningful or effective the charging stations would be. The stations would not be reserved for the exclusive use of electric vehicles, so there is no guarantee that the driver of such a vehicle arriving at the Starbucks would have access to one of the charging stations. Given the sizable project parking deficiency described above, it is quite unlikely that one of those parking spaces would be vacant.

In any event, provision of these facilities will have absolutely no effect in reducing the project's parking demand and, as such, this Condition of Approval is of no value in justifying a reduction in the project's parking requirement.

CONCLUSION

Our review of the *Starbucks Site Assessment – Main Street at Ashley Avenue* prepared for the City of Woodland by KD Anderson & Associates confirmed the key findings reported in that document. Specifically, the site assessment revealed significant issues with regard to vehicular queuing at the project drive-through lane, vehicular queuing at the retail center driveways, on-site traffic flow, and adequacy of the proposed parking supply. In fact, the proposed parking supply is grossly deficient, which will lead to encroachment on the Rite Aid parking areas, as well as excessive traffic circulation through an already-congested site as drivers search for an available parking space.

These issues will result in delays and inconvenience for retail center patrons, as well as potential safety problems on-site and at the Main Street driveways. As a further consequence of these problems, patrons might be led to take their business to other retail centers where such problems do not exist.

In addition, our review of the KD Anderson document indicated that the amount of traffic to be generated by the proposed project was underestimated. Consequently, the adverse traffic impacts associated with construction of the proposed Starbucks project will be worse than what was described in the report.

We hope this information is useful. If you have questions concerning any of the items presented here or would like to discuss them further, please feel free to contact me at (916) 783-3838.

Sincerely,

MRO ENGINEERS, INC.

Neal K. Liddicoat

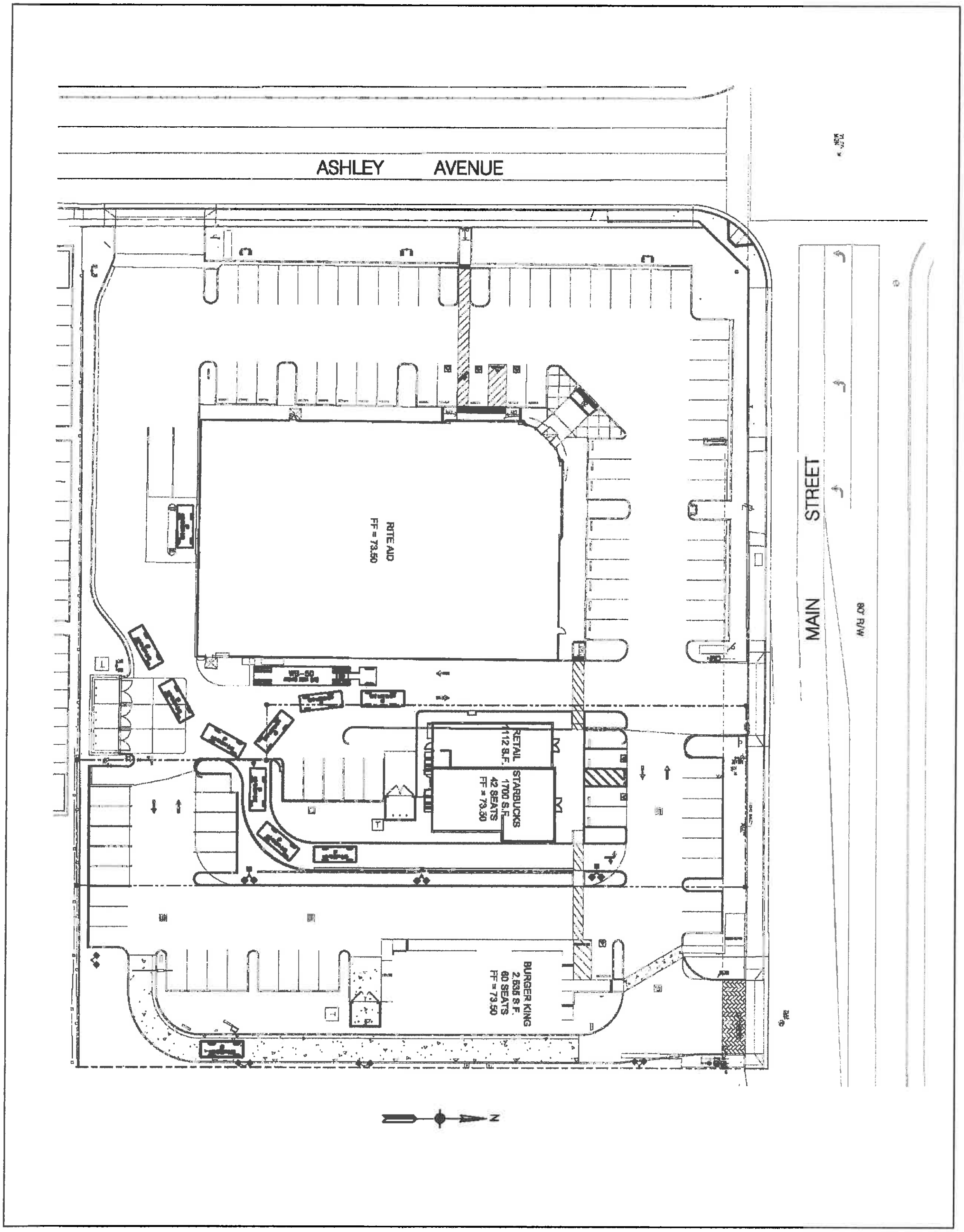
Neal K. Liddicoat, P.E.
Traffic Engineering Manager

MRO ENGINEERS

ATTACHMENT A

Figure 2 – AM Driveway Queues
&
Figure 3 – Noon Driveway Queues and Conflict Points

(Source: KD Anderson & Associates, Inc., *Starbucks Site Assessment – Main Street at Ashley Avenue*, April 3, 2003.)

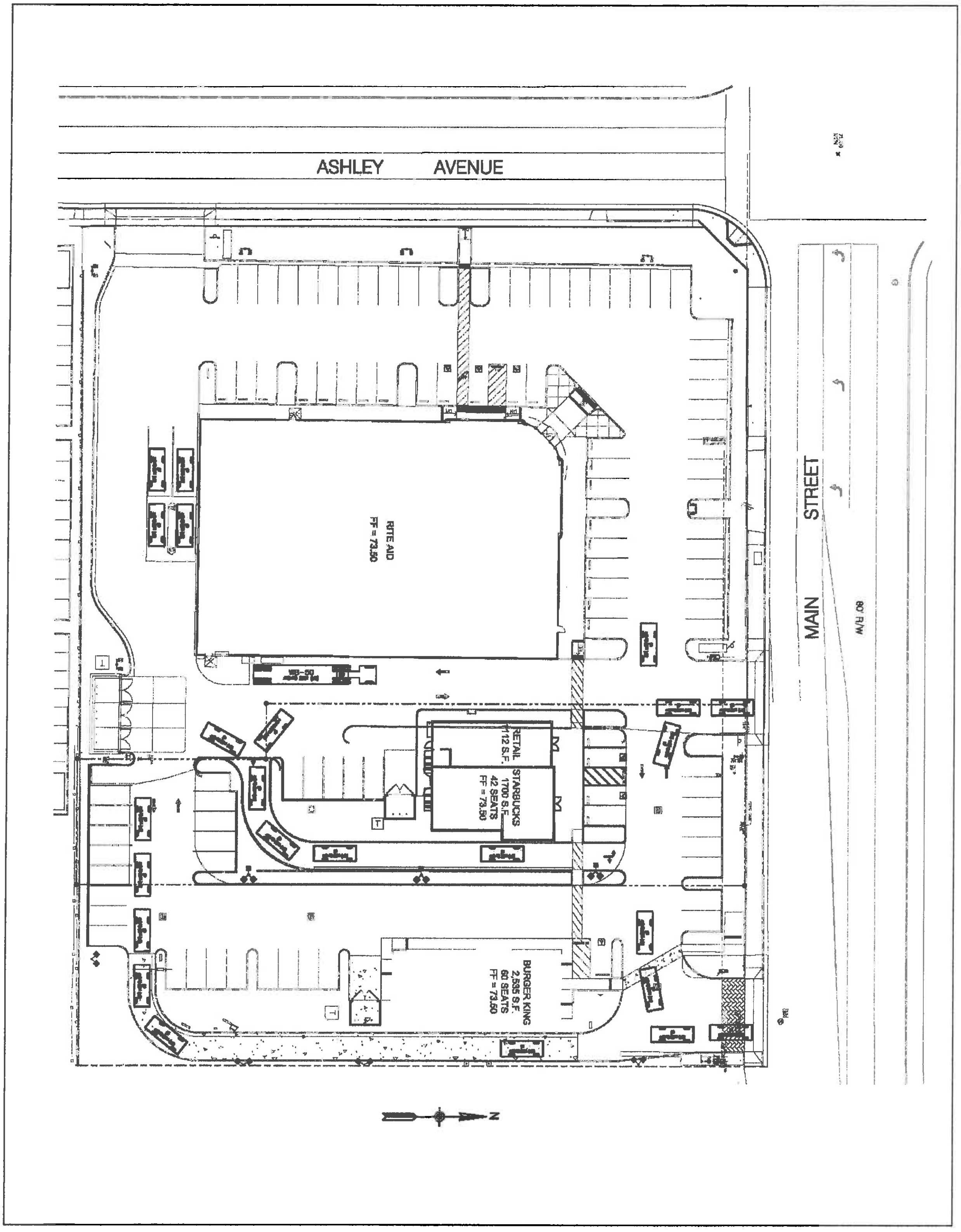


KD Anderson & Associates, Inc.
Transportation Engineers

AM DRIVEWAY QUEUES

9475-18 LT.vsd 4/2/2013

figure 2



NOON DRIVEWAY QUEUES
AND CONFLICT POINTS

KD Anderson & Associates, Inc.
Transportation Engineers

9475-18 LT.vsd 4/2/2013

figure 3

ATTACHMENT 6

RITE AID CORPORATION

April 17, 2013

Planning Commission
City of Woodland
City Hall
300 First Street
Woodland, California

Subject: Starbucks and Retail Building at 281 & 271 West Main Street
Woodland, California

Dear Commissioners,

On April 18, 2013 you will be hearing a project before the Planning Commission that is within the retail center anchored by our Rite Aid drugstore on the corner of West Main Street and Ashley Avenue. We believe that this new building will appropriately complete the center by filling in the center parcel on the site between our drugstore and the Burger King restaurant, and be a positive addition to the center. I am writing this letter to express Rite Aid Corporation's support for the project as proposed with the drive-thru.

Sincerely,

Raymond G. Payne

Raymond G. Payne
Vice President Real Estate West

Rite Aid Corporation
320 Goddard Way, Suite 125
Irvine, CA 92618
Tel (949) 753-0614, ext. 200 Fax (949) 585-9264

THIRD AMENDMENT TO LEASE

(WEST MAIN STREET & ASHLEY AVENUE, WOODLAND, CA; RITE AID STORE # 6066)

This **THIRD AMENDMENT TO LEASE** (this "Agreement") is made as of this 11th day of May, 2012 (the "Effective Date") by and between **ASHLEY & MAIN, LLC**, a California limited liability company, as successor in interest to Petrovich Development Company, LLC ("Landlord"), and **THRIFTY PAYLESS, INC.**, a California corporation ("Tenant").

RECITALS

A. Landlord and Tenant entered into a lease (the "Original Lease") as of December 12, 2006. Landlord and Tenant amended the Original Lease by that certain First Amendment to Lease (the "First Amendment) dated November 10, 2008, and that certain Second Amendment to Lease (the "Second Amendment) dated March 25, 2009. The Original Lease as amended by the First Amendment and Second Amendment is hereinafter referred to as the "Existing Lease."

B. The Existing Lease is with respect to certain premises located at the southeast corner of the intersection of Ashley Avenue and West Main Street in the City of Woodland, Yolo County, California (the "Premises"), as more particularly described in the Original Lease.

C. Landlord and Tenant now desire to enter into this Agreement to amend the Existing Lease as hereinafter provided. The Existing Lease, as amended by this Agreement, is hereinafter referred to as the "Lease."

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby agree that the Existing Lease shall be hereby amended or supplemented as of the Effective Date as follows:

1. **Updated Site Plan**. "Exhibit A" and "Exhibit A-1" to the Lease are hereby deleted and replaced with an updated Site Plan attached as "Exhibit A-2" hereto and incorporated herein by this reference. All references in the Lease to "Exhibit A" or "Exhibit A-1" shall mean and refer to "Exhibit A-2."

2. **Use of Shops Parcel**. Tenant agrees that the Shops Parcel (as defined in the Declaration of Covenants, Conditions, Restrictions and Grant of Easements dated June 30, 2009, as recorded in the Yolo County Recorder's Office as Document 2009 0023138-00, hereinafter referred to as the "Easement and Restriction Agreement" and depicted on Exhibit A-2) may be developed pursuant to Exhibit A-2. Tenant shall not agree to the use of the Shops Parcel for a restaurant business, provided, however, that if the parking required by the zoning for any of the following uses is fully satisfied by the

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number of parking stalls located solely on the Shops Parcel Tenant shall agree to the such uses for the Shops Parcel only: (1) the following uses with or without a drive thru: a specialty beverage shop, including without limitation a specialty coffee shop, such as Starbucks or Jamba Juice; a sandwich shop or deli shop such as Subway; a smoothie shop; a yogurt or ice cream shop; or a cupcake or other specialty dessert shop; (2) the following uses without a drive thru: a take and bake pizza or take out pizza shop; or a take out food shop such as Chipotle or Panda Express. For clarification purposes, nothing in this Section 2 shall prohibit the use of a drive thru for a non-food use including without limitation a bank or a dry cleaner.

3. **Drive Thru**. Landlord agrees that in the event the use of a drive thru on the Shops Parcel and/or the entry onto the Shops Parcel by vehicles causes stacking of such vehicles such that Tenant's drive thru and the use thereof on Tenant's parcel is adversely impacted, in Tenant's reasonable judgment, Tenant shall so notify Landlord in writing, and Landlord shall take such reasonable steps as are necessary to alleviate the adverse impact within twenty (20) days, including but not limited to hiring a traffic control person. This requirement shall run with the land so long as Tenant's Lease is in effect. In the event Landlord sells the Shops Parcel, Landlord shall require as part of said sale that the purchaser, its heirs, successors and assigns, comply with the terms herein and shall provide Tenant with the contact information and phone number for the purchaser.

4. **Storage Container**. Tenant shall have the right to park a storage container on the south side of Tenant's parcel at any time if deemed necessary by Tenant, in Tenant's reasonable judgment; provided, however, that such right shall be conditioned on the following: (i) the parking of the storage container, including the location thereof, does not affect ingress or egress to the Land, the Demised Premises, or to the center of which the Land is a part; (ii) the parking of such storage container is permitted by the City of Woodland; (iii) Tenant has procured from the City of Woodland any and all necessary approvals for such parking; and (iv) Tenant shall be responsible for reimbursing Landlord (or the person or entity responsible for maintaining such areas under the Easement and Restriction Agreement) for any costs to repair damages caused by the placement, parking, or removal of the storage container to the asphalt, striping, or landscaping of the Land, the Demised Premises, or the center of which the Land is a part. Tenant acknowledges that it currently has a storage container parked at the Premises and it hereby agrees that upon execution of this Amendment, Tenant shall promptly, but in no case longer than ninety (90) days from the date of this Amendment, submit an application for a permit from the City of Woodland for such container.

5. **Indemnity**. Landlord agrees at all times (1) to forever fully protect, defend, and save Tenant, and its members, shareholders, partners, their constituent shareholders, members and partners, and all members, partners, officers, directors, agents, employees of any and all of them (collectively, the "Indemnified Parties"), harmless from and against any and all loss, costs, damages, reasonable attorney's fees, and expenses of every kind and nature which the Indemnified Parties, or any of them, may suffer, expend or incur under, or by reason, or in consequence of or growing out of

AMW

this Third Amendment to Lease and/or Landlord's failure to modify or amend the Easement and Restriction Agreement, or on account of the assertion or enforcement or attempted assertion or enforcement therein or of any rights existing or hereafter arising, or which may be claimed to exist under, or by reason, or in consequence, or growing out of the this Third Amendment to Lease, the uses set forth in Section 2 of this Amendment in relation to the Easement and Restriction Agreement, the development of the center in accordance with Exhibit A-2, or any of them (the "Indemnified Matters"). The losses indemnified against include loss, costs, damages, reasonable fees and expenses incurred in actions brought to enforce the Indemnified Matters by any third parties; and (2) to provide for the defense, at its own expense, on behalf and for the protection of the Indemnified Parties, or any of them (but without prejudice to the right of the Indemnified Parties, or any of them, to defend if they so elect) in all litigation consisting of actions or proceedings based on any rights or breach of rights under the Indemnified Matters, which may be asserted or attempted to be asserted, established or enforced in, to, upon, against or in respect to the land or any part thereof, or interest therein. Notwithstanding anything to the contrary contained herein, Landlord's obligations in connection with the Indemnified Matters or the Indemnified Parties shall not apply to any Indemnified Matters raised by Thrifty Payless, Inc. or any of its subsidiaries, affiliates, successors, or assigns.

6. **Leased Premises**. Section 2(a) of the Lease is hereby amended as follows: in the 3rd line of Section 2(a), the figure "128,543" is deleted and replaced with the figure "81,893" such that the sentence reads "the parcel of Land containing approximately 81,893 gross square feet."

7. **Conflict**. In the event of any conflict between the Existing Lease and this Agreement, this Agreement shall prevail. Except to the extent herein modified, the Existing Lease shall continue in full force and effect.

8. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

9. **Capitalized Terms**. Capitalized terms not defined herein shall have the meaning ascribed to them in the Lease.

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IN WITNESS WHEREOF, this Third Amendment has been signed by the parties on the day and year first above written.

LANDLORD:

ASHLEY & MAIN, LLC
a California limited liability company

By____________________________
Paul S. Petrovich, Manager

TENANT:

THRIFTY PAYLESS, INC.,
a California corporation

By: Lisa Winnick
Name: Lisa M. Winnick
Title: Authorized Representative

Exhibit A-2
(Replacement Site Plan)

AMW

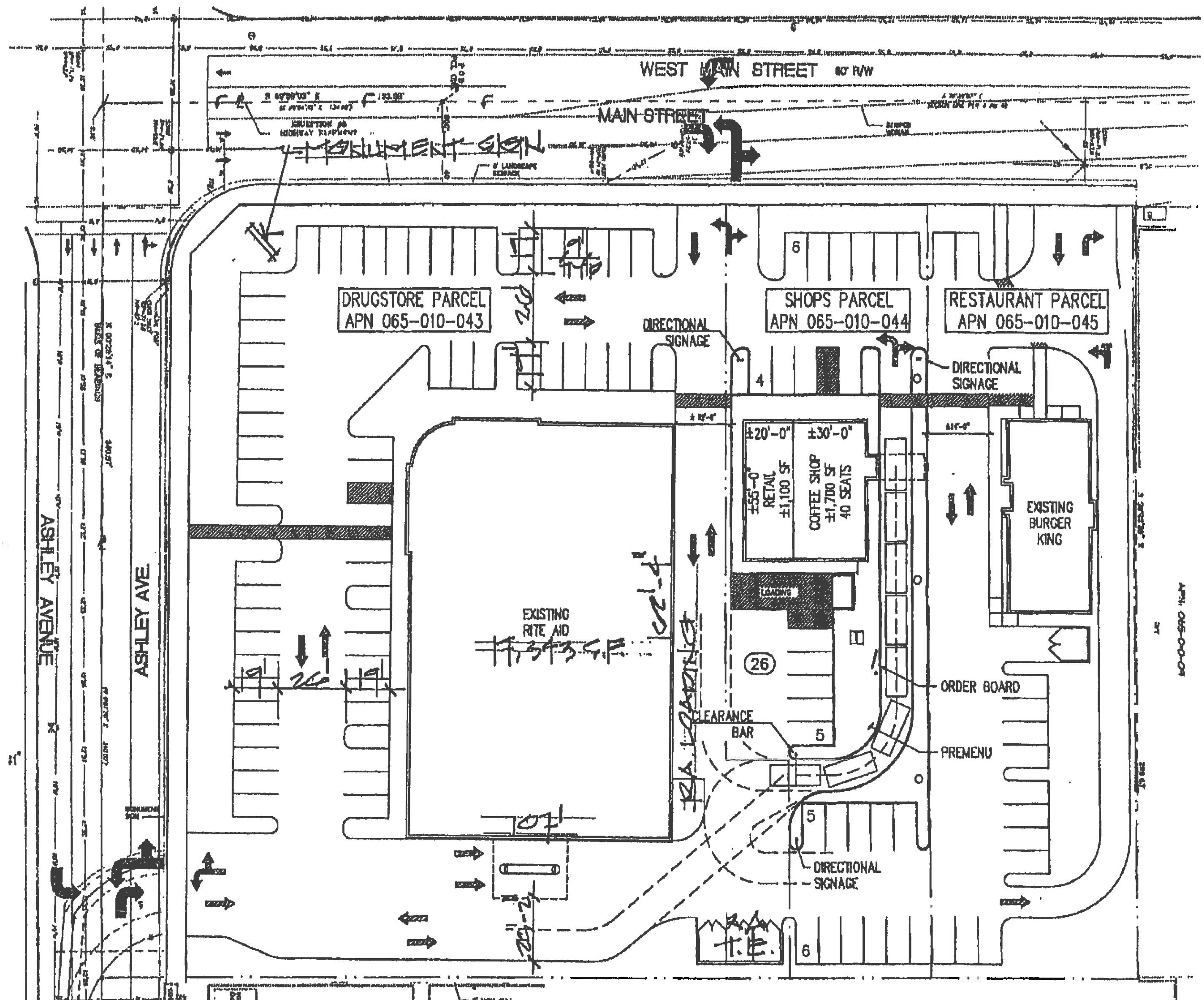

EXHIBIT A-2 TO LEASE

AMW

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM 13.

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Draft 2013 General Plan Housing Element

Recommendation for Action

Staff recommends that the City Council:

1) Hold a Public Hearing;

2) Receive the Draft 2013 Housing Element (Attachment A) and proposed final edits (Attachment C);

3) Direct staff to transmit the document (with final edits) to the State Department of Housing and Community Development (HCD) for review and comment; and

4) Commence preparation of appropriate environmental impact analysis on the Draft 2013 Housing Element in preparation for adoption later this year.

Fiscal Impact

The proposed General Plan update is authorized for funding in the Capital Budget in FY 2012/13 in the amount of $917,000. An additional amount of $183,000 will be requested in the FY 2013/14 Capital Budget for a total of $1,100,000. The full fiscal impact associated with the General Plan Update is estimated at $1.1 million.

Background

The purpose of the City Council Public Hearing is to provide an overview of the proposed Draft 2013 Housing Element including how it differs from the current 2008 Housing Element, and to request the City Council authorize transmittal to the State in order to commence their mandatory review.

The Housing Element is one of seven mandated elements of the City's general plan. State law requires that local governments address the existing and projected housing needs of all economic segments of the community through the housing element. The current 2008 Housing Element was adopted March 24, 2009 and will expire October 31, 2013.

Because of the October 2013 deadline, the Housing Element is out of synch with, and proceeding ahead of, the City's current effort to update the citywide General Plan. This has been previously reported to the Council and is accounted for in the General Plan Update scope of work and schedule. Staff and consultants are moving forward with the Housing Element update independent of the rest of the General Plan Update process. Under the current project schedule the new Housing Element will be before the Council for final adoption in September of this year. Subsequent to that, as the rest of the General Plan Update nears final adoption, staff will ensure consistency (both in terms of format and substance) between the already adopted new Housing Element and the eminent adoption of the rest of the General Plan Update. Should it become apparent that modifications to the new Housing Element are necessary to ensure consistency between all elements prior to adoption of the rest of the Update, it will be addressed at that time. The full General Plan Update is expected to be before the Commission and Council for final action in May/June of 2014.

Summary of Draft 2013 Housing Element

A complete copy of the Draft 2013 Housing Element is attached (Attachment A). The attached Planning Commission staff report (Attachment B) provides a summary of the document. In response to comments received on the draft that was presented to the Planning Commission, the consultant team has made a number of clarifications and corrections to the draft. These informational clarifications and technical corrections are presented in Attachment C.

Planning Commission Review

The Draft 2013 Housing Element was presented to the Planning Commission at their regular meeting held May 16, 2013. The Commission received a staff report and presentation. Written comments on the item were received from Lisa Baker, Executive Director of Yolo County Housing and Melanie Mathews, Spring Lake Development. The Commissioners asked a number of questions that were answered by staff. On two items it was agreed that additional discussion would occur later in the process as a part of the update of the entire General Plan: 1) consideration of incentives for downtown development and infill; and 2) encouragement of wind energy.

The Planning Commission by unanimous vote recommended that the City Council take the actions identified at the front of this report.

Conclusion

The Draft 2013 Housing Element demonstrates compliance with all applicable requirements of state law. It includes goals, policies, and quantified objectives that reflect current and projected economic, staffing, and fiscal realities. It also incorporates data developed by SACOG which should facilitate a streamlined review by the State.

Staff recommends that the City Council:

1) Hold a Public Hearing;

2) Receive the Draft 2013 Housing Element (Attachment A) and proposed final edits (Attachment C);

3) Direct staff to transmit the document (with final edits) to the State Department of Housing and Community Development (HCD) for review and comment; and

4) Commence preparation of appropriate environmental impact analysis on the Draft 2013 Housing Element in preparation for adoption later this year.

Prepared by: Heidi Tschudin
General Plan Project Manager

Reviewed by: Cindy A. Norris
Principal Planner

Reviewed by: Ken Hiatt
Community Development Director

Paul Navazio
City Manager

Attachments:

A) Draft 2013 Housing Element
B) May 16, 2013 Planning Commission Staff Report
C) Memorandum of Proposed Edits to the Draft 2013 Housing Element

Draft

City of Woodland General Plan 2013 Housing Element

Prepared for:

City of Woodland
Community Development Department

AECOM

May 2013

General Plan Update 2035

CITY OF WOODLAND

Draft

City of Woodland General Plan 2013 Housing Element

Prepared for:

City of Woodland
Community Development Department
300 First Street
Woodland, CA 95695

Contact:

Cindy Norris
Principal Planner
(530) 661-5911

Prepared by:

AECOM
2020 L Street, Suite 400
Sacramento, CA 95811

Contact:

Jeff Goldman
Principal
916/414-5800

AECOM

60285491.1
05.09.13

May 2013

Exhibits

Tables

1 Goals, Policies, and Implementation Programs

1.1 Introduction

The City of Woodland recognizes the vital role local governments play in the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term general plan for the physical development of the city or county. The housing element is one of the seven mandated elements of the local general plan. State law requires that local governments address the existing and projected housing needs of all economic segments of the community through their housing elements. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in the state rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The purposes of the housing element are to identify the community's housing needs; to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs; and to define the policies and programs that the community will implement to achieve the stated goals and objectives.

State law requires cities and counties to address the needs of all income groups in their housing elements. The official definition of these needs is provided by the Sacramento Area Council of Governments (SACOG) for each city and county within its geographic jurisdiction. Beyond these income-based housing needs, the housing element must also address special needs groups such as persons with disabilities, farmworkers, and homeless persons.

The City of Woodland Housing Element consists of two sections. The first section defines the goals, policies, programs, and quantified objectives of the Element. The second section is designed to meet housing element requirements and to provide the background information and analysis to support the goals, policies, programs and quantified objectives provided in Section 1.

The goals, policies and implementation programs in Section 1 are presented under four topics:

- Development of Housing;

- Maintenance of Housing;
- Equal Opportunity in Housing; and
- Energy Conservation and Sustainable Housing Development.

Each topic begins with a goal statement, followed by policies that amplify the goal statement. Implementation programs follow policies and describe briefly the proposed action, the City agencies or departments with primary responsibility for carrying out the program, and the timeframe for accomplishing the program. Several of the implementation programs also have quantified objectives.

The following definitions describe the nature of the statements of goals, policies, implementation programs, and quantified objectives as they are used in the Housing Element:

- Goal: Ultimate purpose of an effort stated in a way that is general in nature and immeasurable.
- Policy: Specific statement guiding action and implying clear commitment.
- Implementation Program: An action, procedure, program, or technique that carries out policy. Implementation programs also specify primary responsibility for carrying out the action and an estimated timeframe for its accomplishment. The timeframe indicates the calendar year in which the activity is scheduled to be completed. These timeframes are general guidelines and may be adjusted based on City staffing and budgetary considerations.
- Quantified Objective: The number of housing units that the City expects to be constructed, conserved, or rehabilitated; or the number of households the City expects will be assisted through Housing Element programs and based on general market conditions during the timeframe of the Housing Element (October 2013 through September 2021).

In this document, the term "affordable housing" means housing affordable to extremely low-, very low-, low-, and moderate-income households, as defined by the California Department of Housing and Community Development.

1.2 Development of Housing

QUANTIFIED OBJECTIVES

Table 1-1 presents the City's quantified objectives for construction, rehabilitation, and preservation for the 2013-2021 period that will be achieved through the policies and programs described below.

Table 1-1 Summary of Quantified Objectives

Program	*ELI*	*VLI*	*LI*	*M*	*AM*	*Total*
New Construction	75	80	90	349	864	**1,458**
Rehabilitation	10	20	25			**55**
Conservation / Preservation	-	-	-	-	-	-

Note: There are no subsidized rental housing units at-risk of conversion to market rate during the next 10 years.

GOAL 2.A

To promote the provision of adequate housing for all persons in the City, including those with special housing needs and to emphasize the basic human need for housing as shelter.

POLICIES AND PROGRAMS

Flexibility in Development Standards

Policy 2.A.1 The City shall continue to use the Planned Development Overlay Zone (P-D) to allow for flexibility in development standards.

Program 2.A.1 The City shall continue to cooperate with and advise developers in the use of the P-D Planned Development Overlay Zone to reduce housing costs by utilizing various techniques such as: zero lot lines, cluster development, private streets, parking and setback innovations and other creative development approaches.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Adequate Sites to Accommodate New Housing Needs

Policy 2.A.2 The City shall ensure sufficient land for residential development, consistent with the City's fair share obligation, that promotes efficient use of land and reduces significant environmental impacts.

Policy 2.A.3 The City shall ensure that there is sufficient land zoned for a variety of housing types, residential densities, and housing prices with convenient access by various travel modes to services, schools, parks, and other community amenities.

Policy 2.A.4 The City shall require, through specific plans, neighborhood design standards, and development review, a mix of housing types, densities, designs throughout the city

Program 2.A.2 If, at any time, the supply of sites zoned for housing falls below the quantity of land required to accommodate the City's remaining regional housing needs allocation for any income group during the Housing Element planning period, the City shall initiate redesignations and rezonings to provide additional land. In addition, the City shall ensure that future sites designated for residential or mixed-use that allow housing densities of 16 units per acre or more are located near transit stops or arterial streets by maintaining an inventory of potential sites that meet those criteria

Residential densities in the Spring Lake Specific Plan shall be reviewed for possible city-wide application. The City will also consider rezones from commercial districts to mixed-use districts to allow for residential development. Where feasible and appropriate, the City shall also consider the redesignation and rezoning of vacant land to achieve 16 - 25 dwelling units per acre or more, as appropriate.

Primary Responsibility: Community Development Department
Time Frame: Ongoing monitoring of availability of sites

Program 2.A.3 The City shall provide flexibility on the identification of sites for accommodating its Regional Housing Needs Plan (RHNP) Allocation as part of the General Plan update and subsequent comprehensive zoning code update. A request to lower the density of a site counted towards meeting the City's RHNP Allocation shall include findings that justify the rezone and identify an adequate replacement site(s) that will provide the minimum number of units by income level for accommodating the City's RHNP Allocation and is developable during the term of the Housing Element planning period.

Primary Responsibility: Community Development Director
Time Frame: Ongoing as needed

Housing Development for All Economic Segments

Policy 2.A.5 The City shall encourage private and nonprofit housing builders and developers to participate in federal, state or other programs that assist in providing and maintaining housing affordable to lower income and special needs groups consistent with the General Plan and development regulations.

Policy 2.A.5 The City shall participate, whenever eligible, in federal, state or other programs that assist in providing and maintaining housing affordable to lower income and special needs groups.

Policy 2.A.7 The City shall continue to work cooperatively with neighboring cities, Yolo County and the Sacramento Area Council of Governments (SACOG) to ensure that the region addresses its fair share of affordable housing.

Policy 2.A.8 The City shall cooperate with and seek the advice of developers, builders, financial institutions, community groups, nonprofit agencies, and interested citizens on housing needs and the solutions to housing problems consistent with the City's General Plan and development regulations.

Policy 2.A.9 The City shall continue to promote infill housing development in appropriate locations.

Policy 2.A.10 The City shall allow housing options that allow residents to age in place such as multi-generational housing.

Program 2.A.4 The City shall continue to cooperate with and advise developers in the use of the City's Density Bonus Incentive Program as contained in Section 25-21-25 of the Zoning Ordinance. Bonus incentives are available to developers for including lower income units in their projects. The City will provide a one-page fact sheet that summarizes the Program and options of density bonuses for distribution to developers at the City's permit counter.

Primary Responsibility: Community Development Department
Time Frame: Prepare fact sheet within 90 days after adoption of Housing Element; otherwise, ongoing

Program 2.A.5 The City shall continue to cooperate with Yolo County, other cities in the County, and actively work with affordable housing developers interested in multi-family housing bonds.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.A.6 The Planning Commission shall hold a meeting each year to review accomplishments in implementing the Housing Element and document these accomplishments in a staff report or memo to the City Council.

Primary Responsibility: Community Development Department
Time Frame: Annually

Program 2.A.7 The City shall seek funds to provide financing to assist housing construction of lower income units, and moderate-income units that serve special needs groups. Funding sources may include HOME, CalHome, and other Federal and State sources.

Primary Responsibility: Community Development Department
Time Frame: Annually

Program 2.A.8 The City shall allocate CDBG funds for the provision of extremely low-income units, very low-income units, low-income units, and moderate-income housing units. The City shall identify sites, establish partnerships, and pursue CDBG funds.

Primary Responsibility: Community Development Department
Time Frame: Annually

Program 2.A.9 The City shall continue to offer incentives to developers of affordable housing such as: 1) waiver and/or deferral of all or a portion of City development fees; 2) waiver or modification of City development standards; or 3) assistance in obtaining federal, state, or local financing and/or subsidies, as codified in Section 6A-3-30 (Affordable Housing - Incentives) of the Municipal Code.

Primary Responsibility: Community Development Department
Time Frame: Ongoing on a case-by-case basis

Program 2.A.10 The City shall amend zoning consistent with Health and Safety Code Section 17021.5 and 17021.6 to further facilitate housing for farmworkers. Other programs to facilitate the development of affordable housing may include fee waivers and reduced development standards. Financial and technical assistance will be sought from HCD's Office of Migrant Services, the Joe Serna Jr. Farmworker Housing Grant Program, the California Tax Credit-Allocation Committee's Farmworker Housing Assistance Program, and the USDA Rural Development Program.

Primary Responsibility: Community Development Director
Time Frame: Within 12 months following adoption of the updated General Plan; provide financial and technical assistance annually, as needed

Program 2.A.11 The City shall continue to require the provision of affordable housing as a component of market-rate projects, as codified in Chapter 6A of the Municipal Code. The City shall continue to implement the affordable housing requirements of South East Area Specific Plan as applicable. The City shall continue to implement the affordable housing requirements of the Spring Lake Specific Plan as applicable. The City shall monitor and annually report on the number of affordable ownership units constructed and converted to unrestricted market-rate units.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Homeless, Transitional, and Special Needs Housing

Policy 2.A.11 The City shall periodically review homeless, transitional housing, and other special housing needs with Yolo County and other cities in the county, and participate in coordinated programs with other public agencies and nonprofit organizations to meet identified needs.

Program 2.A.12 The City shall continue to facilitate the provision of emergency shelter services through its participation in the countywide Homeless Coordination Project that provides services to the homeless in Yolo County. The Project includes Homeless Coordination and the Cold Weather Shelter.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.A.13 The City shall pursue grant and loan funding opportunities from federal, state, and other agencies and coordinate with other agencies and nonprofit organizations for the provisions of different sizes, scales, and types of housing, including transitional housing, efficiency units, housing with supportive services, and other special-needs housing consistent with policies in the Land Use and Community Design Element.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.A.14 The City shall continue to support the services of Yolo County's Homeless Coordinator.

Primary Responsibility: Homeless Coordinator
Time Frame: Ongoing

Program 2.A.15 The City shall consider options to allow Residential Care Homes with more than six mentally disordered or otherwise handicapped persons or dependent and neglected children as a permitted use in the Multiple-Family Residential Zone (R-M).

Primary Responsibility: Community Development Director
Time Frame: Within 12 months following adoption of the updated General Plan

1.3 Maintenance of Housing

GOAL 2.B

To encourage the preservation, maintenance and improvement of existing housing and the replacement of unsafe or dilapidated housing.

POLICIES

Housing Rehabilitation

Policy 2.B.1 The City shall continue to support rehabilitation of substandard residential units using federal and state subsidies for lower income households.

Program 2.B.1 The City shall periodically review its eligibility for various federal and state programs that will provide rehabilitation and maintenance assistance for lower income units and special needs groups. The City shall submit applications for programs for which the City is eligible, as appropriate.

Primary Responsibility: Community Development Department
Time Frame: Annually

Housing Code Compliance

Policy 2.B.2 The City shall continue to implement a code compliance program to ensure repair, rehabilitation, or demolition of unsafe or dilapidated housing.

Policy 2.B.3 The City shall periodically conduct a sample survey of housing conditions in targeted neighborhoods based on code enforcement records to identify substandard residential units.

Program 2.B.2 The City shall continue to periodically gather information regarding the status of local housing conditions to determine the need for housing rehabilitation and/or the removal of unsafe units. A housing condition survey that meets the criteria of the state Department of Housing and Community Development will be conducted in targeted neighborhoods.

Primary Responsibility: Community Development Department
Time Frame: Every 5 years

Program 2.B.3 The City shall continue to include funds in its operating budget for code compliance and nuisance abatement programs.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Housing Retention

Policy 2.B.4 The City shall continue to support a mixture of residential and commercial uses in the downtown area that will allow housing to be retained or re-established.

Program 2.B.4 The City shall continue to implement the Downtown and East Street Corridor Specific Plans to encourage the preservation of existing housing in the downtown area and East Street Corridor, the conversion of underutilized upper floors of commercial buildings to housing, and construction of infill mixed-use housing projects with street-level commercial uses. The City shall monitor and annually report on the number of housing units constructed as part of infill and mixed-use projects in these specific plan areas.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Housing Preservation

Policy 2.B.5 The City shall continue to monitor and work with owners of subsidized rental housing projects to ensure that they remain affordable to lower-income households or are replaced if converted to market rate housing.

Program 2.B.5 No later than one year prior to expiration of affordability, the City will contact property owners of units at-risk of converting to market rate housing to discuss the City's desire to preserve complexes as affordable housing. The City will seek participation from agencies interested in purchasing and/or managing units at-risk. Funding assistance, which can be leveraged with outside sources by the developer to either transfer ownership, or provide rent subsidies to maintain affordability, shall utilize applicable federal, state, and local financing sources. Where properties are at risk of conversion, the City will work with tenants to provide education regarding tenant rights and conversion procedures pursuant to California law.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Policy 2.B.6 The City shall promote greater energy conservation and efficiency in existing housing as a preservation strategy.

Program 2.B.6 The City shall continue to strive for greater energy conservation in existing residential development. CDBG monies are available for energy efficiency work as a part of the local housing rehabilitation program. Additionally, the City will continue to provide information to residents regarding available home rehabilitation programs, and increase public awareness of self-help and rehabilitation programs through outreach.

Primary Responsibility: Community Development Director
Time Frame: Ongoing

1.4 Equal Opportunity in Housing

GOAL 2.C

To assure that housing opportunities are open to all without regard to income, source of income, marital status, familial status, age, sex, sexual orientation, religion, creed, color, race, national origin, ancestry, or disability.

POLICIES

Policy 2.C.1 The City shall ensure that local regulations and programs related to equal opportunity in housing are consistent with state and federal law.

Program 2.C.1 The City shall continue to distribute Fair Housing brochures and booklets indicating what the Fair Housing laws are and where advice, assistance and enforcement activities can be obtained. The City will provide this information to any person who feels they have been discriminated against in acquiring housing within the City and to any housing provider who requests such information. Information will be made available at the City's website and at the City's Homebuyer Education Seminars. These efforts will also focus on special needs population groups that might face housing discrimination, such as farmworkers and persons with disabilities.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Policy 2.C.2 The City shall promote housing programs that maximize equal opportunity and avoid economic segregation.

Program 2.C.2 The City shall support an Annual Fair Housing Open House for rental property owners and various social services organization and agencies to discuss mechanisms to evaluate tenant applications according to fair housing law.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.C.3 The City shall continue to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing pursuant to the Reasonable Accommodations for Persons with Disabilities provisions of Section 25.21.85 of the Municipal Code

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.C.4 The City shall continue to implement measures to encourage developers to apply universal design principles in new housing developments so that housing units and the neighborhoods in which they are located are as accessible as possible to all individuals, regardless of age or abilities. Such measures include density bonuses, fee reductions/deferrals, or other incentives.

Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.C.5 The City shall increase its educational outreach efforts by providing fair share housing information in English and Spanish whenever feasible. Financial and technical assistance may be sought from California Rural Legal Assistance, the Farmworker Justice Fund, the USDA Rural Development Program, and HCD's Office of Migrant Services.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.C.6 The City shall continue to ensure that relocation assistance is provided to tenant relocated as a result of removal of housing, in compliance with the federal Housing and Community Development Act of 1974

Primary Responsibility: Community Development Director
Time Frame: Ongoing as needed

Policy 2.C.4 The City shall continue to fund and support the City's Fair Housing Hotline Program.

Program 2.C.7 The City shall affirmatively further fair housing by contracting with the Fair Housing Hotline Project provided through Legal Services of Northern California.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Policy 2.C.4 The City shall support housing discrimination case processing and enforcement of Fair Housing laws through the State Department of Fair Employment and Housing.

Program 2.C.4 The city shall refer fair housing complaints to the Fair Housing Hotline Project provided through Legal Services of Northern California and State Department of Fair Employment and Housing for resolution.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

1.5 Energy Conservation and Sustainable Housing Development

GOAL 2.D

To establish development and construction standards which encourage energy conservation and sustainable development practices in residential development.

POLICIES

Policy 2.D.1 The City shall encourage innovative site designs and orientation techniques, which incorporate passive and active solar designs and natural cooling techniques, low impact development practices, and water conserving features.

Policy 2.D.2 The City shall promote infill development, adaptive reuse, mixed-uses in new development, and densification where possible

Program 2.D.1 The City shall consider citywide application of energy conservation policies in the Spring Lake Specific Plan. These policies include but are not limited to the use of energy efficient air conditioners, light-colored roofing materials, photovoltaic energy systems, and Energy Star appliances. The City shall monitor and report on the number of housing units constructed with energy efficiency features that exceed the requirements of the CalGreen Code.

Primary Responsibility: Community Development Director
Time Frame: FY 2014 / 2015. Monitor and report to the City Council every five years, as a part of the implementation of the Climate Action Plan.

Program 2.D.2 Through its General Plan, Zoning Code, and Climate Action Plan, the City shall promote infill development, including affordable housing, in proximity to services, transit, pedestrian and bicycle facilities, and other urban amenities; mixed use of commercial areas – including upstairs spaces in the downtown area (e.g., uses including retail, entertainment, services, and residential); and redevelopment of vacant or underutilized lots with buildings, including second stories for retail, residential, or office uses.

Primary Responsibility: Community Development Director
Time Frame: FY 2014 / 15 and ongoing

Policy 2.D.3 The City shall continue to promote energy-conserving construction pursuant to the CalGreen Code and Title 24 of the California Code of Regulations (California Building Code Standards).

Policy 2.D.4 The City shall promote energy conservation through education and outreach programs.

Policy 2.D.5 The City shall promote opportunities for use of solar energy.

Program 2.D.3 The City shall continue to promote residential energy conservation practices pursuant to the Title 24 provisions of the California Building Code Standards, including the provisions for sustainable construction and development practices that are contained in the CalGreen Code.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Program 2.D.4 The City shall coordinate with Pacific Gas & Electric, community-based organizations, other public agencies to provide public education and outreach on energy conservation. Specific actions related to energy conservation will be coordinated through the Climate Action Plan.

Primary Responsibility: Community Development Department
Time Frame: Ongoing

Policy 2.D.5 The City shall promote a weatherization and retrofit program for existing housing units that fall below current state performance standards for energy efficiency.

Program 2.D.5 The City shall encourage the continued affordability of both rental and ownership housing by encouraging energy conservation in all existing development.

Primary Responsibility: Community Development Director
Time Frame: Ongoing

2 Background Data

2.1 Introduction

State Housing Law (Government Code Section 65583) requires that a "housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community".

Senate Bill 375 changed the housing element update schedule from five years to eight years to align with the update schedule for regional transportation plans, and includes new penalties for not meeting the mandated adoption deadline. This 2013-2021 Housing Element document is an update of the Housing Element previously adopted by the City of Woodland in 2009 and it also documents development that occurred during this period.

The assessment and inventory includes all of the following:

- Analysis of population and employment trends, documentation of projections, and a quantification of Woodland's existing and projected housing needs for all income levels. This includes Woodland's share of the regional housing need in accordance with Section 65584 of the Government Code.
- Analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.
- An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning, public facilities, and city services to these sites.
- Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures.
- Analysis of potential and actual non-governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

- Analysis of any special housing needs, such as those persons with developmental disabilities, elderly, large families, farm workers, the homeless, and families with female heads of households.
- Analysis of opportunities for energy conservation with respect to residential development.
- An evaluation of accomplishments under the 2009 adopted Housing Element.

The Background Data provided in Section 2 of the Housing Element includes demographic and employment information that is used to identify the City's housing needs. The Goals, Policies, and Implementation Programs presented in Section 1 describe the actions that the City will take to meet its housing needs.

Housing is influenced by local growth rates, interest rates, employment levels, and other economic variables. Affordable housing challenges have resulted as the gap between housing costs and household income levels widen. Traditionally, housing costs throughout California have increased at a rate greater than the household income levels. However, this trend changed in 2008 as the national economy and the housing market across the United States had undergone a dramatic turnaround. Due to the accessibility of credit and risky mortgage lending practices during the previous housing element report period, the country experienced insupportable home price inflation, and, subsequently, a rise in mortgage defaults and foreclosures nationwide, which has led to a current excess of available properties, and a tightening of the credit market.

The City of Woodland, along with the region, experienced the impact of the changing economy. The median home price in Woodland dropped substantially during the last planning period. New housing construction dropped to its lowest level in decades. The housing market is slowly improving in the Sacramento region, including Woodland, and is expected to continue to improve during the first half of this housing element cycle. At the same time, housing affordability has increased for ownership housing due to the drop in home values and historically low interest rates. Conversely, many former homeowners are now renters, and rental costs have not dropped significantly relative home prices.

At the state level, Redevelopment Agencies were eliminated as of February 1, 2012 as a way to help balance the State Budget. In June 2011, all new RDA activities were suspended and assets were to be liquidated. Some debts and remittances are managed by a successor agency. However, the successor agency cannot continue or initiate any new redevelopment projects or programs. The activities of this new successor agency are overseen by an oversight board, comprised primarily of representatives of other taxing agencies, until such time as the remaining debts of the former redevelopment agency are paid off, or all Agency assets liquidated and all property taxes are redirected to local taxing agencies. The 20% set aside funds for affordable housing purposes is no longer available. With the elimination of Woodland's Redevelopment Agency (RDA), funding housing projects will be more challenging this planning period.

2.2 Housing Needs Assessment

DEMOGRAPHIC AND EMPLOYMENT CHARACTERISTICS AND TRENDS

The 2013 City of Woodland Housing Element is an update to the 2009 Housing Element, which relied primarily on 2000 U.S. Census and State of California, Department of Finance (DOF) data. This update uses data from the previous Housing Element where applicable, along with the 2010 Census data and population, housing, and employment data published by DOF and the Sacramento Area Council of Governments (SACOG).

The data for Woodland is presented alongside comparable data for Yolo County and California where possible. This facilitates an understanding of Woodland's characteristics by illustrating how the City's demographics are similar to, or differ from, the county and state.

General Characteristics and Trends

As shown in Table 2-1, Woodland's population grew modestly, 12.9 percent between 2000 and 2010, compared to 19.1 percent for Yolo County (Table 2-1)

Woodland's median age was 33.7 in 2010, lower than the California median of 34.7 years but higher than Yolo County's median of 30.4 years. The higher median age is consistent with Woodland's larger percentage of family households with children compared to Yolo County as a whole.

Table 2-1 Population and Household Trends for Woodland and Yolo County 2000-2010

	City of Woodland			*Yolo County*		
	2000	*2010*	*Increase 2000– 2010*	*2000*	*2010*	*Increase 2000– 2010*
Population	49,151	55,468	12.9%	168,660	200,849	19.1%
Median Age	32.4	33.7	4%	29.5	30.4	3.1%
Total Households	16,751	18,721	11.8%	59,375	70,872	19.4%
Household Population	48,361	54,483	12.7%	161,145	194,140	20.5%
Group Quarters Population	790	985	24.7%	7,515	6,709	-10.7%
Persons Per Household	2.89	2.91	0.02	2.71	2.74	0.03
Housing Units	17,101	19,845	16%	61,587	74,224	20.5%

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profiles Dec 2012 (Tables 1-3, 8-9)

Table 2-2 compares 2010 Census data for a variety of demographic characteristics including age, sex, and race and ethnicity for Woodland and Yolo. One notable demographic change in Woodland is the increase of the Hispanic population, 47.4% of the total population, up from 38.8% in 2000. By comparison, the Hispanic proportion of the County's population increased to 30.3% in 2010 from 25.9% in 2000.

Table 2-2 Woodland and Yolo County Age, Sex, and Race and Ethnicity

2010

Woodland			*Yolo County*		
Age distribution	*Number*	*Percent*	*Age distribution*	*Number*	*Percent*
Under 5	4,360	7.9%	Under 5	12,577	6.3%
5-9	4,067	7.3%	5-9	12,235	6.1%
10-14	4,120	7.4%	10-14	12,693	6.3%
15-19	4,273	7.7%	15-19	19,318	9.6%
20-24	3,987	7.1%	20-24	27,185	13.5%
25-34	7,930	14.3%	25-34	28,168	14%
35-44	7,324	13.2%	35-44	23,913	11.9%
45-54	7,559	13.6%	45-54	24,830	12.3%
55-59	3,214	5.8%	55-59	11,193	5.8%
60-64	2,610	4.7%	60- 64	8,966	4.5%
65-74	3,083	5.6%	65-74	10,570	5.3%
75-84	1,888	3.4%	75-84	6,227	3.1%
85+	1,053	1.9%	85+	2,974	1.5%
Total	**55,468**	**100%**	**Total**	**200,849**	**100%**
Median Age	33.7	-	Median Age	30.4	-
Sex			*Sex*		
Male	27,317	49.2%	Male	97,935	48.8%
Female	28,151	50.8%	Female	102,914	51.2%
Race/Ethnicity[3]			*Race/Ethnicity*[3]		
Not Hispanic White	23,368	42,1%	Not Hispanic White	100,240	50.0%
Not Hispanic Black or African American	708	1.3%	Not Hispanic Black or African American	4,752	2.4%
Not Hispanic American Indian and Alaska Native	332	0.6%	Not Hispanic American Indian and Alaska Native	1,098	0.5%
Not Hispanic Asian	3,385	6.1%	Not Hispanic Asian	25,640	12.8%
Not Hispanic Native Hawaiian and Other Pacific Islander	141	0.1%	Native Hawaiian and Other Pacific Islander	817	0.4%
Not Hispanic Some other race	62	0.1%	Not Hispanic Some other race	443	0.2%
Not Hispanic 2Plus	1,183	2.1%	Not Hispanic 2Plus	6,906	3.4%

Table 2-2 Woodland and Yolo County Age, Sex, and Race and Ethnicity

2010					
Woodland			*Yolo County*		
Hispanic	26,289	47.4%	Hispanic	60,953	30.3%
Total	**55,468**	**100.0%**	**Total**	**200,849**	**100%**

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 4)

The U.S. Census divides households into two different categories, depending on their composition. Family households are those that consist of two or more related persons living together. Non-family households include persons who live alone or in groups composed of unrelated individuals. As shown in Table 2-3, Woodland had a larger percentage of family households (70.7 percent) than Yolo County (62.0 percent). Additionally, it also had fewer non-family households equaling 29.3 percent of the total units, compared to the County's 38.0 percent. In both Woodland and Yolo County, the percentage of non-family households increased. The change in household type may reflect the trend of non-family members living together due to the economy.

Table 2-3 Woodland and Yolo County Household Type

Woodland			*Yolo County*		
Household Type			*Household Type*		
Families	13,631	71%	Families	42,850	62%
Non-Families	5,683	29%	Non-Families	26,536	38%
Total	**19,314**	**100%**	**Total**	**69,386**	**100%**

Note: All figures have been rounded.

Source: U.S. Census Bureau 2006-2010 American Community Survey 5-Year Estimate

Table 2-4 shows the distribution of households according to their 2010 incomes for Woodland and Yolo County. Woodland's median income was about 97% of the median income countywide, and Woodland had a significantly lower percentage of households in the both the lowest and highest income categories.

Table 2-4 Household Income Distribution for Woodland and Yolo County

	Woodland		*Yolo County*	
	Households	*Percent*	*Households*	*Percent*
Less than $24,999	3,818	19.8%	15,763	22.7%
$25,000 to $49,999	4,827	25.0%	14,945	21.5%
$50,000 to $74,999	3,882	20.1%	12,143	17.5%
$75,000 to $99,999	2,578	13.3%	8,202	11.8%
$100,000 or more	4,209	21.8%	18,333	26.4%
Total Households	**19,314**	**100.0%**	**69,386**	**100.0%**
Median Household Income	$55,406	-	$57,077	-

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profiles Dec 2012 (Tables 11 and 12)

Employment Characteristics

The City of Woodland estimates that its civilian labor force is approximately 28,000 workers. According to the data provided by SACOG (2006-2010 ACS data), the City of Woodland has 25,291 persons in the civilian labor force (age 16 years and over) employed (Table 2-5). Approximately 5% work in the Agriculture, forestry, fishing, hunting and mining category. The largest employment sector of 23% is in the Educational, health, and social services category which saw an annual increase of 2.5%. Between 2000 and 2010, Woodland saw declines in employment in the Wholesale, Information, and Manufacturing sectors (Table 2-5).

Table 2-5 Employment by Industry

	2006-2010 Jobs of Resident Population	*Percent*	*Annual Percentage Change from 2000 Census*
Employee Civilian population 16 years and over	25,291	100.0%	1.7%
Agriculture, forestry, fishing and hunting and mining	1,260	5.0%	3.7%
Construction	2,002	7.9%	2.1%
Manufacturing	1,258	5.0%	-3.1%
Wholesale	743	2.9%	-4.8%
Retail Trade	3,553	14.0%	2.2%
Transportation and warehousing and utilities	1,108	4.4%	-0.4%
Information	262	1.0%	-4. 4%
Finance, insurance, real estate, and rental and leasing	1,612	6.4%	4.1%
Professional, scientific, management, administrative, and waste management services	2,391	9.5%	3.2%
Educational, health, and social services	5,793	22.9%	2.5%
Arts, entertainment, recreation, accommodation, and food services	2,130	8.4%	5.8%
Other services (except public administration)	1,239	4.9%	2.7%
Public administration	1,940	7.7%	4.0%

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 6)

According to the California Employment Development Department (EDD), Yolo County's labor force was 97,500 in June 2012 (EDD 2012). Of that total, EDD estimated that 86,900 were employed and 10,600 were unemployed. Yolo County's 10.8% unemployment rate was nearly the same as the state rate of 10.7%. The City of Woodland's December 2012 unemployment rate was 13.7 percent (BAE 2013).

Potential Population Change and Job Growth Impacts on Housing Need

Table 2-6 is the Sacramento Area Council of Governments (SACOG) summary of projected population, households, housing units, and employment for Woodland during the 2008-2035 period. The projected annual average growth rate for population, households, housing units and employment in Woodland during the 2008-2035 period is about 1 to 1.2 percent.

Table 2-6 Summary of Population, Employment, and Housing Projections for Woodland, 2008-2035

	2008	*2020*	*2035*	*Projected Average Annual Change 2008-2035*
Population	50,379	56,040	66,041	1.2%
Households	18,143	21,053	23,347	1.1%
Housing Units	19,238	21,518	24,452	1.0%
Total Employment	26,243	29,399	33,368	
Jobs/Household Ratio	1.3	1.4	1.5	-

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 6) and SACOG staff

EXISTING HOUSING NEEDS

Housing Stock Characteristics and Conditions

This section describes the housing characteristics and conditions that affect housing needs in Woodland. Important housing stock characteristics include housing type, vacancy rates, tenure, condition, age and affordability. Table 2-7 presents data on the housing stock in Woodland and Yolo County in 2010. The table breaks out the total housing stock by type. As shown in this table, the majority of housing in Woodland during 2010 was single-family detached housing, which accounted for 63 percent of all units. This is a larger proportion of the total in the State overall, where only 58 percent of all units are single-family detached. With 59 percent of single-family detached units in 2010, Yolo County has a higher proportion of single-family detached units than the State, but slightly lower than Woodland.

Multi-family units (units in structures that contain two or more units) comprised the next largest segment of Woodland's housing stock, approximately 28 percent of the total. This proportion of multifamily units is slightly lower than that in both Yolo County at 29 percent and the State at 30 percent. The proportion of mobile home units (2.6%) is higher than Yolo County (1.7%) as a whole, but lower than the State (4.1 percent.

Table 2-7 Housing Units by Units in Structure for Woodland and Yolo County

City/County	*Total Housing Units*	*SF Detached*	*SF Attached*	*2-4 units*	*5+*	*Mobile Homes*
Woodland	19,845	12,633	1,313	1,151	4,067	681
Yolo County	74,224	42,980	5,032	4,810	17,674	3,728

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 21) and Table E-5 City/County Population and Housing Estimates 1/1/2012

The proportion of the housing stock by unit type (e.g., single-family versus multifamily) does not equate to tenure (owner versus renter) because some single-family homes are renter-occupied and some multifamily units may be owner-occupied. The rate of home ownership in Woodland was 55.9 percent in 2010, slightly higher than the 52.8 percent in Yolo County (Table 2-8, below). Table 2-8 suggests that a significant portion of the single-family housing stock in Woodland is rented, as there are few multifamily units in Woodland that are individually owned (such as Palmwood Condominiums).The percentage of homeownership in Woodland declined by 2.6 percent between 2000 and 2010, compared to a much smaller decline of 0.3 percent in Yolo County. The decline in Woodland may be due, in part, to foreclosure trends, in which some foreclosed homes became investor-owned rentals.

Table 2-8 Woodland and Yolo County Housing Tenure

Woodland			*Yolo*		
Household Tenure			*Household Tenure*		
Owner	10,472	55.9%	Owner	37,416	52.8%
Renter	8,249	44.1%	Renter	33,456	47.2%
Total	**18,721**	**100.0%**	**Total**	70,872	100%

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 9)

Table 2-9 shows the number of vacant units by vacancy status. It is important to note that these counts include all vacant units, including those units held vacant for seasonal use; not all of the vacant units are actually offered for sale or for rent. Woodland is shown as having an overall 5.5 percent vacancy rate in 2010, compared to 2.16 percent in 2006. Yolo County experienced a similar vacancy rate of 5.6 percent in 2010.

However an “effective” vacancy rate of approximately 5 percent for rentals and 2 percent for ownership is considered optimum for housing supply/demand pricing, taking into account the higher mobility rate for renters versus homeowners. The effective vacancy rate does not consider vacant housing units that are not available for sale or rent. When considering only vacant housing units being offered for sale or rent, the effective vacancy rate for owner-occupied homes was 2.1 percent, within the optimum range. The effective vacancy rate for rental dwellings was 6.5 percent, indicating that rental housing was readily available.

Table 2-9 Vacancy Status for Woodland and Yolo County

City/County	*Total*	*For Rent*	*For Sale only*	*Rented or Sold, not occupied*	*For Seasonal, recreational, or occasional use*	*For migrant workers*	*Other Vacant*
Woodland	1,085	534	218	67	49	0	217
Yolo County	4,182	1,774	734	279	454	76	865

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 22)

The U.S. Census provides only limited data that can be used to infer the condition of Woodland’s housing stock. In most cases, the age of a community's housing stock is a good indicator of the likely condition of the housing stock. According to the 2010 Census data shown in Table 2-10 (below), 13.8 percent of Woodland’s 2010 housing stock was less than ten years old. Approximately 55 percent of the stock is less than 30 years old. As a general rule, structures older than 30 years begin to show signs of deterioration and require active maintenance to maintain good condition and property value. Maintaining and improving housing quality is an important goal for the City.

In 2007, the City's Community Development Department contracted with Willdan to conduct a housing conditions survey as a part of the City's previous Housing Element update. The majority of the existing house stock was considered to be in good to fair condition, with about 24 percent of houses rated "poor" (significant structural and/or cosmetic repairs needed) or "needs improvement" (minor repairs needed).

Based on the age of the housing stock and the results of the previous study, the City estimates at least 25 percent of the housing stock (4,978 units) is in need of some type of rehabilitation.

Table 2-10 Age of Woodland Housing Stock

Age of Structure		
Year Structure Built	*All Housing Units*	*Category as Percentage of Total*
2005-2010	1,399	7.0%
2000-2004	1,345	6.8%
2000-2010 Sub-Total	**2,744**	**13.8%**
1999 to March 2000	265	1.3%
1995 to 1998	1,204	6.1%
1990 to 1994	1,250	6.3%
1980 to 1989	3,394	17.1%
1970 to 1979	4,485	22.6%
1960 to 1969	2,469	12.4%
1940 to 1959	2,624	13.2%
1939 or earlier	1,410	7.1%
Sub-Total 1900-2000	**17,101**	**86.2%**
TOTAL	**19,845**	**100%**

Note: All figures have been rounded.

Source: SACOG Housing Element Data Profile (Table 17)

Overpayment

One of the major barriers to housing availability is the cost of housing relative to income levels. In order to provide housing to all economic levels in the community, a wide variety of housing types should be available at a range of prices. Housing affordability is dependent on income and housing costs. According to the US Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development, a household is considered to be overpaying when 30% or more of its gross income is spent on rental or mortgage costs. Severe housing cost burden occurs when a household pays more than 50% of its income on housing. The prevalence of overpayment varies significantly by income, tenure, household type, and household size.

Of the 22.8 percent of total occupied units with owners/renters paying 30-50 percent of their income for housing, 58.5 percent of the households were in the Extremely Low, Very Low and Low income categories. Of the 17.0 percent of the total occupied units with owners/renters paying 50 percent or greater of their income for housing, 89.3 percent of the households were in the Extremely Low, Very Low and Low income categories (Tables 2-11 and 2-12).

Table 2-11 Woodland Households Paying 30-50% of Income for Housing

	Total	*Owner*	*Renter*
All Occupied Units	18,445	--	--
Total Paying 30-50%	4,205	2,215	1,990
Extremely Low Income	405	90	315
Very Low Income	870	100	770
Low Income	1,185	460	725
Moderate Income	390	295	95
Above Moderate Income	1,355	1,270	85

SACOG Housing Element Data Profile Dec 2012 (Table14)

Table 2-12 Woodland Households Paying More than 50% of Income for Housing

	Total	*Owner*	*Renter*
All Occupied Units	18,445	--	--
Total Paying30-50%	3,140	1,450	1,690
Extremely Low Income	1,345	280	1,105
Very Low Income	765	320	445
Low Income	655	575	80
Moderate Income	220	190	30
Above Moderate Income	115	85	30

SACOG Housing Element Data Profile Dec 2012 (Table15)

Overcrowding

SACOG provides overcrowding data, expressed as the number of persons per room in occupied housing units. The Census includes living rooms, dining rooms, bedrooms, kitchens, finished attics and basements, family rooms, offices and permanently enclosed porches in the definition of a "room". A housing unit with more than 1 person per room is considered overcrowded, and a housing unit with 1.5 or more people per room is severely overcrowded.

In Woodland, 93.8 percent of the occupied housing units had less than 1 person per room during the 2005-2009 period. 6.2 percent of units were overcrowded, including 360 owner-occupied and 620 renter-occupied units. 45 owner-occupied and 115 renter-occupied units were severely overcrowded. While Woodland saw a 0.9 percent decrease overall in overcrowding from the previous planning period, the data indicates a need for additional adequately-sized units that are affordable particularly for renters. Table 2-13 presents overcrowding data for Woodland.

Table 2-13 Number of Households In Woodland by Tenure With Overcrowding Conditions

Total Occupied Units	*Owner occupied units*		*Renter occupied units*	
	Over-crowded/Severely Over-crowded		*Over-crowded/Severely Over-crowded*	
18,445	360	45	620	115

Source: SACOG Housing Element Data Profiles Dec 2012 (Table 16)

Large Families

According to Table 2-14, there were 3,086 large families (five or more members) living in family households in Woodland in 2010. This total accounts for 16.2 percent of the total number of family households. It is notable, that in 2000, 11.4 percent of families had five or more people. This increase may reflect the trend of extended family members sharing housing for reasons of economic need.

Table 2-14 2010 Tenure by Household Size Owner and Renter Occupied

		person Household		*2-person household*		*3-person household*		*4-person household*		*5-person household*		*6-person household*		*7+person household*	
#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Owner Occupied															
10,742	100%	1,914	18.3%	3,452	33.0%	1,784	17%	1,699	16.2%	851	8.1%	428	4.1%	344	3.3%
Renter Occupied															
8,249	100%	2,183	26.5%	1,904	23.1%	1,404	17%	1,295	15.7%	773	9.4%	394	4.8%	296	3.6%

SACOG Housing Element Data Profiles Dec 2012 (Table 8)

Housing Costs Compared to Ability to Pay

The ability to pay for housing is a function of housing cost and other essential living expenses in relation to household income. The State of California uses common definitions of income levels and affordability for various housing and community development programs to provide a uniform basis of measuring income and ability to pay. The State definitions closely align with federal definitions used by the Department of Housing and Urban Development, but include a different measure of "moderate income." For the purpose of this Housing Element, the state definitions are used and shown below in Table 2-15. Since above-moderate income households do not generally have problems in locating affordable units, affordable units are frequently defined as those reasonably priced for households that are low- to moderate-income.

Table 2-15 Housing Income Limit Definitions

Extremely Low-Income Households have incomes less than 30% of the median income for Yolo County as established by HUD. A household of four is considered to be very low-income in Yolo County if its 2012 combined income is $23,050 or less.

Very Low-Income Households have incomes between 30% and 50% of the median income. A household of four is considered to be very low-income in Yolo County if its 2012 combined income is $38,450 or less.

Low-Income Households have incomes between 50% and 80% of the median income. A household of four is considered to be low-income in Yolo County if its 2012 combined income is $61,500 or less.

The Median-Income is the point where half of households earn more and half earn less. Yolo County's 2012 median income for a household of four is $76,900.

Moderate-Income Households have incomes between 80% and 120% of the median income. A household of four is considered to be moderate-income in Yolo County if its 2012 combined income is $92,300 or less.

Above-Moderate-Income Households have incomes above 120% of the median income. A household of four is considered to have above-moderate-income if its 2012 combined income exceeds $92,300.

Source: State Income Limits for 2012 Department of Housing and Community Development February 1, 2012 Memorandum

Table 2-16 shows the 2010 income limits for Extremely Low-, Very Low-, Low-, Median-, and Moderate-Income households, and compares these income limits to affordable rent and purchase prices. Tables 2-17 and 2-18 present recent rental cost information (median gross rents and apartment rental rates). These tables show that median gross rents are generally within the range of affordability for households earning 80 percent or more of the Yolo County median income, but are not affordable for low-, very-low or extremely low-income households.

Table 2-16 City of Woodland Ability to Pay for Housing for Very Low, Low, and Moderate Income Households, and Fair Market Rents

	Studio	*1 Bedroom*	*2 Bedroom*	*3 Bedroom*	*4 Bedroom*	*5 Bedroom*
Number of Persons	1	2	3	4	5	6
Extremely Low-Income Households at 30% of 2012 Median Family Income						
Income Level	$16,150	$18,450	$20,750	$23,050	$24,900	$26,750
Max. gross rent[1]	$404	$461	$519	$576	$623	$669
Max. purchase price at 5% down[2]	$66,264	$75,701	$85,138	$94,575	102,166	$109,756
Max. purchase price at 20% down[3]	$79,685	$91,033	$102,381	$113,729	$122,857	$131,985

Table 2-16 City of Woodland Ability to Pay for Housing for Very Low, Low, and Moderate Income Households, and Fair Market Rents

	Studio	*1 Bedroom*	*2 Bedroom*	*3 Bedroom*	*4 Bedroom*	*5 Bedroom*
Number of Persons	1	2	3	4	5	6
Very Low-Income Households at 50% of 2012 Median Family Income						
Income Level	$26,950	$30,800	$34,650	$38,450	$41,550	$44,650
Max. gross rent[1]	$674	$770	$866	$961	$1,039	$1,116
Max. purchase price[2]	$110,577	$126,373	$142,170	$157,762	$170,481	$183,200
Max. purchase price at 20% down[3]	$132,972	$151,968	$170,964	$189,713	$205,009	$220,304
Low-Income Households at 80% of 2012 Median Family Income						
Income Level	$43,050	$49,200	$55,350	$61,500	$66,450	$71,350
Max. gross rent[1]	$1,076	$1,230	$1,384	$1,538	$1,661	$1,784
Max. purchase price[2]	$176,636	$201,869	$227,103	$252,337	$272,647	$292,752
Max. purchase price at 20% down[3]	$212,410	$242,754	$273,099	$303,443	$327,866	$352,043
Median-Income Households at 100% of 2012 Median Family Income						
Income Level	$53,880	$61,553	$69,227	$76,900	$83,072	$89,244
Max. gross rent[1]	$1,347	$1,539	$1,731	$1,923	$2,077	$2,231
Max. purchase price[2]	$221,072	$252,554	$284,041	$315,523	$340,847	$366,171
Max. purchase price at 20% down[3]	$265,845	$303,704	$341,568	$379,427	$409,880	$440,332
Moderate-Income Households at 120% of 2012 Median Family Income						
Income Level	$64,680	$73,920	$83,160	$92,280	$99,720	$107,160
Max. gross rent[1]	$1,617	$1,848	$2,079	$2,307	$2,493	$2,679
Max. purchase price[2]	$265,384	$303,296	$341,208	$378,628	$409,155	$439,681
Max. purchase price at 20% down[3]	$319,133	$364,723	$410,314	$455,312	$492,021	$528,731

Based on Yolo HUD Metro FMR Area, FY 2012 Median Family Income; $76,900: HUD FY 2012 Section 8 Income Limits.

Notes:

1 30% of income devoted to maximum monthly rent or mortgage payment, including utilities, taxes and insurance

2 Assumes 95% loan (i.e., 5% down payment) @ 4.5% annual interest rate and 30-year term: assumes taxes, mortgage insurance, and homeowners insurance account for 21% of total monthly payments

3 Assumes 80% loan (i.e., 20% down payment) @ 4.5% annual interest rate and 30-year term; assumes taxes and homeowners insurance account for 20% of total monthly payments.

Table 2-17 Median Gross Rent

Location	*2000*	*2006-2010*
Woodland	$655	$935
Yolo County	$687	$1,041

SACOG Housing Element Data Profiles Dec 2012 (20)

Table 2-18 Rental Rates* in Woodland, 2013 Includes Apartments and Homes for Rent

Craigslist Apartments for Rent								
	Studio	*1-Bedroom*	*2-Bedroom*	*3-Bedroom*	*4-Bedroom*	*5-Bedroom*	*6-Bedroom*	*Total*
Number advertised	2	35	65	36	11	1	1	151
Mean	$620	$791	$969	$1,370	$1,662	$2,220	$1,899	
Median	$620	$750	$870	$1,350	$1,690	$2,220	$1,899	

YCH Data (mean and median rates based on price range of each unit type)					
	Studio	*1-Bedroom*	*2-Bedroom*	*3-Bedroom*	*4-Bedroom*
Mean	$612.5	$683	$837	$1,157	$1,310.5
Median	$612.5	$675	$850	$1,117	$1,310.5

* Cost of Utilities are not included

Sources: Craigslist of Apartments for Rent 2/15/2013, Yolo County Housing Authority 2/13/2013.

HUD provides housing needs data that identifies the number of housing units with one or more problems. The four housing unit problems that are included in the data include: lack of kitchen, lack of plumbing, more than 1 person per room (overcrowding) and cost burden greater than 30 percent (overpaying), as shown in Table 2-19, below. The information is broken down my HUD income category and home owner/renter. A shown in Table 2-19, 43.1 percent of households have one or more of four housing unit problems. Because Woodland's 2007 housing condition study found that 99.4 percent of the housing units contained complete plumbing facilities, overcrowding and overpaying are of greatest concern. Of the households having one or more housing unit problems, 72.3 percent fall into the extremely-low, and low and very-low income categories.

Table 2-19 Housing Need Data: Households with One or More Housing Unit Problem by Income Level

Total			*<=30% of Median*		*30-50% of Median*		*50-80% of Median*		*80-100% of Median*		*100% + of Median*	
Total	*Owner*	*Renter*	*Owner*	*Renter*	*Owner*	*Renter*	*Owner*	*Renter*	*Owner*	*Renter*	*Owner*	*Renter*
7,955	3,885	4,070	430	1,590	420	1,280	1,105	925	505	210	1,480	235

Source: SACOG Housing Element Data Profile Dec 2012 (Table18)

Housing Prices

The subprime mortgage crisis that hit in 2007 affected financial markets and eliminated the opportunity for many first-time homebuyers to secure financing for home purchases as money lending tightened. The result was tumbling home values, vexing the efforts of those holding subprime loans to refinance as loan rates adjusted upward. The inability to refinance many of these subprime loans led to a large increase in bank foreclosures and loan defaults. Interest rates at the present time are not a constraint to affordable housing and are at historic lows. However, many homeowners have suffered severe financial distress (job loss or hours reductions, salary decreases, etc.), and cannot afford to stay in their homes or purchase a home, even with lower interest rates and the drop in housing prices.

Affordability of homes for purchase is affected by both the cost of the housing stock and the ability of potential buyers to fulfill down payment requirements. Conventional home loans typically require 5 to 20 percent of the sales price as a down payment, and this represents the largest constraint to first-time homebuyers. As reported by the Sacramento Bee, between February 2011 and February 2013, 1,592 homes sold in Woodland. The median home sale price was $201,000 (Table 2-20). This median sale price represents a 54.7 percent drop from the median home price of $367,343 in 2007. Much of this drop was driven by the predominance of distressed property sales (foreclosures and short-sales) in contrast to regular market sales. The sales prices decrease was further skewed by the tendency of owners of higher-priced homes who were not in a distressed situation and did not need to sell their homes immediately to keep their homes off the market until prices improved. While, the drop in home prices has made market rate homes affordable to some very low and low income households, it has also led to foreclosures which are quantified later in this report.

Table 2-20 Home Sale Prices by Number of Bedrooms

Bedrooms	*Number of Sales*	*Average Price*	*Median Price*
1	-	-	-
2	43	$127,541	$115,000
3	144	$171,381	$154,500
4	41	$250,599	$247,000
5	2	$140,000	$140,000
6	3	$257,667	$210,000
Not Specified	1,362	$227,347	$295,000
Total	**1,592**	**$220,149**	**$201,000**

Data for home sales between February 2011 and February 2013.

Source: The Sacramento Bee (http://ssl.sacbee.com/onboard/homes.html)

Table 2-21 illustrates the sale price distribution of single-family residences between September 2012 and February 2013. More than three quarters of the homes sold during that period had sale prices between $100,000 and $300,000.

Table 2-21 Sale Price Distribution

Sale Price Range	*Number of Units Sold*	*Percent of Total*
Less than $99,999	13	4.5
$100,000-$199,999	115	39.7
$200,000-$299,999	112	38.6
$300,000-$399,999	39	13.4
$400,000-$499,999	7	2.4
$500,000-$599,999	0	0
$600,000 or more	4	1.4
Total	**290**	**100**

Note: Based on all full and verified sales of single-family residences in the 95695 and 95776 ZIP Codes between 9/1/2012 and 2/28/2013.

Source: DataQuick, BAE 2013

Special Housing Needs

The following subsections discuss these special housing needs of six groups identified in State housing element law (Government Code, Section 65583(a)(7)). These groups, referred to in this document as “special needs groups,” include seniors, persons with disabilities, large households, farm workers, families with female heads of households, and the homeless.

Persons with Disabilities

As shown in Table 2-22, 6,157 Woodland residents over the age of five have some form of disability. Table 2-23 presents data on the types of disabilities among people in Woodland from the ACS. Based on these data, more than 50 percent of people in Woodland who have a disability are not in the labor force.

The statistics for the Supplemental Security Income (SSI) program also provide information on the number of persons with disabilities who may have housing needs because of their low incomes. As of December 2011, the total number of SSI recipients receiving disability benefits in the two ZIP codes serving Woodland (95695 and 95776) was 1,370. This total may include SSI recipients who live outside the Woodland city limits but within those ZIP codes.

Table 2-22 Residents with Disabilities

	Total Civilian non-institutionalized population aged 5 and over	*With a Disability (number of persons)*	*Percent*
Woodland	54,648	6,157	11.3%

Source: SACOG Housing Element Data Profile Dec 2012 (Table 24)

Table 2-23 Disability Types and Employment

			Total Population: 33,730 Population In labor Force: 26,800
	Employed: 24,254	*Unemployed: 2,546*	*Not in Labor Force: 6,930*
With a disability	1,085	177	1,524
With a hearing difficulty	413	77	180
With a vision difficulty	284	0	298
With a cognitive difficulty	208	81	674
With an ambulatory difficulty	395	74	1,014
With a self-care difficulty	59	0	614
With an independent living	55	55	935
No Disability	23,169	2,369	5,406

Source: SACOG Housing Element Data Profile Dec 2012 (Table 25)

The Alta California Regional Center coordinates services for persons with developmental disabilities (cognitive disability, cerebral palsy, epilepsy, autism, etc.). As of February 2013, there were 276 adult clients in Woodland. No information is available on their housing arrangements. While some live independently, it is likely that many are living with parents or other family members.

The Statewide Independent Living Needs Assessment prepared by the Department of Rehabilitation describes Yolo County as a formerly rural area that has undergone rapid population growth and urbanization over the past 20 years. The assessment concludes that growth has outpaced the expansion of Independent Living services, and human services of all kinds.

Latinos, Asian Americans and Native Americans are the most frequently mentioned ethnic minority populations in the need of Independent Living services. Disabled participants identified housing as a critical issue:

1. Adequate, affordable, universal design and safe housing is a basic need for community living. Many respondents discussed the need for housing, especially housing located near transportation and services. The built environment, including the relationship between housing, and transportation systems, can create barriers to independent living. Seven of ten people said that they could afford $500 or less per month for housing. Almost 35% of the survey respondents have to go without basic needs such as childcare, health care or food in order to pay the rent or mortgage.

2. Transportation is the second most unmet service need due to the rising cost of fixed-route public transportation and paratransit services and lack of available non-emergency medical transportation.

3. The third most discussed unmet service need was health care. Co-pays are increasing and access to specialists accepting Medi-Cal and/or Medicare is increasingly difficult.

In-Home Supportive Services (IHSS) is the program administered by the County. It helps disabled and elderly people who need assistance with personal care and/or housework to remain safely in their own homes with independence and dignity. IHSS pays providers to do household tasks such as cooking, shopping, and cleaning as well as personal care such as help with bathing, bathrooming, getting dressed, transferring, and hygiene. To be eligible for IHSS an individual must meet both income and program requirements.

As of February 27, 2013, IHSS was providing support services to 512 disabled persons in Woodland. Summer House, Inc. provides housing for developmentally disabled adults and has 4 units. New Dimensions was completed in 2004, and is a 15-unit project that serves very low-income residents who are chronically mentally ill.

Many of the needs of residents with disabilities are related to housing affordability and may be met by implementing the City's programs supporting construction, rehabilitation, and preservation of affordable units. Residents with disabilities have special needs related to in-home services, mobility, or reasonable accommodations of disabilities. Programs 2.A.16, 2.C.3, and 2.C.4 address these special needs.

Senior Households

Senior households are defined as households with one or more persons over the age of 65 years. Approximately 10.8 percent of Woodland's population is comprised of seniors. Commonly seniors own their own home, but due to limited income or disabilities, may need assistance to remain in their homes.

Table 2-24 shows the number of persons over the age of 65 years and the percent of change in 2000-2010 per age category. Table 2-25 provides information about seniors with incomes below the poverty level. 11.2 percent of the total seniors had incomes below the poverty level during this period. The highest poverty rate is among seniors 75 years of age or more, at 14.5 percent. This rate is well below the overall poverty rate of Woodland residents as a whole (17.2 percent) and the poverty rate of other special needs groups (such as persons with disabilities and single mothers with minor children).

Table 2-24 Senior Population and Percentage Change

	Total Pop 65+	*65-69*	*70-74*	*75-79*	*80-84*	*85-89*	*90-94*	*95-99*	*100-104*	*105-109*	*100+*
Number of Persons	6,024	1,793	1,290	1,055	833	694	272	74	13	0	0
Percentage Change between 2000-2010	16.6%	38.0%	14.1%	-7.5%	6.1%	38.8%	18.3%	2.8%	62.5%	n/a	n/a

SACOG Housing Element Data Profile Dec 2012 (Table 26)

Table 2-25 Seniors with incomes below the poverty rate

Total		Below Poverty			
65 to 74	75+	65 to 74		75+	
2,876	3,380	210	7.3%	489	14.5%

SACOG Housing Element Data Profile Dec 2012 (Table 27)

As of 2010, the majority of senior households in Woodland were homeowners as shown in Table 2-26. Of all 2010 households headed by a person 65 years or older, 70.6 percent owned their homes and 29.4 percent rented.

Table 2-26 Housing Tenure of Woodland's Senior and Non-Senior Households

Household Type and Tenure	*Number*	*Percent*
Senior-Headed Households[1]	**3,678**	**100%**
Renter	1083	29.4%
Owner	2595	70.6%
Households Headed by a Non-Senior Person[1]	**15,043**	**100%**
Renter	7,166	47.6%
Owner	7,877	52.4%

[1] Based on 65+

Source: SACOG Housing Element Data Profile Dec 2012 (Table 28)

The 2010 census data indicates a need in Woodland for additional programs to assist senior renters. Although there are more senior homeowners, it is the renters who experience the greatest housing challenges because of fixed incomes and rising rental rates. Senior homeowners, however, do face the problem of maintaining their homes, often on fixed incomes as well.

According to statistics from the Social Security Administration, as of December 2011, there were 2,057 Supplemental Security Income (SSI) recipients 65 years and over in Yolo County. SSI is a needs-based program that pays monthly benefits to persons who are 65 or older, blind, or have a disability. Seniors who have never worked or have insufficient work credits to qualify for Social Security disability often receive SSI benefits. In fact, SSI is the only source of income for a number of low-income seniors. With the maximum monthly benefit of $698 as of 2013, SSI recipients are likely to have difficulty in finding housing that fits within their budgets since they can only afford to pay $209 a month for rent.

Many of the needs of senior households are related to housing affordability and may be met by implementing the City's programs aimed at providing, preserving, and rehabilitating affordable housing. Other needs include in-home services, and assistance in home rehabilitation or maintenance. Programs 2.A.16 and 2.B.1 include actions to address these needs.

Large Households

Large households are those with five or more household members. Large households require housing units with more bedrooms than housing units needed by smaller households. In general, housing for these households should provide safe outdoor play areas for children and should be located to provide convenient access to schools and child-care facilities. These types of needs can pose problems particularly for large families that cannot afford to buy or rent single-family houses, as apartment and condominium units are most often developed with childless, smaller households in mind. According to the 2010 Census, 3,086 households, or 16.5 percent of the total households in Woodland, had five or more members (Table 2-27, below).

The 2006-2010 ACS estimates that Woodland housing stock has 3,352 owner-occupied units and 439 rental units with 4 or more bedrooms. That is 30 percent of the owner-occupied housing unit stock and 5.4 percent of the rental unit stock. However, the majority of these larger homes are not affordable to lower-income large families, creating a gap in housing need for this group.

Table 2-27 Tenure for Large Households

	1-4 person household:	*Percent*	*5-or-more person household*	*Percent*	*Total*	*Percent*
Total	**15, 735**	**83.5**	**3,086**	**16.5**	**18,821**	**100.0**
Owner occupied	8,849	84.5	1,623	15.5	10,472	100.00
Renter occupied	6,786	82.3	1,463	17.7	8,249	100.00

Source: SACOG Housing Element Data Profile Dec 2012

In July 2011, the City approved funding assistance for the Mutual Housing at Spring Lake affordable project. The project will result in the construction of 101 rental units for very low and low income households. More than 30 percent of the units will have 3+ bedrooms. The City will continue to implement programs to facilitate construction, rehabilitation, and preservation of affordable housing, including larger units.

Farm Workers

Farm Workers are generally considered to have special housing needs because of their limited income and the often unstable nature of their employment (i.e., having to move throughout the year from one harvest to the next).

Farm workers are historically undercounted by the census and other data sources**.** The USDA Census of Agriculture provides a count of the number of farms and ranches and of the people who operate them, for each county in the nation. The USDA Census of Agriculture includes farm labor categorized by number of farms, total workers, workers working less than 150 days, and workers working more than 150 days. The latest available data is from the 2007 Census as the 2012 data has not been released to the public at this time. Table 2-28 summarizes the USDA Census of farm labor for Yolo County in 2007 by farm operation size. Table 2-29 provides a summary of the total number of farm, and farmers by permanent and part-time (seasonal) labor.

Table 2-28 Yolo County Hired Farm Labor Workers

	Farm Workers	*Farms*
Farm operations with fewer than 10 employees		
Permanent	875	269
Seasonal (e.g., fewer than 150 days)	650	218
Total	1,525	487
Farm operations with 10 or more employees		
Permanent	3,078	99
Seasonal (e.g., fewer than 150 days)	1,278	50
Total	4,356	149
Grand Total Permanent Farms (fewer than 10 and more than 10 employees)	**3,953**	**368**

Source: USDA 2007 Census of Farm Workers Volume 1, Chapter 2: County Level Data.

Table 2-29 Yolo County Farms and Farm Labor Workers

	Farms	*Total Workers*	*Workers >150 days*	*Workers <150 days*
Yolo County	368	3,953	2,025	1,928

Source: USDA 2007 Census of Agriculture; SAGOG Assessment of Farm Data January 22, 2012

In 2007, agricultural employment for farm workers working 150 days or more resulted in a payroll of $24,459 (Yolo County). For those working less than 150 days, earnings were reported to be $5,591. According to the U.S. Department of Agriculture, hired farm labor in Yolo County accounted for an annual average of 3,953 jobs.

The supply of farm worker housing remains inadequate in Woodland. Table 2-30 summarizes farm worker housing. As of February 2013, there was no publicly owned farm worker housing in Woodland. Based on discussions with local community members, many of the permanent farm workers live at the Casa Del Sol Mobile Home Park

Table 2-30 Farm Worker Housing in and near Woodland

Facility Name	*Location*	*Number of Units*
Casa Del Sol Mobile Home Park	Woodland	156
Madison Migrant Center	Madison	88
Davis Center	Davis	64
Total Units		**308**

Source: Yolo County and City of Woodland

In addition to expanding the stock of housing permanently available and affordable to farm workers, it is important to retain the existing stock of affordable housing that has been financed by federal and state sources. The USDA Section 515 rental housing program, while not specifically targeted to farm workers, provides low-cost housing in rural areas.

Most farm worker housing needs are related to housing affordability, and the City's programs to facilitate construction, rehabilitation, and preservation of affordable units will help meet the needs of farm workers in this area. In addition, Program 2.A.10, requires that the City amend its zoning code to facilitate farm worker housing, and that the City consider fee waivers and reduced development standards to encourage farm worker housing.

Female-Headed Households

Female headed households are another special needs group defined by state law. These households often have special needs due to their family or lower income status. Of particular concern are single female-headed households with children, as this group tends to have lower incomes and high dependency on social services. The U.S. Census provides household information regarding single female-headed households with children under the age of 18. Children living in female-headed households are more likely than others to live below the poverty level. Single mothers have a greater risk of falling into poverty than single fathers, due to such factors as the wage gap between men and women, limited training, required education for higher-wage jobs, and inadequate child support. According to the United States Bureau of Labor Statistics, in 2011, California women who were full-time wage and salary workers had median weekly earnings of $751 or 89.9 percent of the $835 median weekly earnings for their male counterparts.

As shown in Table 2-31, of the 13,548, households in 2010, females headed 19.6 percent of the City's households. Further examination shows that 34.9 percent had children under 18, and 1.7 percent had no children under the age of 18. Table 2-31 shows that of the 7.8 percent of Woodland's families living below the poverty level, 45.2 percent are female-headed households.

Historically, mothers receiving welfare benefits have been unable to rent decent housing in the private market. As of 2013, a CalWORKS (formally known as Aid for Dependent Children [AFDC]) family, which receives $725 (family of 4) per month, is not able to afford the 2013 Fair Market Rent of $850 for a 2 bedroom apartment in Woodland).

The housing need for this special needs group is also demonstrated by the fact that as of March 2013, 460 households in Woodland were receiving rental assistance from the Housing Choice Voucher Program (formerly known as Section 8). Although Yolo County Housing (YCH) does not track recipients by gender, the agency reported that the larger percentage of this total is received by female-headed households. YCH administers affordable housing programs for Woodland, Winters, West Sacramento, Davis and unincorporated communities in Yolo County, which are funded by HUD. The program subsidizes the balance of the rental cost in excess of 30% of a renter's gross income.

Table 2-31 Female-Headed Households

Householder Type	*Number*	*Percent*	*Percent Change from 2000-2010*
Total Households	**13,548**	**100%**	**10.3%**
Total Female-Headed Householders	2,649	19.6% of total families	22.2%
Female Heads with Children under 18	1,804	68.8% of female headed	34.9%

Table 2-31 Female-Headed Households

Householder Type	*Number*	*Percent*	*Percent Change from 2000-2010*
		families	
Female Heads without Children under 18	845	31.9% of female headed families	1.7%
Total Families Under the Poverty Level		7.8% of total families	
Female-Headed Households Under the Poverty Level		20.8% of total below poverty	
Female-Headed Households Under the Poverty Level with children under 18		24.4% of total below poverty	

Note: All percentages have been rounded.

Source: SACOG Housing Element Date Profiles Dec 2012 (Tables 32 and 33)

YCH owns and operates three affordable housing developments in Woodland: Yolano-Donnelly (132 units for the Yolano Village and Donnelly Circle facilities), Cottonwood Meadows (47 units), and Crosswood Apartments (48 units). YCH also owns and operates 8 transitional housing units. As of April 24, 2013 there were 3,060 households on the waiting list for Yolano-Donnelly units.

The difficulty that female heads of households encounter in obtaining affordable housing has often led to homelessness for both them and their children (see Table 2-32, below). The Yolo County Homeless and Poverty Action Coalition (HPAC) conducted a biannual count of the homeless in Woodland in January 2013 and reported 186 people to be homeless, including 45 women and 39 children.

The housing needs of female-headed households are similar to those of other groups, although these households are more likely to have lower incomes or to live in poverty. The City's programs to construct, rehabilitate, and preserve affordable housing, as well as programs supporting emergency shelters and homeless services address many of the needs of female-headed households.

Homeless Persons

Table 2-32 shows the estimated homeless population in Yolo County from the 2013 Yolo County Homeless Census, including the number of chronic homeless, homeless veterans, and homeless families with children.

Table 2-32 2013 Homeless Census

	Sheltered	*Unsheltered*	*Total*	*Chronic Homeless*	*Veterans*	*Persons in Households with children*
Woodland	146	40	186	16	18	60
Yolo County Total	276	198	474	134	44	129

Source: Yolo County Homeless Census Data Report 2013

The current federal definition of a chronically homeless person does not include persons in families. Many service providers believe that the definition should be expanded to include persons that meet the other conditions of chronic homelessness but are part of a family unit. These family members may face many of the same challenges as single individuals, while also dealing with family maintenance issues.

The City of Woodland recognizes the needs of the homeless population and is committed to the countywide 10-year plan to end homelessness. The adopted plan is called *One at a Time: Ending and Preventing Homelessness in Yolo County (2010-2020)*. Local Ten-Year Plans to End Homelessness are encouraged by the U.S. Interagency Council on Homelessness and are result-oriented plans that incorporate cost-benefit analyses, prevention, housing and services innovations, and best practices.

Six Key Action Steps in the Ten-Year Plan are:

- Create and expand Housing Resource Centers in each City to improve system coordination, reduce duplication, and increase access to available services, housing, and homeless services.
- Identify and access funding for extremely affordable permanent housing and services to access and maintain housing.
- Increase availability and access to mental health and substance use services.
- Make transportation assistance available to improve access to services and employment opportunities.
- Create or assign a staff position to support plan implementation and move the plan forward.
- Maximize use of the Homeless Management Information System (HMIS) to collect and analyze data on homelessness and program outcomes and to facilitate inter-agency case management and information sharing and to increase efficiency.

The City of Woodland supports and funds (when possible) an array of special services for the homeless. The City participates in the countywide Homeless Coordination Project that provides services to the homeless in Yolo County. The Project includes Homeless Coordination and the Cold Weather Shelter. The intent of the Homeless Coordination Project is to improve and expand services to the homeless and very low-income individuals, increase funding for local agencies serving these individuals, and increase the efficiency with which grant funds are obtained and managed. The Cold Weather Shelter provides shelter to homeless individuals during the four coldest months (120 nights) from November through February. There are beds for 24 persons each night and provisions for overflow. The City of Woodland provides funding for the shelter.

City of Woodland's programs for homeless services include the following:

<u>Yolo Wayfarer Center (Cold weather shelter services)</u>: The singles' shelter program provides 14 transitional beds and 30 beds for residential treatment. The family shelter program provides 10 apartments, 4 three-bedroom duplexes, and a 5-bedroom women's house.

Walnut House: This program, operated by the Woodland Youth Services, provides shelter services to females ages 12 through 21 that are in the foster care system and also for AB12 non-minor dependents who are disabled or temporarily homeless after being abandoned, neglected, or abused. The home is licensed for 6 residents. Due to the current budget constraints, the City is unable to commit funding to this program as it had in the past.

Shelter Home: This program is also operated by the Woodland Youth Services and provides shelter services to male children ages 12 through 21 that are in the foster care system and also for AB12 non-minor dependents who are disabled or temporarily homeless after being abandoned, neglected, or abused. The home is licensed for 10 residents. Due to the current budget constraints, the City is unable to commit funding to this program as it had in the past.

Short Term Emergency Aid Committee (STEAC): This non-profit organization provides assistance to low income families with moving into long-term housing by paying first month's rent, assisting with utility costs, food and/or clothing throughout Yolo County

Countywide Homeless Coordinator: The City provides funds annually to support the activities of the Homeless Coordinator. Through 2012 to 2013, the City continued to contract for the services of Yolo County's Homeless Coordinator.

The City implements programs 2.A.14, 2.A.14, and 2.A.15 to provide emergency shelter services, fund transitional and special needs housing for homeless residents, and support the services of Yolo County's Homeless Coordinator.

PROJECTED HOUSING NEEDS

Regional Fair Description of Criteria for Identifying Housing Sites

Share Allocation

The Sacramento Area Council of Governments (SACOG) issued its Final Regional Housing Needs Plan (RHNP) and Regional Housing Needs Allocations (RHNA) on September 20, 2012 for the Housing Element compliance period of January 1, 2013 through October 31, 2021. The RHNP is part of a State-wide mandate to address housing issues that are related to future growth in the SACOG region, and is required by State law. The RHNP allocates to cities and counties their "fair share" of the region's projected housing needs by household income group over the planning period of each jurisdiction's housing element.

The core of the RHNP is a series of tables which indicate for each jurisdiction the distribution of housing needs (RHNA) for each of four household income groups, and the projected new housing unit targets by income group for the ending date of the plan. These units are considered the basic new construction need to be addressed by individual city and county housing elements. The allocations are intended to be used by jurisdictions when updating their housing elements as the basis for assuring that adequate sites and zoning are available to accommodate at least the number of units allocated.

The total number of units allocated to each jurisdiction for the 2013-2021 planning period are derived from regional allocations based on population forecasts produced by the California Department of Finance. SACOG also took each jurisdiction's draft percentage share of growth forecasted in the Metropolitan Transportation Plan (MTP) adopted on April 19, 2012 and multiplied that percentage by the overall regional housing needs determination provided by HCD.

As shown in Table 2-33, SACOG allocated Woodland a total of 1,877 housing units for the 8-year planning period between January 1, 2013 and October 31, 2021. The allocation is equivalent to an average yearly need of 235 housing units. While the RHNA does not include an allocation for extremely low, Government Code Section 65583(a)(1) requires that a jurisdiction's housing element include a calculation on the subset of extremely low income (ELI) households either using existing data or presume that 50 percent of the very low income (VLI) households qualify as ELI households. The City has calculated its ELI at 195 units or half of the VLI.

The City of Woodland must demonstrate that it can accommodate a total of 1,877 new housing units by October 2021.

Table 2-33 Woodland Regional Housing Needs Allocations (RHNA) by Income, 2013-2021

Total	*Extremely Low (ELI)**	*Very Low* (VLI)*	*Low (LI)*	*Moderate*	*Above Moderate*	*Combined Lower Income (ELI, VLI, and LI)*
1,877	195	195	274	349	864	664
100%	10.4%	10.4%	14.6%	18.6%	46.0%	35.4%

* The very low income housing need allocation provided by SACOG was 380 units, and the City has chosen to distribute 50 percent of this total into the extremely low income category.

Source: Sacramento Area Council of Governments (SACOG), 2013-2021 Final Regional Housing Needs Allocations

Since the Housing Element planning period starts on January 1, 2013, the City may count housing constructed beginning January 1, 2013, or housing approved for construction as of that date, toward its RHNA for this planning period. For the period of January – March 2013, the City issued building permits for the construction of 30 single-family homes ranging in price from $177,278 - 319,911, including homes set aside for purchase by lower-income households pursuant to the City's Affordable Housing Ordinance (6A).

Units At-Risk of Conversion

Assisted Rental Housing Eligible for Conversion

California housing element law requires jurisdictions to include a study of all low-income housing units, which may at some future time be lost due to the expiration of affordability restrictions. The law requires that the analysis and study cover a ten-year period, and be divided into two periods, coinciding with updates of the housing element. There are three general cases that can result in the conversion of public assisted units:

- Prepayment of HUD Mortgages: Section 221(d) (3), Section 202, and Section 236 — Section 221 (d) (3) is a privately owned project where HUD provides either below-market interest rate loans or market-rate loans with a subsidy to the tenants. With Section 236 assistance, HUD provides financing to the owner to reduce the costs for tenants by paying most of the interest on a market rate mortgage. Additional rental subsidy may be provided to the tenant. Section 202 assistance provides a direct loan to non-profit organizations for project development and rent subsidy for low-income elderly tenants. It also provides assistance for the development of units for physically handicapped, developmentally disabled, and chronically mentally ill residents.

- Opt-outs and Expirations of Project-Based Section 8 Contracts — Section 8 is a federally funded program that provides subsidies to the owner of a pre-qualified project. Subsidies make up differences between what the tenants are able to pay, and the actual cost of contract rent. Opt-outs occur when the owner of the project decides to opt-out of a contract with HUD by pre-paying any remaining mortgage. Usually the likelihood of opt-outs increases as market rents exceed contract rents.
- Other — Expiration of the low-income use period of various financing sources which may include one or more of the following: Low-income Housing Tax Credit (LIHTC), bond financing, density bonuses, California Housing Finance Agency (CALHFA), Community Development Block Grant (CDBG), and HOME funds. Generally, bond-financing properties expire according to a qualified project period or when the bonds mature. The qualified project period in the City's bond financed multifamily properties is 15 years. Density bonus units expire in 30 years, depending on the level of incentives. No density bonus property was found with a 10-year affordability term. Also, properties that were funded through the City of Woodland's redevelopment agency required an affordability term of 45 years for owner-occupied or 55 years for rental properties.

Table 2-34 lists all government assisted rental properties in the City. Generally, the inventory consists of HUD, the City of Woodland, and Yolo County multifamily bonds and density bonus properties. Target levels include the very low- and low-income groups. A total of 1,488 assisted housing units were identified in Woodland. Table 2-34 contains the total number of units in each building, the number that are subsidized, and the source of the information by address. The inventory was compiled from federal, state, and jurisdiction information.

As a part of the work for SACOG's HUD grant, SACOG staff compiled information from a number of sources to build an inventory of public housing units and affordable rentals built with some form of public subsidy in each jurisdiction.

SACOG staff also compiled information obtained from the California Housing Partnership Corporation on subsidized rental housing at risk of conversion to market rate and made that data available on January 18, 2013. Three projects, Greenery, Crosswood Apartments and Cherry Glen, were, initially, identified as "moderate" or "very high" risk. YCH staff states it has successfully preserved Crosswood Apartments and that Cherry Glen is being preserved by another party, so neither project is considered at risk. Greenery has been preserved with the use Tax Credits and LMSA funding. Another project, New Dimensions, is considered low-risk because it is owned and managed by the nonprofit Community Housing Opportunities Corporation of Davis and is dedicated to maintaining the affordability of the project.

Table 2-34 Assisted Housing

Assisted Rental Units

Project Name	*Address*	*Owner/Contact*	*Total Units*	*Total Assisted Units*	*Type*	*Expiration Date-Restrictive Clause Expiration Date*	*Subsidy*	*Type of Conversion Risk*
Cherry Glen	762 W Lincoln Avenue		44	44	Family	Preserved[1]	HHFA Tax-Exempt Bonds, 8 NC, Deferred Developer Fee	Not-At-Risk
Crosswood Apartments	646 3rd Street	YCH	48	48	Family	Preserved[2]	HUD Section 236 Section 8	Not-At-Risk
Hotel Woodland Apartments	436 Main Street	Community Housing Opportunities (CHOC)	76	76	Individuals/ Couples	--	RDA, CDBG, LIHTC Tax Credits	Not At-Risk
The Greenery	505 W. Cross Street	AF Evans	95	95	Family	Preserved	Tax Credits LMSA	Not At-Risk
Terracina Spring Lake Family Apartments		USA Properties/ USA Multi-Family Management	156	156	Family	--	LIHTC HOME	Not At-Risk
Heritage Oaks	186 Muir Street		120	120	Family	--	Tax-Exempt Bonds LIHTC	Not At-Risk
Eaglewood Apartments	1975 Maxwell Ave	American Property Development	156	40	Family	--	Density Bonus	Not At-Risk
Skylark Apartments	--	--	29	7	Family	--	--	Not At-Risk
Sycamore Point Apartments	521 Pioneer Ave	--	136	135	Family (Section 8 available)	--	Density bonus, LIHTC Tax Credits and HOME	Not At-Risk

Table 2-34 Assisted Housing

Assisted Rental Units								
Project Name	*Address*	*Owner/Contact*	*Total Units*	*Total Assisted Units*	*Type*	*Expiration Date-Restrictive Clause Expiration Date*	*Subsidy*	*Type of Conversion Risk*
Woodmark Apartments	7000 Kincheloe Court	--	173	171	Family	--	Tax Credits	Not At-Risk
925 North Street	925 North Street	Development Assistance Corp. (DAC)	7	7	Family	--	CDBG, LIHTC Tax Credits Tax-Exempt Bonds	Not At-Risk
Summertree Apartments	555 Community Lane	--	93	91	Disabled	2011	SEC 8 NC	Not At-Risk
Fair Plaza East Senior Apartments	35 West Clover Street	USA Properties	68	67	Senior	--	CALHFA HELP, Bonds, LIHTC Tax Credits	Not At-Risk
Lincoln Gardens	800 West Lincoln Avenue	PCC Properties	86	32	Senior	2012	Tax-Exempt Bonds, Density Bonus Section 8	Not At-Risk
Cottonwood Meadows	120 N. Cottonwood Street	--	47	14	Senior	--	Section 8 LIHTC Tax Credits	Not At-Risk
Courtside Towers/Village	320 West Court Street	--	102	102	Senior (Section 8)	--	Density bonus	Not At-Risk
Acacia Glen Senior Apartments	615 Acacia Way	--	41	8	Senior	--	--	Not At-Risk
Fowler Commons	135 Third Street	--	5	5	Senior	--	In perpetuity	Not At-Risk
Summer House Inc. Project		--	3	3	Persons with Disabilities	--	CDBG	Not At-Risk

Table 2-34 Assisted Housing

Assisted Rental Units

Project Name	*Address*	*Owner/Contact*	*Total Units*	*Total Assisted Units*	*Type*	*Expiration Date-Restrictive Clause Expiration Date*	*Subsidy*	*Type of Conversion Risk*
New Dimensions	580 Kentucky Avenue	--	15	15	Persons with Disabilities	10/31/2012[3]	PRAC/811	Low Risk
Stella Senior Apartments – 25 West Lincoln Avenue	--	--	24	24	Senior	--	--	Not At Risk
Leisureville Mobile Home Park	1313 E Gibson Road	Resident-owned	150	76	Senior	--	CDBG/ HOME	Not At-Risk
Casa Del Sol Mobilehome Park	709 East Street	CHOC	156	156	Family	--	HCD MPROP, HELP funds Tax-Exempt Bonds CalHOME, Serna, CalHFA, AWHHP, RDA, CDBG	Not At-Risk
Rochdale Grange	2090 Heritage Parkway	Rochdale Grange, L.P.	44	43 (7 Accessible Units)	Family	2065	LITHC, HOME, AHP	Not At-Risk
Yolano-Donnelly	0 Lemen Ave	Yolo County Housing	0	0	Family		Public Housing	Not At Risk

Source: [1] *Conversation with YCH, specific data was not yet available or was unattainable.*
[2] *YCH is new owner*
[3] *SACOG January 18, 2013 Data on SACOG Region-Preservation Units lists a Low Risk Level*

To address subsidized housing units that may be at risk in the future, the City will keep its program that implements the following: monitoring of at-risk units, ensuring compliance with noticing requirements, establish partnerships with entities qualified to acquire and manage at-risk units, and provide assistance and education to tenants. Further, the City of Woodland is strongly committed to the preservation of affordable housing units and therefore has identified the following resources in an effort to save such at-risk units.

Efforts by the City to retain low-income housing must be able to draw upon two basic types of preservation resources that include organizational and financial assistance. Qualified non-profit and for-profit entities need to be made aware of the possibilities of units becoming at-risk. Groups with whom the City has an ongoing association are the logical entities for future participation. There are several non-profit and for-profit organizations active in the Yolo County region and other areas that have the managerial capacity to own and manage affordable housing. These groups have expressed an interest in being notified when assisted rental housing becomes available. Table 2-35 lists 12 non-profit and 13 for-profit organizations that are or have been interested in affordable rental housing in Woodland.

Table 2-35 Non-Profit and For-Profit Housing Organizations Interested in Acquiring At-Risk Rental Housing

Name	*Address*	*City*
Non-Profit		
ACLC, Inc.	42 N. Sutter St., Suite 206	Stockton
C. Sandidge and Associates	143 Scotts Valley	Hercules
Christian Church Homes of Northern California, Inc.	303 Hegenberger Road, Suite 201	Oakland
Community Housing Opportunities Corporation	5030 Business Center Drive, Suite 260	Fairfield
Eskaton Properties Inc.	5105 Manzanita Ave	Carmichael
Jamboree Housing Corporation	17701 Cowan Ave, Suite 200	Irvine
Mercy Housing California	3120 Freeboard Drive, Suite 202	West Sacramento
Nehemiah Progressive Housing Development Corp.	1851 Heritage Lane, Suite 201	Sacramento
Mutual Housing California	8001 Fruitridge Road, Suite A	Sacramento
Senior Housing Foundation	1788 Indian Wells Way	Clayton
Solano Affordable Housing Foundation	2400 Hillborn Rd, Lower Level	Fairfield
For-Profit		
Gala Construction	269 Technology Way, Suite B1	Rocklin
Neighborhood Partners	516 Rutgers Drive	Davis
Pacific Housing, Inc.	1801 L Street, Suite 245	Sacramento
Pacific West Builders	8700 Technology Way	Reno, Nevada
St. Anton Partners	1801 I Street, Suite 202	Sacramento
Simpson Housing Solutions	320 Golden Shore, Suite 200	Long Beach

Table 2-35 Non-Profit and For-Profit Housing Organizations Interested in Acquiring At-Risk Rental Housing

Name	*Address*	*City*
USA Properties Fund	2440 Professional Drive	Roseville
Wasatch Advantage Group	26522 La Alameda, Suite 260	Mission Viejo
CyrusYoussefi	1001 Sixth St. Suite 200	Sacramento

Source: City of Woodland, 2013. HCD, September 2008.

Strategies to Retain Affordable Units. The following is a list of potential financial resources considered a part of the City's overall financial plan to deal with retaining affordable units. The number and availability of programs to assist cities and counties toward increasing and improving their affordable housing stock is limited, and public funding for new projects is unpredictable. Listed below are some federal, state, and local programs.

- City Funds Deferred Fee and Developer Pass: The City Funds Deferred Fee and Developer Pass is a program ran by the City. The City has deferred the payment of a portion of City development fees for a number of affordable housing projects. The City collects an affordable housing fee for each single family, market-rate unit in the Spring Lake Specific Plan. The funds collected are used to support affordable housing projects. The City on a case-by-case basis has approved the payment of affordable housing in-lieu fees and used these funds to support multifamily affordable housing development.
- HOME Program: HOME funds are made available to the City of Woodland on an annual competitive basis. These funds help make it possible to develop and support affordable rental housing and home ownership assistance. Activities include acquisition, rehabilitation, construction, and rental assistance. The City of Woodland has primarily used HOME funds for first-time homebuyers (down payment assistance) and new construction of multifamily projects. HOME funds may be used also for owner-occupied rehabilitation and acquisition/rehabilitation of multifamily projects.
- Housing Enabled by Local Partnerships (HELP): HELP funds are made available to the City of Woodland as an unsecured loan from CalHFA for up to 10 years at a simple interest per annum, and carry minimal restrictions and conditions. HELP funds are intended to help the City address its unmet affordable housing needs. The City has received HELP loans for three multifamily projects: Casa Del Sol Mobile Home Park, Heritage Oaks, and Fair Plaza East Senior Apartments.
- Tax Credit Allocation Committee (TCAC): TCAC funds are made available from federal tax credits to the City of Woodland.
- YCH: The YCH administers the Housing Choice Voucher Program (HCV) that is formerly known as Section 8 Rental Assistance. This is a federally funded rental assistance program for low-income families. Very low-income persons and/or families are defined as having income at or below 50% of the area median income as established by HUD. The program's primary purpose is to provide rental assistance to very low-income families for affordable, decent, safe, and sanitary housing.

Recipients of the assistance receive a voucher to rent homes in the private market. The voucher covers a portion of the rent and the tenant is expected to pay the balance. The tenant's share of the rent is an affordable percentage of their income, which is generally between 30% to 40% of the monthly income for rent and utilities. The program is based on income and ranges from a household size of one to four persons. As of April, 2013, 460 households in Woodland were receiving rental assistance from this program.

As previously mentioned, with the dissolution of the Redevelopment Agency in 2012, Woodland lost its ability to set aside 20% of the gross tax increment revenues into a low- to moderate- income housing fund for its affordable housing activities. Projects that were funding before the elimination of the RDA included $67,000 toward the acquisition/rehabilitation of the Fair Plaza East Senior Apartments.

The City Council allocates Community Development Block Grant (CDBG) entitlements funds on an annual basis. Funding allocations during the period of FY 2008-2009 through 2012-2013 have included the City's First Time Homebuyer Assistance Program, a foreclosure prevention project with Legal Services of Northern California (LSNC), the City's CDBG Owner-Occupied Rehabilitation Program, the Fair Housing Hotline operated by LSNC (multiple funding years), the Yolo Wayfarer Center emergency shelter (multiple funding years), New Dimensions Supportive Housing for mentally ill adults (multiple funding years), the Sexual Assault and Domestic Violence Center emergency shelter (multiple funding years), Short Term Emergency Aid Committee (homeless prevention), Yolo County Care Continuum's supportive housing rehabilitation (mentally ill adults), Habitat for Humanity Yolo County's Heidrick Ranch Duplex Build (payment of development fees), and Summer House Accessible Entrance (developmentally disabled adults).

2.3 Resource Inventory

AVAILABILITY OF LAND AND SERVICES

Inventory of Regulatory Requirements and Incentives

General Plan Designation and Zoning

Table 2-36 shows the General Plan land use designations that allow residential development. These eight designations permit a range of residential development types from Rural Residential development (density of up to two units per acre) up to High Density Residential (density of 16 to 25 units per acre). The Central Commercial designation also allows residential units above the ground floor at 5 to 12 units per acre.

Table 2-36 General Plan Land Use Designations Permitting Residential Development

General Plan Designation		*Residential Use*	*Density Range*	*Corresponding Zoning Districts*
Rural Residential	RR	Single family detached homes, second units.	0-2.0 units/ gross acre	Used outside city limits
Very Low Density Residential	VLDR	Single family detached homes, second units.	1.0-4.0 units/ gross acre	Used in the R-3 Land Use Category in the Spring Lake Specific Plan Area
Low Density Residential	LDR	Single family detached and attached homes, second units.	3.0-8.0 units/ gross acre	R-1 R-2
Neighborhood Preservation	NP	Single family detached and attached homes, duplexes, existing triplexes and fourplexes, existing multifamily units.	3.0-8.0 units/ gross acre	N-P
Medium-Low Density Residential	MLDR	Single family detached and attached homes, second units.	5.0-12.0 units/ gross acre	R-1 R-2
Medium Density Residential	MDR	Single family detached and attached homes, duplexes, triplexes and fourplexes, multifamily units, group quarters, mobilehome parks.	8.0-15.0 units/ gross acre	R-2 R-M
High Density Residential	HDR	Triplexes, fourplexes, multifamily units, group quarters, mobilehome parks.	16.0 to 25.0 units/gross acre	R-M
Planned Neighborhood	PN	Single family detached and attached homes and multifamily units.	1.0-25.0 units/ gross acre. Overall average residential density shall not exceed 7.0 units/ gross acre	Replaced with primary land use designation prior to annexation.
Central Commercial	CC	Residential units above the ground floor.	5.0-12.0 units/ gross acre	C-2

Source: City of Woodland General Plan.

As shown in Table 2-37 below, there are four residential zoning districts in Woodland. The table shows the residential uses permitted in each district, as well as the minimum lot sizes for each district.

Table 2-37 Residential Zoning Districts

Zoning District		*Residential Uses Permitted*	*Minimum Lot Area*
Single Family Residential	R-1	Single family dwellings, second attached residential unit, duplexes on corner lots, mobilehome parks.	6,000 sq. ft. – corner lot (single-family (SF)) 5,000 sq. ft. – interior lot (SF) 7,000 sq. ft. – corner lot (duplex) coverage: 50%
Duplex Residential	R-2	Single family dwellings, duplexes, mobilehome parks.	6,000 sq. ft. – corner lot (SF) 5,000 sq. ft. – interior lot (SF) 7,000 sq. ft. – corner lot (duplex) 6,000 sq. ft. – interior lot (duplex) coverage: 50%
Neighborhood Preservation	N-P	Single family dwellings, duplexes, mobilehome parks, existing apartments and multiple family dwellings.	6,000 sq. ft. – corner lot (SF) 5,000 sq. ft. – interior lot (SF) 7,000 sq. ft. – corner lot (duplex) 6,000 sq. ft. – interior lot (duplex) coverage: 50%
Multiple Family Residential	R-M	Single family dwellings, duplexes, apartments, multiple family dwellings and mobile home parks.	6,000 sq. ft.= lot area 1,500 sq. ft. max. lot area per dwelling unit 4,000 sq. ft. min. lot area per dwelling unit coverage: 50%

Source: City of Woodland Zoning Ordinance.

Survey of Available Land

In 2012, the Sacramento Area Council of Governments (SACOG) Board approved the 2013-2021 Regional Housing Needs Plan (RHNP). Woodland was assigned a portion of the regional housing need for a total of 1,877 new housing units distributed in the following household income groups:

- 390 very low-income units,
- 274 low-income units,
- 349 moderate-income units, and
- 864 above moderate-income units,

Housing element law requires an inventory of land suitable for residential development (Government Code Section 65583(a)(3)). An important purpose of this inventory is to determine whether a jurisdiction has allocated sufficient land for the development of housing to accommodate the needs of all household income levels.

This section provides an analysis of the land available within the City of Woodland for residential development. In addition to assessing the quantity of land available to accommodate the City's total housing needs, this section also considers the availability of sites to accommodate a variety of housing types suitable for households with a range of income levels and housing needs.

Description of Criteria for Identifying Housing Sites

The City identified vacant and potentially redevelopable (as of January 2013) land that could accommodate residential development within Woodland's City Limits (see Figure 1).

All identified developable land designated for residential use (all residential land use designations in the General Plan) is considered available for residential development. Additionally, land within the Central Commercial (CC) designation is available for residential development. The General Plan permits residential uses above the ground floor in the CC designation. The Zoning Ordinance also permits single-family dwellings, duplexes, and multi-family units in the C-2 district (General Commercial Zone) – which implements the General Commercial (GC) designation – by use permit. A conditional use permit is required in C-2 and C-3 zoning district for most residential use types except single-family developments and duplexes, which require a Zoning Administrator permit.[1]

Inventory of Vacant and Underdeveloped Sites

Table 2-38 provides a summary of estimated developable land within the City limits. Also shown are the residential density ranges for each designation and the holding capacity for residential units based on 80% of the maximum density for each designation. The table breaks down the developable land into two categories: (1) vacant parcels and (2) underutilized parcels that are considered "redevelopable" for residential development. All of the sites summarized below are within the City limits and served by backbone infrastructure for water, sewer, roads, and drainage. Basic municipal services such as police and fire are also available in all of these areas. As shown in the table, there is a total theoretical holding capacity of 4,096 units. However, as discussed in the material that follows, the City has made certain adjustments to this estimate in order to provide a more conservative estimate of the capacity to accommodate housing during this planning period.

Realistic Development Capacity

As noted, although the C-2 and C-3 zones allow residential development with a conditional use or zoning administrator permit, they have been removed from the total estimate of the City's housing development capacity. The City also reviewed project sizes for projects that included very low- and low-income units, which ranged from 10 units to 663 units. Although it appears that, based on the recent history of development proposals, that relatively small projects could be viable in Woodland, certain sites were removed from further consideration to ensure that the inventory is realistic and conservative. The site with CBD zoning of 0.18 acre is not included in the sites inventory when calculating total development capacity for housing. The 41 vacant and underutilized sites with ESD zoning that are less than one acre were also removed from consideration. The 14 sites with R-M zoning of less than one acre in land area were also removed when calculating development capacity for housing.

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[1] Please refer to the Zoning Ordinance, which is available online, for more details: http://www.cityofwoodland.org/civica/filebank/blobdload.asp?BlobID=6143.

Table 2-38 Land Inventory by General Plan Designation and Zoning District

GP Designation	*LU*[2]	*Zone (2)*	*Maximum Density (Units/Acre)*	*Vacant Acreage*	*Redevelopable Acreage*	*Total Acreage*	*Residential Holding Capacity (Units)*[1]
Central Commercial	CC	CBD	12	0	0.18	0.18	2
East Street Corridor Specific Plan (ESCSP)	ESD	ESD	25	2.47	18.13	20.60	412
General Commercial	GC	C-2	n/a	1.90	9.09	10.99	0
High Density Residential	HDR	RM	25	3.22	1.82	5.04	101
Medium Density Residential	MDR	R-2	16	2.16	n/a	2.16	28
Medium-Low Density Residential	MLDR	R-1	12	0.68	0.59	1.27	12
Neighborhood Commercial	NC	C-1	n/a	0.46	n/a	0.46	0
Neighborhood Preservation	NP	N-P	8	0.34	0.59	0.92	6
Service Commercial	SC	C-3	n/a	0.51	n/a	0.51	0
Spring Lake Specific Plan (SLSP)	SLSP	R-25	25	27.82	n/a	27.82	556
Spring Lake Specific Plan (SLSP)	SLSP	R-15	15	50.74	n/a	50.74	609
Spring Lake Specific Plan (SLSP)	SLSP	R-12	12	62.70	n/a	62.70	602
Spring Lake Specific Plan (SLSP)	SLSP	R-8	8	220.37	n/a	220.37	1,410
Spring Lake Specific Plan (SLSP)	SLSP	R-4	4	112.03	n/a	112.03	359
Total	**-**	**-**	**-**	**485.4**	**30.4**	**515.79**	**4,096**

Note: Vacant/redevelopable parcels in all residential and commercial land use designations are included in this inventory.

1 Numbers for the Residential Holding Capacity have been rounded. The residential yield was calculated at 80% of maximum density. Based on typically constructed densities, a residential yield of 80% is a conservative approach.

2 Residential units are allowed within the C-2 and C-3 Zones with a conditional use permit. Since there are certain criteria and restrictions that must be met to obtain a use permit, the projected unit count was not included with this survey.

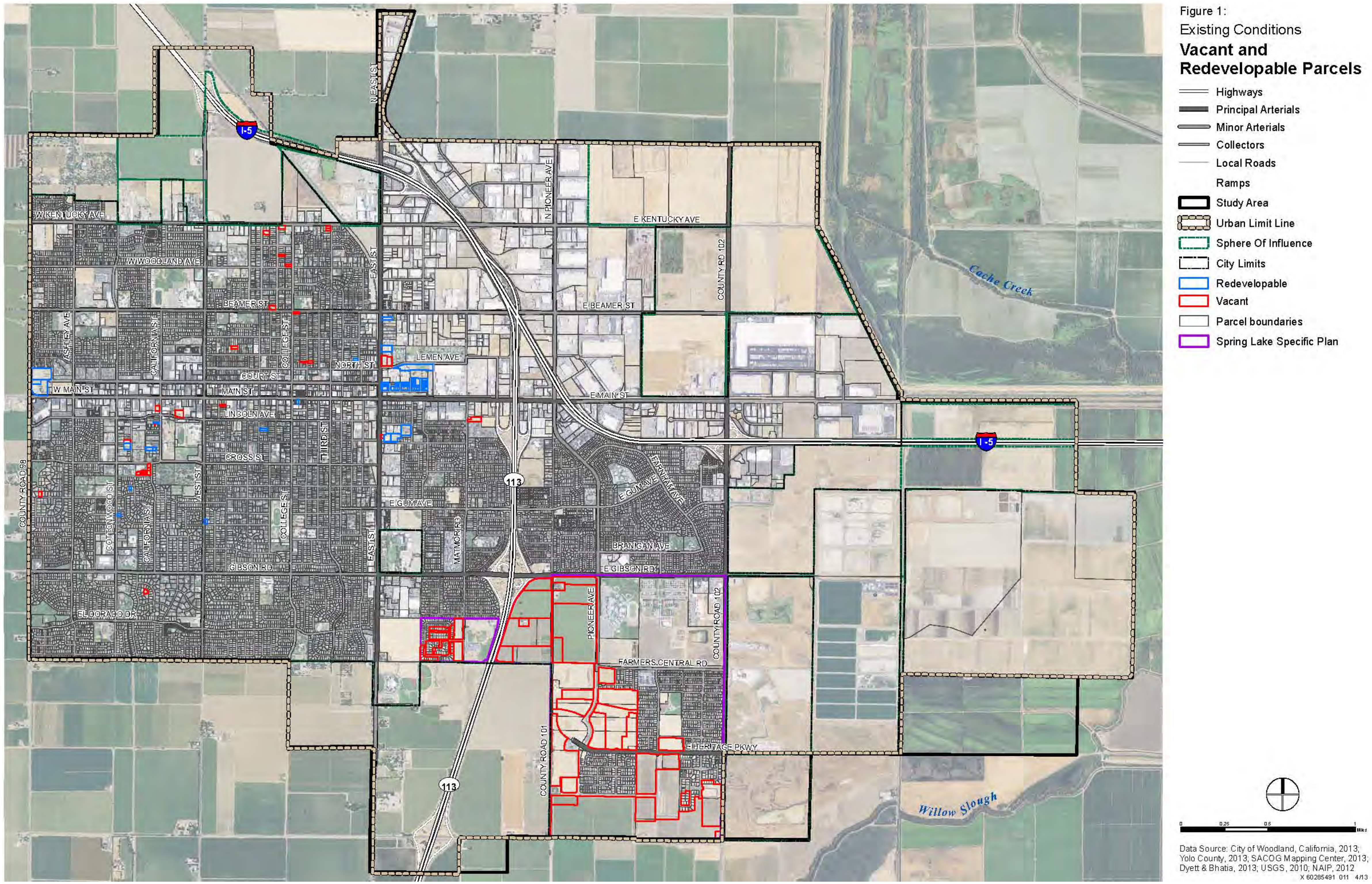
Figure 1:
Existing Conditions
Vacant and Redevelopable Parcels
Highways
Principal Arterials
Minor Arterials
Collectors
Local Roads
Ramps
Study Area
Urban Limit Line
Sphere Of Influence
City Limits
Redevelopable
Vacant
Parcel boundaries
Spring Lake Specific Plan
Data Source: City of Woodland, California, 2013; Yolo County, 2013; SACOG Mapping Center, 2013; Dyett & Bhatia, 2013; USGS, 2010; NAIP, 2012
W KENTUCKY AVE
E KENTUCKY AVE
W WOODLAND AVE
BEAMER ST
E BEAMER ST
N PIONEER AVE
COUNTY RD 102
LEMEN AVE
NORTH ST
COURT ST
W MAIN ST
MAIN ST
E MAIN ST
LINCOLN AVE
CROSS ST
E GUM AVE
GIBSON RD
E GIBSON RD
EL DORADO DR
FARMERS CENTRAL RD
E HERITAGE PKWY
COUNTY ROAD 101
COUNTY ROAD 98
PIONEER AVE
COUNTY ROAD 102
Cache Creek
Willow Slough
I-5
113

Although the City is specifically examining opportunities to encourage infill development and reinvestment as a part of the 2035 General Plan Update, to provide a more conservative estimate for the purposes of the Housing Element, two-thirds of the potential housing development capacity for the parcels identified as "redevelopable" has been removed from the final estimate of housing development capacity for lower-income units. None of the redevelopable land has been factored into the supply of land for moderate- or above moderate-income households.

The City conducted a comprehensive review of development standards and on-site improvement requirements, and other potential governmental constraints. As noted in the constraints section of this report, the City's development standards, procedures, and fees do not pose undue constraints on the development of housing in Woodland.

Based on the previously provided analysis of rents and sales prices, the City has assumed that the R-M and Spring Lake Specific Plan R-25 zones provide lower-income housing opportunities (assuming a 50%-50% split between very low and low income); the R-2 and Spring Lake Specific Plan R-12 and R-15 zones provide moderate-income housing opportunities; and the R-1, N-P, and Spring Lake Specific Plan R-4 and R-8 zones provide above moderate-income housing opportunities. Table 2-39 provides a summary of residential development capacity in Woodland compared to the City's assigned housing need.

As shown, the City has demonstrated the capacity to accommodate a total of 3,828 dwelling units within the existing City limits during the planning period. For very low-income households, the City has a surplus capacity of approximately 11 units, while for lower-income households, the surplus is 127 units. For moderate-income units, the City's surplus is 896 units, while for above moderate-income households, the surplus is 916 units. Please refer to Tables A.1 and A.2 in the Appendix for more detail.

Table 2-39 Residential Development Capacity

	Very Low	*Low*	*Moderate*	*Above Moderate*	*Total*
Total RHNA	**390**	**274**	**349**	**864**	**1,877**
Capacity	401	401	1,245	1,780	3,828
Surplus	**11**	**127**	**896**	**916**	**1,951**

Note: *Located within the Redevelopment Agency Project Area.

Source: City of Woodland Community Development, 2013.

Land Available for Other Types of Housing and Shelter

State law (Government Code Section 65583(c)(a)) requires that local land use regulations accommodate a range of housing types, as well as facilities for people in need of emergency shelter and transitional housing. The following is a brief analysis of the availability of land for other types of housing.

Manufactured Housing

Manufactured homes on permanent foundations are allowed in all residential zoning districts and the A-1 and CBD zones. Mobile home parks are allowed in all residential zoning districts and the A-1 zone. The Zoning Ordinance establishes standards for mobile homes in Section 25-21-50.

In November 2001, Woodland voters approved a mobile home rent control ordinance (Measure T). Under the ordinance current rents were rolled back to 1996 levels and then increased by adding 3 percent per year, or 75 percent of the annual increase in the Consumer Price Index (CPI), whichever is lower. The measure restricts annual rent increases to the CPI or a cap of 3 percent.

Transitional Housing

The City amended its zoning code in March 2013 to treat transitional housing as a residential use, subject to the same requirements as a similar residential development.

The City's transitional housing facilities are listed below. Woodland also provides funding or has provided funds for several programs (listed in the "Programs Section") that help the homeless as well as low-income families.

Summer House – (CDBG) The City allocated $11,000 in CDBG funds during Fiscal 2010-2011. The funding was used to construct an ADA accessible entrance. Summer House serves adults with traumatic brain injuries.

Safe Harbor House – (CDBG) A total of $180,000 in CDBG funds were allocated for Safe Harbor House from 2001 to 2003. The project added 15 new low-income "supportive housing" apartments for adults with mental illness. Additional CDBG funds, in the amount of $38,683, were allocated to help complete the project during 2006 to 2007.

Cache Creek Lodge Women's Residential Treatment and Housing Facility – (CDBG) During 2004 to 2005, the City committed $90,000 in CDBG funds for Phase I of the Cache Creek Lodge Women's Residential Treatment and Housing Facility. Phase I included the demolition of three structures and construction of a 6,000 square foot building to house services for women, and a 5-plex to house those undergoing drug/alcohol treatment at the facility.

New Dimension Supportive Housing – (CDBG current planning period) The City provided funds for the operations of the New Dimension Supportive Housing project.

Family Transitional Housing – This facility provides transitional housing for families.

Emergency Shelters

The City amended the East Street Corridor Specific Plan in March 2013 to add emergency shelters as permitted uses in Areas C and E. In addition, the City amended its zoning code to include emergency shelters as a conditional use in the Multiple Family Residential (R-M) Zone.

The City's emergency shelters are listed below. Woodland also provides funding or has provided funds for several programs (listed in the "Programs Section") that help the homeless as well as low-income families.

Friends of the Mission – (CDBG) During 2003 to 2005, a total of $89,450 in CDBG funds were allocated to Friends of the Mission for the construction of a year-round homeless shelter (Yolo Wayfarer Center) in Woodland. The City provided an additional $90,000 in CDBG funds for the program in Fiscal Year 2005-2006. The homeless shelter project also received $65,992 in CDBG funds in Fiscal Year 2006-2007. Construction of the shelter was completed in Fall 2006. The shelter features a 5,000 plus square foot facility with a cold weather shelter area/dining room for over 100 homeless individuals.

Yolo Wayfarer Center Homeless Shelter (cold weather shelter services): (CDBG) The facility is licensed for 73 beds, but is funded for only 50 beds. The City has provided CDBG funds for the operation of the shelter on multiple occasions during the period of Fiscal Years 2008-2009 through 2012-2013. The City has also received Continuum of Care (CoC) transitional housing grant funds from HUD to support the Wayfarer Center. The City received a $165,920 grant award for 2012.

Wallace and Vannucci Domestic Violence Shelter (Sexual Assault and Domestic Violence Center) – (CDBG) This shelter opened in 1999, to provide domestic violence shelter services for women and children. Emergency shelter includes 98 days of comprehensive programs for battered women and their children. The facility currently has 25 beds. The City has provided CDBG funds for the operation of the shelter on two occasions during the period of Fiscal Years 2008 – 2009 through 2012-2013.

Shelter Home – The facility contains 10 beds and provides emergency housing for young male victims of abuse and abandonment. .

Programs

The City supports and funds an array of special services for the homeless. The City has partnered with the other cities in Yolo County and the County since July 1996 to support the countywide Homeless Services Coordinator and Cold Weather Shelter Program. The project contracts for a coordinator to seek State, Federal, and private grants for countywide homeless services and provides funding assistance for the Yolo Wayfarer Center's cold weather shelter for the homeless. City programs for homeless services include the following:

1. Yolo Wayfarer Center: The City sponsored the Day Services Program at the Friends of the Mission Yolo Wayfarer Center to serve the homeless population of Woodland.

2. Crossroads House and the Shelter Home: This program is operated by Woodland Youth Services and provides shelter services to children who are temporarily homeless after being abandoned, neglected, or abused. The Crossroad House provides services for females and can house up to 6 individuals. Shelter Home provides services for males and can house up to 10 individuals.

3. Short Term Emergency Aid Committee (STEAC): This organization provides a Rental Assistance Program, an Emergency Shelter Program, and an Eviction Prevention Program. STEAC offers several other services including Free Food and Clothing Programs.

4. Countywide Homeless Coordinator: The City provides funds to support the activities of the Homeless Coordinator.

Second Units

The City permits second units in all of the General Plan residential land use designations and in the following zoning districts:

- Single Family Residential Zone (R-1)
- Duplex Residential Zone (R-2)
- Neighborhood Preservation Zone (N-P)
- Multiple Family Residential Zone (R-M)

Second attached residential units are also allowed in the A and C Zones of the East Street Specific Plan at a maximum of 10% of the existing living area.

Sites Suitable for Redevelopment for Residential Use

As described previously, the analysis of developable land includes both vacant land and land that is classified as "underdeveloped" and is available for redevelopment for residential uses.

Adequacy of Public Facilities and Infrastructure

Roads

The General Plan states that all new development projects are required to construct or fund improvements necessary to mitigate any traffic impacts resulting from the project. In addition, the 1998 City of Woodland Street Master Plan Update identifies roadway improvements required through 2020 to accommodate growth as proposed under the General Plan.

The City is in the process of updating its 1998 Master Plan with its update of the General Plan. The Master Plan uses revised traffic counts to update the traffic model, which projects future traffic patterns based on buildout land use estimates and resulting level of service (LOS), and develops a future project list and evaluates policy considerations and project priority.

Water

The City of Woodland is the only provider of water for domestic, commercial, and industrial use within the city limits with groundwater as the City's sole source of water supply. There are a total of 19 groundwater wells located throughout the City, and an elevated water tank is located at Beamer and Walnut Streets. According to the Woodland Public Works Department, the City pumped approximately 4.535 billion gallons of groundwater (or 13,921 acre-feet) in 2010. In 2000, the City pumped approximately 5.376 billion gallons of groundwater (or 16,500 acre-feet). As new development has occurred new wells have been drilled to provide capacity for growth. However, as existing wells have failed, replacement wells have not been provided.

While the City's groundwater currently meets State requirements, its decreasing water quality will soon require major improvements to several wells, the drilling of new wells, use of storage tanks with booster pumps, and/or nitrate treatment to stay in compliance. Similar actions are also caused by the aging of wells. The Davis/Woodland Water Supply project will provide treated surface water from the Sacramento River to the Woodland and Davis communities and UC Davis. In November 2007, the City Council adopted and certified the EIR for the Water Supply Project (after the Davis City Council adopted and certified the EIR in October 2007). In 2009, the City entered into a Joint Powers Authority named the Woodland-Davis Clean Water Agency; with the City of Davis as a partner and UC Davis as a participating agency. The new JPA will finalize planning, and design, construct, own and operate the new water supply.

Phase 3 Water Meter Project is scheduled to begin in April 2013. Phase 3 will install approximately 300 ¾-inch to 2-inch meters and several 3-inch and 8-inch meters. This is the final phase of the water meter installation project and will mostly include a number of condominium communities and several meter installations that were missed during Phases 1 & 2 of the project. This will complete the City's water meter installation project and bring the City into compliance with the State's water usage requirements, Water development fees, including fees for the surface water project were updated in 2011.

Sewer

The City of Woodland maintains the collection system facilities that distribute wastewater to the City's wastewater treatment plant (WWTP), which is located in the southeastern portion of Woodland. The wastewater collection system consists of pipelines ranging from 6 to 48 inches in diameter. There are three main collection systems controlled by gravity flow to the Woodland WWTP: the Kentucky Trunk System, Beamer Trunk System, and Gibson Trunk System. The Beamer Trunk sewer system has adequate capacity until the City reaches buildout in 2020. According to the Wastewater Collection System Master Plan Report, while the Kentucky and Gibson Trunk Systems had adequate capacity as of 2000, these systems may reach capacity in the future because of new development occurring on the City edges.

The City completed the WWTP Stage 2 Expansion, Tertiary Treatment Improvements, and Flood Protection Projects in 2008 at a construction cost of more than $27 million. The expansion project increased the average dry weather flow capacity of the WWTP from 7.8 million gallons per day (mgd) to 10.4 mgd, the tertiary treatment improvements included the installation of a ultraviolet disinfection system and new cloth-disc filters, and the flood protection work resulted in the construction of levees around the WWTP Mechanical Plant site and Overflow Pond to provide flood protection from a 100-year Cache Creek flood event as well as the improvement of levees around the remaining ponds to protect against a localized 100-year flood event. Development impact fees funded all of the work associated with the WWTP expansion in order to address new growth.

Infrastructure Financing

Existing master plans are being updated or completed to cover major capital facilities. The City's Capital Improvement Program (CIP), which schedules projects through 2020, is based on existing development impact fees. The development impact fee is updated periodically to ensure that sufficient funds are generated to finance new development's share of the CIP.

INVENTORY OF LOCAL, STATE, AND FEDERAL HOUSING AND FINANCING PROGRAMS

Current Programs

The City of Woodland utilizes local, State, and Federal funds to implement its housing strategy. Because of the high cost of new construction, more than one source of public funds is required to construct an affordable housing development. The City does not act as a developer in the production of affordable units, but relies upon the private sector to develop new units with the assistance of various funding sources.

As an entitlement community under the Community Development Block Grant (CDBG), the City of Woodland receives an annual grant from HUD to use to meet the objectives of the CDBG program. Between 2009 and 2012, the City received approximately $2.15 million in CDBG funds.[2] These funds are used to fund a variety of housing and community development related activities. The City does not have entitlement status under the HOME, ESG, and HOPWA programs. However, in the past the City has applied for and received HOME grants from the State. These funds have been used to fund the construction of affordable multifamily housing projects as well as to assist first-time homebuyers purchase single-family homes.

The Woodland Redevelopment Agency and Successor Agency were historically an important source of funds for the City's housing programs. In the absence of Redevelopment funding, the City will have to consider a more limited scope of housing programs that can be achieved with available funds. The City currently funds or has funded a number of housing programs that are summarized below:

- HOME, First Time Homebuyer Program – In 2011, the City received a grant of $800,000 and to date has closed four loans for low-income households.
- HOME, First Time Homebuyer Program – In 2007, the City received a grant of $800,000 and closed 26 loans for low-income households.
- HOME, Multi-Family Construction – In 2005, the City received a HOME grant in the amount of $4,000,000 and used the grant and $189,000 in HOME Program Income funds for the Terracina Spring Lake Family Apartments project. The project resulted in the construction of a 156-unit multifamily development with 85 units for very low- and 71 units for low-income households. The City received a $4,000,000 HOME grant in 2007 for the 44-unit Rochdale Grange multifamily development. The project includes 43 units for very low-income households. Terracina and Rochdale are located in the Spring Lake Specific Plan area.
- CalHome, First Time Homebuyer Program – In 2007, the City received $600,000 in first time homebuyer funds. The City closed 21 loans for low-income households with the CalHome funds.

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[2] http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/about/budget

- <u>CDBG Housing Rehabilitation Program</u> – The City offers assistance to low-income households to rehabilitate existing single-family units. This program, which is funded by CDBG funds, is designed to correct health and safety hazards in deteriorated owner-occupied units. The maximum loan amount for the program is $75,000 per housing unit. Over the past decade the City has approved and conducted over 85 housing rehabilitation loan projects for qualified households. The source of funding for the housing rehabilitation loans comes from program income generated through the repayment of these loans as well as through direct funding from the CDBG program. In 2009-2010, the City dedicated $88,988 to three housing rehabilitation loans.
- <u>Fair Housing Services</u> – CDBG funds are used to contract with Legal Services of Northern California to provide fair housing services, including counseling related to tenant/landlord rights and responsibilities, fair housing complaint process, investigation and referral, and fair housing workshops. While the fair housing services are available to residents of all income categories, the majority of Legal Services' fair housing clients are from low-income households.
- <u>Homeless Prevention Program</u> – The Short Term Emergency Aid Committee received CDBG funds from the City of Woodland in Fiscal Year 2008-2009 for rental payment assistance to low-income households.
- <u>Emergency Shelters</u> – The City provided CDBG funds this planning period for operations of the Yolo Wayfarer Center and Sexual Assault and Domestic Violence Center.
- <u>BEGIN Program</u> – In January 2008, the City identified 18 units in the Spring Lake Specific Plan area that met the BEGIN Criteria and received $540,000 for homebuyer activities. To date, the City has committed funding for thirteen loans in the amount of $390,000 for low and moderate-income households.
- <u>Spring Lake Specific Plan Inclusionary Units Production (Single-Family)</u> – To date, 62 units have been closed with deeds of trust totaling $4,408,917 (silent seconds) for low- income households in Spring Lake and the Stonehaven and Starlyn Park Subdivisions which are located in the Southeast Area Special Plan as a result of the City's Inclusionary Housing Program.
- <u>Mutual Housing at Spring Lake Project</u> – The City in 2013 approved a $910,000 loan through the Spring Lake Affordable Housing Fund for the 101-unit multifamily project that will include 100 units for lower-income households. Previously, in 2011, the City approved a $350,000 pre-development loan for the project and to date nearly all the loan funds have been disbursed.

Woodland residents may benefit from affordable housing programs administered by YCH, which are funded by the United States Department of Housing and Urban Development (HUD). The Housing Choice Voucher Program (formerly known as Section 8) provides rental assistance through private landlords. As of March 1, 2013, 500 households in Woodland were receiving rental assistance from this program. As of April 24, 2013, there were 4,429 households on the waiting list throughout Yolo County for these units which range in size from one to six bedrooms.

YCH owns and operates three affordable housing developments in Woodland: Yolano-Donnelly (132 units for the Yolano Village and Donnelly Circle facilities), Cottonwood Meadows (47 units), and Crosswood Apartments (48 units). Yolano-Donnelly and Crosswood provide family housing while Cottonwood is for senior citizens. YCH also owns and operates 8 transitional housing units..

YCH has used $727,977 in CDBG and other funds for rehabilitation at Yolano Village, Donnelly Circle, and Cottonwood, including window and HVAC improvements, new playgrounds, and ADA site improvements at Yolano Village and Donnelly Circle in 2009 and 2010; and ADA bridge, sidewalk, and driveway repairs at Cottonwood in 2013.

Assisted/Affordable Housing Projects

In June 2004, the City adopted an amendment to its citywide inclusionary housing ordinance (Chapter 6A. Affordable Housing). This amendment requires any new housing project, for-sale or rental, produced anywhere in the City to provide affordable units, thereby implementing a “scattered sites” (affordable units shall be located (scattered) throughout the plan area to the greatest feasible extent) policy citywide. In the Spring Lake Specific Plan area, a Scattered Site Program also requires the development of each market rate unit to pay an “offsite” fee of $1,100 per market rate unit. This fee will be used to assist with an additional 74 units of affordable housing.

Subsidized housing projects in Woodland, except those operated by YCH, are summarized in Table 2-34.

In addition, there are a total of 132 units of public housing in Woodland. YCH owns and operates these units, which are located in the center of the City, north of Lemen Avenue at Yolano-Donnelly (Yolano Village and Donnelly Circle housing facilities). There are 16 studio and one-bedroom units, 56 two-bedroom units, and 60 units that have three or four bedrooms.

Other Funding Programs

There are several local, state, and federal funding programs that can be used to assist first-time homebuyers, build affordable housing, and help special needs groups. Because of the high cost of new construction, more than one source of funds is usually required to construct an affordable housing development. Funds provided may be low-interest loans, or in some instances, grants are provided that do not require repayment.

In most cases other entities, including for-profit and non-profit developers, apply for funds or other program benefits. For example, developers apply directly to HUD for Section 202 and Section 811 loans or to the California Tax Credit Allocation Committee (TCAC) for low-income housing tax credits. The City of Woodland does not act as a developer in the production of affordable units, but relies on the private sector to develop new units with the assistance of these various funding sources, such as the Rochdale Grange affordable housing project, which received low income housing tax credits and a $4,000,000 HOME loan from the City.

The City can help sponsor grant and loan applications, provide matching funds, or furnish land at below-market cost. However, there are also programs, such as CalHFA's HELP program, to which the City applies directly. Finally, there are a few programs, such as the Mortgage Credit Certificate (MCC) Program or the Lease Purchase Program which is available directly to households. City funding may help satisfy a local match requirement for a funding program. Or, in other instances such as the awarding of low income housing tax credits through TCAC, the City's assistance may be counted as local leverage and enhance the competitive advantage of a funding application.

ENERGY CONSERVATION OPPORTUNITIES

State housing element law requires an analysis of the opportunities for energy conservation in residential development. Energy efficiency has direct application to affordable housing because the more money spent on energy, the less available for rent or mortgage payments. High energy costs have particularly detrimental effects on low-income households that do not have enough income or cash reserves to absorb cost increases and many times must choose between basic needs such as shelter, food, and energy.

Pacific Gas and Electric (PG&E) provides gas and electricity services for the City of Woodland. PG&E assists low-income, disabled, and senior citizen customers through several programs and community outreach projects that include the following:

- CARE (California Alternate Rates for Energy) – The CARE program provides a 20 percent discount on monthly bills for qualified low- or fixed-income households and housing facilities. Qualifications are based on the number of people living in the home and total annual household income.
- FERA (Family Electric Rate Assistance) – Family Electric Rate Assistance is PG&E's rate reduction program for large households of three or more people with low- to middle-income.
- Energy Partners Program – The Energy Partners Program provides qualified low-income customers free weatherization measures and energy-efficient appliances to reduce gas and electricity usage.
- Medical Baseline Allowance – Residential customers can get additional quantities of energy at the lowest (baseline) price. To qualify for Medical Baseline, a California-licensed physician must certify that a full-time resident in the home has a serious medical condition such being dependent on life-support equipment while at home.
- Low-Income Home Energy Assistance Program (LIHEAP) – The program is funded by the federal government and the State Department of Community Services & Development (CSD) administers LIHEAP. The federal Department of Health and Human Services distributes funds to states annually to assist with energy bills and offset heating and/or cooling energy costs for eligible low-income households.

California's annual share is approximately $89 million which CSD distributes to contracted community energy service providers.

- Relief for Energy Assistance through Community Help (REACH) – This is a one-time energy-assistance program sponsored by PG&E and administered through the Salvation Army from 170 offices in Northern and Central California. Those who have experienced an uncontrollable or unforeseen hardship may receive an energy grant of up to $300. Generally, recipients can receive REACH assistance only once within a 12-month period, but exceptions can be made for seniors, the physically challenged, and the terminally ill.

All new buildings in California must meet the standards contained in Title 24, Part 6 of the California Code of Regulations (Energy Efficiency Standards for Residential and Nonresidential Buildings). These regulations were established in 1978 and most recently updated in 2010, including CalGreen standards to increase energy efficiency and water conservation. The City adopted the 2010 California Building Standards Code and the 2010 California Green Building Code. Energy efficiency requirements are enforced by local governments through the building plan check and inspection process. All new construction must comply with the standards in effect on the date a building permit application is submitted.

Solar Access

The California Subdivision Map Act (Government Code Sections 66473-66498) allows local governments to provide for solar access as follows:

> 66475.3. For divisions of land for which a tentative map is required pursuant to Section 66426, the legislative body of a city or county may by ordinance require, as a condition of the approval of a tentative map, the dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision for which approval is sought for any solar energy system, provided that such ordinance contains all of the following:
>
> (1) Specifies the standards for determining the exact dimensions and locations of such easements.
>
> (2) Specifies any restrictions on vegetation, buildings and other objects, which would obstruct the passage of sunlight through the easement.
>
> (3) Specifies the terms or conditions, if any, under which an easement may be revised or terminated.
>
> (4) Specifies that in establishing such easements consideration shall be given to feasibility, contour, configuration of the parcel to be divided, and cost, and that such easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.

(5) Specifies that the ordinance is not applicable to condominium projects, which consist of the subdivision of airspace in an existing building where no new structures are added.

As previously mentioned, the City adopted the 2010 California Green Building Code. Fees for Solar projects have been reduced and plan review times have been shortened.

The Rochdale Grange project was completed in 2011 and includes solar panels on the Community Center to help supply energy to the complex. New homes built by Standard Pacific in Spring Lake are required to have a minimum of 5 percent of their homes utilizing solar panels. The Pulte development in the Southeast Area offers solar on all of its 79 homes.

Planning and Land Use Energy Conservation:

The City's Community Design Standards address site planning for new residential development and modifications to existing buildings, as well as provide standards for landscaping and screening techniques to enhance the streetscapes. The intent of the Design Standards is to create better neighborhoods, reduce emphasis on the automobile and encourage alternative modes of transportation. The Spring Lake Specific Plan (SLSP) area development design guidelines are patterned around the Neo-Traditional neighborhood. The SLSP also allows for residential compact development, requires that the maximum number of residential dwelling units to be oriented in a north or south direction (within 30 degrees), and provides for the installation of roof-mounted photovoltaic energy or alternative energy systems for a portion of the residential units. The landscaping requirements stipulate the use of drought tolerant plant species and the planting of a shade tree canopy for all streets within the SLSP.

Opportunities for Energy Conservation

The City is currently preparing a Climate Action Plan (CAP), which will include a more comprehensive program for residential energy efficiency. The following list details the draft strategies and actions from the CAP:

- Reduce per capita energy consumption and overall energy demand
  - Require that natural factors, such as cross ventilation, solar access, wind protection, and shade, be considered in site and building design for new construction.
  - Promote participation in Energy Upgrade California, Yolo Energy Watch, and other state, federal, and PG&E incentive programs for improving home energy efficiency, including lighting, appliance, insulation, roof, and other energy efficiency upgrades.
  - With other local jurisdictions, establish and/or promote a local turn-key PACE program, group purchasing discount programs such as Energy Benefits Yolo, and other available financing programs that can be used by homeowners for affordable residential energy efficiency retrofits.
  - Promote energy efficiency upgrades for historical structures that are consistent with maintaining historical integrity.

  - Conduct and support educational outreach on the energy-saving benefits of new lighting technologies such as CFLs, LEDs, and solar tubes, and support the establishment of improved industry standards for lighting technologies.
  - Provide targeted outreach and continue City rebates for the planting of shade trees that help reduce energy demand, and provide information to support proper tree maintenance.
  - Provide new homeowners with information on energy and water efficiency tips and assistance programs.
- Increase renewable energy generation and procurement
  - Increase the percentage of homes in new development that are solar ready and/or that have solar water heaters.
  - Encourage builders to install EV charging stations in new developments.
  - Promote participation in state, federal, and PG&E financing, incentive, and rebate programs for solar installations.
  - With other local jurisdictions, establish and/or promote a local turn-key PACE program, group purchasing discount programs such as Energy Benefits Yolo, and other available financing programs that can be used by homeowners for affordable solar PV installations.
  - Support the establishment of community solar opportunities to expand access to solar power for renters, those with shaded roofs, and those who choose not to install a residential system on their home for financial or other reasons.
- Reduce per capita water demand
  - Continue to promote water conservation through targeted leak-detection assistance, landscape water reduction guidance, rebates and incentives, workshops, and additional education and outreach programs.
  - Provide new homeowners with information on energy and water efficiency tips and assistance programs.
  - Continue to provide information on water use patterns and comparative water use in utility bills to help water users understand consumption patterns and adjust water use.
- Reduce the number of vehicle miles travelled within and outside of Woodland
  - Encourage pedestrian and bicycle-oriented design in the allocation of space, building size and placement, site enhancement, open space design, connection to pedestrian/bikeways and site amenities such as plazas, courtyards, and breezeways.
  - Design new neighborhoods so that daily shopping errands can generally be completed within easy walking and biking distances.
  - Encourage telecommuting and live/work arrangements to reduce commuting through policies and regulations that allow home occupations, home offices, and live/work uses, provided they are compatible with surrounding neighborhood uses and do not cause significant negative impacts.
- Promote infill development, adaptive reuse, and densification where possible

- Promote a mix of uses in new development and redevelopment projects
  - Promote mixed use of commercial areas – including upstairs spaces in the downtown area (e.g., uses including retail, entertainment, services, and residential).
  - Encourage the redevelopment of vacant or underutilized lots with buildings including second stories for retail, residential, or office uses.

In addition, the City will consider additional actions, some of which would be included in the CAP:

- Apply for or support applications for affordable housing funds from agencies that reward and incentivize good planning. Examples include the HCD's Multifamily Housing Program (MHP) and California Tax Credit Allocation Committee resources which provide competitive advantage for affordable infill housing and affordable housing built close to jobs, transportation, and amenities.
- Promote Location Efficient Mortgage (LEM) and Energy Efficient Mortgage (EEM) programs. These programs provide homeowners with affordable mortgage assistance if they purchase a home in specified location efficient areas or by meeting certain energy conservation standards.
- Promote broad public outreach, including educational programs and the marketing of energy-saving incentives.
- Target local funds, including CDBG, to assist affordable housing developers incorporate energy efficient designs and features.

A CAP, or similar strategy, can serve as a mitigation strategy under CEQA for GHG/climate change impacts associated with a proposed project. A suite of greenhouse gas reduction strategies, including strategies for energy efficiency, and a framework for implementation will be finalized in the adopted CAP.

2.4 Potential Housing Constraints

POTENTIAL GOVERNMENTAL CONSTRAINTS

Land Use Controls – General Plan Land Use Designations and Zoning

Permitted Uses and Development Standards

By definition, local land use controls constrain housing development by restricting housing to certain sections of the City and by limiting the number of housing units that can be built on a given parcel of land. The City of Woodland General Plan establishes land use designations for all land within the City's boundaries. These designations specify the type of development that the City will permit. The General Plan includes seven designations that permit a range of residential development types (see Table 2-40), from Rural Residential development (density of 2 units per acre) up to High Density Residential (density of 16 to 25 units per acre).

Table 2-42 lists which housing types Woodland's zoning districts allow. The Planning Commission considers uses that require a Conditional Use Permit (CUP).

Special Needs Housing

City Municipal Code Section 25-3-10 defines a "Residential Care Home" as a state authorized, certified or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children on a twenty-four-hour basis. The City currently allows "Residential Care Homes" in the R-1, R-2, N-P, and R-M zones as a permitted use without further discretionary entitlements.

Currently, "Residential Care Homes" with more than six mentally disordered or otherwise handicapped persons or dependent and neglected children are allowed in the R-1, R-2, N-P, R-M, and ESD zones with a conditional use permit (CUP). To remove this constraint, the City will need to amend the zoning ordinance to permit a "Residential Care Home" that allows more than six guests in its R-M zone.

Table 2-40 City General Plan Residential Land Use Designations

General Plan Designation	*Description*
Rural Residential (RR)	Single family detached homes and second units at a maximum density of 2 units per acre.
Very Low Density Residential (VLDR)	Single family detached homes and second units with a density range of 1 to 4 units per acre.
Low Density Residential (LDR)	Single family detached and attached homes and second units with a density range of 3 to 8 units per acre.
Neighborhood Preservation (NP)	Single family detached and attached homes, duplexes, triplexes and fourplexes, existing multifamily units (as of 1979), with a density range of 3 to 8 units per acre.
Medium-Low Density Residential (MLDR)	Single family detached and attached homes and second units with a density range of 5 to 12 units per acre.
Medium Density Residential (MDR)	Single family detached and attached homes, duplexes, triplexes and fourplexes, multifamily units, group quarters, and mobile home parks with a density range of 8 to 15 units per acre.
High Density Residential (HDR)	Triplexes, fourplexes, multifamily units, and group quarters with a density range of 16 to 25 units per acre.
Planned Neighborhood (PN)	Single family detached and attached homes, multifamily units, and second units at a maximum density of 7 units per acre.

Source: City of Woodland General Plan.

Table 2-41 City Zoning Designations

	Zoning Designation outlined within section 25.4.10 Table 1													*Specific Plans*		
	A-1	*O-S*	*R-1*	*R-2*	*N-P*	*R-M*	*C-1*	*CBD*	*C-2*	*ESD*	*C-3*	*C-H*	*I*	*Down-town*	*Spring lake*	*East Street Corridor*
Requires a Use Permit for Residential	No	N/A*	No	No	No	No	N/A*	Yes(m)	Yes(l)	Yes(n)	Yes(1)	N/A*	N/A	****	No	****
Minimum Lot Width																
Corner Lot	-	-	60'	60'	60'	60'	-	-	-	-	-	-	-	-	-	-
Interior Lot	125	-	50'	50'	50'	-	-	-	-	-	-	-	-	-	-	-
Min. Lot Area/Unit Corner/interior	2 1/2 acres	-	6000 5,000	6000 5,000	6000 5,000	6,000/ 1,500 per unit	-	-	-	***	-	-	-	-	-	-

* Residential use not permitted.

*** Requirement depends on zone within the specific plan

**** Permitted within certain zones within the specific plan; see Specific Plan

Note: The following special conditions apply to those land uses indicated by corresponding letter in Table

(a) Existing uses in N-P zone on December 6, 1979. These uses may be replaced with new structures containing the same number of, but no additional, dwelling units, rooms or beds than existed on December 6, 1979. Nursing and convalescent homes may be expanded or enlarged by conditional use permit;

(b) Conditional use permit required if for more than six guests or persons;

(c) Permitted on corner lots only. Each entrance must front on a separate street;

(d) Conditional use permit required;

(e) Accessory use, incidental to principal use;

(f) See Section 25-7-50;

(g) Conditional use permit subject to Section 25-21-30;

(h) Subject to Section 25-21-50;

(i) Residence must be located in the building of the use. If use is open storage that has no buildings, a mobile home is permitted;

(j) Office must be converted to residences when sales activity ceases;

	Zoning Designation outlined within section 25.4.10 Table 1													*Specific Plans*		
	A-1	*O-S*	*R-1*	*R-2*	*N-P*	*R-M*	*C-1*	*CBD*	*C-2*	*ESD*	*C-3*	*C-H*	*I*	*Down-town*	*Spring lake*	*East Street Corridor*

(k) Conditional use permit required. Only allowed in neighborhood preservation/transitional overlay zone (NP/T);

(l) Zoning administrator permit required;

(m) Refer to downtown specific plan and the land use area matrix contained in Article 14.5;

(n) Conditional use permit required and subject to the following restrictions:

(1) Such use must be located more than one thousand feet from any other such use.

(o) Refer to East Street corridor specific plan and the land use area matrix contained in Article 15.5;

(p) Permitted use if in compliance with zoning requirements and community design standards, site plan and design review by the planning commission is required. (Ord. No. 1024, § 2; Ord. No. 1050, § 1; Ord. No. 1147, § 10; Ord. 1157, § 1 (part); Ord. No. 1180, § 2; Ord. No. 1238, § 1 (part); Ord. No. 1254, § 4; Ord. No. 1314, § 4; Ord. No. 1372, § 2; Ord. No. 1394, § 3 (part).)

Table 2-42 Housing Types Permitted by Zoning District

Residential Use	*Zone*								
Conditional *Yes =C* *No =X*	*A-1*	*R-1(1)*	*R-2(2)*	*N-P*	*R-M(3)*	*CBD*	*C-2*	*ESD*	*C-3*
Single-Family/Duplex (4)	X	X	X	X	X	(5)	(6)	(7)	(8)
3 + DU	-	-	-	(9)	X	(10)	C	(11)	C
Residential Care <6P	-	X	X	X	X	-	-	(12)	-
Residential Care >6P		C	C	C	C	-	-	(13)	-
Emergency Shelter	-	-	-	-	-	C	-	(14)	-
Manufactured Homes/Mobile-Homes on Permanent Foundations	X	X	X	X	X	X	-	(15)	-
Mobile Home Parks	X	X	X	X	X			(16)	
Transitional Housing	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)
Farm Worker Housing (18)	-	-	-	-	-	-	-	-	-
Supportive Housing	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)	(17)
2nd Unit	X	X	X	X	X	-		X	-

Notes: (1) This Zone District is consistent with Land Use Categories R-4, R-5, and R-8 in the Spring Lake Specific Plan.

(2)This Zone District is consistent with Land Use Categories R-5, R-8, R-15, R-20, and R-25 in the Spring Lake Specific Plan.

(3) This Zone District is consistent with Land Use Categories R-15, R-20, and R-25 in the Spring Lake Specific Plan.

(4) Duplexes not permitted in A-1, permitted on corner lots of R-1.

(5) Permitted use in District C (of CBD) and permitted use in Districts D and E (portion of district). If performance standards cannot be met, conditional use in Districts D and E.

(6) Zoning Administrator Permit (ZAP) required.

(7) Permitted use in Zone A (of ESD) and ZAP required for Zones C – F.

(8) ZAP required.

(9) Existing uses as of December 6, 1979 are permitted. These uses may be replaced with new structures containing the same number of, but no additional, dwelling units, rooms or beds than existed on December 6, 1979. Nursing and convalescent homes may be expanded or enlarged by CUP.

(10) Permitted use in Districts A, B, D, and E if minimum standards met. Otherwise, CUP required.

(11) Existing uses as of December 6, 1979 are permitted in Zone A. These uses may be replaced or expanded with CUP. Conditional use in Zone C.

(12) Permitted use in Zone A.

(13) Conditional use in Zone A.

(14) Emergency shelters are allowed by right in Zones C and E.

(15) Permitted use in Zones A and B.

(16) Permitted use in Zone A and ZAP required for Zone B.

(17) Transitional Housing and Supportive Housing are defined as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone

(18) Currently, the City has no public farm worker housing.

Source: City of Woodland, 2013.

The State has removed any city discretion for review of small group homes for persons with disabilities (six or fewer residents). The City does not impose additional zoning, building code, or permitting procedures other than those allowed by State law.

The City also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements.

Farm worker housing is not permitted in any zone district. This represents a constraint to the provision of housing for this special needs group, and is addressed through Program 2.18, which requires that the City propose an amendment to the Zoning Code to permit farm worker housing.

Supportive housing and transitional housing are defined in the code, and permitted as a typical residential use. Emergency shelters are permitted in the CBD and R-M zone with a use permit, or by right in Zones C and E of the East Street Corridor Plan subject to development standards defined in the code. The development standards applied to emergency shelters include:

- At least 300 feet from an existing emergency shelter
- Maximum of 40 beds
- One off-street parking space for each employee or volunteer plus one space per family sheltered and 0.35 space for each non-family bed. Planning Director can grant modifications to parking requirements. Bicycle parking must also be provided, and may be used to reduce automobile parking requirements.
- Size and location of indoor and intake and waiting areas, including minimum of 10 square feet per bed and two private offices/cubicles. Outdoor security lighting is required.
- On-site management must be present at all times during operation. Annual management plans must be filed with the City.
- Maximum stay is six months in a 12 month period.
- Central cooking, dining, and laundry facilities must be adequate for the maximum number of residents. A designated outdoor smoking area must be provided, and must not be visible from the street.

As of 2013, sheltered and transitional housing are available in the City of Woodland as described in the discussion of the Homeless special needs group in Section B.6.

Development Standards

Through its Zoning Ordinance, the City enforces minimum site development standards for new residential uses. These include: maximum number of dwelling units, minimum lot size, lot width, setbacks, and lot coverage; maximum building height; and minimum parking standards. These standards are comparable to those in other communities, and do not pose undue constraints on the development of housing in Woodland. Tables 2-43 through 2-45 below summarize the basic standards for the City's residential zoning districts.

Table 2-43 City of Woodland Zoning Ordinance Development Standards

Zone Description	*Zone*	*Setbacks (Front/Rear/Side) (ft.)*	*Coverage*	*Height (ft.)*	*Parking (spaces per unit)*
Single Family Residential	R-1	25/20/5	50%	30	2 approved off-street
Duplex Residential	R-2	25/20/5	50%	30	2 approved off-street
Neighborhood Preservation	N-P	25/20/5	50%	40	2 approved off-street
Multiple Family Residential	R-M	20/20/7.5	50%	4 stories/40 feet	1.5 spaces/unit + 1 space per every 5

Note: Front yard setbacks of 20 ft. are permitted in the R-1, R-2, and N-P zones when the garage is equipped with roll-up doors and under other conditions.

Source: City of Woodland, Community Development Department.

Table 2-44 City of Woodland Southeast Area Specific Plan Development Guidelines

Zone Description	*Land Use Category*	*Setbacks (Front/Rear/Side) (ft.)*	*Coverage*	*Open Space*	*Height (ft.)*
Single Family Residential	LDR-4	20/20/5	50%	-	30
Single Family Residential	LDR-5	20/20/5	50%	-	30
Single Family Residential	LDR-7	20/20/5	50%	-	30
Multiple Family Residential	MDR-20	20/20/10	-	25%	40

Source: City of Woodland, Community Development Department.

Table 2-45 City of Woodland Spring Lake Specific Plan Development Guidelines

Zone Description	*Land Use Category*	*Setbacks (Front/Rear/Side) (ft.)*	*Height (ft.)*
Single Family Residential	R-3	20/25/5	35
Single Family Residential	R-4	17/20/5	35
Single Family Residential	R-5	15/20/5	35
Single Family Residential	R-8	12/15/5	35
Multiple Family Residential	R-15	10/10/5	35
Multiple Family Residential	R-20	10/20/5	35
Multiple Family Residential	R-25	10/20/5	35

Source: City of Woodland.

Development standards are similar across all residential zoning districts. One exception to note is that the minimum lot area per unit decreases as allowable development intensity increases from the R-1, single family residential zone to the R-M, multiple family residential. Likewise the front setback requirement becomes less restrictive as permitted density increases. That is the R-1 front yard is 25 feet while the R-M zone required front setback is reduced to 20 feet. In addition, some specific plans, such as the Spring Lake Specific Plan and Downtown Specific Plan, allow greater unit density and less restrictive setbacks for mixed use and multi-family residential projects.

The maximum building height for all residential zoning districts is between 30 to 40 feet. This allows for development to exceed two stories in all zones for all residential housing types. The zoning code also contains a provision for exceeding the maximum height limit for architectural features and projections such as domes and cupolas. Parapet walls can extend four feet above the maximum height limit.

Residential parking standards in the City of Woodland are based on the number of units for both single and multi-family developments. All single-family residences, and duplex dwelling units are required to provide a minimum of two parking spaces for each unit. Apartments and multiple-family dwellings are required to provide 1.5 parking spaces plus one guest parking space for each five units. Qualified senior citizen housing requires one parking space for each two dwellings. The parking requirement for a second unit is one space for each bedroom not to exceed two spaces, which do not have to be covered. The zoning code requires one space per two beds (with a minimum of two spaces) for boarding houses, rooming houses, and group quarters, which do not have to be covered.

The downtown parking standards encourage and promote mix-use in the downtown. The ordinance reduced parking standards (one space per live/work unit, one space for studio and one-bedroom apartments, 1.75 spaces per two-bedroom apartment, and 2 spaces for apartments with 3 or more bedrooms). The City Council also established a parking in-lieu fee for the downtown area.

While all of the base residential development standards are listed above, the City's zoning code contains other provisions that provide flexibility for many of the base standards, which allows property owners and developers to maximize development on their lots without requiring discretionary action. For instance, certain architectural features may project into required yards and courts such as canopies, chimneys, cornices, eaves, rain gutters and other architectural features supported from the structure may project twenty-four inches into a required yard or court. Also, balconies, fire escapes, handicapped ramps and outside stairways may project into a required yard. The zoning code also allows patio covers, sunshades and similar structures attached to the main building, may utilize up to twenty percent of the required rear yard area.

Other provisions that provide flexibility include: second-story additions may be constructed in the side yard, relocation of rear yard setback for corner lots, and reduced setbacks for accessory structures.

The city's residential development standards—including setbacks, minimum lot sizes, building height limits, and parking requirements—have not served as constraint to the provision of housing as a number of residential housing projects, ranging in size from smaller 3-unit developments in the R-3 zone to the 156-unit Terracina multifamily development located in the Spring Lake Specific Plan area, have achieved the maximum permitted densities.

The City of Woodland has adopted numerous provisions in its Zoning Ordinance that facilitate a range of residential developments types and encourage affordable housing:

Density Bonus

The City's Bonus Density Ordinance is consistent with Government Code Section 65915. In summary, applicants of residential projects of five or more units may apply for a density bonus and additional incentive(s) if the project provides for construction of one of the following:

a. Ten percent of the total units of a housing development for lower income households as defined by Health and Safety Code Section 50079.5; or

b. Five percent of the total units of a housing development for very low income households; or

c. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code; or

d. Ten percent of the total dwelling units in a common interest development (condominium) for persons and families of moderate income.

The amount of density bonus to which the applicant is entitled varies according to the amount by which the percentage of the affordable housing units exceeds the minimum percentage established in this section, but generally ranges from 20-35 percent above the specified General Plan density. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting. The incentives are offered:

a. Use of federal, state or local affordable housing funds to subsidize the cost of the qualifying project;

b. Waiver or reduction of city building permit, plan check and inspection fees (excluding re-inspection fees);

c. Waiver and/or deferral of city impact fees until issuance of a certificate of occupancy for the qualifying project;

d. Reduction of local zoning standards that indirectly increase housing costs, including, but limited to, to off street parking requirements, minimum square footage, height limitations or setback requirements;

e. Construction by the city of such public improvements as streets, sewers and sidewalks, street name and traffic signs, water mains, storm drains and street lights in association with the project;

f. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located;

g. For projects that are composed exclusively of affordable housing units, averaging of development impact fees due for the number of units permitted prior to calculation of the density bonus and such fees are averaged over the total number of units in the project including both the original units and the density bonus units;

h. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient and actual cost reductions.

Inclusionary Zoning

The City of Woodland has had an inclusionary (affordable) housing requirement since the mid-1990s. Under inclusionary zoning, market-rate developers of projects exceeding a specified unit threshold (e.g., 5, 10, 15, or 20 units) are required to provide some percentage of these units at affordable prices or rents.

The requirements of the City's Affordable Housing Ordinance are based on both the type of housing, for-sale or multifamily rental units, and the geographic location, defined as Phase I and all other areas. Phase I is the area within the city limits at the time of adoption of the ordinance, including the Southeast Area. The ordinance applies to projects of eight or more for-sale units and at least ten units for multifamily rental projects.

The Affordable Housing Ordinance requires that 10 percent of all multifamily rental units shall be affordable to low-income households and 20 percent shall be affordable to very low-income households; or 25 percent of the units shall be affordable to very low-income households. These requirements apply to all multifamily rental projects of at least 10 units. The Affordable Housing Ordinance has a separate requirement for for-sale residential units. Under the Ordinance, ten percent of all units in new subdivisions of eight units or greater need to be set aside for low- or moderate-income households.

The City requires that all inclusionary units must be built on the site of the residential project, unless approved otherwise by the City Council and Planning Commission. Where the City determines that a development is not suitable for inclusionary units because of various factors, the developer may contribute in-lieu fees or dedicate land that may be suitable for development of inclusionary units.

The City of Woodland has had its 10 percent inclusionary requirement in place since the mid-1990s, and the requirement has not served as constraint to development. The City's ordinance provides an effective mechanism to integrate affordable units within market rate developments. The City grants density bonuses, regulatory relief, and/or other financial incentives for projects to meet their inclusionary requirements. Since 2004, 456 multifamily rental units have been built or existing units preserved for people with very low- and low-incomes. Included in this total is 43 very low-income units constructed at the Rochdale Grange development in . More than 60 owner-occupied units have been constructed for low-income households since 2004.

In December of 2007, the Woodland City Council approved revisions to the Affordable Housing Ordinance allowing for the affordable low-income units to be sold to households earning median income (100% AMI) as well as moderate-income (120% AMI) if the City was not able to identify low-income households within 90 days of the units being made available for sale. If the City is not able to identify a buyer after 210 days of the unit being available, the developer is then allowed to sell the unit on the open market and is seen as meeting their requirements under the Plan and/or Ordinance.

Condominium Conversions

As a means of maintaining the supply of rental units and preserving the affordable housing stock, the City requires a Conditional Use Permit for conversion of existing dwelling units to condominiums and new condominium construction. The conversion requirements mandate relocation assistance for eligible tenants and anti-discrimination policies in the sale of converted units. The conversion also requires an economic report on availability of comparable rental units at similar rental rates remaining within the city, including vacancy rate information. Several reports are required for condominium conversion: a report outlining the available low and moderate income housing within the city; a report on the feasibility of providing all or a portion of the conversion units for sale to low and moderate income individuals or families; and a report on the feasibility of retaining a portion of the total units for rental occupancy.

Small Lot Development

The Spring Lake Specific Plan provides standards for small lot developments (lots less than 4,000 square feet). The standards act as an alternative to attached housing in multi-family districts. They apply to all small lot subdivisions, whether the tentative map is designed with single or multiple units per lot (condominium). By providing greater development flexibility and allowing smaller lot sizes, the ordinance facilitates development and reduces development costs. Development standards for small lot development are summarized in Table 2-46.

Table 2-46 Small Lot Development Standards

Specific Plan Land Use	*Minimum Lot Size (Gross)*	*Lot Dimensions*	*Front Setback House/Garage*	*Side Setback Interior/Street*	*Rear Yard Setback*	*Height*
R-15	2904	40 x76	10'/20'	5'/10'	10'	35'
R-20/R-25	2178	30 x 62	6'/6'	3.5'/10'	10'	35'

Source: City of Woodland, Community Development Department.

Growth Controls/Growth Management

The City of Woodland manages growth primarily through the specific plan process and the requirement for development to be consistent with General Plan goals and policies. In addition, the General Plan defines an urban limit line where urban development can occur until 2020 (time frame of the 1996 General Plan). The City does not have a specific growth control ordinance which could serve as a constraint to affordable housing. The City's General Plan policy 1.A.7 states that residential growth shall occur at an even and reasonable pace so that single family residential construction in new planned residential neighborhoods does not exceed 5,000 houses by the year 2020 per approved Specific Plans. The intent is to encourage growth to progress at a reasonable and even pace, but not to limit infill and multi-family development. A balance of 3,056 units remains until the cap of 5000 is reached. Through the fiscal year 2020, this results in a possible annual unit rate of 382. New multifamily homes and infill units are exempted from the cap.

The growth policy, therefore, does not represent a constraint on Woodland meeting its RHNP housing allocation.

Building Codes and Enforcement

New construction in Woodland including additions must comply with the 2010 California Building Codes (CBC) and the City of Woodland Floodplain Ordinance. The City of Woodland adopted the 2010 CBC with no major revisions, meaning that there are no extraordinary building regulations that would adversely affect the ability to construct housing in Woodland.

With regard to existing residences, the Fire Department inspects all apartment buildings annually to ensure that the units comply with life safety requirements, such as having appropriate smoke detectors and emergency exits. Other than the inspections of apartments, City inspectors will only inspect existing residences in response to complaints of substandard housing or life safety conditions received from the public. In these cases, the City takes enforcement action only in cases where the dwelling in question does not comply with the Uniform Housing Code, which specifies minimum standards for the health, safety, and welfare of residents. These standards are less stringent than the current CBC for new construction.

Existing residences may be remodeled or expanded provided that the existing structure has no obvious sanitary or safety hazards, all building code requirements have been met, and the necessary permits have been issued. Additions must comply with the current building codes.

On/Off Site Improvement Requirements

The City of Woodland requires that developers complete certain minimum site improvements in conjunction with new housing development (Table 2-47). Required improvements include the installation of water mains, fire hydrants, sewer mains, storm drainage mains, and streetlights and the construction of streets, curbs, gutters, and sidewalks. These standards are typical of many communities and do not adversely affect the provision of affordable housing in Woodland.

Table 2-47 2008 Lot Improvement Costs for the City of Woodland

Lot Width	*Curb & Gutter*	*Side-walk*	*Water (lot)*	*Water (st)*	*Storm Drain (st)*	*Sewer (lot)*	*Sewer (st)*	*Street Lights*	*Land-scape*	*Road*	*Total*
30'(1)	916	999	400	1243	1709	400	1320	983	750	1130	$9850
50'	1527	1665	667	1243	1709	667	1320	1639	1250	1884	$13,571
60'	1832	1998	800	1243	1709	800	1320	1967	1500	2261	$15,430
70'	2137	2331	933	1243	1709	933	1320	2295	1750	2638	$17,289

Notes: Cost data is derived from the Beeghly Ranch Subdivision which is located in the Spring Lake Specific Plan area and is assumed to represent the average lot improvement costs for a detached single family development. Costs assume a front setback of 25 feet and a street width of 35 feet.

(1) Small lot product.

(2) Includes easements.

Source: City of Woodland (Standard Specifications and Details 2007), 2008.

Development Fees and Other Exactions Required of Developers

Table 2-48 indicates the development impact fees for a typical 1,200 square foot single family home outside of the Spring Lake Specific Plan area, while Table 2-49 shows what it would cost inside the SLSP area. The City Council approved an urgency ordinance in December 2008 to allow the deferral of development impact fees (MPFP fees) for residential and non-residential projects and extended through June 30, 2013 for residential projects. This program allows the City to defer seven development impact fees (General City, Library, Police, Water, Roads, Administration, and Storm Drain) for a maximum period of 12 months. The City Council may extend the deferral period. For residential projects, the deferred fees are due at final inspection, but no later than the maximum deferral period, whichever occurs first. Residential deferrals do not incur interest charges. The City Council on May 7, 2013 will consider a City staff recommendation to extend the deferral program for an additional two years.

A comparison of the fees shows a $37,910 difference between the SLSP area and non-SLSP locations for a typical 1,200 square foot single family home. This difference is attributable to the payment of the Spring Lake Infrastructure Fee (SLIF) and a Fiscal Deficit Fee at building permit issuance. The comparison of fees does not include the payment of other Spring Lake-related fees (fire operations & maintenance fund fee, habitat education fee, offsite affordable housing fee, and public transit fee), a total of $2,170, which are due at final map. In addition, the comparison does not include the payment of the Strom Drainage Fee at building permit issuance for areas outside of Spring Lake. The area outside of Spring Lake is divided into 10 different fee zones for payment of the Storm Drainage Fee. The SLIF was established as a financing mechanism for the common, backbone infrastructure required for the SLSP. Because of the SLSP area's distant location from existing City infrastructure, a significant amount of infrastructure was installed to connect the SLSP area to the existing City infrastructure. Developers who have financed and constructed SLIF facilities are able to take fee credits against nearly 70% of the SLIF fees at building permit issuance. As a result, using fee credits would reduce the payment of fees due at permit issuance. It should be noted that SLIF credits can be transferred.

Table 2-48 Development Impact Fees Outside of Spring Lake Specific Plan Area

City Development Impact Fees for Single Family Unit	
General City	$794
Fire	$1,224
Library	$49
Police	$1,047
Wastewater	$5,744
Water	$527
Parks & Recreational Facilities	$6,594
Roads	$5,292
Major Projects Financing Plan Administration Fee	$137
Surface Water	$2,742
Surface Water Administration Fee	$21
Total Fees Due at Building Permit Issuance	**$24,171**
Non-City Development Impact Fees	
Yolo County Facilities & Services Authorization Fee	$3,141.60
Woodland Joint Unified School District Fees (based on 1,200 square foot home)	
Southeast Area Specific Plan Area	$6,946.21
All other areas of City (not including Spring Lake Specific Plan Area)	$3,840

Notes: Total does not include the Storm Drain Facilities Impact Fee which ranges from $1,487 to $8,347 per acre for single family development. Plan Check and Building Inspection Fees not included in table.

Table 2-49 Development Impact Fees for Spring Lake Specific Plan Area

City Development Impact Fees for Single Family Unit	
General City	$794
Fire	$1,224
Library	$49
Police	$1,047
Wastewater	$5,744
Water	$527
Parks & Recreational Facilities	$3,627
Roads	$5,292
Surface Water	$2,742
Major Projects Financing Plan Administration Fee	$158
Total Development Impact Fees	**$21,204**

Table 2-49 Development Impact Fees for Spring Lake Specific Plan Area

Spring Lake Infrastructure Fees (SLIF) (Due at Building Permit Issuance)	
Roadway*	$15,601
Water*	$2157
Sewer*	$3,359
Drainage*	$10,157
Parks	$6,591
On-going Administration Costs	$1,512
Total SLIF Fees	**$39,377**
Fiscal Deficit Fee (Due at Building Permit Issuance)	$1,500
Total Fees Dues at Building Permit Issuance	**$62,081**
Fees Due at Final Map	
Fire Operations & Maintenance Fund Fee (per unit)	$771
Habitat Education Fee (per unit)	$56
Offsite Affordable Housing Fee (applies only to market-rate single family)	$1,100
Public Transit Fee (per unit)	$243
Total Fees Due at Final Map (per unit)	**$2,170**
Non-City Development Impact Fees	
Yolo County Facilities & Services Authorization Fee	$3,141.60
Woodland Joint Unified School District Fees (based on 1,200 square foot home)	$5,688

Notes: *Allowed to be used for SLIF credits. No Storm Drain Development Impact Fees for Spring Lake. Plan Check and Building Inspection Fees not included in table.

Table 2-50 lists the development impacts fees for construction of a multi-family development. Similar to fees for single-family developments (Tables 2-48 and 2-49), the cost is higher within the Spring Lake Specific Plan Area. The total development impact fees within Spring Lake are $41,653, while those outside are $17,087. These fees are due at building permit issuance; however, a portion of MPFP fees (General City, Library, Police, Water, Roads, Administration, and Storm Drain) can be deferred. The difference between the multi-family development impact fees in Spring Lake and outside of Spring Lake is attributable to the payment of the Spring Lake Infrastructure Fee (SLIF) and payment of a Fiscal Deficit Fee at building permit issuance. The comparison of fees does not include the payment of other Spring Lake-related fees (fire operations & maintenance fund fee, habitat education fee, and public transit fee), a total of $750, at final map. In addition, the comparison does not include the payment of the Storm Drainage, Surface Water, and Surface Water Administration Fees at building permit issuance for areas outside of Spring Lake. The area outside of Spring Lake is divided into 10 different fee zones for payment of the Storm Drainage Fee. For Surface Water, the fees are based on the meter size.

Table 2-50 Development Impact Fees for Multi-Family Development

City Development Impact Fees for a Multi-Family Unit in Spring Lake Specific Plan Area	
General City (per unit)	$662

Table 2-50 Development Impact Fees for Multi-Family Development

Fire (per unit)	$917
Library (per unit)	$41
Police (per unit)	$873
Wastewater (per unit)	$4,788
Water (per unit)	$323
Parks & Recreational Facilities (per unit)	$3,022
Roads (per unit)	$3,862
Surface Water	per project
Major Projects Financing Plan Administration Fee (per unit)	$127
Storm Drainage Facilities Fee (per unit)	$0
Spring Lake Infrastructure Fee (per unit)	$25,988
Fiscal Deficit Fee (per unit)	$1,050
Total Fees Due at Building Permit Issuance (Spring Lake Specific Plan Area)	$41,653
Fees Due at Final Map	
Fire Operations & Maintenance Fund Fee (per unit)	$540
Habitat Education Fee (per unit)	$40
Public Transit Fee (per unit)	$170
Total Fees Due at Final Map (Spring Lake Specific Plan Area)	**$750**
City Development Impact Fees for a Multi-Family Unit outside of Spring Lake Specific Plan Area	
General City (per unit)	$662
Fire (per unit)	$917
Library (per unit)	$41
Police (per unit)	$873
Wastewater (per unit)	$4,788
Water (per unit)	$323
Parks & Recreational Facilities (per unit)	$5,494
Roads (per unit)	$3,862
Major Projects Financing Plan Administration Fee (per unit)	$127
Surface Water Fee	See below
Surface Water Administration Fee	See below
Storm Drainage Facilities Fee (per acre)	$2,231 - $12,521
Total Fees Due At Building Permit Issuance (Outside Of Spring Lake Specific Plan Area, Doesn't Include Storm Drainage Facilities Fee, Surface Water Fee, and Surface Water Administration Fee)	**$17,087**
Non-City Development Impact Fees	
Yolo County Facilities & Services Authorization Fee (per unit)	$2,307.80
Woodland Joint Unified School District Fees	
Areas Outside of Southeast Area Specific Plan & Spring Lake Specific Plan Area (per	

Table 2-50 Development Impact Fees for Multi-Family Development

square foot)	$3.20
Southeast Area Specific Plan (per unit)	$2,911.13.76
Spring Lake Specific Plan Area (per square foot)	$4.74

Table 2-51 identifies the estimated fees and development costs per unit that would be collected for a new 1,200 square foot home and a 156 unit multi-family complex. The single-family home is counted as one unit for comparison. In 2007, the Terracina at Spring Lake Family Apartments development was completed at a cost of $32 million. The 156unit development provides 85 units for very low-income and 71 units for low-income households.

The total estimated development impact fees per unit for a single-family home inside the Spring Lake area is $58,134 and the typical estimated cost of development per unit is $271,985. The estimated development impact fee per a multi-family unit in the Spring Lake Area is $39,831, and the typical estimated cost of development per unit is $205,128 (based on the Terracina at Spring Lake Family Apartments). The overall cost of developing a multi-family unit is $85,160 less than a single-family unit.

Table 2-51 Impact Fees and Development Costs Per Unit for Single-Family and Multi-family Developments in the Spring Lake Area

Development Cost for a Typical Unit	*New Single-Family*	*New Multi-family*
Total estimated development impact fees per unit	$62,801	$41,653
Typical estimated cost of development per unit	$267,318[1]	$205,128[2]
Estimated proportion of fee cost to overall development cost (development impact fees and construction costs) per unit	17.6%	16.3%

Note: Total estimated development impact fees per unit were taken from the total development impact fees due at building permit issuance (Tables 2-48 to 2-50).

[1] Typical estimated cost of development per unit for New Single-Family was derived from taking $330,119 from Table 2-55 (inside the Spring Lake area), subtracting estimated fees per unit ($62,801) = $267,318.

[2] Typical estimated cost of development per unit for the New Multifamily is based on the development cost for Terracina at Spring Lake Family Apartments (2007).

Source: City of Woodland, 2013.

Table 2-52 details the Community Development Department's processing fees for common planning entitlements. One or more of the entitlements would be required to process a residential project.

Table 2-52 City of Woodland Planning Fees, 2012

Permits/Entitlements	
Conditional Use Permit	$3,807
General Plan Petition	$588
General Plan Amendment	$5,540
Variance	$2,075
Zone Change	$5,340

Table 2-52 City of Woodland Planning Fees, 2012	
Site Plan Review (Multifamily)	$2,287
Design Review (Multifamily)	$1,186
Design Review (Single Family)	$363
Design Review (Subdivision >10 units)	$2,528
Environmental	
Categorical Exemption	$514
Initial Study	$6,155
Negative Declaration	$1,922
Mitigated Negative Declaration	$3,974
Land Division	
Certificate of Compliance	$276
Lot Line Adjustment	$651
Lot Merger	$942
Tentative Parcel Map	$3,353
Tentative Subdivision Map	$8,014 + $27/lot

Notes: Each fee represents the total processing fee for planning, public works, fire, police, and parks.

Some development projects will be deemed "major projects" and will be charged time and materials.

Major projects include projects requiring an EIR.

Source: City of Woodland Community Development Department, 2013.

Spring Lake Specific Plan Development Fee Reduction

The Spring Lake financing and development plan was set up based on a building unit allocation process and a payback system assuming development would occur in three releases. The intent at the time was to moderate growth and ensure development of key oversized infrastructure while also providing a method to pay back the original developers who had to install much of the early infrastructure. With the economic downturn however, the strategy is not working and has become an impediment to growth.

The City worked with the Spring Lake development community to find ways to facilitate development despite the unavailability of bond financing. To that end, the City Council has approved modifications of the building unit allocation for Spring Lake to facilitate continued development in Spring Lake. However, cost of infrastructure improvements and the building unit allocation in Spring Lake has functioned as a constraint in the past. Although fees in Spring Lake are a potential constraint on the provision of housing, these fees are necessary to provide the infrastructure that enables development in this area, and the City has taken actions to reduce this constraint to the extent feasible.

Processing and Permit Procedures

Permit Processing

The time required to process a project varies greatly from one entitlement to another and is directly related to the size and complexity of the proposal, as well as the number of actions or approvals needed to complete the process. Table 2-53 identifies the typical processing times for most entitlements followed by the reviewing body. It should be noted that each project does not necessarily have to complete each step in the process (i.e., small scale projects consistent with general plan and zoning designations do not generally require Environmental Impact Reports (EIR)), General Plan Amendments, Rezones, or Variances). Also, certain review and approval procedures may run concurrently. The City also encourages the joint processing of related applications for a single project. For example, a rezone petition may be reviewed in conjunction with the required site plan, a tentative tract map, and any necessary variances. These procedures save time, money, and effort from both the public and private sector and could decrease the costs for the developer by as much as 30%.

Table 2-53 Timelines for Permit Procedures (Estimates)

Type of Approval or Permit	*Processing Time*	*Reviewing Body*
Site Plan Review	2 - 6 weeks	City Staff (Planning Commission if CUP required and then 8 to 12 weeks)
Zoning Administrator Permit	6 - 8 weeks	Community Development Director
Conditional Use Permit	8 - 12 weeks	Planning Commission
Variance	8 - 12 weeks	Planning Commission
Zone Change	12 - 24 weeks	City Council
General Plan Amendment	12 - 24 weeks	City Council
Architectural/Design Review – minor	2 - 6 weeks	City Staff
Architectural/Design Review – Major	8 - 12 weeks	Planning Commission
Final Subdivision Map	6 weeks	City Council
Tentative Subdivision Map	10 -16 weeks	Planning Commission
Parcel Map	8 -12 weeks	Planning Commission
Negative Declaration	8 - 16 weeks	Planning Commission
Final Parcel Map	6 weeks	Community Development Director/City Engineer
Environmental Impact Report	4 - 6 months	Planning Commission

Source: City of Woodland.

City staff avoids any unnecessary timing constraints on development by working closely with developers to expedite approval procedures. For a typical project, an initial pre-consultation meeting is arranged with the involved departments to discuss the development proposal. The next step in the process usually includes submittal of an application for the proposed entitlement. The application includes instructions that are meant to simplify the process for the applicant by providing steps on how to proceed. Once staff is satisfied that all required information has been submitted to the City, and the application is consistent Woodland’s General Plan and Zoning Ordinance, an initial study is prepared. During the initial study period, commenting departments will review the project and provide comments. At the same time, planning staff will prepare other documents to expedite the process as previously mentioned. All scheduling, noticing, and correspondence with interested parties usually coincides with this period. After the project is approved, the building department performs plan checks and issues building permits. Larger projects requiring minor use permits are sent to the Community Development Director. Minor use permit hearings are publicly noticed and take place at the discretion of the Community Development Director. Throughout construction, the building department will perform building checks to monitor the progress of the project. This process does not put an undue time constraint on most developments because of the close working relationship between City staff, developers, and the decision-making body. Table 2-54 outlines typical approval requirements for a 30-unit subdivision and a 50-unit multi-family project.

Table 2-54 Typical Processing Procedures by Project Type

	Subdivision	*Multifamily Units*
	Tentative Subdivision Map	Site Plan
	Final Map	-
	Initial Study	Initial Study
		Design Review
	Site Plan Review	Variance
	Design Review	Negative Declaration
Estimated Total Processing Time	**6 months**	**6 months**

Source: City of Woodland.

Second-Unit Ordinance

Woodland's Second-Unit Ordinance includes guidelines for residents who wish to construct a second-unit on their property. In accordance with State law, applications are reviewed ministerially, and approved at the staff level. The ordinance set forth criteria for the application of second units including the definition of a second-unit, the maximum allowable square footage, and the development standards for these units. Criteria for second units include:

- No more than one additional dwelling unit is allowed on any one legal lot or parcel.
- Second units must conform to setback requirements of the zoning district applicable to primary residence.
- The second dwelling unit shall incorporate the same or similar architectural features as the primary residence.
- One on-site parking spot (uncovered) is required per unit.

These criteria are comparable to the requirements for other residential uses, and do not represent a constraint on the production of second units.

Residential Design Guidelines

The City of Woodland's Community Design Standards (adopted in 1998 and updated in 2004) were prepared to aid designers, the public, and decision-makers by expressing the community's shared vision for the level of quality and attractiveness expected from new development. The City's Community Design Standards include specific design objectives that serve as standards by which staff evaluates residential development. Residential projects must obtain approval from the Planning Commission or City staff depending on the project. Figures 2 and 3 illustrate the City's design review process. Figure 2 lists the steps for projects that require a discretionary permit, such as a conditional use permit. Figure 3 lists the process for projects that require only building permit approval. As with all other development-related matters in Woodland, design review is handled by the Community Development Department. Anyone considering a development project is instructed to make an appointment to discuss the project and design standards with a member of the Community Development Department staff. The staff member will help explain the City's development procedures and determine if design review is required. The staff member can also provide an approximate timetable for the processing of the project and describe any other permits or approvals that may be required.

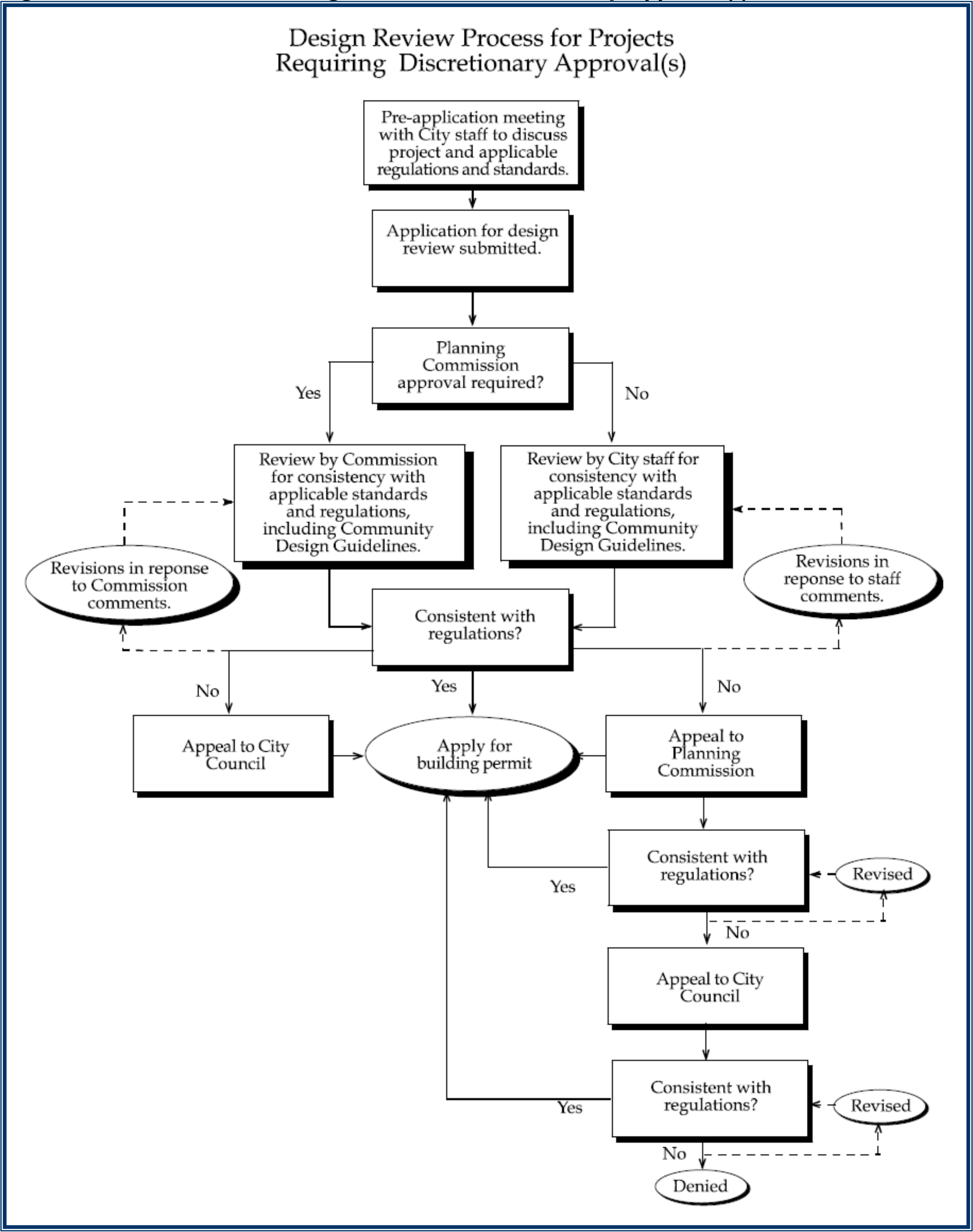
Design review is not a separate process apart from other discretionary approvals such as site plan review or a conditional use permit. To the extent allowed by the City's codes and ordinances, any additional planning or building permits are processed concurrently.

The guidelines include objective parameters for both single-family and multi-family projects including emphasizing entryways, deemphasized garages, using appropriate window forms, varying roof styles, and emphasizing the appropriate use of trim, materials, and colors where appropriate. Multi-family projects are required to use a variety of materials and colors with architecture variations. Staff works closely with the architects to ensure designs conform to existing guidelines.

One of the goals of the City's design review process is to preserve and enhance buildings and districts that have historical value by virtue of its architecture, historic association, or age. For example, when converting a Victorian house to offices, it would be unacceptable to replace wood-sash windows with modern materials such as aluminum, and signage would need to respect the style of the building and neighborhood.

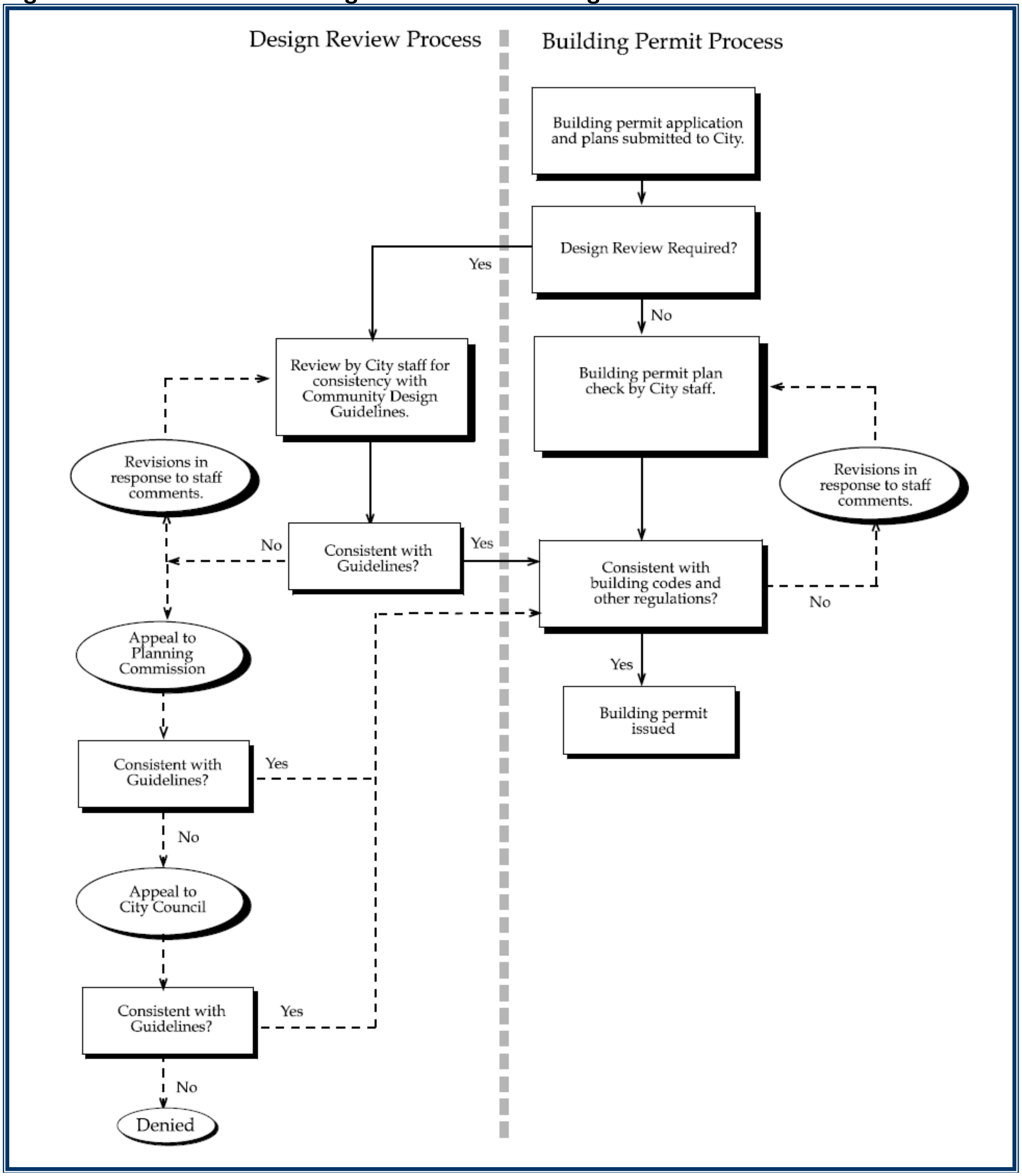
Design review approval typically takes 2-6 weeks for minor projects and 8-12 weeks for major projects, which require more of staff's time. Major building projects, such as large scale commercial or subdivisions over 100 units require hearings before the Planning Commission and can take 8-12 weeks. The Commission meets twice a month. The purpose of the review is to determine compliance with adopted design guidelines that are intended to enhance the appearance and value of property and the livability of neighborhoods. These design standards do not represent a constraint to development.

Figure 2 Woodland's Design Review for Discretionary Approval(s)



Source: City of Woodland.

Figure 3 Woodland's Design Review and Building Permit Process



Source: City of Woodland.

Reasonable Accommodation

Persons with disabilities normally have a number of housing needs that include accessibility of dwelling units; access to transportation, employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. Woodland ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and federal requirements for accessibility.

The City's Municipal Code includes Section 25-21-85, "Reasonable Accommodation for Persons with Disabilities." The Code establishes a process and provides criteria for reviewing reasonable accommodation requests for persons with disabilities. Section 25-21-85 states "A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the site, development, and use of housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice."

Woodland implements and enforces Chapter 11, of the 2010 California Building Code. The City provides information to all interested parties regarding disabled accommodations within the zoning ordinance, the permitting processes, and the application of relevant building codes for housing for persons with disabilities.

Zoning and Other Land Use Regulations

As part of Woodland's previous housing element update, the City conducted a comprehensive review of its zoning laws, policies and practices for compliance with fair housing laws. The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals.

The City permits housing for special needs groups—which includes the disabled—without regard to distances between such uses or the number of uses in any part of the City. The Land Use Element of the General Plan does not restrict the siting of special needs housing.

The Woodland Zoning Ordinance provides the following definition of "family."

> ***One (1) or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging housing, or hotel, as herein defined.***

The Zoning Ordinance's definition of family does not constrain housing for persons with disabilities.

As discussed above, the City allows group homes of six or fewer persons by right, as required by State law. The City does not require a CUP or other special permitting requirements for group homes of six or fewer persons. The City does; however, require a CUP for "Residential Care Homes" that house more than six mentally disordered or otherwise handicapped persons or dependent and neglected children in the R-1, R-2, N-P, R-M, and ESD zones. To remove this constraint, the City will need to amend its zoning code to permit a "Residential Care Home" that allows more than six guests in its R-M zone.

POTENTIAL NON-GOVERNMENTAL CONSTRAINTS

Availability of Financing[3]

The availability of financing for residential development and home mortgages in Woodland is partly a function of local conditions but mostly dependent on the nationalized home mortgage market. Since the start of the Great Recession in October 2008, the federal government has largely assumed responsibility for the American home mortgage market. Banks and other for-profit financial services companies lend money to homeowners, but mostly based on guarantees and other support the government provides through Fannie Mae, Freddie Mac, and other government institutions. During the turmoil of 2009 – 2010, home loans were difficult to obtain as lenders tightened credit requirements. Refinancing was even more difficult for homeowners with high interest fixed loans or adjustable / indexed rates. This credit tightening contributed to the home foreclosure crisis.

Fannie Mae and Freddie Mac guaranteed nearly 70 percent of new mortgages in 2012, accounting for $5 trillion, or about half, of the nation's mortgage market. Most of the balance (21 percent) is financed by the Federal Housing Authority and the Department of Veteran's Affairs. The large presence of these federal agencies, in combination with the Federal Reserve's ongoing efforts to keep interest rates low, means that home mortgage rates have been at historic lows for several years, reaching the mid-3 percent range in late 2012 and early 2013 for 30-year fixed home loans to buyers with good credit ratings and significant down payments. Homebuyers with good credit and the ability to make a down payment have better access to home loans compared to the period between 2008 and 2011.

On the homebuilding side of finance, the near collapse of the nation's financial system in 2008 meant that commercial credit for residential construction nearly shut down. The greatest barrier to increased commercial lending for residential development in recovering markets is that banks, because of federal restrictions, are limited in their ability to lend money for land development. These restrictions have impacted small and medium-sized builders that depend on commercial credit in contrast to larger, publicly held companies that raise funds in equity markets.

Nevertheless, financing for home builders is slowly improving. During the timeframe of this Housing Element, both home loans and commercial lending for residential development is expected to become more readily available but will remain an impediment to accommodating the region's housing needs.

3 Sources for this section include Jesse Eisinger, We've Nationalized the Home Mortgage Market. Now What? ProPublica, Dec. 18, 2012; and CNBC at www.cnbc.com/id/48690097/US_Home_Builders_Begin_to_See_Credit_Thaw

Land Costs

A search of residential land for sale in late March 2013 found a range parcel sizes and costs. The cost of undivided land for a five-acre parcel zoned residential was $290,000 ($58,000 / acre). Another lot of 0.45 acres was listed for $300,000. Buildable lots subdivided for single-family homes with stubbed out utilities ranged in cost from $59,000 to $99,000 for lots sizes ranging from 7,000 square foot to quarter-acre parcels. Individual lots of approximately one acre ranged in cost from $118,800 to $122,400.[4]

Development Costs

Required Site Improvement Costs (Finished Lots)

Upon securing the raw land, a residential developer would have to make certain site improvements to “finish” the lot before a home could actually be built on the property. Such improvements would include the installation of water mains, fire hydrants, sewer mains, storm drainage mains, and street lights and the construction of streets, curbs, gutters, and sidewalks. In addition, the developer is required to provide a deposit for street trees pursuant to the City fee schedule for a lot’s street frontage. Site improvement costs for a single-family lot in Woodland are estimated at $25,000 to $30,000. This estimate does not include the cost of land.

Construction Costs

According to the City, construction costs in the region have increased over the past several months due to increases in building materials costs. However, labor costs in general have actually remained stable. In 2013, construction costs (including materials and labor) range from $100 to $150 per square foot ($120,000 - $180,000) for a typical 1200 square foot single-family home in Woodland.

Total Housing Development Costs

As shown in Table 2-55, the total of all housing development costs discussed above for a typical entry-level single-family home (1,200 square feet), including land, site improvements, construction costs, fees and permits (as shown in Tables 2-48 to 2-50). This figure does not include developer profit, marketing, or financing costs.

Table 2-55 Estimated Single-Family Housing Development Costs

[1]Finished Lot Price	$25,000 - $30,000
Land Costs Spring Lake Specific Plan Area	$86,667
Land Costs Remaining Areas	$61,667 - $66,667
Total Construction Cost	$150,000 - $180,000
Total Development Impact Fees Spring Lake Specific Plan Area +Yolo County Development Impact Fees	$62,801 + 3,141.60 = $65,942.60
Total Development Impact Fees Remaining Areas + Yolo County Development Impact Fees	$24,171 + 3,141.60 = $27,312.60

[4] Source: http://template.metrolistmls.com/sacramentobee, March 24, 2013 search.

Permit Fees (Plan Check & Building Inspection)	$2,592
Developer Fees (School) Spring Lake Specific Plan Area	$5,688
Developer Fees (School) Southeast Specific Plan Area	$6,946.21
Developer Fees (School) All Other Areas of City	$3,840
Spring Lake Area Total Development Cost	**$335,890 - $370,890**
Southeast Area Total Development Cost	**$273,518 - $313,518**
Remaining Areas Total Development Cost	**$270,412 - $310,412**

Notes: Prices based on a new 1,200 square foot single-family residence with 450 square foot garage. Total Housing Development Costs for the Southeast Specific Plan Area and other areas of the City do not include the Storm Drainage Fee which ranges from $1,487 to $8,347 per acre for single family development; the Spring Lake Specific Plan Area does not pay the fee.

1 Finished Lot Price does not include cost of land.

2 Total numbers have been rounded off to the nearest dollar.

Source: City of Woodland Community Development Department, Remax Reality.

2.5 Evaluation of Existing Programs

EFFECTIVENESS OF THE ELEMENT

The following section reviews and evaluates the City's progress in implementing the 2009 Housing Element. Table 2-56 presents the difference between projected housing need and actual housing production. Table 2-57 contains a review of the results and effectiveness of programs, policies, and objectives from the previous Housing Element planning period which covered the period of 2008 to 2013.

PROGRESS TOWARDS RHNA

Table 2-56 shows the previous RHNA allocation by income and the units built and under construction in Woodland from January 1, 2006 through June 2013 under the 2009 Housing Element Planning period 2006-2013. A total of 85 units built since 2006 fall into the very low-category, 71 units fall into the low-category, and 44 units fall into the above-moderate category.

Table 2-56 Woodland Progress towards RHNA 2006-2013

	Very Low	*Low*	*Moderate*	*Combined Very Low, Low, and Moderate*	*Above Moderate*	*Total*
Total RHNA Allocation (2006-2013)	**425**	**266**	**238**	**929**	**942**	**1,871**
Units Built/Under Construction	85	71	0	156	44	200
Approved/On-Line Units	278	245	23	546	1,224	1,770
Total Units Built or Approved	363	316	23	702	1,268	1,970

Source: City of Woodland Community Development (March 5, 2013)

Table 2-57 Evaluation of Existing City of Woodland Housing Element Policies

Program	*Action*	*Responsibility*	*Timeframe*	*Objective (quantified/qualified)*	*Result*	*Evaluation*	*Should the City Continue As-Is, Modify, or Remove this Program and Why?*
2.1	The City shall continue to cooperate with and advise developers in the use of the P-D Planned Development Overlay Zone to reduce housing costs by utilizing various techniques such as: zero lot lines, cluster development, private streets, higher densities, mixed uses, parking and setback variations and other innovative approaches. The City shall establish guidelines to promote alternative land use development.	Community Development Department, City Manager, Planning Commission, City Council	Ongoing		The City continues to work with developers on the use of Planned Development Overlay Zones to reduce housing costs.	While residential construction slowed significantly during the planning period, and the overall program success cannot be measured, the City continues to work with developers on this program.	The City should continue this program. During the General Plan update, guidelines to promote alternative land use development will be established to encourage innovative designs to reduce overall housing development costs. Established Guidelines will enhance and improve the program.
2.2	The City shall continue to cooperate with and advise developers in the use of the City's Density Bonus Incentive Program as contained in §25-21-25 of the Zoning Ordinance. Bonus incentives are available to developers for including lower income units in their projects. Housing projects with 5 or more units are eligible by reserving 10 percent of the total number of proposed units for lower-income households; 5 percent of the total number of proposed units for very low-income households; a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code; or at least 10 percent of the total dwelling units in a condominium project as defined in subdivision (f) of the Civil Code Section 1351 or in a planned development as defined in subdivision (k) of Civil Code Section 1351, for persons and families of moderate, and defined in Health and Safety Code Section 50093.	Community Development Department, City Manager, Planning Commission, City Council	Ongoing		No additional bonus incentive projects have been constructed since the Terracina Spring Lake Family Apartments in 2008.	While no additional bonus incentive projects have been constructed since Terracina in 2008, it is a viable option for the development of affordable units.	The City should continue this program and provide a one page fact-sheet to advise developers regarding its availability and applicability.
2.3	The City shall continue to cooperate with Yolo County, other cities in the County, developers and builders and with financial institutions to secure tax-exempt mortgage revenue bonds.	Community Development Department, City Council, Planning Commission	Ongoing		No projects were funded with tax-exempt mortgage revenue bonds this housing period. The City continues to work with developers on the use of this funding option for the delivery of affordable housing units.	Residential construction slowed significantly during the planning period and the overall program success should not be measured as a failure due to the housing collapse. Several affordable projects were partially funded with tax-exempt mortgage revenue bonds during the previous cycle and bonds are considered a viable financing option.	This program has been successful in providing funding for affordable rental housing projects in the past. The City should continue this program and actively work with affordable housing developers interested in multi-family housing bonds.

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Program	*Action*	*Responsibility*	*Timeframe*	*Objective (quantified/qualified)*	*Result*	*Evaluation*	*Should the City Continue As-Is, Modify, or Remove this Program and Why?*
2.4	The City shall annually review its eligibility for various federal and state programs that will provide rehabilitation and maintenance assistance for 258 low-income units and special needs groups. The City shall submit applications for programs for which the City is eligible, as appropriate.	Community Development Department	Annually		City of Woodland CDBG funding allocations during the period of FY 2008-2009 through FY 2012-2013 have included the City's First Time Homebuyer Assistance Program for low-income households, a foreclosure prevention program with Legal Services of Northern California (LSNC), the City's CDBG Owner-Occupied Rehabilitation Program, the Fair Housing Hotline operated by LSNC (multiple funding years), the Yolo Wayfarer Center emergency shelter (multiple funding years), New Dimensions Supportive Housing for mentally ill adults (multiple funding years), the Sexual Assault and Domestic Violence Center emergency shelter (multiple funding years), Short Term Emergency Aid Committee (homeless prevention), Yolo County Care Continuum supportive housing rehabilitation (mentally ill adults), Habitat for Humanity Yolo County's Heidrick Ranch duplex build (payment of development fees), and Summer House accessible entrance (developmentally disabled adults). Quantified results are listed below in other program accomplishments.	The program has been effective to support rehabilitation and maintenance assistance for existing affordable housing stock.	The City should continue this program and will submit applications for funding programs as appropriate.
2.5	The Planning Commission shall hold a meeting each year to review the Housing Monitoring Report and make a report to the City Council.	Community Development Department, Planning Commission, City Council	Annually		Housing staff continues to monitor affordable projects and has produced semi-annual reports for the Planning Commission and City Council. Due to limitation of staff availability there have been gaps in formal annual Housing Monitoring Reports. Formal reports for two public meetings are a challenge to prepare annually with staff constraints.	An annual report with two public meetings may be too onerous for the City staff. The housing report information can be conveyed by a less time consuming method such as a staff memorandum or "report card".	The City should continue the annual evaluation component of this program, but the program should be modified to allow for flexibility of how the information is presented. Staff can prepare a report or memo to the Planning Commission and the City Council on an annual basis.
2.6	The City shall accommodate development of at least an additional 34 units at densities that will facilitate production of housing affordable to moderate-income households by redesignating sufficient vacant land as Medium Density Residential (MDR: 8-16 units/gross acre). If,	Community Development Department, Redevelopment Agency,	Ongoing Monitoring of Availability of	Accommodate development of at least an additional 34 units at densities that will facilitate production of affordable to	City has sufficient amount of vacant land zoned for moderate-income housing with 32.7 acres of R-15 sites in Spring Lake, providing capacity to	Due to the slowdown in development during this housing period, the supply of sites for multifamily did not fall below the	The specific rezoning portion of this program has been completed. This program should continue, with

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Program	*Action*	*Responsibility*	*Timeframe*	*Objective (quantified/qualified)*	*Result*	*Evaluation*	*Should the City Continue As-Is, Modify, or Remove this Program and Why?*
	at any time, the supply of sites zoned for multi-family housing falls below the quantity of land required to accommodate the City's remaining need for sites to accommodate higher density multi-family housing during the Housing Element planning period, the City shall initiate redesignations and rezonings to provide additional land. The City shall ensure that future sites designated for higher-density housing are large enough to provide for economies of scale in construction and are located near transit stops or arterial streets by maintaining an inventory of potential sites that meet those criteria. Procedures to increase residential densities in the Spring Lake Specific Plan shall be reviewed for possible city-wide application. The Redevelopment Agency will also consider rezones from commercial districts to mixed-use districts to allow for residential densities. Where feasible and appropriate, the City shall also consider the redesignation of vacant land as High Density Residential (HDR: 16-25 units/gross acre).	Planning Commission, City Council	Sites	moderate-income households by redesignating sufficient vacant land as MDR 8-16 units per acre.	accommodate 34 moderate-income households. The City has sufficient multifamily zoning in the Spring lake Specific Plan area to meet its remaining RHNA need during the Housing Element planning period.	quantity of land needed to accommodate the City's RHNA. The Spring Lake Specific Plan project contains vacant land at densities that can accommodate production of 34 moderate-income units. The program has been an effective safeguard to facilitate accommodation.	modifications to reflect the revised land inventory for the 2013-2021 RHNA period.
2.7	The City shall seek financial assistance from and cooperation with the City of Woodland Redevelopment Agency to provide financing to assist housing construction of very low-income units, low-income units, and moderate-income units that serve families and special needs groups using its 20 percent housing set-aside funds, HOME, CalHome, and other Federal and State funding sources.	Community Development Department, City Manager, City Council, Redevelopment Agency Board of Directors	Annually	21 very low-income units, 27 low-income units, and 5 moderate-income units	The Redevelopment Agency was dissolved by February 2012 and associated RDA housing funds are no longer available. RDA low-moderate incoming housing funds were not used in FY 2010-11. The City actively pursues applications to augment the affordable housing stock of Woodland. The program has contributed to: • 29 VLI units in Casa Del Sol Mobile Home Park • YCH Crosswood Apartment acquisition of48 affordable units • 43 VLI and LI units in the Rochdale Grange housing project (completed in 2011). The City was award an $800,000 HOME grant in 2011 to assist lower income first time homebuyers	Program will be less effective because the RDA has been dissolved and the 20 percent RDA funds are no longer available. The City will not be able to provide staff resources to fill the role of the former Redevelopment Agency and therefore the scope of the program should be smaller during the 2013-2021 planning period.	The City should modify this program to remove references to the Redevelopment Agency and associated funding, but should continue to submit applications for appropriate programs as staff time permits.
2.8	The City shall allocate CDBG funds for the provision of extremely low-income, very low-income units, low-income units, and moderate-income housing units. The City shall support the Redevelopment Agency in the identification of sites, the establishment of partnerships, and the pursuit of CDBG funds.	Community Development Department, Redevelopment Agency, City Manager, City Council	Annually	8 extremely low-units, 8 very low-income units, 7 low-income units, and 3 moderate-income units	29 VLI units at Casa Del Sol were added using in part CDBG funds. The City allocated CBDG funds for First Time Homebuyer loans in the amount of $19,900 and three housing rehabilitation loans in the amount of $88,988.	The CDBG funds contributed to construction of 29 VLI units and funded two different housing loan programs during this housing period. The program currently references provision of units which does not reflect the flexibility the City needs to	The City should continue this program with modifications to remove references to the Redevelopment Agency. The City should continue to allocate CDBG funds for the provision of ELI, VLI, LI, and moderate-income housing

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Program	*Action*	*Responsibility*	*Timeframe*	*Objective (quantified/qualified)*	*Result*	*Evaluation*	*Should the City Continue As-Is, Modify, or Remove this Program and Why?*
						address its housing program needs and/or funding availability year to year.	units or to fund housing programs.
2.9	The City shall allocate funds for transitional housing and other special-needs housing.	Community Development Department, City Council	Ongoing	7 low-income units	The City provided CDBG funds for operations of the New Dimension Supportive Housing, for the purchase of an emergency generator to serve the St. John's Retirement Village, and for the operations of the Sexual Assault and Domestic Violence Center's Shelter program.	The City was able to provide improvements to existing housing programs, but it did not meet the goal of providing 7 additional low-income units with this program. The program currently references funding transitional housing or special-needs housing which does not reflect the flexibility the City needs to address its housing program needs and/or funding availability year to year.	The City should continue this program, with modifications to include funding for transitional housing and other special-needs housing programs in addition to funding units serving these populations.
2.10	The City shall continue to implement §6A-3-30 (Affordable Housing - Incentives) of its Municipal Code that states that the City Council may, after review by the Planning Commission, grant incentives to developers of affordable housing that it deems appropriate, including but not limited to the following: 1) waiver and/or deferral of all or a portion of City development fees; 2) waiver or modification of City development standards; or 3) assistance in obtaining such federal, state, or local financing and/or subsidies.	Community Development Department, City Council, Planning Commission	Ongoing on a case-by-case basis		In July 2011, the City Council approved up to $910,000 in funding assistance through its Spring Lake Affordable Housing fund for the Mutual Housing at Spring Lake affordable housing project. The project will result in 101 rental units for very low and low income households. During this planning period, 156 units have been built or existing units preserved for people with very low- and low-incomes.	The affordable Housing Incentives provide a menu of possible inducements to meet inclusionary housing requirements which has successfully facilitated the construction of affordable units. The success of the program is limited by the development of market rate units.	The City should continue this program.
2.11	The City shall continue to facilitate the provision of emergency shelter beds through its participation in the countywide Homeless Coordination Project that provides services to the homeless in Yolo County. The Project includes Homeless Coordination and the Cold Weather Shelter.	Community Development Department	Ongoing		The City has maintained its contract with the Yolo County Homeless Coordinator. The City participates in events hosted by the Homeless Coordinator, such as the annual Yolo County Homeless Summit and semiannual homeless count that is required by HUD for Continuum of Care assistance. Along, with Yolo County, the City has adopted the "One at a Time: Ending and Preventing Homelessness in Yolo County (2010-2020)" 10-year plan to end homelessness.	The program has been successful in terms of efficiently sharing resources and services with Yolo County.	The City should continue this program.
2.12	The City shall review the HUD Section 8 voucher program administered by the Yolo County Housing Authority and encourage	Community Development	Ongoing		No action was taken.	With CDD staff positions eliminated due to budget cuts,	The City should not continue this program.

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	the Housing Authority to raise its payment standard to 110 percent of HUD Fair Market Rent (FMR)	Department				staff time was not available to address the work program. It is unlikely that staff will have time to champion this program during the next planning cycle.	
2.13	The City shall continue to contract for the services of Yolo County's Homeless Coordinator. Program to be funded through the General Fund and Housing Monitoring Funds.	Homeless Coordinator, Redevelopment Agency, City Council	Ongoing		The City has maintained its contract with the Yolo County Homeless Coordinator. The City participates in events hosted by the Homeless Coordinator, such as the annual Yolo County Homeless Summit and semiannual homeless count that is required by HUD for Continuum of Care assistance. Along, with Yolo County, the City has adopted the "One at a Time: Ending and Preventing Homelessness in Yolo County (2010-2020)" 10-year plan to end homelessness. CDBG funds were allocated for early literacy activities for children at Wayfarer Center.	General Fund funding as a funding source is not absolute, but the City recognizes the benefit of the program and its success in terms of efficiently sharing resources and services with Yolo County.	The City should continue this program and modify the reference that the funding source may include, but is not limited to General Fund and Housing Monitoring Funds.
2.14	The City shall require relocation assistance in compliance with State law to tenants relocated as a result of removal of housing by the City or the RDA.	Community Development Director, Redevelopment Agency	Ongoing as needed		N/A	No housing was removed by the City (or Redevelopment Agency).	The program should continue, but should be modified to remove the reference to RDA.
2.15	The City shall continue to enforce the provisions of its Affordable Housing Ordinance (Chapter 6A of the Municipal Code) that require that 10 percent of all new for-sale units in any residential project consisting of eight or more units shall be affordable to low-income households. For multifamily rental projects with ten or more units, 10 percent of all new units shall be affordable to low-income households, and an additional 20 percent shall be affordable to very low-income households. In the alternative, a developer may elect to make 25 percent of the multifamily rental units affordable to very low-income households. The City shall continue to enforce the provisions of the Southeast Area Specific Plan that require corner lots to provide split-lot duplex housing with an overall goal of providing 10 percent of the for-sale units affordable to moderate-income households. 25 percent of multi-family units shall be affordable to low-income households with 10 percent reserved for very low-income households. To the extent the affordable housing requirements in the Southeast Area Specific Plan differ from the requirements of Chapter 6A, the provisions of the specific plan shall govern. The City shall enforce the provisions of the Spring Lake Specific Plan that require that 10 percent of the units in a for-sale	Community Development Department	Ongoing	155 very low-income units, 177 low-income units, and 91 moderate-income units	The Spring Lake "offsite" fee of $1,100 per market rate unit has yielded 74 affordable units dispersed throughout the City. Approved Standard Pacific and Pulte Homes subdivisions will yield 20 low income and 4 moderate units of which 3 low income have been provided.	This program has made progress in implementing this program, but has not reached the quantified objective because the success of the program is limited by the development of market rate units, and housing development occurred at a slower rate than projected. The program yields affordable units when new housing development occurs.	The City should continue to implement this program.

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	residential project shall be affordable to low-income households. For multifamily rental projects, 20 percent of the units shall be affordable to very-low income households, and 10 percent of the units shall be affordable to low-income households. In the alternative, a developer may make 25 percent of the units affordable to very-low income households. To the extent the affordable housing requirements in the Spring Lake Specific Plan differ from the requirements of Chapter 6A, the provisions of the specific plan shall govern.						
2.16	The City shall amend Chapter 25 of the Municipal Code to permit transitional and supportive housing as a residential use and only subject to those requirements that apply to other residential uses of the same type in the same zone as required by Senate Bill 2, which took effect in 2008.	Community Development Director, Planning Commission, City Council	Within one-year of Housing Element Certification		On March 3, 2013, the City Council approved a zoning amendment to the Woodland Municipal Code to include transitional and supportive housing as residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone.	Program was completed successfully.	The objective of this program has been achieved. The program should not be continued.
2.17	The City shall amend East Street Specific Plan to allow emergency shelters as a permitted use in the Mixed Use Residential/Commercial (Area C) and the General Commercial (Area E) Areas of the East Street Corridor Specific Plan (ESCSP). Emergency shelters will be subject to the same development and management standards as other permitted uses in the Areas C and E of the ESCSP. Sufficient land is available for at least 1 emergency shelter and objective standards to regulate emergency shelters shall be developed as provided for under SB 2.	Community Development Director, Planning Commission, City Council	Within one-year of Housing Element Certification		On March 3, 2013, the City Council approved a zoning amendment to the East Street Corridor Specific Plan to allow Emergency Shelters as permitted uses in Areas C and E. Sufficient land is available for at least 1 emergency shelter and objective standards are provided to regulate emergency shelters.	Program was completed successfully.	The objective of this program has been achieved. The program should not be continued.
2.18	The City shall contact non-profit builders and agricultural stakeholders to identify suitable and available sites for the development of migrant and seasonal farm worker housing in the Multiple-Family Residential Zone (R-M), the Duplex Residential Zone (R-2), and the Agricultural Zone (A-1). In addition, the City shall amend zoning consistent with Health and Safety Code Section 17021.5 and 17021.6 to further facilitate housing for farm workers. Other programs to facilitate the development of affordable housing may include fee waivers and reduced development standards. Financial and technical assistance will be sought from HCD's Office of Migrant Services, the Joe Serna Jr. Farm worker Housing Grant Program, the California Tax Credit-Allocation Committee's Farm worker Housing Assistance Program, and the USDA Rural Development Program.	Redevelopment Agency	Annually		The City Council approved funding of up to $910,000 for the Mutual Housing at Spring Lake affordable rental project on July 20, 2011. The project also received funding through the Serna Farm worker Housing Grant Program and will include units reserved for households employed as agricultural workers.	The program has had moderate success and provides opportunity for the development of farm worker housing. In addition, new FEMA floodplain maps were issued in 2011 that have removed a large section of the City out of the floodplain making additional land available for the possibility of farm worker housing at the time the of the General Plan and comprehensive zoning update. The zoning code was not amended to be consistent with Health and Safety Code Sections 17021.5 and 17021.6 due to limited staff availability.	The City should continue this program, with modifications to propose an amendment to the zoning code to make the code consistent with Health and Safety Code Sections 17021.5 and 17021.6 during the comprehensive zoning update.
2.19	The City shall consider options to allow Residential Care Homes with more than six mentally disordered or otherwise handicapped	Community Development Director,	Within one-year of Housing		No action.	Due to staff decreases and budget reductions, the City will address	The program should continue, but should be modified to

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	persons or dependent and neglected children as a permitted use in the Multiple-Family Residential Zone (R-M).	Planning Commission, City Council	Element Certification			this program at the time of the General Plan and comprehensive zoning update in 2013-2014. The program cannot be evaluated at this time.	indicate that the City will address this objective during the on-going General Plan and comprehensive zoning update.
2.20	The City shall amend Chapter 25 of the Municipal Code to allow single-room occupancy (SRO) in the A2, A3, and E2 Districts of Downtown Specific Plan (DSP). Development standards will be established that will allow and encourage the construction of new SROs.	Community Development Director, Planning Commission, City Council	Within one-year of Housing Element Certification		No action.	Due to staff decreases and budget reductions, the City will address this program at the time of the General Plan and comprehensive zoning update in 2013-2014. The program cannot be evaluated at this time.	The substance of this program should be addressed during the on-going General Plan and comprehensive zoning update, but the program should be revised to include a focus on pursuing funding for this type of housing, also known as "efficiency units," as well as compliance with the Land Use and Community Design Element policies.
2.21	The City shall provide flexibility on the identification of sites for accommodating its Regional Housing Needs Plan (RHNP) Allocation. A rezone request of a site counted towards meeting the City's RHNP Allocation shall include findings that justify the rezone and identify an adequate replacement site(s) that will provide the minimum number of units by income level for accommodating the City's RHNP Allocation and is developable during the term of the Housing Element planning period.	Community Development Director, Planning Commission, City Council	Ongoing as needed		N/A	No rezone actions governed by this program were undertaken. The program effectiveness cannot be evaluated at this time.	The program should continue, with modifications to reflect the new RHNA allocation sites and the General Plan and comprehensive zoning update in process.
2.22	The City shall continue rehabilitation and replacement (where required) of substandard residential units using the CDBG program and other available government programs, continue to provide information to all residents regarding available home rehabilitation programs, and increase public awareness of self-help and rehabilitation programs through outreach programs.	Redevelopment Agency	Ongoing	12 extremely low, 12 very low, and 20 low-income units	The City provided CDBG funds for two housing rehabilitation projects in FY 2008 – 09.	The City provided funding for housing rehabilitation, but did not meet the quantified objective of 12 ELI, 12 VLI, and 20 LI units.	This program should be continued, with modifications to reflect the absence of redevelopment funding.
2.23	The City shall continue to include funds in its operating budget for building code and blight enforcement programs.	Community Development Department, City Council	Ongoing		The City has a half-time code enforcement officer. Code enforcement actions have been reduced as a result of staff budget reductions. The Community Development Department has requested funding as part of the FY 2013-14 budget to increase code enforcement to a full-time position.	The City continues to include operating funds for code enforcement, but at a lower level.	The City is implementing this program. The program should continue.
2.24	The City shall review its eligibility for Federal and State home repair, renovation, and replacement programs annually and apply for programs, as appropriate.	Community Development Department	Ongoing		The City provided CDBG funds for two housing rehabilitation projects in FY 2008 – 09.	The City continues to fund repair, renovation, and replacement programs.	The City is implementing this program. The program should continue.

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2.25	The City shall continue to periodically update the status of housing conditions to determine the need for housing rehabilitation and the removal of unsafe units.	Community Development Department, Code Enforcement, Building Inspection	Ongoing		The City employs a half-time code compliance officer. A housing conditions study was prepared as part of the 2008 Housing Element Update.	The City continues to include operating funds for code enforcement to monitor housing conditions, but at a lower level.	The City is implementing this program. The program should continue.
2.26	The City will commit assistance to the renovation and rehabilitation of existing mobile home parks in the East Street Corridor through a rezone to eliminate their non-conforming status, for the purposes of preservation and maintenance of affordable housing for very low-, low-, and moderate-income households.	Community Development Department	Ongoing		The City has completed the rehabilitation/renovation and the rezoning of the 156-unit Casa del Sol mobile home park. The City worked closely with the Community Housing Opportunities Corporation (CHOC) to close the final financing for the project. The final funding for the project, a HOME loan, was approved for CHOC in 2011 and 30 new coaches (residential units) were installed during the same year. To date, the new coaches have been rented to lower income houses with the exception of manager's unit and two coaches that remain vacant.	The City has successfully completed this program.	This program should not be continued.
2.27	The City will contact property owners of units at-risk of converting to market rate housing within one year of affordability expiration to discuss the City's desire to preserve complexes as affordable housing. Participation from agencies interested in purchasing and/or managing units at-risk will be sought. Funding assistance, which can be leveraged with outside sources by the non-profit or for-profit developer to either transfer ownership, or provide rent subsidies to maintain affordability, shall utilize all available federal, state, and local financing sources. Property owners are required to give a nine-month notice of their intent to opt out of low-income use restrictions. The City will work with tenants to provide education regarding tenant rights and conversion procedures pursuant to California law.	Community Development Department, Redevelopment Agency	Ongoing	144 extremely low, 145 very low-income units	The City continues to monitor affordable housing projects at-risk of converting to market rate housing and offer assistance to maintain the projects as affordable. The City continues to review HUD's information on potential opt-outs and attempt to preserve them. In August 2010, the City Council approved a HOME application for an expiring Section 8 project. While the application was not successful, the City continues to work with Yolo County Housing on preserving affordable units.	287 units in Woodland have been preserved since 2009. YCH preserved affordability at Crosswood Apartments. Cherry Glen is being preserved by another party, Greenery has been preserved with the use Tax Credits and LMSA funding. Another project, New Dimensions, is considered low-risk because it is owned and managed by the nonprofit Community Housing Opportunities Corporation of Davis and is dedicated to maintaining the affordability of the project.	This program should be continued, but modified to reflect the absence of redevelopment funding.
2.28	The City shall continue to strive for greater energy conservation in residential development. Through the Redevelopment Agency, CDBG monies are available for energy efficiency work through their housing rehabilitation program for lower-income households. Additionally, the City will continue to provide information to all residents regarding available home rehabilitation programs, and increase public awareness of self-help and rehabilitation programs	Redevelopment Agency	Ongoing		The Rochdale Grange project was completed in 2011 and includes solar panels on the Community Center to help supply energy to the complex. Also through the City's CDBG housing rehab program, energy efficiency upgrades are encouraged.	The City is making progress in implementing this program.	This program should continue, but should be modified to reflect the absence of redevelopment funding.

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	through outreach programs.				These include installing dual paned windows, new insulation and other items that can positively affect energy consumption. The new homes being built by Standard Pacific in Spring Lake are required to have a minimum of 5% of their homes have solar. The Pulte development of 79 homes which is under construction intends to offer solar on 100% of their homes.		
2.29	The City shall continue to distribute Fair Housing brochures and booklets indicating what the Fair Housing laws are and where advice, assistance and enforcement activities can be obtained. The City will provide this information to any person who feels they have been discriminated against in acquiring housing within the City and to any housing provider who requests such information. Information will be made available at the City's website and at the City's Homebuyer Education Seminars.	Fair Housing Specialist	Ongoing		Information such as Fair Housing brochures are published in English and Spanish and are on display at the Fair Housing kiosk located at the City's Community Development Department office.	The City is making progress in implementing this program.	This program should continue.
2.30	The City shall affirmatively further fair housing by contracting with the Fair Housing Hotline Project provided through Legal Services of Northern California	Community Development Department, City Council	Ongoing		Legal Services of Northern California is contracted by the City to provide the Fair Housing Hotline Project. Quarterly updates are reported by Legal Services of Northern California.	The City is making progress in implementing this program.	This program should continue.
2.31	The City shall facilitate an Annual Fair Housing Open House for rental property owners and various social services organization and agencies to discuss mechanisms to evaluate tenant applications according to fair housing law.	Community Development Department	Ongoing		Legal Services of Northern California, the Yolo County Housing Authority, and the City jointly held a Fair Housing Workshop in April 19, 2012. Speakers from Legal Services and California Department of Fair Employment and Housing provided an overview of State fair housing laws, disability discrimination, reasonable accommodations and modifications, and legal rights for victims of domestic violence and stalking in voucher housing to housing tenants, landlords, and other interested individuals and organizations.	The City has participated in an open house, in 2012.	This program should continue.
2.32	The Community Development Department shall refer fair housing complaints to the Fair Housing Hotline Project provided through Legal Services of Northern California and State Department of Fair Employment and Housing for resolution	Community Development Department	Ongoing		Fair housing issues are referred to the Fair Housing Hotline Project for housing.	The City is making progress in implementing this program.	This program should continue.

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2.33	The City shall initiate a change to the General Plan and Zoning Ordinance to allow for additional mobile home units to be located in a mobile home park.	Community Development Department, Planning Commission, City Council	Ongoing		No action was taken in FY 2010-11.	No actions governed by this program were undertaken. The program effectiveness cannot be evaluated at this time.	The program should continue, with modifications to reflect the new General Plan and comprehensive zoning update in process.
2.34	The City shall affirmatively further fair housing by contracting with the Fair Housing Hotline Project provided through Legal Services of Northern California	Community Development Director, City Council	Ongoing		Legal Services of Northern California is contracted by the City to provide the Fair Housing Hotline Project. Quarterly updates are reported by Legal Services of Northern California.	The City is making progress in implementing this program.	This program should continue.
2.35	The City shall review and amend its Municipal Code as necessary to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.	Community Development Department, City Council	Ongoing		Reasonable Accommodation for Persons with Disabilities was added to the Municipal Code in 2004 (§25.21.85).	The City is making progress in implementing this program.	This program should continue.
2.36	The City shall develop measures to encourage developers to use barrier-free design in new housing developments. Such measures could include density bonuses, fee reductions or other incentives. The City shall develop and make available information showing recommended barrier-free design features for residential projects.	Community Development Department, City Council	FY 2009		Barrier-free design is governed by accessibility law and incorporated with all designs. All apartments are required to comply with Chapter 11B of the California Building Code. Construction of the Rochdale Grange affordable housing project was completed in 2011 and a number of the first floor units include accessible features. The City Council approved up to $910,000 in funding for the Mutual Housing at Spring Lake affordable housing project on July 20, 2010. A number of the first floor units planned for the project will include accessible features,	The City is making progress in implementing this program.	This program should continue.
2.37	The City shall increase its educational outreach efforts by assuring that all flyers are available in both English and Spanish regarding fair housing issues as related to migrant and seasonal farm workers. Financial and technical assistance may be sought from California Rural Legal Assistance, the Farm worker Justice Fund, the USDA Rural Development Program, and HCD's Office of Migrant Services	Community Development Department	Ongoing		Fair Housing brochures are published in English and Spanish and are on display at the Fair Housing kiosk located at the City's Community Development Department office. In addition, the Fair Housing Hotline Project can accommodate Spanish speakers.	The City is making progress in implementing this program.	This program should continue.
2.38	The City shall enforce Title 24 provisions of the California Administrative Code for residential energy conservation measures.	Community Development	Ongoing		The City adopted the 2010 California Building Standards Code and the 2010	The City is making progress in implementing this program.	This program should continue.

Table 2-57 Evaluation of Existing City of Woodland Housing Element Policies

Program	*Action*	*Responsibility*	*Timeframe*	*Objective (quantified/qualified)*	*Result*	*Evaluation*	*Should the City Continue As-Is, Modify, or Remove this Program and Why?*
		Department			California Green Building Code. Fees for Solar projects have been reduced and plan review times have been streamlined.		
2.39	The City shall encourage the continued affordability of both rental and ownership housing by encouraging energy conservation in all existing development. The City will make available an informational fact sheet for distribution that will describe the measures that can be instituted in homes for little cost and will save energy and utility expenses.	Community Development Director, Building Division	Ongoing		No action was taken during FY 2010-11.	No actions governed by this program were undertaken. The program effectiveness cannot be evaluated at this time.	The program should continue, with modifications to reflect the new CAP, General Plan and comprehensive zoning update in process.
2.40	The City shall apply its energy conservation policies in the Spring Lake Specific Plan citywide. These policies include but are not limited to the use of energy efficient air conditioners, light-colored roofing materials, photovoltaic energy systems, and Energy Star appliances.	Community Development Director, Public Works Director, Building Division	FY 2009		No action was taken in FY 2010 – 11; however, it should be noted that the California Building Standards Commission approved a "green" building code in July 2008. The code imposes new, increased requirements in the areas of energy efficiency, water conservation, indoor air quality, and moisture control. The code will be phased in between 2009 and 2011 for cities and counties. The requirements of the code are similar to if not more stringent than the energy efficiency provisions of the Spring Lake Specific Plan.	The City has not taken action to implement this program; however, changes in the California Building Code accomplish the goals of this program without action required on the part of the City.	This program should be continued.

2.6 Other Requirements

PUBLIC PARTICIPATION

State law requires cities and counties to make a "diligent effort" to achieve participation by all segments of the community in preparing a housing element (Section 65583 (c) (6) of the California Government Code). This diligent effort translates into local jurisdictions doing more than issue the customary public notices and conduct standard public hearings prior to adopting a housing element. State law requires cities and counties to take active steps to inform, involve, and solicit input from the public, particularly low-income and minority households that might otherwise not participate in the process. The City continued to solicit public input throughout the update process, beginning with City Council awarding the contract for preparation of the Housing Element, during the development of the Draft Element, during public review of the Draft Element, and during the adoption process.

During preparation of the Woodland Housing Element, the City decided to solicit input early in the process during preparation of the Draft Element. This was done in order to identify issues upfront and then include solutions, policies, and programs in the Draft Element that would address the citizens and stakeholders concerns. Opportunities for public input included the following meetings:

- Feb 7/8 Stakeholder interviews
- Feb 11 General Plan website launch
- Feb 21 Planning Commission #1 (kick-off meeting)
- Mar 7 Community Housing Forum
- Mar 21 Community-wide household survey mail-out
- Apr 11 Community Workshop #1 (community vision)
- Apr 13 Community Workshop #2 (community vision)
- Apr 30 General Plan Steering Committee #2 (Housing Element)
- May 16 Planning Commission hearing on draft Housing Element
- May 21 City Council hearing on draft Housing Element

The stakeholder interviews and Community Housing Forum included participation by a range of community-based organizations that serve special needs groups and lower-income households, housing developers (including affordable housing developers), the business community (including real estate and finance), and others with an interest in housing policy issues and supportive services for special needs and lower-income populations. The City also distributed a community survey to solicit public input a wide variety of topics, including housing, and created a webpage (Woodland General Plan 2035) to allow the public to stay informed and provide input during the General Plan update process (including the Housing Element update).

In addition to these opportunities for community participation in the update to the Housing Element update, the City conducted several public forums during preparation of a technical report[5] that will inform the adoption of a Climate Action Plan and strategies related to housing, neighborhoods, healthy communities, energy and water conservation, and greater access to community services within a walkable and transit-supportive environment. These strategies will be important to the successful implementation of the Housing Element. Through a webpage created by the City for the Climate Action Plan, the public was invited to provide suggestions for climate action plan strategies. The City also conducted public forums in 2012, including a community-wide public “visioning” workshop on June 12 to introduce the project and gather community input and a Public Strategies Workshop on August 8.

Summary comments from the Housing Forum, subsequent meetings, and other forms of public outreach are included in Appendix B.

A summary of comments from public participation during the early stages of the Climate Action Plan related to housing, neighborhoods, and community health are included in Appendix C.

CONSISTENCY WITH GENERAL PLAN AND POLICIES

State Law requires that the Housing Element be consistent with other elements of the City of Woodland’s General Plan. Policies and programs were developed subject to the constraints of the policies and programs contained in the other General Plan elements. Of all the other General Plan elements, the Housing Element is most closely related to the Land Use and Community Design Element in the General Plan because the Land Use and Community Design Element specifies the lands within the City that may be utilized for housing development.

Areas available for residential development along with the range of allowable densities and direction on appropriate housing types are designated through the Land Use Diagram and the land use definitions in the Land Use and Community Design Element, thereby laying the foundation for all other goals, policies, and programs related to the provision of housing. The Land Use and Community Design Element also provides further detail in the implementation of many Housing Element policies. The policies and implementation programs contained under the “Residential Development” and “New Residential Neighborhoods” sections of the Land Use and Community Design Element discuss providing a variety of housing types and encouraging infill development, while preserving the quality and character of existing neighborhoods.

Other elements in the General Plan also discuss policy directions for residential development. For example, the Economic Development Element states “it is crucial that economic development be balanced with adequate housing for city resident workers and that it contributes to the character and quality of life in Woodland.” Policy 9.C.4 in the Economic

[5] City of Woodland Climate Action Plan Technical Report, December 2012.

Development Element calls for the City to "actively pursue the creation of significant new housing opportunities within the Downtown Central Business District."

The expression of the community's goals and objectives regarding housing production are embodied in this document. This Housing Element provides an effective framework to address the housing needs and demands for future housing development, rehabilitation, and conservation through its policies and programs.

Relationship to Other City Plans and Policies

The Housing Element identifies priority goals, objectives, policies and action programs for the next eight years that directly address the housing needs of Woodland. The Housing Element goals, objectives, and policies are implemented through other plans and policies as summarized below, including the City's Municipal Code and Specific Plans.

Woodland Municipal Code

The Woodland Municipal Code (WMC) consists of all the regulatory ordinances and certain administrative ordinances of the City, codified pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. The WMC includes the City's Subdivision Ordinance and Zoning Ordinance.

Specific Plans

Specific plans are customized regulatory documents that provide focused guidance and regulations for a particular area. They generally include a land use plan, circulation plan, infrastructure plan, zoning classifications, development standards, design guidelines, phasing plan, financing plan, and implementation plan. Woodland has four approved specific plans. The specific plan is designed to allow for development in a manner that is compatible with surrounding areas, and the general character of the City of Woodland. These plans are listed below:

- Downtown Specific Plan
- Spring Lake Specific Plan and Design Standards
- East Street Corridor Specific Plan
- Southeast Area Specific Plan

PRIORITY FOR WATER AND SEWER

Per Chapter 727, Statues of 2004 (SB 1087), upon completion of an amended or adopted housing element, a local government is responsible for immediately distributing a copy of the element to area water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households. Chapter 727 was enacted to improve the effectiveness of the law in facilitating housing development for lower-income families and workers.

Local public and/or private water and sewer providers must adopt written policies and procedures that grant a priority for service hook-ups to developments that help meet the community's share of the regional need for lower-income housing. In addition, the law prohibits water and sewer providers from denying, conditioning the approval, or reducing the amount of service for an application for development that includes housing affordable to lower-income households, unless specific written findings are made.

As mentioned in the Adequacy of Public Facilities and Infrastructure section, the City of Woodland provides water and sewer services for the area.

2.7 Resources

LIST OF AGENCIES AND ORGANIZATIONS CONTACTED OR CITED

Alta Regional Center

California Housing Partnership Corporation

City of Woodland

Department of Housing and Community Development (HCD)

Department of Housing and Urban Development (HUD)

Elderly Nutrition Program

Legal Services of Northern California, Yolo County Office

Remax Realty

Rural Communities Assistance Corporation

Sexual Assault & Domestic Violence Center of Yolo County

Woodland Joint Unified School District

Woodland Senior Center

Woodland Youth Services

Yolo County Homeless Coordinator

Yolo County Housing Authority

Yolo County Adult Protective Services, In-Home Support Services (IHSS)

Appendix A: Parcel Inventory

Table A.1 Land Inventory (Not Including Spring Lake Specific Plan Area

Address	*Acres*	*APN_New*	*Existing LU*	*Zoning*	*Status*	*Realistic Capacity*
514-518 MAIN ST	0.18	006-561-006-000	Retail Sales	CBD	Redevelopable	1
318 D ST	0.07	063-072-006-000	Vacant	ESD	Redevelopable	1
301 C ST	0.10	063-072-001-000	Vacant	ESD	Redevelopable	1
315 1/2 D ST	0.10	063-073-004-000	Vacant	ESD	Redevelopable	1
315 D ST	0.10	063-073-005-000	Single Family Residential	ESD	Redevelopable	1
1245 ARMFIELD AVE	0.11	063-074-002-000	Single Family Residential	ESD	Redevelopable	1
1241 ARMFIELD AVE	0.13	063-075-004-000	Single Family Residential	ESD	Redevelopable	1
1237 ARMFIELD AVE	0.13	063-075-002-000	Vacant	ESD	Redevelopable	1
317 D ST & 1243 ARMFIELD AVE	0.13	063-074-001-000	Multiple Family Residential	ESD	Redevelopable	1
1239 ARMFIELD AV & 1239 1/2 ARMFIELD AVE	0.13	063-075-003-000	Multiple Family Residential	ESD	Redevelopable	1
312 C ST	0.13	063-076-002-000	Single Family Residential	ESD	Redevelopable	1
1219 ARMFIELD AVE	0.13	063-077-004-000	Single Family Residential	ESD	Redevelopable	1
1215 ARMFIELD AVE	0.13	063-077-003-000	Automotive Uses	ESD	Redevelopable	1
1213 ARMFIELD AVE	0.13	063-077-002-000	Single Family Residential	ESD	Redevelopable	1
310 A ST	0.13	063-078-003-000	Single Family Residential	ESD	Redevelopable	1
315 EAST ST	0.13	063-078-001-000	Automotive Uses	ESD	Redevelopable	1
309 B ST	0.14	063-071-011-000	Single Family Residential	ESD	Redevelopable	1
308 B ST	0.14	063-071-010-000	Single Family Residential	ESD	Redevelopable	1
308 A ST	0.14	063-071-006-000	Single Family Residential	ESD	Redevelopable	1
303 EAST ST	0.14	063-071-005-000	Automotive Uses	ESD	Redevelopable	1
311 C ST	0.14	063-072-005-000	Automotive Uses	ESD	Redevelopable	1
308 C ST	0.14	063-071-014-000	Single Family Residential	ESD	Redevelopable	1
307 B ST	0.14	063-071-012-000	Single Family Residential	ESD	Redevelopable	1
306 B ST	0.14	063-071-009-000	Single Family Residential	ESD	Redevelopable	1
306 A ST	0.14	063-071-007-000	Single Family Residential	ESD	Redevelopable	1
301 EAST ST	0.14	063-071-004-000	Single Family Residential	ESD	Redevelopable	1
313 C ST	0.14	063-072-013-000	Vacant	ESD	Redevelopable	1
309 C ST	0.14	063-072-004-000	Vacant	ESD	Redevelopable	1
306 C ST	0.14	063-071-013-000	Single Family Residential	ESD	Redevelopable	1
305 C ST, A-C	0.15	063-072-012-000	Multiple Family Residential	ESD	Redevelopable	1

Table A.1 Land Inventory (Not Including Spring Lake Specific Plan Area

Address	*Acres*	*APN_New*	*Existing LU*	*Zoning*	*Status*	*Realistic Capacity*
313 D ST	0.21	063-073-003-000	Single Family Residential	ESD	Redevelopable	2
311 D ST	0.21	063-073-002-000	Single Family Residential	ESD	Redevelopable	2
1247-49 ARMFIELD AVE	0.24	063-074-003-000	Multiple Family Residential	ESD	Redevelopable	2
1233-35 ARMFIELD AVE	0.26	063-075-001-000	Single Family Residential	ESD	Redevelopable	2
1211 ARMFIELD AVE	0.26	063-077-001-000	Vacant	ESD	Redevelopable	2
309 D ST	0.33	063-073-001-000	Single Family Residential	ESD	Redevelopable	3
1207 ARMFIELD AVE	0.40	063-078-002-000	Automotive Uses	ESD	Redevelopable	3
1225 ARMFIELD AVE	0.53	063-076-001-000	Single Family Residential	ESD	Redevelopable	4
310 D ST	0.59	063-072-008-000	Vacant	ESD	Redevelopable	5
25 EAST ST	0.68	063-090-031-000	Vacant	ESD	Redevelopable	6
1225 E OAK AVE	1.17	066-021-027-000	Industrial	ESD	Redevelopable	10
119-123 EAST ST	1.40	063-060-001-000	Industrial	ESD	Redevelopable	12
1237 E OAK AVE	1.52	066-021-028-000	Commercial	ESD	Redevelopable	13
534 JOHNSTON ST	2.14	066-021-004-000	Single Family Residential	ESD	Redevelopable	18
1285 LEMEN AVE	4.36	063-060-005-000	Government	ESD	Redevelopable	37
613 EAST ST	0.28	066-021-025-000	Vacant	ESD	Vacant	0
NO ADDRESS	0.94	063-060-012-000	Vacant	ESD	Vacant	0
145 EAST ST	1.25	063-060-010-000	Mini Mart	ESD	Vacant	31
148 FIFTH ST	0.25	005-162-045-000	Vacant	N-P	Redevelopable	0
527 WALNUT ST	0.34	006-582-007-000	Single Family Residential	N-P	Redevelopable	0
170 FIRST ST	0.14	005-632-014-000	Vacant	N-P	Vacant	1
167 FIRST ST	0.19	005-633-012-000	Single Family Residential	N-P	Vacant	2
1005 COTTONWOOD ST	0.16	065-175-021-000	Single Family Residential	R-1	Redevelopable	0
505 CHAPMAN CIR	0.16	065-211-022-000	Single Family Residential	R-1	Redevelopable	0
1021 WEST ST	0.27	006-281-030-000	Single Family Residential	R-1	Redevelopable	1
10 AMHERST PL	0.33	039-361-005-000	Vacant	R-1	Vacant	4
882 W SOUTHWOOD DR	0.35	065-370-006-000	Vacant	R-1	Vacant	4
315 WOODLAND AVE	0.13	005-716-009-000	Single Family Residential	R-2	Vacant	2
203 N COLLEGE ST	0.13	005-716-010-000	Single Family Residential	R-2	Vacant	2
NO ADDRESS	0.21	005-615-017-000	Vacant	R-2	Vacant	3
267 PALM AVE	0.22	005-692-061-000	Vacant	R-2	Vacant	4
224 FREEMAN ST	0.26	005-715-007-000	Multiple Family Residential	R-2	Vacant	4
269 PALM AVE & 808 KENTUCKY AVE	0.27	005-692-059-000	Vacant	R-2	Vacant	4
NO ADDRESS	0.43	005-540-029-000	Vacant	R-2	Vacant	7
317 BEAMER ST	0.52	005-604-006-000	Vacant	R-2	Vacant	8
508 CALIFORNIA ST	0.22	065-290-039-000	Commercial	R-M	Redevelopable	2
622 CALIFORNIA ST	0.23	065-300-024-000	Single Family Residential	R-M	Redevelopable	2

Table A.1 Land Inventory (Not Including Spring Lake Specific Plan Area

Address	*Acres*	*APN_New*	*Existing LU*	*Zoning*	*Status*	*Realistic Capacity*
626 CALIFORNIA ST	0.48	065-300-025-000	Single Family Residential	R-M	Redevelopable	4
608 COMMUNITY LN	0.89	065-300-004-000	Single Family Residential	R-M	Redevelopable	8
NO ADDRESS	0.14	065-221-006-000	Vacant	R-M	Vacant	1
NO ADDRESS	0.14	065-221-007-000	Vacant	R-M	Vacant	1
NO ADDRESS	0.14	065-221-008-000	Vacant	R-M	Vacant	1
NO ADDRESS	0.14	065-221-009-000	Vacant	R-M	Vacant	1
NO ADDRESS	0.14	065-221-010-000	Vacant	R-M	Vacant	1
NO ADDRESS	0.20	065-221-012-000	Vacant	R-M	Vacant	2
NO ADDRESS	0.26	065-221-013-000	Vacant	R-M	Vacant	2
NO ADDRESS	0.26	065-221-005-000	Vacant	R-M	Vacant	2
NO ADDRESS	0.27	065-221-011-000	Vacant	R-M	Vacant	2
530 COMMUNITY LN	0.44	065-290-007-000	Vacant	R-M	Vacant	4
NO ADDRESS	1.09	066-030-033-000	Vacant	R-M	Vacant	27

Table A.2 Land Inventory (Spring Lake Specific Plan Area)

Zone	*Land Use Description*	*Density*	*Acreage*	*Maximum Density*	*Capacity at 80%*
R-25	High Density Residential	16.0 - 25.0 du/gross ac	5.14	25.0	103
R-25	High Density Residential	16.0 - 25.0 du/gross ac	5.04	25.0	101
R-25	High Density Residential	16.0 - 25.0 du/gross ac	6.58	25.0	132
R-25	High Density Residential	16.0 - 25.0 du/gross ac	11.05	25.0	221
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	50.09	8.0	321
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	21.75	8.0	139
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	16.36	8.0	105
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	18.07	8.0	116
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	24.01	8.0	154
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	24.81	8.0	159
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	26.81	8.0	172
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	6.02	8.0	39
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	1.02	8.0	7
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	2.29	8.0	15
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	1.43	8.0	9
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	2.86	8.0	18
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	0.90	8.0	6
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	14.95	8.0	96
R-8	Low Density Residential	3.0 - 8.0 du/gross ac	9.00	8.0	58
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	5.02	15.0	60
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	5.02	15.0	60
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	3.79	15.0	45
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	5.36	15.0	64
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	5.04	15.0	60
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	6.04	15.0	73
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	9.96	15.0	120
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	1.14	15.0	14
R-15	Medium Density Residential	8.0 - 15.0 du/gross ac	9.37	15.0	112
R-12	Medium Low Density Residential	5.0 - 12.0 du/gross ac	3.51	12.0	34
R-12	Medium Low Density Residential	5.0 - 12.0 du/gross ac	25.55	12.0	245
R-12	Medium Low Density Residential	5.0 - 12.0 du/gross ac	6.82	12.0	65
R-12	Medium Low Density Residential	5.0 - 12.0 du/gross ac	6.30	12.0	60
R-12	Medium Low Density Residential	5.0 - 12.0 du/gross ac	20.52	12.0	197
R-4	Very Low Density Residential	1.0 - 4.0 du/gross ac	109.77	4.0	351
R-4	Very Low Density Residential	1.0 - 4.0 du/gross ac	2.26	4.0	7

Appendix B: Comment Summary

Housing Forum

March 7, 2013, 4:00-6:00 PM | Woodland City Council Chambers, 300 1st Street

TRENDS AND HOUSING NEEDS

Senior Housing

- Housing is needed to allow Woodland residents to "age in place," which would allow seniors to stay in the community and would also provide fiscal benefits to City by retaining the tax base.
- Stand-alone, age-restricted housing is needed, stand-along senior housing is needed, and "active adult" housing is needed (City only has one facility currently).
- Smaller dwelling units with reduced yards are needed for seniors, easier to maintain.
- Senior housing could include townhomes and condominiums, particularly single-story units.
- Active adult housing is also needed (not assisted living). Similar to Heritage Park in Natomas but smaller.

Single Farmworker Housing

- There are family options, but not option for singles (smaller, affordable units, studio apartments, for example).
- Based on the growing season, the need is for year-round, as opposed to seasonal.
- Need locations close to place of work.

Extremely Low-Income Housing

- This type of housing is a need.
- Accommodate those living on Supplemental Security Income (SSI) income, especially individuals.
- The City should also consider ownership opportunities for low income households/individuals.

Entry level housing

- Smaller units can help households build equity.

Types of Housing Needed – Compact Housing, Second Units

- Townhomes and condos are needed.

- Compact housing helps to accommodate needs of seniors and lower income households/individuals.
- Need to index housing to income.
- Second units ("in-law" units) could fulfill some of the housing needs (affordable, senior), in particular on properties with larger backyards.
- Mixing: different housing types should be mixed with a fine grain.

Amenities and Housing

- Bike paths, trails, walking paths are needed in areas with housing so people can travel without a car.
- Should have green space near housing – in both existing communities and new developments.
- Higher-density housing is better and more accepted if it has green spaces – could be nearby (not necessarily on-site).
- Parks: linear, especially allows people to walk near home.
- Senior apartments and other apartments should have nearby community gardens.
- City should buffer large roads from homes with open space.
- Recreation: 91% prefer walking near home. Should promote multi-use open space.
- Be smarter about drainage (use naturalized drainage) and also provide in same area walking and habitat. Includes these concepts in both streetside and residential drainage.
- City should have a greenbelt around Woodland for walking.
- Dog parks, swimming, wheelchair and disability accessible; open space should have water. Areas for children to explore and play are important, as well.
- Creating a good place to raise a family results in economic development value because businesses and employees desire those amenities.

Special Needs

- Need supportive housing for people with disabilities
- Need programs paired with housing to serve people with disabilities.
- Transitional Housing is a need and will be in the future. HUD is moving away from transitional to permanent supportive housing.

Larger Family Housing

- There is a limited availability of large family housing. Need some with six bedrooms.

Examples

- Margaret Manor in West Sacramento as an example; income/deed restricted housing project.
- Rossmoor
- Lafayette
- Natomas – Heritage Park
- Metro Square – 25 units per acre – good design; same project in West Sacramento.

Opportunities, Locations for Compact Housing

Downtown

- Downtown housing is a good opportunity. Second-story units above retail.
- Second story units could share parking with retail. Peak periods for residential and nonresidential downtown would not overlap, so this would be an opportunity to make more efficient use of parking. Parking should be considered to avoid major capacity problems.
- Live/work units are another opportunity downtown.
- Living downtown near services has many benefits.

West Main Street

- There are opportunities to repurpose low-performing commercial properties into residential uses. Main Street west of downtown, for example.

Repurposing other commercial areas for compact housing

- Warehouses could also provide residential re-use opportunities.

Spring Lake Specific Plan Area and other new growth areas

- Look for areas throughout the City to include in higher-density housing.

Fees/Funding

- Impact fees: have increased the last 5 years. City should consider fee deferrals until later phases, not just waiving. This could help incentivize development in Woodland vis-à-vis elsewhere.
- Bank financing is an issue.
- Loss of redevelopment eliminates a key method for developing affordable housing. City could consider non-profit entity to do similar actions to RDA; perhaps look at Roseville model. This was funded through multiple millions of dollars, however.

- Local non-profits can help. Local banks may be willing to donate foreclosed properties to non-profits to rehabilitate for low income housing.

Constraints

- City should ensure that zoning code requirements do not inhibit the development of live/work units downtown.
- City should remove regulatory barriers to downtown housing and live/work units.
- Difficult to provide affordable housing when income is $800 per month.
- City should ensure that process to entitle mixed-use development (housing and commercial) is simple and quick.
- City should ensure process for easements is simple and quick.

Density

- Higher densities need open space and park areas. Include community gardens.
- Mixed densities work well.
- Allow/encourage second units. Especially on the back of long lots with alley access.
- Explore old bungalow courts.
- Consider third stories – need architectural control.
- Allow higher density on blighted or vacant parcels
- Don’t concentrate density in one area – spread around city.
- Include linear greenway connections.
- Possible locations for new 30 du/ac default density:
- Old Willow Springs school site
- East Street corridor
- Vacant commercial
- Lincoln, Grand, Main Streets area
- County Fair Mall
- County Fairgrounds
- City surplus properties
- Near community center
- Country Oaks site (old tennis court site)
- Woodhaven Lanes (between West Main and Court Streets)

- Ashley near CR 98
- Current County courthouse site

Miscellaneous

- City should look to decrease VMT throughout the City.
- General Plan Update: should look at a Blueprint Alternative.
- City should also be looking at range of housing in areas outside City limits. Consider a separate housing element for the land between the City limits and the Urban Limit Line (ULL).

Need to avoid segregating housing of various types/incomes. Interspersed housing is the best model.

Comments Received after Housing Forum

- **Compact Housing.** Support for smaller-scale housing (including detached, ownership) with a reduced amount of square footage. Smaller-scale housing should start at approximately 400 square feet, with a good design approach. The City should consider whether there are any zoning code constraints, such as those related to lot coverage or allowable land uses, which would adversely affect smaller-scale housing construction.
- **Land Trusts.** Support for the use of land trusts to promote housing development. One approach could be to place land into rotating, long-term, capped-cost leases, which revert to a land trust, under certain conditions. It is possible that there could be tax benefits for this approach and it is possible that some of the low-income housing providers already use such techniques.
- **Senior Housing.** Support for the development of senior housing, including affordable "Del Webb" style senior developments.
- **Second Units.** The City should allow existing property owners to build second units (otherwise known as "in-law" units, "granny" units).
- **Locate Compact Housing near Services.** The City should promote the development of compact housing in areas close to services.
- **Downtown Development.** Mixed-use development should be promoted in the Downtown core, along with bed & breakfast uses (in order to promote tourism).
- **Affordability.** Affordable housing and market-rate housing should be provided with the appropriate balance. Housing should be available both to households and individuals with low incomes, as well as those with high incomes and everything in between. The City should accommodate housing that is affordable to young people.

- **Agricultural Land.** Prime agricultural land should be preserved as the City develops.
- **Sustainable Development.** Both new developments and reuse projects should incorporate principles of conservation and "sustainability."
- **Zoning.** The City's zoning ordinance should clearly outline what uses are, and what uses are not allowed in each zoning district. The appeals process should be uniform and streamlined. The City should facilitate review and approval of development applications.

Housing Forum Attendees

- Karen Hulbert (Coldwell Banker)
- Ken Konecny (Coldwell Banker)
- John Murphy
- Liz Johnson
- David Storer (Knaggs Commercial Properties)
- Al Aldrete
- Rodney B Higgins
- Larry Love
- Debbie Bruno
- Chris Holt
- Roger Ashton
- Alysa Meyer
- Marianne Krager (Yolo County Housing)
- Michael Clifford
- Jan Gillette

Stakeholders / Participants

Stakeholders who participated in the General Plan Update stakeholder process on February 7/8 included local affordable housing professionals, Mercy Housing, local business owners, local real estate and housing finance, experts, members of the City's Sustainability Committee and Historic Preservation Commission, a social justice activist, and community residents.

Appendix C: Public Comment during Development of the Climate Action Plan

Energy

NEW CONSTRUCTION

- Require greater energy efficiency in new development, including Title 24 building code requirements, site planning, and building orientation.
- Promote greater use of solar energy (solar panels, water heaters, etc.) in new construction.

RETROFITS

- Require older homes to become more energy efficient and consider low-interest loans for upgrades.
- Consider a voluntary assessment district approach to help fund energy efficiency upgrades in older homes.
- Encourage use of trained volunteers and community-based organizations to assist with providing information and education to property owners on energy efficiency upgrades.
- Assist with identifying affordable financing for solar energy installation.

Transportation

WALKING AND BIKING

- Improve bicycle / pedestrian path system.
- Make streets more walkable and bikable (safe routes to school, bike friendly streets, better bicycle and pedestrian connections).

TRANSIT

- Improve transit service to connect homes, schools, shopping, and jobs.
- Improve transit connections to regional systems (Amtrak, Light Rail, etc.).
- Increase transit availability to special needs populations that rely more on transit.

LAND USE

- More mixed-use development where possible and increased development densities (including residential), particularly along major transit routes and in the downtown area.
- Revise commercial zoning to encourage development where residents get “what they need” nearer to home.
- Incentivize high-density residential development in the General Plan Housing Element.
- Encourage infill / redevelopment / centralization—both commercial and housing.
- Create Priority Areas for infill, mixed-use and higher density development within ½-mile walking distance to transit (including housing).

Landscaping and Tree Canopy

- Work with Woodland Tree Foundation to promote the City tree rebate program to increase the number of street trees.
- Be proactive in encouraging homeowners to plant trees in planting strips.
- Require all new home construction to include 2 shade trees per home on the east, west, or south face of the home to provide the most energy savings.
- Focus on maintenance of mature trees that already provide energy benefits vs. planting new trees that will provide no benefit for many years.
- Allow people to remove large, grassy lawns and replace with appropriate low-water using plants and shrubs.
- In all new construction, allow less landscaping to be grass.
- Reduce water usage and energy associated with water by emphasizing native landscaping (drought-tolerant) at city-owned property.

Stakeholders / Participants

An informal “stakeholders planning group” was formed at project initiation to help build community awareness of and participation in the plan development effort and to ensure input from key community groups. Included are the members of the Sustainability Committee and representatives of the Woodland Planning and Historical Preservation Commissions, the Water Utility Advisory Committee, the Chamber of Commerce, the North Valley Hispanic Chamber of Commerce, Historic Woodland Downtown Business Association, Yolo County Board of Realtors, Pacific Coast Producers, Dignity Healthcare, Woodland Community College, Woodland Joint Unified School District, Supervisors Chamberlain and Rexroad, Yolo County Health Council, the League of Women Voters, Tuleyome, Woodland Tree Foundation, and the Springlake Homeowners group.

City of Woodland

MEMORANDUM

TO: **MEMBERS OF THE WOODLAND PLANNING COMMISSION**

FROM: Cindy A. Norris, Principal Planner
Heidi Tschudin, General Plan Project Manager

SUBJECT: Draft 2013 Housing Element (2013 - 2021)

DATE: May 16, 2013

RECOMMENDED ACTIONS:

Staff recommends that the Planning Commission make the following recommendations to the City Council:

1) Receive the Draft 2013 Housing Element;

2) Direct staff to transmit the document to the State Department of Housing and Community Development (HCD) for review and comment; and

3) Commence preparation of appropriate environmental impact analysis on the Draft 2013 Housing Element in preparation for adoption later this year.

OVERVIEW:

The Housing Element is one of seven mandated elements of the City's general plan. State law requires that local governments address the existing and projected housing needs of all economic segments of the community through the housing elements.

As specified under state law the Draft 2013 Housing Element contains an identification and analysis of existing and projected housing needs for the City of Woodland, and a statement of goals, policies, qualified objectives, financial resources, and scheduled programs for preservation, improvements, and development of housing.

The existing current 2008 Housing Element was adopted March 24, 2009 and will expire October 31, 2013.

In many respects the new Draft 2013 Housing Element is very similar to the prior element. At a macro level, however, the City faces significant new challenges for the upcoming planning cycle. These include continuing economically depressed conditions (although recovery is starting to be visible), severely cut staffing and programs, structural fiscal challenges in the financing program for the Spring Lake Specific Plan, and the loss of the statewide redevelopment program which played a large role in the provision of affordable housing locally and regionally.

The purpose of the Planning Commission hearing is to provide an overview of the proposed new Draft 2013 Housing Element including how it differs from the current 2008 Housing Element, and to request the Planning Commission to take action on the document in the form of the identified recommendations to the City Council.

BACKGROUND:

With the exception of the Housing Element, State law sets no mandatory requirements for how often a general plan should be updated or how far into the future it should plan. Housing Elements, however, must be updated a minimum of every five years and for jurisdictions within the Sacramento Area Council of Governments (SACOG), new legislation (SB 375 of 2008) allows the City to seek an eight-year horizon due to the recent adoption of a regional Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The City is seeking an eight-year Housing Element covering the statutory period from January 1, 2013 through October 31, 2021.

Housing Element content and schedule are dictated by state law and, generally, state certification of compliance is required for a Housing Element to be valid. As such, housing element updates occur in cycles throughout the state with all the housing elements within a region on the same update cycle and approval deadline. The applicable region for Woodland is that of the Sacramento Area Council of Governments (SACOG). The housing elements for every jurisdiction in the SACOG region will expire at the end of this October.

Because of the October 2013 deadline, the Housing Element is out of synch with, and proceeding ahead of, the City's current effort to update the citywide General Plan. This has been previously reported to the Commission and Council and is accounted for in the General Plan Update scope of work and schedule. Staff and consultants are moving forward with the Housing Element update independent of the rest of the General Plan Update process. Under the current project schedule, the new Housing Element will be before the Commission and Council for final adoption in September of this year. Subsequent to that, as the rest of the General Plan Update nears final adoption staff will ensure consistency (both in terms of format and substance) between the already adopted new Housing Element and the eminent adoption of the rest of the General Plan Update. Should it become apparent that modifications to the new Housing Element are necessary to ensure consistency between all elements prior to adoption of the rest of the Update, this will be addressed at that time. The full General Plan Update is expected to be before the Commission and Council for final action in May/June of 2014.

SUMMARY OF DRAFT 2013 HOUSING ELEMENT:

The Draft 2013 Housing Element consists of two sections:

- Policy Document – including goals, policies, programs, and quantified objectives
- Background Data -- including analysis to support the goals, policies, programs and quantified objectives

The Policy Document addresses four housing objectives:

1) <u>Development of Housing</u>

Key policies to which the City is committing under this objective:

- Ensuring flexibility in development standards
- Ensuring adequate sites to accommodate new housing needs
- Development of housing for all economic segments
- Ensuring housing for homeless, transitional, and special needs populations

Under State law, the Housing Element of every city and county must address the provision of a fair share of housing in various income categories. This fair share is established by the State and SACOG, and assigned to the City. It is known as the Regional Housing Needs Allocation (RHNA). The RHNA for the City is 1,877 units as shown below, with income limits shown based on the latest 2012 median family income:

195 units Extremely Low Income (30% of median or $23,070 for 2012)
195 units Very Low Income (50% of median or $38,450 for 2012)
274 units Low Income (80% of median or $61,500 for 2012)
349 units Moderate Income (120% of median or $92,300 for 2012)
864 units Above Moderate Income (>120% of median or >$92,300)
1,877 units TOTAL
Note: The four-person family median income for Yolo County for 2012 is $76,900

The City has determined that there is enough land zoned in various existing higher density categories throughout the City to accommodate all of the fair share units. Under this objective, the City commits to ensuring that zoning will continue to be in place to accommodate the development of all of these units. Further, in adopting the quantified objectives identified below, the City is acknowledging that the number of units that are likely to actually be built is lower than the RHNA fair share numbers.

Summary of Quantified Objectives

Program	*ELI*	*VLI*	*LI*	*M*	*AM*	*Total*
New Construction	75	80	90	349	864	**1,458**[1]
Rehabilitation	10	20	25			**55**
Conservation / Preservation	-	-	-	-	-	-[2]
RHNA	390		274	349	864	**1,877**[3]

[1] The new construction objective for the three lower-income categories are based on the feasibility of actually producing the affordable housing, not the City's ability to provide adequate sites to accommodate the RHNA units.

[2] There are no subsidized rental housing units at significant risk of conversion to market rate housing in Woodland during the next ten years.

[3] State law does not require the RHNA to include an ELI allocation, but does require an ELI quantified objective.

2) <u>Maintenance of Housing</u>

Key policies to which the City is committing under this objective:

- Rehabilitation of housing
- Housing code compliance
- Retention of existing units

- Preservation of existing units

3) Equal Opportunity in Housing

Key policies to which the City is committing under this objective:

- Maintenance of equal opportunity in local regulations and programs
- Avoidance of economic segregation
- Support for fair housing programs
- Elimination of housing discrimination

4) Energy Conservation and Sustainable Housing Development

Key policies to which the City is committing under this objective:

- Encouragement of innovation
- Promotion of infill and denser uses
- Promotion of energy-conserving construction
- Promotion of energy-conservation education
- Promotion of solar energy
- Promotion of weatherization

The Background Data addresses the following key topics:

1) Housing Needs Assessment

The City experienced the following demographic changes between 2000 and 2010:

- Increase in population 60 and over (13.8% vs. 15.6%)
- Increase in senior poverty rate (8.1% vs. 11.2%)
- Increase in Hispanic population (38.8% vs. 47.4%)
- Increase in employed residents (24,634 employed residents in 2005 vs. 25,291 in 2010)
- Increase in jobs per household (1.3 vs. 1.35)
- Increase in overpayment defined as spending ≥30% of income on housing (34.6% vs. 39.8%)
- Increase in large family households defined as 5 persons or more (15.6% vs. 16.4%)
- Increase in number of persons with disabilities (9.4% vs. 11.3%)

- Decline in family households (73.6% vs. 71%)
- Decline in persons 18 years of age and under (32.7% vs. 30.3%)
- Decline in owner-occupied households (58.5% vs. 55.9%)
- Decline in median city income relative to countywide median (109% vs. 97%)
- Decline in overcrowding defined as more than 1 person per room (15.8% vs. 6.2%)
- Decline in single-parent, female-headed households (2,062 vs. 1,854)
- Decline in a single-parent, female-headed poverty rate (34.1% vs. 24.4%)
- Decline in enumerated (point-in-time count) homeless persons (181 in 2007 vs. 151 in 2011)

No assisted housing is identified to be at-risk of conversion to market rate rents through 2021. With the dissolution of the Redevelopment Agency in 2012, the City lost the ability to set aside 20 percent of the gross tax increment revenues from redevelopment project into a fund for the provision of affordable housing. However the City is an "entitlement" community under the Community Development Block Grant (CDBG) program which means it will continue to receive funds on an annual basis according to entitlement formulas, without having to compete.

It is worth noting as well that the City anticipates being able to demonstrate even better results as the General Plan Update progresses assuming increased emphasis on infill, smaller housing, greater density and intensity of land uses, and mixed uses -- all of which will increase overall affordability and opportunities for special needs populations.

2) Resource Inventory

This section examines the availability of land, infrastructure, and resources for the production of housing. No concerns are identified in any of these areas. The City demonstrates the capacity to accommodate a total of 3,828 dwelling units within the existing City limits during the planning period, with surpluses in all income-groups as shown below

Residential Development Capacity

	Very Low	*Low*	*Moderate*	*Above Mod*	*Total*
Total RHNA	**390**	**274**	**349**	**864**	**1,877**
Capacity	401	401	1,245	1,780	3,828
Surplus	**11**	**127**	**896**	**916**	**1,951**

3) Potential Housing Constraints

This section identifies potential regulatory constraints on housing. These include policies, zoning, development standards, design requirements, impact fees, application processing procedures, and similar regulatory items. The standards are found to be typical of most communities and were not found to adversely affect the provision of affordable housing in Woodland.

This section also examines potential non-governmental constraints including availability of financing, land costs, and construction costs. There are no constraints identified specific to Woodland that are not also affecting housing in other communities in the region.

4) Evaluation of Existing Programs

This section examines the effectiveness of the 2008 Housing Element and the City's progress towards meeting its prior RHNA obligations. As shown below, despite the severe economic and market conditions the City was able to meet 85 percent of the Very Low fair share, 119 percent of the Low fair share, ten percent of the Moderate fair share, and 135 percent of the Above Moderate fair share.

Woodland Progress towards RHNA 2006-2013

	VeryLow	*Low*	*Mod*	*Combined*	*Above Mod*	*Total*
Total RHNA Allocation (2006-2013)	**425**	**266**	**238**	**929**	**942**	**1,871**
Units Built/Under Construction	85	71	0	156	44	200
Approved/On-Line Units	278	245	23	546	1,224	1,770
Total Units Built or Approved	363	316	23	702	1,268	1,970

Regarding housing opportunity for special needs, through demographics, economics, or/or government action the analysis demonstrates that the City has met its obligations for special needs groups and will be able to continue to meet those needs throughout the new planning period.

5) <u>Other Requirements</u>

This section summarizes the public participation process to date, consistency with the current general plan, and other required information.

6) <u>Resources</u>

This section identifies agencies and organizations contacted or cited in the document. It includes a vacant land survey and residential parcel inventory, and provides a summary of comments received to date relative to housing. Most of these comments were from the Stakeholder Interviews held February 7/8, 2013 and the Housing Forum held March 7, 2013.

NEXT STEPS:

Additional keys steps in the process related to the Housing Element are as follows:

Jun 4	City Council action on Draft Housing Element
Jun 7	Transmittal of Draft Housing Element to HCD for 60-day review
Jul 10	Circulation of CEQA Negative Declaration for Draft Housing Element
Aug 9	Negative Declaration review period ends
Aug 12	HCD comments due to City
Sep 5	Planning Commission action on Final Housing Element
Sep 17	City Council action on Final Housing Element
Sep 20	Transmittal of Final Housing Element to HCD for certification of compliance (must occur by Oct 18)

Key upcoming dates in the overall General Plan Update include the following:

May to July – Release of various technical reports; preparation of land use alternatives
August – Release of land use alternatives report
September/October – Develop goals and policies
October – Identify Preferred land use plan and policy focus
November to February 2014 – Preparation of Draft General Plan, Draft CAP, Draft EIR
February 20, 2014 – Release of Draft General Plan, Draft CAP, Draft EIR
March to April – Workshops and Comment Periods
May to June – Hearings and Final Adoption

ATTACHMENTS:

Web link to 2008 Housing Element
http://www.cityofwoodland.org/civica/filebank/blobdload.asp?BlobID=11919

Draft 2013 Housing Element

AECOM

2020 L Street, Suite 400
Sacramento, California 95811
916 414 5800 tel 916 414 5850 fax

Memorandum

To	Cindy Norris, Dan Sokolow, and Heidi Tschudin	Pages	4
CC	Sophie Martin		
Subject	Draft Woodland Housing Element – Revisions from Planning Commission Draft		
From	Jeff Goldman and Matthew Gerken		
Date	May 21, 2013	Project Number	60285491

The following revisions are proposed to the Planning Commission hearing draft version of the Housing Element based on input from the Commissioners and public comments.

1. Global change: All text referencing Yolo County Housing Authority has been replaced with a reference to Yolo County Housing.
2. Page 36: Modify the text as follows: YCH administers affordable housing programs for Woodland, Winters, West Sacramento, Davis and unincorporated communities in Yolo County, which are funded by HUD. The program subsidy pays the difference between 30% - 40% of income at initial move-in~~subsidizes the balance of the rental cost in excess of 30% of a renter's gross income~~.
3. Page 37: Modify the text as follows: YCH owns and operates three affordable housing developments in Woodland: Yolano Village (60 units) ~~-~~Donnelly Circle (~~132~~ 72 units~~ for the Yolano Village and Donnelly Circle facilities~~), Cottonwood Meadows (4~~7~~8 units), and Crosswood Apartments (47~~8~~ units). YCH also owns and operates ~~8~~ 4 transitional housing units. As of April 24, 2013 there were 3,060 households on the waiting list for Yolano-Donnelly units.

4. Page 41: Modify the text as follows: Another project, New Dimensions, is considered low-risk because it is owned and managed by the nonprofit Community Housing Opportunities Corporation of ~~Davis~~ Fairfield and is dedicated to maintaining the affordability of the project.

5. Page 43: Modify the text as follows: Recipients of the assistance receive a voucher, either a project-based voucher tied by contract to a particular unit, or to rent homes in the private market, or to assist with mortgage payments. The voucher covers a portion of the rent (or mortgage) and the tenant is expected to pay the balance. The tenant's share of the rent is an affordable percentage of their income, which is generally between 30% to 40% of the monthly income for rent and utilities. The program is based on income~~and ranges from a household size of one to four persons~~. As of April, 2013, 460 households in Woodland were receiving rental assistance from this program.

Memorandum

6. Edits to Table 2-30:

Table 2-30 Farm Worker Housing in and near Woodland

Facility Name	*Location*	*Number of Units*
Casa Del Sol Mobile Home Park	Woodland	156
Dixon Center	Dixon	85
Madison Migrant Center	Madison	~~88~~90
Davis Center	Davis	64
Total Units		**308**

Source: Yolo County and City of Woodland

7. Edits to Table 2-34 (only revised rows shown):

Table 2-34 Assisted Housing

Assisted Rental Units

Project Name	*Address*	*Owner/Contact*	*Total Units*	*Total Assisted Units*	*Type*	*Expiration Date-Restrictive Clause Expiration Date*	*Subsidy*	*Type of Conversion Risk*
Cottonwood Meadows	120 N. Cottonwood Street	~~--~~New Hope CDC (YCH)	47	14	Senior	--	~~Section 8~~ ~~LIHTC Tax Credits;~~ State RHCP	Not At-Risk
Yolano Village	0 Lemen Ave	Yolo County Housing	60	60	Family		Public Housing	Not At Risk
~~Yolano~~-Donnelly Circle	0 Lemen Ave	Yolo County Housing	~~0~~72	~~0~~72	Family		Public Housing	Not At Risk

Memorandum

8. Page 45: Modify the text as follows: These groups have expressed an interest in being notified when assisted rental housing becomes available. In addition to YCH and its subsidiary New Hope CDC, Table 2-35 lists 12 additional non-profit and 13 for-profit organizations that are or have been interested in affordable rental housing in Woodland.

9. Page 48: Modify the text as follows: Funding allocations during the period of FY 2008-2009 through 2012-2013 have included the City's First Time Homebuyer Assistance Program, a foreclosure prevention project with Legal Services of Northern California (LSNC), the City's CDBG Owner-Occupied Rehabilitation Program, the Fair Housing Hotline operated by LSNC (multiple funding years), the Yolo Wayfarer Center emergency shelter (multiple funding years), New Dimensions Supportive Housing for mentally ill adults (multiple funding years), the Sexual Assault and Domestic Violence Center emergency shelter (multiple funding years), Short Term Emergency Aid Committee (homeless prevention), Yolo County Care Continuum's supportive housing rehabilitation (mentally ill adults), Habitat for Humanity Yolo County's Heidrick Ranch Duplex Build (payment of development fees), ~~and~~ Summer House Accessible Entrance (developmentally disabled adults), Playgrounds at Yolano Village, the TANA Art Center, and ADA improvements at Cottonwood Meadows.

10. Page 62, Second to last paragraph before "Assisted/Affordable Housing Projects:" Modify the text as follows: YCH owns and operates three affordable housing developments in Woodland: Yolano Village (60 units), ~~-~~Donnelly Circle (~~132~~ 72 units ~~for the Yolano Village and Donnelly Circle facilities~~), Cottonwood Meadows (47 units), and Crosswood Apartments (48 units). Yolano Village, ~~-~~Donnelly Circle, and Crosswood provide family housing while Cottonwood is for senior citizens. YCH also owns and operates ~~8~~ 4 transitional housing units~~.~~.

11. Page 62: Delete the third paragraph following "Assisted/Affordable Housing Projects."

12. Pages 79-81: Modify the text at several locations, and modify Table 2-48 as follows: Table 2-48 indicates the development impact fees for a typical 1,200 square foot single family home outside of the Spring Lake Specific Plan area, while Table 2-49 shows what it would cost inside the SLSP area. A 1,200 square foot home was used for comparison as an example of a modestly-sized three-bedroom home, more likely to be affordable to a wider range of income levels and suitable for a range of household types.

    A comparison of the fees shows a $37,~~910~~ 887 difference between the SLSP area and non-SLSP locations for a typical 1,200 square foot single family home. This difference is attributable to the payment of the Spring Lake Infrastructure Fee (SLIF) and a Fiscal Deficit Fee at building permit issuance. The comparison of fees does not include the payment of other Spring Lake-related fees (fire operations & maintenance fund fee, habitat education fee, offsite affordable housing fee, and public transit fee), a total of $2,170, which are due at final map. In addition, the comparison does not include the payment of the Storm Drainage Fee at building permit issuance for areas outside of Spring Lake. The area outside of Spring Lake is divided into 10 different fee zones for payment of the Storm Drainage Fee. The SLIF was established as a financing mechanism for the common, backbone infrastructure required for the SLSP. Because of the SLSP area's distant location from existing City infrastructure, a significant amount of infrastructure was installed to connect the SLSP area to the existing City infrastructure. Developers who have financed and constructed SLIF facilities are able to take fee credits against nearly 70% of the SLIF fees at building permit issuance. As a result, using fee credits would reduce the payment of fees due at permit issuance. It should be noted that SLIF credits can be transferred.

Table 2-48 Development Impact Fees Outside of Spring Lake Specific Plan Area

City Development Impact Fees for Single Family Unit	
General City	$794
Fire	$1,224
Library	$49
Police	$1,047
Wastewater	$5,744
Water	$527
Parks & Recreational Facilities	$6,594
Roads	$5,292
Major Projects Financing Plan Administration Fee	$~~137~~160
Surface Water	$2,742
Surface Water Administration Fee	$21
Total Fees Due at Building Permit Issuance	**$24,~~171~~194**
Non-City Development Impact Fees	
Yolo County Facilities & Services Authorization Fee	$3,141.60
Woodland Joint Unified School District Fees (based on 1,200 square foot home)	
Southeast Area Specific Plan Area	$6,946.21
All other areas of City (not including Spring Lake Specific Plan Area)	$3,840

Notes: Total does not include the Storm Drain Facilities Impact Fee which ranges from $1,487 to $8,347 per acre for single family development. Plan Check and Building Inspection Fees not included in table.

13. Table 2-50 lists the development impacts fees for construction of a multi-family development. Similar to fees for single-family developments (Tables 2-48 and 2-49), the cost is higher within the Spring Lake Specific Plan Area. The total development impact fees within Spring Lake are $41,653, while those outside are $1~~7~~8,~~087~~110. These fees are due at building permit issuance; however, a portion of MPFP fees (General City, Library, Police, Water, Roads, Administration, and Storm Drain) can be deferred. The difference between the multi-family development impact fees in Spring Lake and outside of Spring Lake is attributable to the payment of the Spring Lake Infrastructure Fee (SLIF) and payment of a Fiscal Deficit Fee at building permit issuance. The comparison of fees does not include the payment of other Spring Lake-related fees (fire operations & maintenance fund fee, habitat education fee, and public transit fee), a total of $750, at final map. In addition, the comparison does not include the payment of the Storm Drainage, Surface Water, and Surface Water Administration Fees at building permit issuance for areas outside of Spring Lake. The area outside of Spring Lake is divided into 10 different fee zones for payment of the Storm Drainage Fee. For Surface Water, the fees are based on the meter size.

14. Page 83: Modify the text as follows: The total estimated development impact fees per unit for a single-family home inside the Spring Lake area is $~~58,134~~62,801 and the typical estimated cost

of development per unit is $~~271,985~~267,318. The estimated development impact fee per a multi-family unit in the Spring Lake Area is $~~39,831~~41,653, and the typical estimated cost of development per unit is $205,128 (based on the Terracina at Spring Lake Family Apartments). The overall cost of developing a multi-family unit is $~~85,160~~83,338 less than a single-family unit.

15. Edits to Table 2-55 (entire table shown):

Table 2-55 Estimated Single-Family Housing Development Costs

[1]Finished Lot Price	$25,000 - $30,000
Land Costs Spring Lake Specific Plan Area	$86,667
Land Costs Remaining Areas	$61,667 - $66,667
Total Construction Cost	$150,000 - $180,000
Total Development Impact Fees Spring Lake Specific Plan Area +Yolo County Development Impact Fees	$62,801 + 3,141.60 = $65,942.60
Total Development Impact Fees Remaining Areas + Yolo County Development Impact Fees	$24,~~171~~ 194 + 3,141.60 = $27,~~312~~335.60
Permit Fees (Plan Check & Building Inspection)	$2,592
Developer Fees (School) Spring Lake Specific Plan Area	$5,688
Developer Fees (School) Southeast Specific Plan Area	$6,946.21
Developer Fees (School) All Other Areas of City	$3,840
Spring Lake Area Total Development Cost	**$335,890 - $370,890**
Southeast Area Total Development Cost	**$273,~~518~~ 541 - $313,~~518~~541**
Remaining Areas Total Development Cost	**$270,~~412~~ 435 - $310,~~412~~435**

Notes: Prices based on a new 1,200 square foot single-family residence with 450 square foot garage. Total Housing Development Costs for the Southeast Specific Plan Area and other areas of the City do not include the Storm Drainage Fee which ranges from $1,487 to $8,347 per acre for single family development; the Spring Lake Specific Plan Area does not pay the fee.

1 Finished Lot Price does not include cost of land.

2 Total numbers have been rounded off to the nearest dollar.

Source: City of Woodland Community Development Department, Remax Reality.

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
14.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 4, 2013

SUBJECT: Council Sub-Committee Report:
Downtown Revitalization

Recommendation for Action

It is recommended that the City Council:

1) Receive the report and recommendations from the Downtown Revitalization sub-committee;
2) Provide feedback and comments related to overall recommendations and specific implementation priorities;
3) Extend the scope and charge of the Downtown Revitalization sub-committee to include oversight of implementation of recommendations; and,
4) Request that the sub-committee return to the City Council within six months with a status report on implementation.

Council Goal

Strengthen the Downtown – Revitalization of the Downtown district as the heart of the city and center of civic activity, by enhancing the mix of residential and commercial activity, while preserving its historic and cultural resources and small-town character.

Fiscal Impact

This is largely an informational report and as such does not have a direct fiscal impact. However, many of the proposed recommendations from the Downtown Revitalization sub-committee would represent fiscal impacts ranging from significant one-time costs associated with major capital improvements to moderate ongoing costs associated with maintenance and support of special events and business activities. It is anticipated that funding in support of several – but not all – recommendations would be provided as part of the FY2013/14 budget as well as through specific allocations of remaining RDA bond proceeds, contingent upon separate approvals, as required by statutes.

Background

Last summer, in conjunction with establishing a set of priority Council goals, the City Council established a Downtown Revitalization Sub-Committee (Denny/Hilliard). The sub-committee was given the following charge:

- Work with stakeholders in downtown Woodland in an effort to identify specific issues and desires to revitalize the downtown area. Specifically address items which can be addressed by the City or can be facilitated by intervention from the City.

The sub-committee engaged community stakeholders in early brainstorming sessions by holding a series of Downtown Jams, conducted site visits to a number of other communities and engaged on a regular basis with downtown business and property owners. The sub-committee also attended the annual Main Street USA conference in El Segundo to learn about strategies employed by other communities who have had success in revitalizing their downtowns through effective public/private partnerships.

The sub-committee provided an initial progress report to the City Council on January 15th, and was asked to return in June with a final report on findings and recommendations. The sub-committee will present its final report as part of the June 4th Council meeting.

The following presents an outline of the sub-committee report:

- Introduction
- Downtown Revitalization Sub-Committee Activities
- Summary Recommendations
    - Marketing / Promotions / Special Events
    - Capital Projects
    - Downtown Amenities
    - City Policies / Regulations / Fees
    - Business Assistance
- Next Steps / Implementation Plan

Conclusion

The detailed sub-committee report will be provided to the City Council and public at (or before) the June 4th Council meeting.

Paul Navazio
City Manager

Attachments – Council Goal / Strengthen Downtown
Summary Sub-Committee Recommendations

City Council Goal - Strengthen Downtown
Current Status

GOAL AREA: STRENGTHEN DOWNTOWN	STATUS
Goal Statement / Objective(s) - *What are we trying to accomplish?* *Revitalize the Downtown district as the Heart of the City, and center of civic activity, by enhancing mix of residential and commercial activity, while preserving its historic and cultural resources and small-town character.*	
Goal Strategies: ***How do we envision accomplishing this goal / objective(s)***	
A Establish Downtown Committee / Task Force	Formed 7 /12; Prelimiary Report 1/13; Final Report 6/13
B Update Downtown Specific Plan - focus on refinement/modifications	Consideration in conjunction with General Plan Update
C Improve Live/Work Balance in the Downtown district	
D Seek to leverage remaining Redevelopment Assets and Financing tools for targeted projects	Council Review SPRING 2013
E Increase number and frequency of Special Events and Community Activities throughout the downtown	
F Explore opportunities for creating vibrant downtown beyond "9-5" business day.	
Critical Initiatives / Special Projects - *What specific work plan efforts are most likely to advance this goal and related strategies?*	
* Construction of Downtown Multi-plex Theater and mixed-use project	Staff contact with Interested Parties / Site Evaluation Underway
* Renovation of State Theater	State Theater Management Group / Woodland Opera House
* Courthouse Project	On Schedule - Construction 2013 / Complete 2014
* Main Street Beautification Project	Coordination with Courthouse Project
* Downtown Street Lighting and Signage Upgrade	Prelimiary funding provided in FY13/14 Proposed Budget
* Develop Downtown 'gateway" project	TBD
* Improve access and availability of downtown parking	TBD
* Targeted improvements/upgrades to alleys for circulation and activity	TBD

DOWNTOWN REVITALIZATION SUB-COMMITTEE
SUMMARY RECOMMENDATIONS

Timeline	Marketing & Promotions	Special Events	Capital Projects	Amenities	City Policies / Regulations / Fees	Business Assistance
0 - 3 Months	Banners	*Review Special Events Permits and Fees* First Friday Artwalk Farmers' Market		Banners *Wi-FI* Chalk Art / Sidewalks Information Kiosks		Permit Assistance
3 - 6 Months	*Electronic Media*	Tomato Festival Heritage Plaza Festivals	Freeman Park Upgrades Connect to Dead Cat Alley **Main St Improvements**	**Parking Signage / Lot Maintenance** **Streetlighting / Signage / Wayfinding** *Street Trees / Lights*	**Sign Ordinance Update**	Fee Incentive(s)
6 - 12 Months	*Self-Guided Tours / Maps* Business Improvement District (DBID / PBID)	Chamber Chili Cook-Off Enhance Stroll thru History	Traffic Calming	*Bike-Friendly Amenities* Murals / Permission Wall *Public Congregation Sites* *Public Art*		*Building Façade Program*
12 -24 Months	Downtown Coordinator *Shuttle Service*	Architecture / Art Walk	**Multi-Plex Theater** **Courthouse Project** **State Theater Remodel** **Alleyway Improvements**	*Sidewalk / Benches* **Dowtown Gateway Project** Play Stucture	**Downtown Specific Plan** **Zoning Ordinance**	

BOLD - City Council Goal / Task (Stengthen Downtown)
ITALICS - Stakeholder Outreach Recurring Theme

City of Woodland

SUCCESSOR AGENCY TO THE FORMER WOODLAND REDEVELOPMENT AGENCY

AGENDA ITEM 16.

TO: **SUCCESSOR AGENCY TO THE FORMER WOODLAND REDEVELOPMENT AGENCY**

DATE: June 4, 2013

SUBJECT: Priority Project List for Use of 2007 RDA TAB proceeds

Recommendation for Action

Staff recommends that the Successor Agency Board ("the Board") adopt the attached resolution approving the Priority Project List for the use of the 2007 Redevelopment Agency Tax Allocation Bond proceeds pursuant to AB1484.

Report in Brief

On May 1, 2013, The Department of Finance issued a "Finding of Completion" to the Woodland Successor Agency, and as such, the Successor Agency to the Former Woodland Redevelopment Agency is now able to begin the process of allocating pre-2010 Tax Allocation Bond proceeds to priority projects that meet the purpose of 2007 Tax Allocation Bond (TAB) Official Statement and Indenture and the Redevelopment Agency Implementation Plan.

Staff has reviewed the 2007 Tax Allocation Bond Official Statement Summary of Development and the 2010-2014 Implementation Plan to see if identified projects are still viable and eligible. Staff also met with the Economic Development and Downtown Revitalization subcommittees to review additional project options. Based on this review, staff has prepared a list of priority projects for the purpose of guiding the allocation bond proceeds and staff resources in pursuit of their completion.

Summary of Recommended Projects:	**Funding (Range)**
Multiplex Theatre Development Project	*$1,700,000 - $2,000,000*
Public Infrastructure Improvements	*1,000,000 - 1,500,000*
State Theatre Renovation	*300,000 - 400,000*
Downtown Streetscape Improvements	*200,000 - 500,000*
Commercial Rehabilitation/Façade Improvement Program	*100,000 - 300,000*
Downtown Specific Plan Update and Environmental Impact Report	*100,000 - 250,000*
Total	*$3,400,000 - $5050,000**

Estimated available bond proceeds totals $4,200,000

Following the Board's approval of a Priority Project list, staff will begin to work on the development of the identified projects and bring the project details back to Board as they become defined. Once projects and tentative contracts are approved by the Successor Agency Board, staff will include the project in the semi-annual Recognized Obligation Payment Schedules (ROPS) due to the Department of Finance (DOF), State Controller's Office (SCO) and Yolo County Auditor-Controller's Office (ACO) pursuant to AB1484.

City Council Goal

The recommendation is consistent with the 2010-2014 Implementation Plan adopted by the former Redevelopment Agency and with the following City Council priority goals for Economic Development and Strengthening Downtown:

- Economic Development/Job Creation--"Provide for a diversified economic base with a range of employment opportunities by supporting growth of existing businesses, and providing expanded opportunities for new businesses through targeted infrastructure investments and leveraging existing community and regional assets"; and

- Strengthen Downtown-- "Revitalization of the Downtown district as the Heart of the City, and center of civic activity, by enhancing a mix of residential and commercial activity, while preserving its historic and cultural resources and small-town character."

Fiscal Impact

The direct fiscal impact associated with this report is the use of proceeds of currently unspent 2007 Bond proceeds for identified approved priority projects, as originally intended at the time of issuance of the 2007 Bonds.

Background

In 2007, the former Woodland Redevelopment Agency issued approximately $9,000,000 in tax exempt and taxable bonds to refund the outstanding principal balance of the RDA's Redevelopment Project, 1996 TAB and finance various redevelopment activities within the RDA's Project Area. Within the Official Statement and Bond Indenture specific projects were listed for use of the proceeds (see Attached). Subsequently, a more specific list of projects was approved by resolution by the Redevelopment Agency Board/City Council on June 11, 2011 prior to passage of AB1X26 and AB1484. Several of the projects were approved for funding by the Department of Finance as required by AB 1X 26 and AB1484, annotated by (*). While the RDA Board had adopted resolutions in support of the listed projects, the remaining projects were not approved by DOF and consequently the funding commitment was not considered an "enforceable obligation" by DOF.

June 2011 Recommended Projects:

• Children's Theater/Opera House and Adaptive Reuse of the State Theater -	$2,000,000
• BlackPine Restaurants (Loan) -	$2,000,000
• Hoblit Relocation -	$200,000
• Farmers Market -	$50,000*
• Porter Building* (Loan) -	$200,000*
• City Hall Consolidation/Parking Improvements -	$300,000
Total for recommended projects	$4,750,000
Projects funded but not recommended:	
• 514-518 Main Street (Muscle World Building) loan and grant-	$290,000*
• Oddfellow Interior Loan-	$125,000*

Further commitment of bond proceeds has been delayed pending determination of the Successor Agency's ability to use these funds by the Department of Finance (DOF). Pursuant to AB1X 26 and subsequently AB1484 and associated CA State Health and Safety Code sections, the following actions have occurred in order for the Successor Agency to continue payment on its pre-dissolution obligations and remain compliant with the reporting responsibilities to the Department of Finance, State Controller's Office, County Auditor Controller's office and taxing entities.

- Prior to February 1, 2012, the Woodland Successor Agency and Oversight Board were established and assumed the "winding down" responsibilities of the Agency. The RDA transferred the Housing Assets to the Housing Successor Agency (City). Effective On February 1, 2012, the Woodland Redevelopment Agency was dissolved.

- Successful agreed upon principles (AUP) audit of the dissolved RDA.

- Preparation and submittal of ROPS I, II, III and 13/14A, with Successor Agency Oversight Board adopted resolutions.

- Successfully worked through audits for Low and Moderate Income Housing Fund Balance of $343,062 (which had to be returned to the taxing entities) and Other Funds allocation balance of $270,703 which could be retained in order to pay outstanding debt service.

- On May 1, 2013 staff received a letter from DOF determining that $4.2 million in 2007 TAB proceeds are a legal obligation, reversing its original adjustment to the fund balance. The Successor Agency requested to retain $270,703 for the first payment (due by June 1, 2013) to CalHFA on the defaulted HELP loan. Therefore, retention of this amount is permitted and the original DOF adjustment is reversed. The Agency no longer has to distribute these funds to the other taxing entities.

- On May 17, 2013 staff received a letter from DOF determining that the amended CalHFA loan is an enforceable obligation and effective in ROPS 13/14A-period of July 1, 2013-December 31, 2013.

Use of 2007 Bond Proceeds

With the recent determination by DOF that the 2007 bonds were a legal obligation and therefore available for use by the Successor Agency, a decision on the use of these funds is now needed. In anticipation of the DOF's decision on the allocation of bonds, staff has been meeting with City Council Economic Development and Downtown Business Subcommittees to review a priority list of potential projects to be completed with the bond proceeds. The suggested projects have been reviewed for compliance with the 2007 TAB Official Statement and Indenture to see if the identified projects meet the purpose of the bond issuance and the 2010-2014 Woodland Redevelopment Agency Implementation Plan. The potential projects have been broken into two tiers. Tier I projects consist of the primary projects/programs for advancing with these funds and Tier II consists of eligible projects for consideration if additional funds remain after funding of Tier 1 projects.

The estimated 2007 TAB proceeds available is approximately $4.2 million. The proposed allocation of funding is based on this estimate. Each project/program allocation is given a range, assuming that the project cost will vary based on contract negotiations and remaining available funds. Projects/programs such as the Commercial Rehabilitation/Façade Improvement Program may be a loan and therefore produce additional funds available as the original funds are repaid, thereby funding additional projects or Tier Two projects/programs.

As described earlier, upon Successor Agency Board approval of this prioritized list of projects/programs staff will initiate the next steps in implementation of the projects. As projects are further defined and funding agreements or contracts are drafted for the individual projects, the Successor Agency Board will review the specific funding obligations prior to presenting to the Woodland Successor Agency Oversight Board (Oversight Board) for approval on the ROPS. After approval by the Oversight Board the expenditure will be submitted to the Department of Finance within the ROPS for approval. It is understood that DOF may approve or deny funding of various specific projects/programs proposed to be funded with bond proceeds.

The ROPS is submitted to DOF, the State Controller's Office and the Yolo County Auditor-Controller's Office twice annually (90 days precedent to the time period being reported-ie for the period of July 1, 2013 through December, 31, 2013, the ROPS is due by March 1, 2013). It may also be a possibility to submit a revised ROPS report to DOF. This process is still unclear. Staff will describe this process to the Successor Agency Board as it becomes clearer and is revised, likely through statute.

Recommended Action:

Staff recommends that the Successor Agency Board adopt the attached resolution approving the Priority Project List for the use of the 2007 Redevelopment Agency Tax Allocation Bond proceeds pursuant to AB1484.

Prepared by: Wendy Ross
Economic Development Manager

Reviewed by: Ken Hiatt
Community Development Director

Paul Navazio
City Manager

Attachments: Resolution
Suggested Priority Project List
May 1, 2013 Department of Finance Permission to Retain Bond Proceeds Letter
May 7, 2013 Department of Finance Finding of Completion Letter
Project Summary from Official Statement

SUCCESSOR AGENCY RESOLUTION NO. ______

RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF WOODLAND APPROVING A PRIORITY PROJECT LIST FOR THE USE OF THE 2007 REDEVELOPMENT AGENCY TAX ALLOCATION BOND PROCEEDS

WHEREAS, the Successor Agency to the former Redevelopment Agency of the City of Woodland (the "Successor Agency") was established pursuant to the Dissolution Act to administer the wind-down of the affairs of the former Redevelopment Agency, including making payments due for enforceable obligations that are listed on a Recognized Obligation Payment Schedule ("ROPS") approved by the Successor Agency's Oversight Board and the Department of Finance ("DOF"); and

WHEREAS, in addition to payment of enforceable obligations, pursuant to Health and Safety Code Section 34191.4(c)(1), following completion of certain actions by the Successor Agency and issuance of a finding of completion by DOF, bond proceeds derived from bonds issued on or before December 31, 2010 can be used for the purposes for which the bonds were sold; and

WHEREAS, in 2007, the Redevelopment Agency of the City of Woodland ("Redevelopment Agency") issued approximately $9,000,000 in tax exempt and taxable bonds (the "2007 Bonds") to refund the outstanding principal balance of the Redevelopment Agency's 1996 tax allocation bonds and finance various redevelopment activities within the Woodland Redevelopment Project Area; and

WHEREAS, specific projects were listed in the Official Statement and Bond Indenture (collectively, the "Bond Documents") for the 2007 TABs, and a more specific list of projects was approved by the Redevelopment Agency on June 11, 2011, prior to passage of AB 1x 26 and AB 1484 (collectively, the "Dissolution Act") and dissolution of the Redevelopment Agency as of February 1, 2012; and

WHEREAS, some specific projects that were to be funded with the 2007 Bond proceeds have been included on prior ROPS, and approved by DOF; and

WHEREAS, currently, approximately $4.2 million of 2007 Bond proceeds are available and can be used by the Successor Agency to fund projects in accordance with the Bond Documents; and

WHEREAS, staff has reviewed the Bond Documents and the 2010-2014 Implementation Plan adopted by the former Redevelopment Agency to identify projects that may still be viable, and also met with the Economic Development and Downtown Business Council Subcommittees to review additional project options that may be undertaken with 2007 Bond proceeds; and

WHEREAS, staff has prepared a proposed Priority Projects List for the purpose of guiding the allocation of bond proceeds and staff resources in pursuit of their completion;

NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF WOODLAND DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Successor Agency hereby reaffirms the following goals, consistent with the 2010-2014 Implementation Plan adopted by the former Redevelopment Agency, and the City Council priority goals for Economic Development and Strengthening Downtown:

a. Economic Development/Job Creation – Provide for a diversified economic base with a range of employment opportunities by supporting growth of existing businesses, and providing expanded opportunities for new businesses through targeted infrastructure investments and leveraging existing community and regional assets; and

b. Strengthen Downtown – Revitalization of the Downtown district as the heart of the City, and center of civic activity, by enhancing a mix of residential and commercial activity, while preserving its historic and cultural resources and small-town character.

Section 2. In furtherance of the high priority goals identified under Section 1, above, the Successor Agency hereby approves the Priority Projects List in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The Successor Agency further authorizes and directs the City Manager and staff, on behalf of the Successor Agency, to initiate steps to implement the projects identified on the Priority Projects List, including without limitation preparation of agreements or contracts for implementation of the individual projects for future approval by the Successor Agency and inclusion on a future ROPS and submittal to the Oversight Board and DOF for approval.

PASSED AND ADOPTED at the meeting of the Successor Agency to the former Redevelopment Agency of the City of Woodland, duly held on ___________________, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____
Chairman

ATTEST:

____
Secretary

2007 Tax Allocation Bond Proceeds
Priority Funding List

Project Name	Description/Possible Use of Bond Proceeds	Anticipated Funding Amount
Tier I		
Multiplex Theatre Development Project	Development of a multi-screen movie theather downtown. Use of proceeds could include site acquisitions/preparation, entitlement, and/or off-site infrastructure improvements.	$1,700,000 to $2,100,000
Public Infrastructure Improvements	Improve infrastructure in the Downtown and Project Area to promote private reinvestment and induce greater economic activity. Improvements include but are not limited to: additional street and parking lighting, accessibility improvmentsincluding but not limited to: security/streetlighting; ROW/Improvements in conjunction with private development; upgrade inadequate water/sewer/storm drain infrastructure in support of infill development; parking signage; bicycle parking, etc.	$1,000,000 to $1,500,000
State Theatre Renovation	Improvements to the State Theatre to remedy unsafe conditions and protect the building from further deterioration. Repairs and replacement of needed structural decay include : hazardous materials abatement, electrical system repair/replacement, HVAC, roof repair, facade and other work to be identified in the interim building preservation plan.	$300,000 to $400,000
Downtown Streetscape Improvements	Design and installation of additional amenities to enhance the physical appearance of downtown and strengthen a sense of place. Including but not limited to: wayfinding signage; decorative lighting; banners; landscaping, improvements to Heritage Plaza, etc.	$200,000 to $500,000
Commercial Rehabilitation/Façade Improvement Program	Provide matching grants/loans for rehabilitation of older commercial structures to increase utilization and improve exterior façades of downtown buildings.	$100,000 to $300,000
Downtown Specific Plan Update and Environmental Impact Report	Preparation of Downtown Specific Plan Update and related Environmental Impact Report, including historical inventory assessment	$100,000 to $250,000
	TOTAL	***$3,400,000 to $5,050,000***
Tier II		
Armfield Railyard Relocation and Transit Improvements	Relocation of tracks and stored railcars to a location outside of "project area". Clean up and restoration of dock area for transit use in combination with improved E. Main Street bike path project.	TBD
Downtown Parking Lot/Garage	Demolition of City Hall annex and expanded public parking lot can be constructed on the SE corner of College and Court Street.	TBD
Freeman Park Improvements	Update the master plan for Freeman Park and construct improvements to enhance it as a primary downtown civic space/amenity.	TBD
YoloArts Capital Improvements	Tenant improvements for the development of an Arts "site" in conjunction with YoloArts.	TBD
	TOTAL	***$***

DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. ▪ GOVERNOR

915 L STREET ▪ SACRAMENTO CA ▪ 95814-3706 ▪ WWW.DOF.CA.GOV

May 1, 2013

Ms. Wendy Ross, Economic Development Manager
City of Woodland
300 First Street
Woodland, CA 95695

Dear Ms. Ross:

Subject: Other Funds and Accounts Due Diligence Review

This letter supersedes the California Department of Finance's (Finance) original Other Funds and Accounts (OFA) Due Diligence Review (DDR) determination letter dated April 1, 2013. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Woodland (Agency) submitted an oversight board approved OFA DDR to Finance on December 20, 2012. The purpose of the review was to determine the amount of cash and cash equivalents available for distribution to the affected taxing entities. Finance issued an OFA DDR determination letter on April 1, 2013. Subsequently, the Agency requested a Meet and Confer session on one or more items adjusted by Finance. The Meet and Confer session was held on April 15, 2013.

Based on a review of additional information and documentation provided to Finance during the Meet and Confer process, Finance has completed its review of those specific items being disputed. Specifically, the following adjustments were made:

- The DDR identified balances restricted totaling $4,703,649. Finance previously denied $4,109,675 due lack of supporting documentation. Finance noted the Agency is required to hold $593,974 in reserve with the fiscal agent as required by the bond indentures. During the Meet and Confer process, Finance determined that the remaining $4,109,675 are bond proceeds and are therefore legally restricted. As such, Finance is reversing its original adjustment to the OFA balance.

- The Agency's request to retain $270,703 for July through December 2012 Recognized Obligation Payment Schedule (ROPS II) enforceable obligations was previously denied. The Agency requested to retain $270,703 related to the Casa Del Sol – HELP loan approved by Finance and funded out of Redevelopment Property Tax Trust Fund during ROPS II. The Agency has not made the payment and is holding the funds for an upcoming payment to CalHFA on the defaulted loan. Therefore, retention of the amount is permitted and the original adjustment to the OFA available balance is reversed.

The Agency's OFA balance available for distribution to the affected taxing entities is $0.

This is Finance's final determination of the OFA balances available for distribution to the taxing entities.

Pursuant to HSC sections 34167.5 and 34178.8, the California State Controller's Office (Controller) has the authority to claw back assets that were inappropriately transferred to the city, county, or any other public agency. Determinations outlined in this letter do not in any way eliminate the Controller's authority.

Please direct inquiries to Evelyn Suess, Supervisor or Danielle Brandon, Analyst at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Mr. Dan Sokolow, Senior Planner, Community Development
Mr. Howard Newens, Auditor-Controller, County of Yolo Auditor-Controller and Treasurer-Tax Collector
California State Controller's Office

May 7, 2013

Ms. Wendy Ross, Economic Development Manager
City of Woodland
300 First Street
Woodland, CA 95695

Dear Ms. Ross:

Subject: Finding of Completion

The California Department of Finance (Finance) has completed the Finding of Completion for the City of Woodland Successor Agency.

Finance has completed its review of your documentation, which may have included reviewing supporting documentation submitted to substantiate payment or obtaining confirmation from the county auditor-controller. Pursuant to Health and Safety Code (HSC) section 34179.7, we are pleased to inform you that Finance has verified that the Agency has made full payment of the amounts determined under HSC section 34179.6, subdivisions (d) or (e) and HSC section 34183.5.

This letter serves as notification that a Finding of Completion has been granted. The Agency may now do the following:

- Place loan agreements between the former redevelopment agency and sponsoring entity on the ROPS, as an enforceable obligation, provided the oversight board makes a finding that the loan was for legitimate redevelopment purposes per HSC section 34191.4 (b) (1). Loan repayments will be governed by criteria in HSC section 34191.4 (a) (2).

- Utilize proceeds derived from bonds issued prior to January 1, 2011 in a manner consistent with the original bond covenants per HSC section 34191.4 (c).

Additionally, the Agency is required to submit a Long-Range Property Management Plan to Finance for review and approval, per HSC section 34191.5 (b), within six months from the date of this letter.

Please direct inquiries to Andrea Scharffer, Staff Finance Budget Analyst, or Chris Hill, Principal Program Budget Analyst, at (916) 445-1546.

Sincerely,

STEVE SZALAY
Local Government Consultant

cc: Mr. Dan Sokolow, Senior Planner, Community Development
Mr. Howard Newens, Auditor-Controller, County of Yolo Auditor-Controller and Treasurer-Tax Collector
California State Controller's Office

The information in Table 3 is based on land use designations as provided by Yolo County Office of the Auditor Controller through tax roll data, however, County land use designations do not necessarily parallel City land use and zoning designations. Unsecured and SBE non-unitary values are connected with parcels that are already accounted for in other categories.

Table 3
Redevelopment Agency of the City of Woodland
Woodland Redevelopment Project
Land Uses by Category

Land Use	Number of Parcels	2006-07 Secured Assessed Value Amount	%
Commercial	297	$124,558,172	38.31
Industrial	43	78,181,306	24.04
Residential	548	77,457,220	23.82
Vacant	69	7,998,582	2.46
Unknown/Other	65	4,733,290	1.46
TOTAL SECURED	1,022	$292,928,580	90.09%
Unsecured/State Assessed		32,236,277	9.91
TOTAL		$325,164,857	100.00%

Source: *Redevelopment Agency.*

Summary of Development

The primary objective of the Redevelopment Plan is to correct infrastructure and traffic circulation deficiencies, eliminate and prevent the reoccurrence of blighted conditions and foster development within the Project Area through the construction of certain public roadway, sewer and landscaping improvements.

To date the Redevelopment Agency has been involved in several major projects, including, the rehabilitation of the historic Hotel Woodland, including the development of 76 low and very low income residential units in the upper floors and restoration of the ground floor lobby for retail uses; the East Street landscaping project, which included the construction and installation of sidewalks, certain sewer and storm drain improvements and historic lighting fixtures; and the development of the Wiseman Building a Class A office facility located on Main Street.

The following is a description of the current and future development expected to occur within the Project Area. The Redevelopment Agency can give no assurances that such future development will actually occur. It is expected that additional public funds will be needed over the next several years in order to complete some or all of the future projects described below.

Downtown Façade and Sign Conversion Program and Historic Rehabilitation and Reuse Loan Program. These programs, funded by the federal community development block grant program, are part of a comprehensive approach to revitalize the downtown area by providing rebates to property owners to upgrade the appearance of building façades. The Downtown Façade and Sign Conversion Program has provided 19 grants to date in the aggregate amount of $43,770, of which three were made in calendar year 2007.

Main Street Beautification and Infrastructure Project. This project consists of increasing the capacity of sewer treatment facilities to accommodate higher density development in the downtown area of the City. This project will include improvements to the streetscape such as new lighting, landscaping, crosswalks, and decorative features. An infrastructure analysis study and streetscape design study is expected to commence in fall 2007. Construction of the improvements is expected to commence after the required studies are submitted to and approved by the City Planning Commission.

City Center Lofts. This three-story, 170 unit market rate residential condominium development is located at 333 Main Street and is being developed by CSI Engineering, Inc. This project is expected to include approximately 25,000 square feet of ground floor commercial space, featuring an interior courtyard and outdoor restaurant seating. Development plans have been submitted to the City for review and the City is conducting a focused environmental impact review for traffic and historical impacts. Construction of this project is expected to commence in late 2008.

Tovar Mixed Use Project. This project is located at 304 Main Street and consists of approximately 44,100 square feet of retail, office and commercial space in a three-story building. This project is being developed by a private party and is expected to include approximately 4,800 square feet of retail space, approximately 14,800 square feet of office space and 10 residential market rate lofts ranging in size from 890 to 1,500 square feet. This project was approved by the City Planning Commission in February 2007 and construction is expected to commence in 2008.

Capitol Hotel. The Capitol Hotel, located at 601 Main Street, was originally constructed in 1868 in an Italianate style, with bracketed cornices, ornamental friezes and arched windows. This project is being developed by Pilot Properties and consists of the rehabilitation and seismic retrofit of this historic three-story, approximately 11,260 square foot structure, and development of approximately 5,400 square feet of retail and restaurant space on the first floor and the addition of approximately 3,850 square feet of additional commercial/retail space, the development of approximately 4,850 square feet of office space on the second floor, four units of market rate residential housing on the third floor, and construction of a surface level parking lot. Construction of this project commenced in April 2007 and is expected to be completed in late 2007.

Porter Building. This three-story approximately 30,000 square foot building, located at 511 Main Street, was originally constructed in 1914 in the Renaissance Revival style and features ornamental parapets and arched entrances. The developers of this project are in the process of completing the design and architectural drawings and applying for State historic tax credits. The development plan for this project includes the renovation and rehabilitation of this building for retail and office uses. Construction of this project is expected to commence in late 2007.

Rite Aid Drug Store. An approximately 17,000 square foot, one-story drug store is being developed by Petrovitch Development Company on the corner of East and Main Streets. This development, which has been submitted to the City Planning Commission for review, is being designed to complement the historic features found in the downtown area of the City. Construction of this project is expected to commence in 2008 and be completed in 2009.

Multiplex Theater. This project consists of the development of a multi-screen movie theater, retail and restaurant complex and an approximately 500-space, multi-level parking structure by Petrovitch Development Company. It is expected that construction of this project will be coordinated with and commence upon construction of the expansion of the courthouse described below.

Courthouse Relocation and Expansion of Yolo County Court Facilities. This project consists of the aggregation of approximately 2.5 acres and the construction of an approximately 170,000 square foot courthouse to accommodate 16 new courtrooms. Parking for this facility is expected to be available in the Multiplex theater described above. The Redevelopment Agency will assist the County in the acquisition of parcels as necessary. The Judicial Council of the State has identified this project as a high priority in the list of capital outlay projects for its Fiscal Year 2008-09 funding cycle.

Casa del Sol. Community Housing Opportunities Corporation in coordination with the Redevelopment Agency is rehabilitating an approximately 12.6 acre mobile home park. This project includes the construction and installation of improvements to infrastructure, including roads, water and sewer improvements, and the rehabilitation or acquisition of 156 mobile homes for very-low, low and moderate income households. Construction of the infrastructure project is expected to commence in summer 2007 and be completed in late 2008.

Rail America Relocation. The Redevelopment Agency entered into a Memorandum of Understanding with Rail America, Union Pacific, John Laing Homes and the City for the relocation of Rail America operations from an approximately 27 acre site on East Street. This project consists of the relocation of a rail spur currently operated by Rail America to another site within the City. The Redevelopment Agency will assist in the relocation of the rail spur and the construction and installation of necessary improvements at the relocation site. It is expected that a site plan for the redevelopment of this site will be submitted to the City in late 2007, with construction commencing in early 2008.

Principal Taxpayers

The top 10 taxpayers within the Project Area for Fiscal Year 2006-07 own property with an aggregate value of $95,202,482, representing approximately 29.3% of the assessed value within the Project Area for Fiscal Year 2006-07.

Table 4 lists the principal taxpayers and primary land uses in the Project Area based on the Fiscal Year 2006-07 assessed value.

Table 4
Redevelopment Agency of the City of Woodland
Woodland Redevelopment Project
Principal Taxpayers
Fiscal Year 2006-07

Assessee	No. of Parcels	Type of Use	Secured	Unsecured	Total Value Amount[(1)]	Total Value Percent
Pacific Coast Producers[(2)]	2	Industrial	$55,787,934	$0	$55,787,934	17.16%
Martin R. Horm Trust, *et al.*[(2)]	1	Commercial	5,644,833	0	5,644,833	1.74
Anthony Wheeler Trust	2	Commercial	5,560,397	0	5,560,397	1.71
Adams Warehouse Company[(2)]	1	Industrial	5,280,111	0	5,280,111	1.62
WC Investors LLC	2	Commercial	5,169,900	0	5,169,900	1.59
Richard A. Markstein Trust, *et al.*	1	Industrial	4,133,312	0	4,133,312	1.27
Johnson Pantattoni, *et al.*	1	Commercial	3,538,291	0	3,538,291	1.09
Nugget Markets Inc.	2	Unsecured	0	3,438,226	3,438,226	1.06
Tower Energy Group	2	Commercial	3,334,478	0	3,334,478	1.03
Woodland Business Center LLC	3	Commercial	3,315,000	0	3,315,000	1.02
SUBTOTAL	17		91,764,256	3,438,226	95,202,482	29.28
All Others	1,005	Various	201,164,324	28,798,051	229,962,375	70.72
TOTAL	1,022		$292,928,580	$32,236,277	$325,165,857	100.00%

(1) Based on ownership of locally-assessed secured and unsecured property.
(2) Each of these assessees have outstanding appeals.
Sources: *Fraser & Associates based upon records of the County Assessor's Office 2006-07 Equalized Local Assessment Roll.*

Tax Rates

Within the State tax rates vary from area to area, as well as within a community and a project area. The tax rate for any particular parcel is based upon the jurisdictions levying the tax rate for the area (a "Tax Rate Area") in which the parcel is located. The tax rate applied to incremental taxable values consist of two components: (i) the general levy rate which may not exceed $1.00 per $100 of taxable values in accordance with Article XIII A of the State Constitution and (ii) the over-ride tax rate that is levied to pay voter approved indebtedness or contractual obligations that existed prior to the enactment of Proposition XIII. See "LIMITATION ON TAX REVENUES" and "CERTAIN RISKS TO BONDHOLDERS–Reduction in Assessed Value."

The over-ride tax rates can decline each year as increasing property values reduce the over-ride rate needed to be levied by the taxing entities to satisfy voter approved debt service obligations and as the voter approved debts is retired over time.

The taxing entities within a Tax Rate Area each receive a prorated share of the general levy and the revenues resulting from any voter approved over-ride tax rates.

Historical, Current and Projected Tax Revenues

The Redevelopment Agency's primary source of funds to make payments with respect to the Series 2007 Bonds and Parity Debt is the Redevelopment Agency's share of *ad valorem* property tax revenues which generally result from increases in the assessed values (whether due to annual inflation, the completion of new real estate developments, or general reassessment of property) within the Project Area.

The purpose of redevelopment is to revitalize deteriorated or underdeveloped areas within a community. As new construction progresses, property values normally increase and the ultimate result is a proportionate increase in *ad valorem* property tax revenues.

The total taxable value of all properties within a given project area on the property tax assessment roll last equalized prior to the effective date of the ordinance adopting the redevelopment plan for such project area and related amendment areas, if any, establishes a base from which increases in taxable value are computed. The base so established for the Project Area is the Fiscal Year 1987-88 assessment roll. Under the Redevelopment Law, property taxes levied based upon the amount shown on the base year assessment rolls will continue to be paid to and retained by all taxing agencies levying property taxes in the Project Area. Taxes levied by the respective taxing agencies on any increases in taxable value realized in the Project Area will be allocated to the Redevelopment Agency.

It should be understood that this procedure does not involve the levy of any additional taxes, but provides that revenues produced by the tax rates in effect from year to year are apportioned to the taxing agencies levying the taxes and to the Redevelopment Agency on the basis described above. After all loans, advances and other indebtedness, including interest, incurred by the Redevelopment Agency in connection with the Project Area have been paid, the tax revenues will be paid to and retained by the respective taxing agencies in the normal manner. See also "CERTAIN RISKS TO BONDHOLDERS–Reduction of Tax Revenues."

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