

# City of Woodland

300 First Street  
Woodland, CA 95695

## Meeting Agenda

### City Council

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Tuesday, July 5, 2016

6:00 PM

Council Chambers

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#### CITY COUNCIL CLOSED SESSION 5:30PM

#### A. CALL TO ORDER

#### B. CLOSED SESSION

##### B.1 CONFERENCE WITH LABOR NEGOTIATORS, Pursuant to Government Code Section 54957

Agency Designated Representatives: Paul Navazio and Sheila McShane  
Employee Organization(s): Professional Firefighters' Association (WPFA)  
and Woodland City Employees' Association (WCEA)

##### B.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code § 54956.8)

Properties: Yolo County Assessor's Parcel Numbers 005-750-003, 005-692-002  
Agency Negotiators: City Manager, Community Development Director, City  
Engineer, City Attorney, and City's Project Manager  
Negotiating Parties: Elizabeth J. Crum & Elizabeth J Crum Revocable Trust  
Under Negotiation: Price and terms of payment

##### B.3 CONFERENCE WITH LEGAL COUNSEL

– Existing Litigation (Gov. Code § 54956.9(d)(1))

1. City of Woodland v. Elizabeth J. Crum, et al., Yolo County Superior Court  
Case No. ED 16-558

#### JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY

JULY 5, 2016

6:00 P.M.

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. PLEDGE OF ALLEGIANCE

**D. COMMUNICATIONS-PUBLIC COMMENT**

*This is 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.*

[16-614](#)

SUBJECT: Long Range Calendar

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

**Attachments:** [Council Long Range Calendar](#)

**F. COMMITTEE REPORTS**[16-592](#)

SUBJECT: Planning Commission Meeting Minutes

Recommendation for Action: Staff recommends that the City Council receive the minutes of the following Planning Commission meetings of April 7, 2016, April 21, 2016 and May 5, 2016.

**Attachments:** [A - April 7, 2016 Meeting Minutes](#)

[B - April 21, 2016 Meeting Minutes](#)

[C - May 5, 2016 Meeting Minutes](#)

[16-594](#)

SUBJECT: Commission on Aging Meeting Minutes for April 21, 2016

Recommendation for Action: Staff recommends that the City Council receive the April 21, 2016 Commission on Aging Minutes that were approved on June 16, 2016.

**Attachments:** [42116Minutes.pdf](#)

**G. CONSENT CALENDAR**

1.

[16-601](#)

SUBJECT: Receive Annual Report from the Manufactured Home Fair Practices Commission

Recommendation for Action: Staff recommends that the City Council receive and file the Manufactured Home Fair Practices Commission Annual Report for the 2015 program year and receive a summary

update on the 2016 program year.

**Attachments:** [2015 Annual Report](#)

[2015 Meeting Minutes](#)

2. [16-564](#) SUBJECT: Main Street Streetscape Project, CIP 15-16; Final Acceptance and Notice of Completion

Recommendation for Action: Staff recommends that the City Council (1) approve Resolution No. \_\_\_\_\_, accepting the Main Street Streetscape Project, CIP 15-16, as complete and authorizing the City Clerk to file a Notice of Completion and (2) appropriate \$25,000 of Measure E funding to the project.

**Attachments:** [Resolution](#)

3. [16-575](#) SUBJECT: Downtown Streetscape Project, CIP 08-58; Final Acceptance and Notice of Completion

Recommendation for Action: Staff recommends that the City Council approve Resolution No. \_\_\_\_\_, accepting the Downtown Streetscape Project, CIP 08-58, as complete and authorizing the City Clerk to file a Notice of Completion

**Attachments:** [A - Resolution](#)

4. [16-579](#) SUBJECT: Woodland Aquatic Center Feasibility Study

Recommendation for Action: Staff recommends that the City Council approve Resolution No. \_\_\_\_\_, authorizing the City Manager to execute a contract with Aquatic Design Group for the Woodland Aquatic Center Feasibility Study, for a total amount not to exceed \$25,000.

**Attachments:** [Aquatic scope of work](#)

[pool feasibility study 2016 resolution](#)

5. [16-585](#) SUBJECT: Reaffirm Policy for naming Parks and Recreation Facilities

Recommendation for Action: Staff recommends that the City Council reaffirm the policy for naming parks and recreation facilities that was approved by the City Council on March 21, 1995.

**Attachments:** [naming 1995](#)

6. [16-603](#) SUBJECT: Fiscal Year 2015/16 Report on Affordable Housing Loan Portfolio

Recommendation for Action: Staff recommends that the City Council receive the Fiscal Year 2015/16 report on the City's affordable housing loan portfolio.

**Attachments:** [City Affordable Housing Loans 5Jul16](#)

7. [16-607](#) SUBJECT: Adopt the revisions to the Deputy Director of Community Development, Deputy Director of Public Works, Operations and Maintenance and Approve two new job descriptions, Deputy Director of Public Works, Utilities and Environmental Sustainability Manager

Recommendation for Action: Staff recommends that the City Council take the following actions:

1. Adopt the revisions to the Deputy Director of Community Development, and Deputy Director of Public Works, Operations and Maintenance; and
2. Approve two new Job Descriptions ((1) Deputy Director of Public Works, Utilities and (2) Environmental Sustainability Manager) and their associated salary ranges; and
3. Approve a Side Letter which modifies the job classifications covered by the MOU between the City and the Mid-Management Professional Association (MMPA).

**Attachments:** [Dep Dir PW Utilities](#)

[Deputy Director CDD Planning Job des](#)

[Environmental Sustainability Manager Job Description](#)

[DEPUTY DIRECTOR OF PUBLIC WORKS O M](#)

[Mid Mgmt Side Letter Job Classification](#)

8. [16-598](#) SUBJECT: Reject All Bids and Re-Authorize Bid Advertisement for Well #24 and Well #26 Water Main Project, CIP #16-09

Recommendation for Action: Staff recommends that the City Council Adopt Resolution No. \_\_\_\_\_, that includes the following actions:

- (1) Reject all bids from the June 14, 2016 bid opening for the Well #24 and Well #26 Water Main Project; and
- (2) Re-Authorize bid advertisement for the Well #24 and Well #26 Water Main Project; and
- (3) Approve additional \$47,602 Contingency for the Consultant Services Agreement with Hatch Mott McDonald; and
- (4) Approve CM and Inspection Services Contract with Psomas for an amount not to exceed \$100,000; and
- (5) Reallocate \$460,000 from CIP 11-14 to CIP 16-09; and
- (6) Approve a new appropriation in FY 16/17 for \$1,000,000 from the water enterprise fund.

**Attachments:** [A - Resolution](#)

## H. PUBLIC HEARINGS

9. [16-604](#) SUBJECT: PUBLIC HEARING - Prudler Tentative Subdivision Map Project (PLNG 14-00090): A request to amend the General Plan and Spring Lake Specific Plan, rezone the project site, and approve a Tentative Subdivision Map (TSM #4856), Conditional Use Permit and



Development Agreement to allow the development of 183 detached single-family units in two phases and a 1.46 acre park, on an approximately 38-acre site located at the northeast corner of East Street and Sports Park Drive/ County Road (CR) 24A in the City of Woodland

Recommendation for Action: Staff recommends that the City Council:

1. Adopt Resolution No. \_\_\_\_\_, certifying the Environmental Impact Report (EIR), adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP); and
2. Adopt Resolution No. \_\_\_\_\_, amending the General Plan Land Use Diagram from General Commercial (GC) to Low Density Residential (LDR), 3-8 dwelling units/acre and amending the Circulation Element to reduce the segment of East Street, located south of the County Fair Mall to CR 24A, from four lanes to two lanes; and
3. Adopt Resolution No. \_\_\_\_\_, amending the Spring Lake Specific Plan (SLSP) East Street cross-section; and
4. Introduce Ordinance No. \_\_\_\_\_, Rezoning from General Commercial (C-2) to Single Family Planned Development (R-1) and adoption of Planned Development Standards (PD); and
5. Adopt Resolution No. \_\_\_\_\_, approving Tentative Subdivision Map # 4856 to subdivide the 38-acre site into 183 residential lots and a 1.46 acre park site and approving a Conditional Use Permit for development criteria within the Planned Development Zone; and
6. Introduce Ordinance No. \_\_\_\_\_, approving a Development Agreement.

**Attachments:** [Attachment 1 - EIR Resolution](#)[ATT 1A - - Findings of Fact and Statement of Overriding Consideratons](#)[ATT 1B - Mitigation Monitoring and Reporting Plan](#)[Attachment 2 - GPA Resolution](#)[ATT 2A - GPA Circulation Diagram](#)[ATT 2B - GPA Land Use](#)[Attachment 3 - SLSPA Resolution](#)[ATT 3A- SLSP East Street Cross Section](#)[Attachment 4 - Rezone Ordinance](#)[ATT 4A - Rezone Exhibit](#)[ATT 4B - Planned Development Exhibit and Standards](#)[Attachment 5 - TM and CUP Resolution](#)[ATT 5A - Tentative Subdivision Map # 4856 \(4 sheets\)](#)[Attachment 6 - DA Ordinance](#)[Attachment 6B - Development Agreement](#)[ATT 7 - Conditions of Approval v 6.14.16](#)[ATT 8 - PC Report cover 4.7.16](#)[ATT 9 - Legal Services of Northern Ca](#)[ATT 10 - City Response to LSNC Letter](#)[ATT 11 - Applicant Response to Legal Services June 2016](#)[ATT 12 - Letter to Council from LSNC June 20, 2016.pdf](#)[ATT - 13 City Attorney Response to LSNC June 29, 2016.pdf](#)

10.     [16-615](#)           SUBJECT:     PUBLIC HEARING - Waste Management Liens

Recommendation for Action: Staff recommends that the City Council conduct a Public Hearing to receive input from property owners and adopt Resolution No. \_\_\_\_\_, "A Resolution Requesting Collection of Charges on Tax Roll".

**Attachments:** [Resolution 2016 2017 Waste Management Liens](#)

**I.       REPORTS OF THE CITY MANAGER**

11.     [16-605](#)           SUBJECT:     Consideration of Permit Application to U.S. Fish & Wildlife Service for the Yolo Habitat Conservation Plan / Natural Communities Conservation Plan

Recommendation for Action: Staff recommends the City Council approve Resolution No. \_\_\_\_\_, authorizing the City Manager to complete and submit the required habitat conservation permit application to the U.S. Fish & Wildlife Service as a permittee under the Yolo Habitat and Natural Communities Conservation Plan (Yolo HCP/NCCP) as attached hereto.

Attachments: [CC Resolution authorizing permit submittal](#)  
[HCP application](#)

12.     [16-611](#)     SUBJECT:     Reappointment and Appointment of Board and Commission Members

Recommendation for Action: Staff recommends that the City Council consider the reappointment and appointment of members to the various Boards and Commissions.

Attachments: [Cronin MHFPC Board and Comm App](#)

13.     [16-613](#)     SUBJECT:     City Council Vacancy - Selection of Mayor Pro Tempore and Other Council Assignments

Recommendation for Action: Staff recommends that the City Council select a Mayor Pro Tempore and assign Council Members to various committees in light of Council Member Bill Marble's recent resignation.

Attachments: [2014-2016 Council Assignments](#)

## J.     **ADJOURN**

*I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority Regular Meeting of the City of Woodland scheduled for July 5, 2016 was posted on July 1, 2016 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.*

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*Ana B. Gonzalez, City Clerk*

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



# City of Woodland

300 First Street  
Woodland, CA 95695

## Legislation Text

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**File #: 16-614, Version: 1**

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**TO:** THE HONORABLE MAYOR AND CITY COUNCIL

**DATE:** July 5, 2016

**SUBJECT:** Long Range Calendar

**Recommendation for Action:** Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

**Staff Contact**

Ana Gonzalez, City Clerk - (530) 661-5806, [ana.gonzalez@cityofwoodland.org](mailto:ana.gonzalez@cityofwoodland.org)

**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 items.

Prepared by: Ana Gonzalez, City Clerk

A handwritten signature in black ink, appearing to read "Paul Navazio".

Paul Navazio, City Manager

Attachment

# COUNCIL LONG RANGE CALENDAR

**July 19<sup>TH</sup>**

**REGULAR MEETING**

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## **Minutes**

City Council Minutes of June 7<sup>th</sup> and June 21<sup>st</sup>

## **Consent**

Community Services Quarterly Report

General Plan Monthly Update Report #8

Adopt Reso to purchase PU easement located at 1000 Kentucky Avenue

Final Acceptance and Notice of Completion for Water Trans Main West, CIP #12-05

Beamer Trunk Sewer Lining Project, CIP 16-11 – **16-595**

Amendment to Lease Agreement with Conway Preservatio Group / PG&E Easement

## **Regular Calendar**

General Plan Update

Authorization to Bid Library Maker Space – Learning Lab project

Voting Delegate for Annual League Conference

Update on Council Appointment Process

## ***COUNCIL SUMMER RECESS JULY 20<sup>TH</sup> – AUGUST 22<sup>nd</sup>***

### **FUTURE AGENDA ITEMS – DATE TO BE DETERMINED:**

Approve Urban Flood Risk Referral (UFRR) Agreement with DWR

Update/Revision of Development Impact Fees

### **FUTURE STUDY SESSIONS (TBD):**

Affordable Housing - Part II

General Plan Update



# City of Woodland

300 First Street  
Woodland, CA 95695

## Legislation Text

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File #: 16-592, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Planning Commission Meeting Minutes

Recommendation for Action: Staff recommends that the City Council receive the minutes of the following Planning Commission meetings of April 7, 2016, April 21, 2016 and May 5, 2016.

**Staff Contact**

Debbie Flemmer, Administrative Clerk, Community Development Department

A handwritten signature in cursive script, reading "Paul Navazio".

Paul Navazio, City Manager

**ATTACHMENTS:**

Attachment A - April 7, 2016 Meeting Minutes

Attachment B - April 21, 2016 Meeting Minutes

Attachment C - May 5, 2016 Meeting Minutes



# City of Woodland

## Meeting Minutes - Final

### Planning Commission

City of Woodland Planning  
Commission  
c/o Community  
Development Department  
300 First Street  
Woodland, CA 95695  
530-661-5820

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Thursday, April 7, 2016

6:30 PM

Council Chambers

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**Please Note: The numerical order of items on this agenda is for convenience of reference; items may be taken out of order. No new items shall begin after 10:30 pm unless unanimous consent exists to continue.**

#### **A. Call to Order**

*Meeting was called to order at 6:30 pm*

*Staff Present:*

*Ken Hiatt, Director  
Cindy Norris, Principal Planner  
Cindy Gness - VP Raney Planning and Mgmt, Contract Planner  
Brent Meyer, City Engineer  
Kara Ueda, City Attorney  
Erika Bumgardner, Senior Planner  
Jeff Ballantine, Associate Planner*

#### **B. Roll Call**

*Present 6:  
Chairman Kirby Wells, Vice Chairman Chris Holt, Commissioner Steve Harris,  
Commissioner Marco Lizarraga, Commissioner John Murphy and Commissioner  
Elodia Ortega-Lampkin*

*Absent 1:  
Commissioner Fred Lopez*

#### **C. Pledge of Allegiance**

#### **D. Staff and Commissioner Comments**

#### **E. Subcommittee Reports**

#### **F. Communications from the Public**

#### **H. Public Hearing**

[16-429](#)

Prudler Tentative Subdivision Map Project (PLNG 14-00090): A

request to amend the General Plan and Spring Lake Specific Plan, rezone the project site, and approve a Tentative Subdivision Map (TSM #4856) and Development Agreement to allow the development of 183 detached single-family units in two phases and a 1.46 acre park, on an approximately 38-acre site in the City of Woodland.

The proposal will include recommendation for:

- Certification of the Environmental Impact Report (EIR) and adoption of the Mitigation Monitoring and Reporting Plan (MMRP);
- Adoption of Findings of Fact and Statement of Overriding Considerations;
- Amendment to the General Plan Circulation Element to reduce the segment of East Street, located south of the County Fair Mall to CR 24A, from four lanes to two lanes;
- Amendment to the General Plan Land Use Map to re-designate the site from General Commercial (GC) to Low Density Residential (LDR), 3-8 dwelling units/acre;
- Amendment to the Spring Lake Specific Plan (SLSP) to modify the East Street cross-section design to reduce the median width from 45 feet to 18 feet and to reduce the number of lanes from four to two for the road segment located south of the County Fair Mall to CR 24A;
- Rezone from General Commercial (C-2) to Single Family Planned Development (R-1) and adoption of Planned Development Standards (PD);
- Approval of Tentative Subdivision Map # 4856 to subdivide the 38-acre site into 183 residential lots and a 1.46 acre park site;
- Approval of a Conditional Use Permit for development criteria within the Planned Development Zone; and
- Approval of a Development Agreement.

Location: The subject property is located at the northeast corner of East Street and Sports Park Drive/County Road (CR) 24A.

Applicant/Owner: Yolo Residential Investors, LLC., 2625 Fair Oaks Boulevard #3, Sacramento CA 95864

Environmental Report: Environmental Impact Report (SCH #2014122036)

APN: 041-070-042-0000

Project Planner: Cindy Norris, Principal Planner  
Cindy Gnos, Raney Planning & Management, Contract Planner



Report For: Planning Commission Hearing April 7, 2016

Staff Recommendation: Recommend City Council Approval subject to Conditions

**Attachments:**    [1 PC Resolution for the Prudler TM Project](#)  
[2 Exhibit A CC CEQA and Exhibit A1 & A2](#)  
[2 Exhibit A1 - Findings of Fact and Statement of Overriding Considerations.doc](#)  
[2 Exhibit A2 - Mitigation Monitoring and Reporting Plan.pdf](#)  
[3 Exhibit B - CC GP Amend Resolution](#)  
[3 Exhibit B1 - GP Circulation Element Amend](#)  
[3 Exhibit B2 - GP Land Use](#)  
[4 - Exhibit C - CC SPA Resolution.docx](#)  
[4 Exhibit C1 - SL Plan Amendment Exhibit](#)  
[5 Exhibit D CC Ordinance to Rezone & PD Standard Ordinance](#)  
[5 Exhibit D1 - Rezone Exhibit](#)  
[5 Exhibit D2 Planned Development Map and Standards.pdf](#)  
[6 Exhibit E TM and CUP Resolution](#)  
[6 Exhibit E 1 - Tentative Subdivision Map # 4856 \(4 sheets\).pdf](#)  
[6 Exhibit E 2 - Lot Matrix.pdf](#)  
[6 Exhibit E 3 - Landscape Plan and Tree Removal Plan 2006 \(2 sheets\).pdf](#)  
[7 Exhibit F - CC DA Ordinance](#)  
[7 Exhibit F-1 - Development Agreement.doc](#)  
[8 Exhibit G to PC reso \(Exhibit C to DA\) - Conditions of Approval v 3.30.16.docx](#)  
[9 Letter from Victor Rodriguez, Gen Mgr County Fair Fashion Mall 2.3.16](#)

*A motion was made by Vice Chairman Holt and seconded by Commissioner Lizarraga to recommend to the City Council of the City of Woodland denial of the certification of the Environmental Impact Report and the proposed project request.*

*The motion was carried by the following vote, 5 -1:*

*Ayes: Vice Chariman Holt and Commissioners Harris, Lizarraga, Murphy and Ortega-Lampkin*

*Nos: Chairman Wells*

## I. Business Items

[16-408](#)

SUBJECT: Public Art Ordinance Framework - Artist Definition/Qualifications  
DATE: April 7, 2016

### RECOMMENDATION:

Staff recommends that the Planning Commission review and provide input concerning the draft definition and qualification criteria of a

qualified artist in context of a proposed public art ordinance framework.

*The Planning Commission stated its general support of the draft definition and qualifications criteria of a qualified artist as presented by staff.*

[16-424](#)

SUBJECT: Long Range Calendar

Recommendation for Action: Staff recommends that the Planning Commission receive the Long Range Calendar for informational purposes only.

Attachments: [A - PC Long Range Calendar Prepared 3/31/16](#)

*Staff gave a brief presentation and informational report.*

**J. Staff or Commissioner Comments**

**K. Adjournment**

*Meeting was adjourned at 8:45 pm*

**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.**



# City of Woodland

## Meeting Minutes - Final

### Planning Commission

City of Woodland Planning  
Commission  
c/o Community  
Development Department  
300 First Street  
Woodland, CA 95695  
530-661-5820

---

Thursday, April 21, 2016

6:30 PM

Council Chambers

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#### A. Call to Order

*Meeting was called to order at 6:35 pm*

*Staff Present:*

*Ken Hiatt, Director*

*Cindy Norris, Principal Planner*

*Erika Bumgardner, Senior Planner*

*Jeff Ballantine, Associate Planner*

*Kara Ueda, City Attorney*

#### B. Roll Call

*Present 6:*

*Chairman Kirby Wells, Vice Chairman Chris Holt, Commissioner Marco Lizarraga, Commissioner Fred Lopez and Commissioner John Murphy; Commissioner Elodia Ortega-Lampkin arriving late.*

*Absent 1:*

*Commissioner Steve Harris*

#### C. Pledge of Allegiance

#### D. Staff and Commissioner Comments

#### E. Subcommittee Reports

#### F. Communications from the Public

*Linda Phillips, a resident of Gary Way commented on residential parking impact created by Woodland Clinic, speeding, and debris and brush left behind their fence.*

#### G. Approval of Minutes

#### H. Public Hearing

[16-447](#)

Verizon Cell Tower Conditional Use Permit: Request for a Conditional Use Permit to allow the construction and operation of a 90-foot tall telecommunications cellular tower and the installation of related

ground equipment on an approximate 1,450 square foot lease area at 1400 Pioneer Avenue (Pioneer High School). The tower will replace an existing 74-foot tall light standard at the school's football field; the field lighting will be replaced on the cell tower at its current positioning.

Location: 1400 Pioneer Avenue - Pioneer High School

Applicant/Owner: Verizon Wireless/Woodland Unified School District

Environmental Report: Categorical Exemption

APN 042-580-020

Project Planner: Jeff Ballantine, Associate Planner

Staff Recommendation: Approval with Conditions

**Attachments:**    [1- Resolutions and Exhibit A COA](#)  
                              [1 Exhibit B Site plan & Elevations](#)  
                              [2 - Justification Statement](#)  
                              [3 - Radio Frequency](#)  
                              [4 - Alternative Site Analysis](#)  
                              [5 - Statement of Support - WJUSD](#)

*A motion was made by Commissioner Lizarraga and seconded by Commissioner Lopez to approve the request for a Conditional Use Permit to allow the construction and operation of a 90-foot tall telecommunications cellular tower and the installation of related ground equipment on an approximately 1,450 square foot lease area at 1400 Pioneer Avenue. The motion was carried by the following vote:  
Ayes: Chairman Wells, Vice Chairman Holt and Commissioners Lizarraga, Lopez, Murphy and Ortega-Lampkin.*

#### [16-430](#)

Digital Freeway Sign Conditional Use Permit, Site Plan and Design Review, 2140 Freeway Drive - The project includes a request by applicant, P.C. Dixon I, LLC and Pacific Horizon Group, LLC, for a Conditional Use Permit, Site Plan and Design Review approval to allow for a 65-foot tall digital freeway sign at the southeast corner of 2140 Freeway Drive adjacent to (north of) Interstate 5, within the Commercial Highway, Entryway Overlay Zone (C-H/ EOZ).

Location: 2140 Freeway Drive, Woodland, CA (APN 027-851-011)

Applicants: P.C. Dixon I, LLC and Pacific Horizon Group, LLC (Ron Caceres)

Environmental Report: Mitigated Negative Declaration

Project Planner: Erika Bumgardner, AICP, Senior Planner

Staff Recommendation: Consider recommending to City Council approval of the proposed digital freeway sign with conditions.

**Attachments:**     [1 - Resolution to Follow](#)  
                              [2 - Resolution to Follow](#)  
                              [3 - Project Site Plan and Elevations, Photosimulations](#)  
                              [4 - Permitted Digital Freeway Sign Locations Map](#)  
                              [5 - CEQA Mitigated Negative Declaration](#)  
                              [6 - CEQA Comment Letters](#)  
                              [7 - Digital Freeway Sign Application](#)  
                              [8 - Public Comment Letters](#)

*A motion was made by Commissioner Lizarraga and seconded by Vice Chairman Holt to recommend to the City Council of the City of Woodland approval of the requested Digital Freeway Sign Conditional Use Permit, Site Plan and Design Review for 2140 Freeway Drive based on the following findings of approval:*

- a) The proposed Conditional Use Permit, Site Plan and Design Review application allowing for the installation and operation of a digital freeway sign at the southeast corner of 2140 Freeway Drive conforms to the City of Woodland General Plan and applicable provisions of the Zoning Ordinance, in that the use shall be conditionally permitted in its proposed location along the Interstate 5 freeway corridor between County Road 102 and the City/County boundary to the east, and appropriate conditions have been made part of the approval;*
- b) The site for the intended use is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the use and required provisions of the Zoning Ordinance and satisfies all minimum physical standards required under the City's Zoning Ordinance for similar type uses;*
- c) The proposed location of the digital freeway sign is appropriate and beneficial to the City, is the preferred location for a digital sign along the Interstate 5 freeway and will not detract from existing businesses or other signage within immediate proximity to the proposed location or obscure existing directional signage along this stretch of the Interstate 5 corridor;*
- d) The proposed dedication of a minimum of five percent (5%) of advertising time on the digital sign for City use, including a minimum of one "click" on each display face is consistent with the Digital Freeway Sign Ordinance Section 25-24-30(2)(B)(ix), "Development Standards, Community Messaging," and*
- e) The proposed removal of a minimum of 2,688 square feet of existing static billboard signage within the City along Main and East Streets is consistent with the Digital Freeway Sign Ordinance Section 25-24-30(2)(C).*

*The motion was carried by the following vote; 5-1:*

*Ayes: Chairman Wells, Vice Chairman Holt and Commissioners Lizarraga, Murphy and Ortega-Lampkin*

*Nos: Commissioner Lopez*

[16-432](#)

Digital Freeway Sign Conditional Use Permit, Site Plan and Design Review, 530 Quality Circle - The project includes a request by applicant, Scott Vanderbeek, for a Conditional Use Permit, Site Plan and Design Review approval to allow for a 45-foot tall digital freeway sign along the southern property line of 530 Quality Circle, just north of the Interstate 5 freeway corridor and just west of the new Woodland Motors Dealership within the Industrial, Entryway Overlay Zone

(I/EOZ).

Location: 530 Quality Circle, Woodland, CA (APN 027-851-024)

Applicants: Scott Vanderbeek

Environmental Report: Mitigated Negative Declaration

Project Planner: Erika Bumgardner, AICP, Senior Planner

Staff Recommendation: Consider recommending to City Council approval of the proposed digital freeway sign with conditions.

**Attachments:**     [1 - Resolution to Follow](#)  
                              [2 - Resolution to Follow](#)  
                              [3 - Project Site Plan and Elevations, Photosimulations](#)  
                              [4 - Permitted Digital Freeway Sign Locations Map](#)  
                              [5 - CEQA Mitigated Negative Declaration](#)  
                              [6 - CEQA Comment Letters](#)  
                              [7 - Digital Freeway Sign Application](#)  
                              [8 - Public Comment Letters](#)

*A motion was made by Vice Chairman Holt and seconded by Commissioner Lizarraga to recommend to City Council of the City of Woodland denial of requested Digital Freeway Sign Conditional Use Permit, Site Plan and Design Review for 530 Quality Circle based on the following findings of approval:*

*a) In consideration of the merits of two digital freeway sign applications and with the understanding that only one digital freeway sign is permitted along the Interstate 5 corridor between County Road 102 and the City/County boundary to the east, the Planning Commission recommends that the City Council support the sign that provides the greatest value to the community in terms of location, design, and overall benefit to the City;*

*b) The proposed digital freeway sign at 530 Quality Circle provides less value to the City in terms of overall benefit to the community because it does not result in the removal of existing static billboard signage within the city limits as spelled out in the Zoning Ordinance;*

*c) In light of the above, the proposed use is not desirable for the public convenience and would be detrimental to the general public welfare.*

*The motion was carried by the following vote, 5 -1:*

*Ayes: Chairman Wells, Vice Chairman Holt and Commissioners Lizarraga, Murphy and Ortega-Lampkin*

*Nos: Commissioner Lopez*

## **I. Business Items**

[16-453](#)

SUBJECT: Design Review for Lennar; The Grove at Spring Lake for the Cal West Subdivision

DATE: April 21, 2016

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Review and approve the proposed conceptual residential designs for Lennar; The Grove at Spring Lake subject to the conditions of approval.

**Attachments:**     [1 - General Application](#)  
[2 - Residential Design Booklet](#)  
[3 - Revised Pre-Plot Plan.pdf](#)  
[4 - Subdivision Map 5075 & COA](#)

*A motion was made by Commissioner Lizarraga and seconded by Commissioner Lopez to approve the proposed conceptual residential designs for Lennar; The Grove at Spring Lake, subject to the conditions of approval; ## with the addition of COA 25 & 26 ##. The motion was carried by the following vote:  
Ayes: Chairman Wells, Vice Chairman Holt and Commissioners Lizarraga, Lopez Murphy and Ortega-Lampkin.*

**J. Staff or Commissioner Comments**

**K. Adjournment**

*Meeting was adjourned at 8:45 pm*

**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.**



# City of Woodland

## Meeting Minutes - Final

### Planning Commission

City of Woodland Planning  
Commission  
c/o Community  
Development Department  
300 First Street  
Woodland, CA 95695  
530-661-5820

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Thursday, May 5, 2016

6:30 PM

Council Chambers

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#### A. Call to Order

*Meeting was called to order at 6:33 pm*

*Staff Present:*

*Cindy Norris, Principal Planner*

*Lynn Johnson, Senior Management Analyst*

#### B. Roll Call

*Present 6:*

*Chairman Kirby Wells, Vice Chairman Chris Holt, Commissioner Steve Harris,  
Commissioner Marco Lizarraga, Commissioner John Murphy and Commissioner  
Elodia Ortega-Lampkin*

*Absent 1:*

*Commissioner Fred Lopez*

#### C. Pledge of Allegiance

#### D. Staff and Commissioner Comments

#### E. Subcommittee Reports

#### F. Communications from the Public

#### G. Approval of Minutes

[16-490](#)

SUBJECT: Planning Commission Minutes

RECOMMENDATION: Staff recommends that the Planning Commission adopt the minutes of the Planning Commission meeting of March 17, 2016.

**Attachments:** [A - March 17, 2016 Meeting Minutes](#)

*A motion was made by Vice Chairman Holt and seconded by Commissioner Lizarraga to approve the Planning Commission meeting minutes of March 7, 2016. The motion was carried by the following vote:*



*Ayes: Chairman Wells, Vice Chairman Holt and Commissioners Harris, Lizarraga, and Ortega-Lampkin*

*Absent: Commissioner Murphy*

## **H. Public Hearing**

## **I. Business Items**

[16-483](#)

SUBJECT: City of Woodland 2016/17-2019/20 Capital Improvement Program

DATE: May 5, 2016

### **RECOMMENDATION:**

Staff recommends that the Planning Commission:

- Review of the proposed City of Woodland Capital Improvement Program (CIP) for 2016/17 - 2019/20
- Make a finding that the proposed CIP for 2016/17 - 2019/20 is in conformity with the General Plan.

**Attachments:**     [1 - Summary of proposed CIP projects/General Plan Analysis](#)  
                                 [2 - Funding summary of proposed CIP Projects](#)

*A motion was made by Vice Chairman Holt and seconded by Commissioner Lizarraga, upon review, the Planning Commission finds the proposed CIP for 2016/17 - 2019/20 to be in conformity with the General Plan. The motion was carried by the following vote:*

*Ayes: Chairman Wells, Vice Chairman Holt and Commissioners Harris, Lizarraga, Murphy and Ortega-Lampkin*

[16-457](#)

SUBJECT: Long Range Calendar

Recommendation for Action: Staff recommends that the Planning Commission receive the Long Range Calendar for informational purposes only.

**Attachments:**     [A - Planning Commission Long Range Calendar prepared April 21, 2016](#)

*Staff gave a brief presentation and informational report.*

## **J. Staff or Commissioner Comments**

## **K. Adjournment**

*Meeting was adjourned at 7:42 pm*

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.

## Legislation Text

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File #: 16-594, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Commission on Aging Meeting Minutes for April 21, 2016

Recommendation for Action: Staff recommends that the City Council receive the April 21, 2016 Commission on Aging Minutes that were approved on June 16, 2016.

**Staff Contact**

Dallas Tringali, Community Services Program Manager, 661-2005, Dallas.tringali@cityofwoodland.org

**Conclusion**

Staff recommends that the City Council receive the April 21, 2016 Commission on Aging Minutes that were approved on June 16, 2016.

Prepared by: Dallas Tringali, Community Services Program Manager

Reviewed by: Christine Engel, Community Services Director



Paul Navazio, City Manager

Attachments: April 21, 2016 Commission on Aging Meeting Minutes



## Commission on Aging

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

### Regular Meeting Minutes

**April 21, 2016**

#### Call to Order

Meeting convened at 3:02 p.m. at the Community & Senior Center, 2001 East Street, Woodland, California; Chair Campbell presiding.

#### Roll Call

Commissioners Present: Campbell, Wheeler, Brown, Parker, Overholt

Absent

Staff: Tringali, Haynie

#### Pledge of Allegiance

#### Consent Item

##### March 17, 2016 Minutes

Commissioner Brown made the motion to accept the March 17, 2016 as written; Commissioner Parker seconded the motion. 5/0

#### Communications-Commission/Staff Statements and Requests

Commissioners Brown had been asked if there was a program where volunteers did shopping etc. for seniors. Commissioner Brown provided Commissioner Parker with the contact information of Citizen's Who Care.

#### Regular Calendar

##### Work Plan

Commissioners discussed accomplishments of FY15/16 Work Plan. Commissioner Wheeler will be added to 1. Intergenerational Project, Commissioner Parker was added to 3. Resource Fair, Commissioner Wheeler replaced Commissioner Brown on 5. Technology for Seniors.

##### Speaker Series

Tringali reported Important Document seminar is on April 28, 2016 which will be a biannual offering on the 4<sup>th</sup> Thursday of April and October. New presentations scheduled are "Healthy Eating", "Low-Vision Aids and Informative Examples of Eye Diseases", "Medicare Advantage Plan Information", "Five Wishes", "Brain Health", "Fraud Preventions", and "Benefits of Essential Oils".

##### Handicap parking at front of WC&SC

Commissioner Campbell talked with Mayor Pro Tempore Marble who suggested that Commissioner Campbell contact Troy Thompson, Facility Manager to discuss Handicap Parking at the WC&SC.

##### Senior Resource Fair May 26, 2016

Commissioners will arrive at 9:00 a.m.



## Commission on Aging

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

### Report of the Staff

#### Senior Center Report

Tringali highlighted the SCI Board Installation dinner on May 12<sup>th</sup> and Commit2Fit kickoff is on April 28<sup>th</sup> at 5:30 p. m. Collette Travel and Affordable Adventures are having a presentation on upcoming trips May 26<sup>th</sup> at 1:30 p.m. The Woodland Community & Senior Center will be closed for Memorial Day, May 30th.

#### Facility Update, Senior Issues

Tringali reported that the first connection to the solar panels by PG&E was successful.

### Business Items for Next Meeting

Minutes

2016 Work Plan

Annual Report to Council

Speaker Series

Handicap parking

Senior Resources Fair May 26, 2016

Senior Center Report

Facilities update

Next Meeting Date May 12, 2016

### Adjourn

Commissioner Overholt made the motion to adjourn the meeting at 4:20 p.m., Commissioner Wheeler seconded the motion, and motion carried 5/0.

Respectfully submitted,

Cathy Haynie, Administrative Supervisor  
Community Services Department

## Legislation Text

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File #: 16-601, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Receive Annual Report from the Manufactured Home Fair Practices Commission

**Recommendation for Action:** Staff recommends that the City Council receive and file the Manufactured Home Fair Practices Commission Annual Report for the 2015 program year and receive a summary update on the 2016 program year.

**Staff Contact**

Dan Sokolow, Senior Planner - (530) 661-5927, dan.sokolow@cityofwoodland.org

**Fiscal Impact**

For 2015, the City collected registration fees of \$9,720 from the five mobile home parks located in Woodland with the revenues helping offset the City costs incurred to administer the program.

**Background**

The City Council approved the Manufactured Home Space Rent Control Ordinance (Chapter 16B of the Woodland City Code) in 2001 and the ordinance went into effect the following year. The purpose of the ordinance is to protect the owners and residents of manufactured homes from unreasonable space rental increases while simultaneously recognizing and providing for the need of park owners to receive a just and reasonable return on their property. The ordinance also established a commission, the Manufactured Home Fair Practices Commission, to review all proposed rent increases for mobile home spaces subject to the rent control provisions of the ordinance.

**Discussion**

For program year 2015, there were a total of 630 manufactured home spaces in the City, of which 341 spaces are subject to the registration and rent ceiling provisions of the of the City's Manufactured Home Space Rent Control Ordinance.

**Summary of Actions Taken by the Manufactured Home Fair Practices Commission for Program Year 2015:**

**Bell's Trailer Village (40 spaces in park, 40 regulated spaces)** - Approved a permissive adjustment increase to the space rent ceiling of 0.68%.

**Casa del Sol (157 spaces in park, 18 regulated spaces)** - No action taken. Casa del Sol did not file a park registration. Previously, Casa del Sol claimed exemption from the rental control ordinance. The exemption status of Casa del Sol is pending.

**Leisureville (150 spaces in park, 0 regulated spaces)** - No action taken as Leisureville is exempt from the rent control ordinance by not having the minimum number (2) of rental spaces.

**Idle Wheel Estates (153 spaces in park, 153 regulated spaces)** - Approved a permissive adjustment increase to the space rental ceiling of 0.68%.

**Royal Palm Estates (131 spaces in park, 131 regulated spaces)** - Royal Palm did not submit an Annual Permissive Adjustment Application in 2015. As a result, the space rental ceiling was not increased.

For program year 2016, the Commission met on June 8, 2016 and approved permissive adjustment increases to the space rental ceiling of 1.58% for Bell's Trailer Village, Idle Wheel Estates, and Royal Palm Estates. The annual report and meeting minutes have not been prepared at this time.

The owner of Royal Palm Estates filed a Net Operating Income (NOI) Annual Adjustment Application in 2015. Former MHFPC Attorney Andrew Pugno in July 2015 requested the submittal of additional information and documentation. The owner responded to the request in May of this year. The NOI Application remains under review by MHFPC staff and will be scheduled for a hearing and consideration before the Commission once staff has deemed the application complete. Residents of Royal Palm Estates will be noticed of the hearing once it has been scheduled.

### **Conclusion**

Staff recommends that the City Council receive and file the Manufactured Home Fair Practices Commission Annual Report for the 2015 program year and receive a summary update on the 2016 program year.

Prepared by: Dan Sokolow  
Senior Planner

Reviewed by: Christine Engel  
CSD Director



Paul Navazio, City Manager

### **Attachments:**







## **ANNUAL REPORT 2015 MANUFACTURED HOME FAIR PRACTICES COMMISSION**

### **AUTHORITY**

The City of Woodland's mobile home rent control ordinance specifies that the Manufactured Home Fair Practices Commission (MHFPC) renders "at least semiannually a comprehensive written report to the city council concerning the commission's activities, holdings, actions results of hearings and all other matters pertinent to this chapter..." (§16.B4(m)(6).) The City Council is provided copies of minutes of MHFPC meetings during the year, but this document represents a more formal reporting of the Commission's activities for the 2015 program year.

The City's ordinance also specifies: "The city manager is hereby directed to maintain an accurate accounting of all direct and indirect costs of administering the regulations contained in this chapter. The city manager shall submit a report to the commission and city council of such costs and any recommendation for a change in the registration fee at least annually from and after the effective date of this chapter." (§16.B6(e).)

### **FINANCIAL STATUS**

For program years 2002 through 2005, park owners were required to pay an annual registration fee of \$137 per-space. Starting in program year 2006, the Commission recommended and the City Council approved a lower registration fee of \$30 per space. The \$30 per-space fee continues to remain in effect until changed by the City Council upon the recommendation of the Commission.

### **MHFPC COMMISSIONERS AND STAFF**

In 2015, the MHFPC Commissioners were:

| <u>Name</u>                  | <u>Term Expires</u> |
|------------------------------|---------------------|
| Bill Marcus, Chairperson     | 12/31/2017          |
| Marlin "Skip" Davies, Member | 12/31/2016          |
| Tom Bills, Member            | 12/31/2017          |
| Robert Noren, Member         | 12/31/2017          |

|                                  |            |
|----------------------------------|------------|
| Alan Gering, Member              | 12/31/2016 |
| Wayne Ginsburg, Alternate Member | 12/31/2017 |
| VACANCY, Alternate Member        | 12/31/2017 |

Commission Members Bill Marcus, Tom Bills, and Robert Noren are serving 3-year terms ending 12/31/2017. Commission Member Marlin “Skip” Davies is serving a 2-year term ending 12/31/2016 while Commission Member Alan Gering is serving a 3-year term ending 12/31/2016. Alternate Member Wayne Ginsburg is serving a 2-year term ending 12/31/17. There is a vacancy for the second Alternate Member seat, with a 2-year term ending 12/31/17.

Andrew P. Pugno served as the Commission’s Attorney, and temporarily provided staff support to the Commission, until the Community Services Department assigns a permanent City staff member to support the Commission.

## **2015 STATISTICS**

In 2015, there were a total of 631 manufactured home spaces in the City of Woodland, of which 341 spaces are subject to the registration and rent ceiling provisions of the City of Woodland’s Manufactured Home Space Rent Control ordinance.

| <b>Mobile Home Park</b> | <b>Spaces in Park</b> | <b>Regulated Spaces</b> |
|-------------------------|-----------------------|-------------------------|
| Bells                   | 40                    | 40                      |
| Casa del Sol            | 157                   | 18                      |
| Leisureville            | 150                   | 0                       |
| Idle Wheel              | 153                   | 152                     |
| Royal Palm              | 131                   | 131                     |
| <b>TOTAL</b>            | <b>631</b>            | <b>341</b>              |

## **2015 ACTIVITY BY PARK:**

### **Bells Trailer Village:**

- All 40 spaces at Bells Trailer Village were registered with the Commission.
- Registration fees of \$1,200 were paid to the City in December 2014.
- All regulated space rents as of December 31, 2014 appeared to be within the 0.97% increase in the space rent ceiling previously approved by the Commission in 2014.
- Bells completed their annual re-registration process on time and requested a permissive adjustment in 2015.
- The MHFPC approved a permissive adjustment increase to the space rent ceiling of 0.68% in 2015.

### **Idle Wheel:**

- All 153 spaces at Idle Wheel were registered with the Commission.
- Registration fees of \$4,590 were paid to the City in December 2014.

All regulated space rents as of December 31, 2014 appeared to be within the 0.97% increase in the space rent ceiling previously approved by the Commission in 2014.

- Idle Wheel completed their annual re-registration process on time and requested a permissive adjustment in 2015.
- The MHFPC approved a permissive adjustment increase to the space rent ceiling of 0.68% in 2015.

**Royal Palm:**

- All 131 spaces at Royal Palm were registered with the Commission.
- Registration fees of \$3,930 were paid to the City in December 2014.
- All regulated space rents as of December 31, 2014 appeared to be within the 0.97% increase in the space rent ceiling previously approved by the Commission in 2014.
- Royal Palm completed their annual re-registration process on time, but did not submit a permissive adjustment request in 2015.

**Leisureville:**

- There are 150 spaces at Leisureville. Management claims there are no space renters, and that all residents have an ownership interest in the park. Because Leisureville did not have at least 2 spaces rented or held out for rent, Leisureville is exempt from the Ordinance, and no action was taken by the Commission.

**Casa Del Sol:**

- Prior to the rehabilitation of the park, management at CHOC has previously reported a total of 156 spaces, but registered only those 18 spaces determined by the Commission in prior program years to be held out for median-income households and, therefore, subject to the rent control ordinance.
- The remaining 138 spaces in the park were historically claimed to be subject to recorded affordable housing covenants which restrict tenants to very-low or low income levels and, as such, have been recognized as exempt from rent control.
- In 2011, the Commission found that space rents for the 18 registered spaces were generally not within the adjusted space rent ceiling, i.e., the space rents reported in the 2010 Annual Registration plus the 1.45% increase to the space rent ceiling granted in 2011. Park management for CHOC examined the registration figures more closely, and determined that rents had been increased beyond the space rent ceiling in error. Management said they would correct the error and issue refunds.
- In 2012, CHOC asserted that the remaining 18 spaces are now exempt pursuant to new, complex regulatory agreements entered by management in 2009 and 2011 to restrict tenancies and limit rents to affordable levels. Whether or not those agreements exempt the park from space rent control is, however, was unclear.
- In 2013, the Commission received no park registration filing from CHOC/Casa del Sol.
- In 2014, Casa del Sol submitted an annual registration showing that the 18 park spaces which had historically been subject to the registration and rent ceiling requirements of the Ordinance are now claimed to be exempt under Cal. Civil Code section 798.17, a state law preempting local rent control for spaces under

specified long-term leases (greater than one year). All but 1 of the 18 spaces was claimed to be subject to qualifying leases. While the exemption status of the park was pending, CHOC did not pay registration fees for 2014.

- Staff was requested to inquire with the park owner to determine whether the claimed exempt leases comply with all of the requirements of state law in order to be exempt. Commission is also going to examine whether it must continue to regulate the space rent ceilings for those spaces, in the event one or more of them become no longer subject to long-term leases.
- In 2015, Casa del Sol submitted an annual registration showing that 17 of the 18 park spaces which had historically been subject to the Ordinance were claimed to be exempt under Cal. Civil Code section 798.17 (specified long-term leases). Attorney Pugno reported that he had inspected the leases provided by Casa del Sol following the 2014 meeting, and that they did not appear to satisfy the state law. There had been difficulty in getting an answer from CHOC as to why CHOC feels that the leases are exempt from local rent control. Attorney Pugno also reported that spaces which are shown to be exempt later start with a new rent ceiling based on the most recently-charged rent if the space again becomes subject to space rent control. Thus, the Commission does not need to keep track of space rent ceilings for exempt spaces.

### **Commission Meetings for Program Year 2015**

For Program Year 2015, the Manufactured Home Fair Practices Commission held one meeting, June 10, 2015.

### **Net Operating Income or Special Adjustment Requests.**

The owner of Royal Palms Estates submitted a Net Operating Income Annual Adjustment Application in 2015. After a review of the application, Commission staff requested additional information/documentation in 2015. The owner provided a response in 2016 and the information/documentation remains under review by staff.

Respectfully Submitted,

Dated: June 8, 2016

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Dan Sokolow, MHFPC Staff



## **MINUTES**

### **Manufactured Home Fair Practices Commission**

**MEETING DATE:** June 10, 2015



**CALL TO ORDER:** Chairperson Bill Marcus called the meeting to order at 6:30 p.m., June 10, 2015, in the City Manager's Conference Room, Second Floor of City Hall.

**ROLL CALL:**

The following MHFPC Commissioners and staff were in attendance/absent:

Present: Bill Marcus, Member and Chairperson  
Marlin H. "Skip" Davies, Member  
Robert Noren, Member  
Alan Gering, Member  
Wayne Ginsburg, Alternate Member (serving as Regular)  
Gary Sandy, Alternate Member  
Andrew Pugno, MHFPC Attorney

Absent: Tom Bills, Member

**APPROVAL OF MINUTES:** The minutes of the Commission meeting of June 24, 2014 were approved as drafted, on motion by Mr. Noren and second by Mr. Marcus. (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).

### **COMMUNICATIONS**

- **PUBLIC COMMENT:**

- Rex Cluff, Vice President of the Idle Wheel/Royal Palm Residents Association, informed the Commission that up to 150 residents may want to attend the hearing on the pending Annual NOI Adjustment application for Royal Palm, and a large venue is requested.

- **CORRESPONDENCE:**

- The Commission was provided copies of correspondence notifying three manufactured home park owners of approvals of annual permissive adjustment increases to the space rent ceiling of 0.97% in 2014.
- The Commission also received correspondence from Idle Wheel/Royal Palm, LP, providing information requested by the Commission regarding the details of ownership interests in the two parks in July of 2014.

- **COMMISSIONER/STAFF STATEMENTS AND REQUESTS:**

- None

**REGULAR AGENDA:**

**A. Introduction of new and returning MHFPC Members and Alternates**

Mr. Marcus thanked the City Council, City Clerk, and City Manager for making sure that a number of vacancies on the Commission have recently been filled. The current membership of the Commission is:

5 Regular Members (3 year terms):

| <u>Name</u>             | <u>Nominating Council seat:</u> | <u>Term Expires</u> |
|-------------------------|---------------------------------|---------------------|
| Bill Marcus             | Sean Denny                      | 12/2017             |
| Marlin H. "Skip" Davies | Tom Stallard                    | 12/2016             |
| Tom Bills               | William L. Marble               | 12/2017             |
| Robert Noren            | Angel Barajas                   | 12/2017             |
| Alan Gering             | Jim Hilliard                    | 12/2016             |

2 Alternate Members (2 year terms)

| <u>Name</u>    | <u>Nominated By:</u> | <u>Term Expires</u> |
|----------------|----------------------|---------------------|
| Gary Sandy     | Mayor                | 12/2015             |
| Wayne Ginsburg | Mayor                | 12/2015             |

**B. Review and Approve: Annual Commission Report to City Council for 2014**

A draft of the *Annual Commission Report to City Council for 2014* was circulated and reviewed. The Annual Report provides the City Council with "a comprehensive written report concerning the commission's activities, holdings, actions results of hearings and all other matters pertinent to this chapter..." as required by the Ordinance, for program year 2013-2014. Discussion was had. On motion of Mr. Davies, seconded by Mr. Gering, the draft report was approved for transmission to the City Council. (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).

**C. Review and Approve Annual Park Registrations/Exemption Claims for:**

**a. Bells Trailer Village**

Last year, Bells registered 40 spaces, all reported as month-to-month tenancies. In 2014, Bells was granted a 0.97% increase to the space rent ceiling.

This year, Bells again registered 40 spaces, all month-to-month tenancies. The park owner paid \$1,200 in registration fees. Staff stated that reported rent levels for all spaces appeared to be within the adjusted space rent ceiling.

**b. Leisureville**

There are 150 spaces at Leisureville. Management from Leisureville sent the Commission correspondence dated December 8, 2014 indicating that there are no space renters at the park, and that all residents have an ownership interest in the park. As it appeared that Leisureville is exempt from the Ordinance, no action was taken by the Commission.

**c. Idle Wheel Estates**

Last year, Idle Wheel reported 153 spaces, and registered 152 spaces. Space #263 had been claimed as exempt from the space rent ceiling under a long-term rental agreement, pursuant to state law. The Commission increased the space rent ceiling by 0.97% in 2014.

This year, Idle Wheel reported and registered all 153 spaces. The park owner paid \$4,590 in registration fees. Staff stated that reported rent levels for all spaces appeared to be within the adjusted space rent ceiling.

During public comment, Rex Cluff, Vice President of the Idle Wheel/Royal Palm Residents Association, informed the Commission that ownership of the park had changed hands since the annual registration had been submitted. The new owners is said to be "Idle Wheel MHC LLC" and the park is managed by Waterhouse Management Corp. of Roseville, California. Mr. Gering asked if the change in ownership affects the Commission's ability to approve the annual registration. Attorney Pugno responded that the answer is probably no, and that all rights likely transferred to the new owner, including the pending annual registration.

**d. Royal Palms Estates**

Last year, Royal Palms reported and registered 131 spaces. The Commission increased the space rent ceiling by 0.97% in 2014.

This year, Royal Palms again reported and registered 131 spaces. The park owner paid \$3,930 in registration fees. Staff stated that reported space rent levels appeared to be within the adjusted space rent ceiling.

**e. CHOC/Casa del Sol**

In 2014, Casa del Sol submitted an annual registration showing that 17 of the 18 park spaces which had historically been subject to the registration and rent ceiling requirements of the Ordinance were claimed to be exempt under Cal. Civil Code section 798.17, a state law preempting local rent control for spaces under specified long-term leases (greater than one year). All but 1 of the 18 spaces was claimed to be subject to qualifying leases. In 2014, staff was requested to inquire with the park owner to determine whether the claimed exempt leases comply with all of the requirements of state law in order to be exempt. Staff was also asked to determine whether the Commission must continue to regulate the space rent ceilings for those spaces, in the event one or more of them become no longer subject to long-term leases.

This year, Casa del Sol again submitted an annual registration showing that 17 of the 18 park spaces which had historically been subject to the Ordinance were claimed to be exempt under Cal. Civil Code section 798.17 (specified long-term leases). Attorney Pugno reported that he had inspected the leases provided by Casa del Sol following the 2014 meeting, and that they did not appear to satisfy the state law. There had been difficulty in getting an answer from CHOC as to why CHOC feels that the leases are exempt from local rent control. Attorney Pugno also reported that spaces which are shown to be exempt later start with a new rent ceiling based on the most recently-charged rent if the space again becomes subject to space rent control. Thus, the Commission does not need to keep track of space rent ceilings for exempt spaces.

Mr. Davies expressed the opinion that the Commission should continue to pursue an answer from CHOC regarding the claim of exemption for the long-term leases, and asked that the matter be calendared for a future agenda.

**f. Commission Actions**

On motion of Mr. Ginsburg, seconded by Mr. Davies, the Commission approved the annual registration filings for Bells Trailer Village (40 spaces), Idle Wheel Estates (153 spaces), and Royal Palms Estates (131 spaces). (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).

On motion of Mr. Davies, seconded by Mr. Noren, the Commission determined to take no action on the annual registration filing of CHOC/Casa del Sol, and instructed staff to further investigate for the next meeting. (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).



#### **D. Review Manufactured Home Park Annual Inspection Reports**

Prior to considering applications for annual permissive adjustments, park owners are required to pass park inspections conducted by the City. This year the inspections were conducted April 22, 2015, by Paul Siegel, Chief Building Official. All ten (10) categories of items were inspected in Bell's Trailer Village, Casa del Sol, Idle Wheel Estates, and Royal Palm Estates.

On motion of Mr. Ginsburg, seconded by Mr. Gering, the Commission received the inspection reports as complete. (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).

#### **E. Review CPI Data and Available Annual Permissive Adjustments**

Staff provided the Commission with data showing the Consumer Price Index for All Urban Consumers in the West Urban Area, including all items and not seasonally adjusted, as reported by the Bureau of Labor Statistics, U.S. Department of Labor, with the base period of 1982-84 = 100. The data revealed that the 12 month period ending February, adjusted by the 75% multiplier would produce a 0.68% permissive adjustment for all applications filed by March 1, 2015. ( $0.90\% \text{ increase in CPI} \times 75\% = 0.68\% \text{ increase to rent ceiling.}$ )

#### **F. Approve Annual Permissive Adjustments to Space Rent Ceilings for:**

The Commission discussed the two (2) applications received for Annual Permissive Adjustments to the Space Rent Ceilings.

The Commission approved a **0.68%** increase to the space rent ceiling at Bells Trailer Village, on motion of Mr. Davies, seconded by Mr. Marcus. (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).

The Commission approved a **0.68%** increase to the space rent ceiling at Idle Wheel Estates, on motion of Mr. Davies, seconded by Mr. Gering. (5-0, YES: Marcus, Davies, Noren, Gering, Ginsburg).

#### **G. Review Status of Net Operating Income Annual Adjustment Application for Royal Palm Mobile Home Park**

Discussion was had regarding the Annual NOI Adjustment Application Form adopted by the Commission, and the process for handling such applications and holding a hearing to determine the application.

In public comment, Rex Cluff asked if backup data is available for both Idle Wheel and Royal Palms, or just Royal Palms. Attorney Pugno stated that all documents that will be considered by the Commission will be available to the public, and reminded all in attendance that the record upon which the Commission will base its decision does not include the present meeting.

Mr. Marcus recommended that a regular meeting of the Commission be scheduled to further review the Annual NOI process, and to do a hypothetical dry run to familiarize the Commission with the formula behind the NOI application.

**H. Set next meeting**

Chairperson Bill Marcus announced that the next meeting of the Commission will be at a date and time to be announced.

**ADJOURNMENT.** The MHFPC adjourned at 8:00 p.m.

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Dan Sokolow  
MHFPC Staff

## Legislation Text

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File #: 16-564, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Main Street Streetscape Project, CIP 15-16; Final Acceptance and Notice of Completion

**Recommendation for Action:** Staff recommends that the City Council (1) approve Resolution No. \_\_\_\_\_, accepting the Main Street Streetscape Project, CIP 15-16, as complete and authorizing the City Clerk to file a Notice of Completion and (2) appropriate \$25,000 of Measure E funding to the project.

**Staff Contact**

Clara Olmedo, Associate Engineer - (530) 661-5824, clara.olmedo@cityofwoodland.org

**Fiscal Impact**

The Main Street Streetscape Improvement Project (Elm to Cleveland), CIP 15-16, was approved by Council at the November 4, 2014 City Council meeting. The project was incorporated into the Capital Budget with a budget of \$1,400,000 of bond proceeds issued in 2007 under the former Redevelopment Agency. During the March 17, 2015 Council meeting, \$298,419 in additional funding from Measure E was added to the project to fund the cost of bid alternates for corner improvements. This resulted in a total project budget of \$1,698,419. This added appropriation of \$25,000 of Measure E will bring the Measure E funding total to \$323,420 and a total project budget of \$1,723,419.

The total construction cost for the project was \$1,355,692.13, accounting for soft costs including design, construction management, inspection and staff time results in a total project cost of \$1,723,412.85.

**Background**

The improvements associated with this project were proposed to enhance the pedestrian experience and to improve the overall aesthetics of the block, establishing a sense of arrival into the downtown from the west. The final design incorporated a long arched curb extension in front of the theater. This feature expands the sidewalk creating a small plaza area aligning with a curb extension on the north side of the street, establishing a mid-block pedestrian crossing.

In addition, the project included reconstructed sidewalks with decorative exposed aggregate strips and updated ADA ramps at all corners, signal improvements for pedestrians, and street trees on Main Street. The project also included resurfacing and restriping of the block between Walnut and Cleveland streets.

### **Discussion**

The City Council authorized bid advertisement of the Project on February 3, 2015. The project was awarded to the contractor, B & M Builders, Inc., on March 17, 2015 via Resolution No. 6403. Construction is now complete and ready for acceptance.

Change orders were executed throughout the course of the project to account for additional surveying due to changes in the Theater project, unforeseen site conditions and adjustments in bid quantities. The change orders totaled \$207,730.83, which was 18% of the Council approved contingency of 20%.

The project cost breakdown is as follows:

|                                             |                       |
|---------------------------------------------|-----------------------|
| <b>Design</b>                               |                       |
| Pre-Design Contract*                        | \$22,533.73           |
| Design                                      | \$148,021.05          |
| <b>Total Design</b>                         | <b>\$170,554.78</b>   |
| <b>Construction</b>                         |                       |
| Construction Contract                       | \$1,148,504.35        |
| Change Orders                               | \$207,187.78.83       |
| <b>Total Construction</b>                   | <b>\$1,355,692.13</b> |
|                                             |                       |
| Construction Management/Inspection/Staff PM | \$173,017.23          |
| Other/ PG&E Service Pedestals**             | \$24,148.71           |
|                                             |                       |
| <b>Total Project Costs</b>                  | <b>\$1,723,412.85</b> |
| <b>Total Project Budget</b>                 | <b>\$1,698,420.00</b> |
| <b>Difference</b>                           | <b>\$(24,992.85)</b>  |

\* The pre-design contract was anticipated to be funded through CIP 12-17 State Theater Project. After initial purchase of the State Theatre project, the remaining budget from CIP12-17 was General Fund and not carried forward into the streetscape project.

\*\* Approximately \$19,000 was paid to PG&E to relocate existing service pedestals.

Staff is requesting that Council authorize an appropriation of \$25,000 in Measure E funding to balance the project budget.

### **Conclusion**

Staff recommends that the City Council (1) approve Resolution No. \_\_\_\_, accepting the Main Street Streetscape Project, CIP 15-16, as complete and authorizing the City Clerk to file a Notice of Completion and (2) appropriate \$25,000 of Measure E funding to the project.

Prepared by: Clara Olmedo, Associate Engineer

Reviewed by: Brent Meyer, City Engineer  
Ken Hiatt, Community Development Director

A handwritten signature in dark ink, appearing to read "Paul Navazio". The signature is fluid and cursive, with the first name "Paul" and last name "Navazio" clearly distinguishable.

Paul Navazio, City Manager

**ATTACHMENTS:**

A - Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO  
ACCEPT THE MAIN STREET STREETScape IMPROVEMENT  
PROJECT (CIP 15-16) CONSTRUCTION CONTRACT AS COMPLETE AND  
AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION AND  
ADJUST BUDGET**

**WHEREAS**, the City Council authorized staff to bid the Main Street Streetscape Improvement Project, CIP 15-16 on February 3, 2015; and

**WHEREAS**, the City Council on, March 17, 2015; authorized the City Manager to award and execute a construction contract; and

**WHEREAS**, the City Manager executed the construction contract with B&M Builders, Inc. on April 11, 2015; and

**WHEREAS**, construction began in May 18, 2015 and was substantially completed in March of 2016.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:**

Section 1: The City Council hereby accepts Main Street Streetscape Improvement Project, CIP 15-16 as complete.

Section 2: The City Council hereby authorizes the City Clerk to file a Notice of Completion for the Main Street Streetscape Improvement (Elm to Cleveland) Project, CIP 15-16

Section 3: The City Council hereby authorizes the appropriation of \$25,000 of Measure E funding to the project.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

ATTEST:

\_\_\_\_\_  
Ana B. Gonzalez, City Clerk



## Legislation Text

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File #: 16-575, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Downtown Streetscape Project, CIP 08-58; Final Acceptance and Notice of Completion

**Recommendation for Action:** Staff recommends that the City Council approve Resolution No. \_\_\_\_\_, accepting the Downtown Streetscape Project, CIP 08-58, as complete and authorizing the City Clerk to file a Notice of Completion

**Staff Contact**

Clara Olmedo, Associate Engineer - (530) 661-5824, clara.olmedo@cityofwoodland.org

**Fiscal Impact**

The Downtown Streetscape Improvement Project, CIP 08-58, was included in the FY 14/15 Capital Budget in the amount of \$1,165,000. Funding included \$1,015,000 of Community Design Grant funds from the Sacramento Area Council of Governments (SACOG), \$100,000 of Measure E funds, and \$50,000 of remaining bond proceeds issued in 2007 under the former Redevelopment Agency. During the March 17, 2015 Council meeting the project budget was increased by \$484,179 of Measure E funds to award some bid alternates with the construction contract. This brought the total project budget to \$1,649,179.

The total construction cost for the project was \$1,055,520.78, accounting for soft costs including design, construction management, inspection and staff time results in a total project cost of \$1,574,150.74.

**Background**

Improvements associated with this project enhance the sense of entry into the downtown from the east and expanding upon the previous enhancements to Downtown. The improvements provide traffic calming, landscaping; and a street tree canopy for the roadway to enhance pedestrian experience and overall aesthetic of Downtown.

The project reconstructed sidewalks with decorative exposed aggregate bands, provided signal improvements for pedestrians at 3<sup>rd</sup> Street, intersection bulb outs, landscaping and street trees, as well as electrical for accent tree lighting. In addition, Main Street was microsurfaced and restriped for pavement maintenance. The striping included the addition of shared lane symbols ("sharrows") to enhance awareness of bicycle utilization of the roadway.

### **Discussion**

The City Council authorized bid advertisement of the Project on February 3, 2015. The project was awarded to the contractor, Martin General Engineering Inc., on March 17, 2015. Construction is now complete and ready for acceptance.

Change orders were executed throughout the course of the project to account for unforeseen site conditions and adjustments in bid quantities. The change orders totaled \$74,871.78, which was 7.0% of the Council approved contingency of 20%.

The project expenditure breakdown is as follows:

|                                                                 |                       |
|-----------------------------------------------------------------|-----------------------|
| <b>Design</b>                                                   |                       |
| Design                                                          | \$123,226.04          |
| <b>Total Design</b>                                             | <b>\$123,226.04</b>   |
| <b>Construction</b>                                             |                       |
| Construction Contract                                           | \$1,055,520.78        |
| Change Orders                                                   | \$74,871.78           |
| <b>Total Construction</b>                                       | <b>\$1,055,520.78</b> |
|                                                                 |                       |
| Construction Management/ Inspection/Staff<br>Project Management | \$251,243.60          |
| Other/ Removal of Underground Tanks**                           | \$100,703.25          |
|                                                                 |                       |
| <b>Total Project Costs</b>                                      | <b>\$1,574,150.74</b> |
| <b>Total Project Budget</b>                                     | <b>\$1,649,179.00</b> |
| <b>Difference</b>                                               | <b>\$75,028.26</b>    |

\*\*Other charges include the cost for PG&E service, initial soil studies and \$54,000 paid to remove exposed underground storage tanks discovered during construction.

### **Conclusion**

Staff recommends that the City Council approve Resolution No. \_\_\_\_\_, accepting the Downtown Streetscape Project, CIP 08-58, as complete and authorizing the City Clerk to file a Notice of Completion.



Prepared by: Clara Olmedo, Associate Engineer

Reviewed by: Brent Meyer, City Engineer  
Ken Hiatt, Community Development Director

A handwritten signature in black ink, appearing to read "Paul Navazio". The signature is fluid and cursive, with the first name "Paul" and last name "Navazio" clearly distinguishable.

Paul Navazio, City Manager

**ATTACHMENTS:**

Attachment A - Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO  
ACCEPT THE DOWNTOWN STREETScape IMPROVEMENT  
PROJECT (CIP 08-58) CONSTRUCTION CONTRACT AS COMPLETE AND  
AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION**

**WHEREAS**, the City Council authorized staff to bid the Downtown Streetscape Improvement Project, CIP 08-58 on February 3, 2015; and

**WHEREAS**, the City Council on, March 17, 2015; authorized the City Manager to award and execute a construction contract; and

**WHEREAS**, the City Manager executed the construction contract with Martin General Engineering, Inc. on April 8, 2015; and

**WHEREAS**, construction began in May 1, 2015 and was substantially completed in February 2016.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WOODLAND AS FOLLOWS:**

Section 1: The City Council hereby accepts Downtown Streetscape Improvement Project, CIP 08-58 as complete.

Section 2: The City Council hereby authorizes the City Clerk to file a Notice of Completion for the Downtown Streetscape Improvement Project, CIP 08-58

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_ Ana B. Gonzalez, City Clerk

## Legislation Text

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File #: 16-579, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Woodland Aquatic Center Feasibility Study

Recommendation for Action: Staff recommends that the City Council approve Resolution No. \_\_\_\_\_, authorizing the City Manager to execute a contract with Aquatic Design Group for the Woodland Aquatic Center Feasibility Study, for a total amount not to exceed \$25,000.

**Staff Contact**

Christine Engel, Community Services Director, [Christine.engel@cityofwoodland.org](mailto:Christine.engel@cityofwoodland.org)  
(530) 661-2000

**Fiscal Impact**

The cost of the recommended contract is estimated to not exceed \$25,000. Funding for this feasibility study has been included in the approved FY16/17 budget, and is funded through Measure J.

**Background**

The city currently operates a single public swimming pool, the Charles Brooks Swim Center, located at Woodland High School. A second public pool facility, the Hiddleson Pool located at 1127 Elm Street, was closed in 2008. The Hiddleson Pool, constructed in 1948, included the main swimming pool and a children's pool along with locker and restroom facilities.

In 2013, a group of citizens formed a committee with the goal of raising funds to reopen Hiddleson Pool. The City collaborated with the citizen committee and funded a needs assessment study for renovation of the Hiddleson facility. Funding was also included in Measure J, approved by voters in June 2014, to assist with a potential renovation project as well as provide for operations of a second pool.

The 2014 feasibility study concluded that renovation costs for the Hiddleson Pool would likely exceed \$3 million dollars and that the City may be better served by demolishing the existing facility and replacing it altogether. Renovation costs included, but were not limited to, upgrades for ADA compliance for both the pools and the restroom facility, re-plastering and re-tiling both pools, replacing the pool gutters, and improving water circulation. The citizen committee also discussed whether constructing a new pool in the Hiddleson location would be the most desirable location for a second pool in the city (was it in a central location for those not served by the Charles Brooks Swim Center, was there adequate parking, was the property large enough to accommodate the type of pool that would best serve community needs). Based on the recommendation and cost

estimate from the needs assessment, the citizen committee discontinued their efforts to reopen Hiddleson Pool. Recommendations for reuse of the Hiddleson pool site will be brought back to the City Council at a later date.

In 2015, the City was approached by some of the members of the 2013 citizen committee to continue the discussion related to construction of a second pool. Staff has been meeting with the group, and included funding in the FY16/17 budget for the preparation of a more comprehensive feasibility study to determine the need, location, and cost of alternatives for a second pool complex to serve the needs of the community.

The objective of the citizen committee, chaired by Nick Ponticello (current members include Pauly Van Muyden, Ineke DeWitt, Susie McGibbon, Andy Gagnon, and Melody Mathews) is to explore one or more potential sites that would be suitable for a pool/pool complex to address the current unmet aquatic needs and future aquatic needs of the community. It should be noted that the preparation of a feasibility study is merely the first step in a multi-year process because the funding source to construct and operate additional aquatic resources would need to be identified, most likely through public-private partnership.

### **Discussion**

A proposal was received from Aquatic Design Group (ADG) to prepare a feasibility study for a new Woodland Aquatic Center. Staff contacted several architects and pool contractors in order to find qualified aquatic design professionals. ADG is highly qualified and was recommended by every architect that we contacted. ADG was the only firm that responded to our inquiries with a proposal.

The feasibility study will evaluate the current unmet aquatic needs and future aquatic needs in the city. Current programming at Charles Brooks Swim Center will be included in the assessment of current unmet needs as well as input received from the citizen committee and a public meeting. The study will also include a site assessment of up to three possible pool locations (Community & Senior Center, Spring Lake, and potentially Woodland Community College) to test the capacity and feasibility of each site to accommodate an aquatic center.

After public input is received and potential sites are evaluated, three conceptual design alternatives of varying degrees of scale for types of pools/complexes and cost of options, both construction and operation, will be presented at a public meeting. Input received from the public meeting and staff will then be used to generate a final recommendation on potential pool designs and locations that will be presented to the City Council.

The assessment conducted by ADG will also include operational cost and recovery projections for each of the three design options (the cost to operate any aquatic center over its life will far exceed the cost to construct the center, therefore, this information will be critical in determining the financial impacts of adding a second pool in the city). It is anticipated that a final report will be presented to the City Council prior to the end of 2016.

### **Conclusion**

Staff recommends that the City Council approve Resolution No. \_\_\_\_\_, authorizing the City Manager to execute a contract with Aquatic Design Group for the Woodland Aquatic Center Feasibility Study, for a total amount not to exceed \$25,000.

Prepared by: Christine Engel, Community Services Director

A handwritten signature in black ink, appearing to read "Paul Navazio". The signature is fluid and cursive, with the first name "Paul" and last name "Navazio" clearly distinguishable.

Paul Navazio, City Manager

Enclosures: Woodland Aquatic Center Feasibility Study Proposal  
Resolution



# WOODLAND AQUATIC CENTER

FEASIBILITY STUDY PROPOSAL | REVISED 13 JUNE 2016





## 1. PROJECT APPROACH

Our approach to any project is one built on relationships and the shared creation of the best facility for the unique needs of the City of Woodland and community members (Stakeholders). Because an aquatic feasibility plan is such a comprehensive, complex, and highly specialized study, we believe that Aquatic Design Group, with our unparalleled experience in the northern California area is the key to a successful project.

Aquatic Design Group is the leader in aquatic design for projects of all sizes and perfectly positioned to deliver an assessment of existing programs within the community, and how trends and growth will shape the shifting needs for years to come. Having completed hundreds of projects in northern California, this will allow Aquatic Design Group to immediately “hit the ground running” once the study begins.

If selected, Aquatic Design Group will bring a solid working knowledge and proven track record to the City of Woodland Aquatic Center project. By using industry averages and similar facility survey reports, Aquatic Design Group can help the City understand the demographics, operations, fee structures and operating cost recovery.

The Project Team will work closely with the Stakeholders to deliver a plan for aquatic which will offer a clear picture of the present, and a comprehensive path to a better future.

Aquatic Design Group will manage the process to ensure consensus building. Our intent is to have a very hands-on approach to this study with open effective communications with the Project Team, and Stakeholders. Active involvement and participation from all parties in the process is welcomed and encouraged. We want to be seen as “partners” in the effort to complete a comprehensive study for the Woodland community. We offer the flexibility and organization to adjust our scope of work to changing demands as well as limited time constraints. We recognize that each project is unique, and customize our approach to aquatic planning to target the client’s individual needs.

The Project Team will work closely with all Stakeholders. Having a full team participating in the process provides a 360 degree look at community aquatic needs, which will result in report recommendations that represent the best possible outcome for your aquatic plan.





## WORK PLAN

Below is a revised work plan that achieves the outlined Scope of Work discussed. Terms and Conditions will be provided in Project Exhibit A.

### Step 1: Base Data Review

#### 1.1 Base Data Review

Prior to the kick-off meetings the Project Team will collect and review documents, reports, and other pertinent available data.

#### 1.2 Schedule and Materials Planning

Plan and develop schedules, questions, and materials needed for the Project Plan meeting with the Owner. Schedule meetings with: Woodland staff, other City officials, local committee and other stakeholders.

### Step 2: Project Plan Confirmation, Site and Facility Tours, Public Meeting and Citizen Pool Committee Meeting

The Project Team will be in Woodland for a one-day period to perform the following tasks:

#### 2.1 Project Planning Meeting

The City of Woodland and the Project Team will first meet to refine the plan for conducting the analysis. The purpose of this meeting is to confirm or refine the project schedule, the City's objectives, opportunities and challenges, the public engagement process, and meeting dates.

#### 2.2 Tour of Existing Facilities and Potential Sites

The Project Team will tour sites and collect data to analyze existing conditions. The team will also tour potential aquatic sites and collect maps, utility service information, and other data needed to test the capacity and feasibility of the site.

#### 2.3 Public Meeting

Stakeholder meetings will be conducted to gain an understanding of the needs and desires of interest groups. The meetings are designed to provide an open exchange of information and to foster a mutual understanding of community-wide needs. An outline of the meeting topics and requests for information will be submitted to attendees prior to these meetings.

#### 2.4 Citizen Pool Committee Meeting

The Project Team will conduct a focus group session to collect information from groups and/or individuals who are not represented by stakeholders. The focus group could be families with young children, with goal of establishing the needs, gauging interest and support, and identifying challenges to the project.







## 2.5 Potential Site

The Project Team will continue efforts to identify and evaluate potential sites. This work builds on the work begun under task 2.2.

### Deliverables:

- Meeting notes
- Statement of key project goals and objectives, i.e. who is to be served, service level, stakeholders, potential partners, etc.

## Step 2 Additional Services

### 2.6 Meeting with Potential Development and Financial Partners

There are some potential co-development partners as well as financial partners that could bring exciting elements, greater viability and critical synergy to the project. The Project Team will meet and analyze these opportunities and how they could best effectively integrate into the overall business plan.

## Step 3: Program Refinement and Site Evaluation

The next step is to refine the space program options based upon the identification of:

- Community aquatic needs and interests
- Economic development opportunities, including potential partnerships
- Cost to build
- Cost to operate and maintain
- Potential revenue
- Operating subsidy



### 3.1 Space Requirements

The Project Team will identify the detailed space requirements for all buildings, and land area requirements for pools, decks, lawn, circulation, parking, etc. The refined three (3) development options will serve as the basis for developing operational costs and revenue.

### 3.2 Potential Sites Analysis

Potential sites will be tested to determine the capacity of the site to accommodate the buildings, pools and decks, open space, service, parking, and other potential development on the site. Site diagrams will be developed to illustrate the site capacity and layout of the facilities and features.

### 3.3 Conceptual Design Alternatives and Costs

Develop three (3) conceptual design alternatives of varying degrees of scale for types of pools/complexes and costs of options, both construction and operational costs.

### Deliverable: Revised Program Document

- Site Evaluation, Site Diagrams and Costs





#### **Step 4: Determining Financial Feasibility**

The cost to operate the aquatics center over its life will far exceed the cost to construct. It is critically important to the success of the project that the operation and maintenance of the aquatics center are financially sustainable.

The Project Team will develop an "order-of-magnitude" cost recovery potential for the three program options. These will be reviewed with the City during video conferencing.

When a preferred program is selected, a proforma budget will be prepared. It will include:

1. Line item costs for the annual operation and maintenance of the facility
2. Revenue potential from all sources based upon industry standards
3. Cost recovery potential

Revenue projections will be based upon the features, estimated market demand, and probable market capture. Cost recovery will be calculated to determine the financial viability of the preferred program. The Charles Brooks Community Swim Center pool will not be part of the analysis.

#### **Deliverable: Operational Cost & Revenue Projections**

#### **Step 5: Public Open House**

##### **5.1 Public Open House**

Conduct the open house, gather feedback, analyze preferences and incorporate input into recommendation.

#### **Step 6: Summary of Findings and Recommendations**

##### **6.1 Meet with City and discuss preferences.**

##### **6.2 Prepare Final Recommendations**

Incorporating feedback from the public and City, the Project Team will prepare a final recommendations.

##### **6.3 Summary of Findings**

The Project Team will prepare a Summary of Findings document that will report the study findings, conclusions, and recommendations. Recommendations will include guidelines to achieve the necessary building performance and efficiencies to assist in reducing annual operating costs and address long-term maintenance.

##### **6.4 Final Summary of Findings Presentation**

The next step is the creation of a slideshow and other graphic material, summarizing the findings for presentation to the City of Woodland. The Project Team will present to the City at a meeting date to be determined.

#### **Deliverables: Summary of Findings Report and Presentation**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND  
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH  
AQUATIC DESIGN GROUP TO PREPARE AN AQUATIC FEASIBILITY STUDY**

**WHEREAS**, the City provides recreation and leisure opportunities for the residents of Woodland; and

**WHEREAS**, the City has one pool to meet the aquatic demands of the community; and

**WHEREAS**, the City is interested in evaluating the current unmet aquatic needs and future aquatic needs in the City; and

**WHEREAS**, Aquatic Design Group is highly qualified to prepare an aquatic feasibility study; and

**WHEREAS**, funding for the aquatic feasibility study was included in the adopted Fiscal Year 16/17 City budget;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WOODLAND AS FOLLOWS:**

Section 1. The City Council hereby authorizes the City Manager to execute a contract with Aquatic Design Group in the amount not-to-exceed twenty-five thousand dollars.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

ATTEST:

\_\_\_\_\_  
Ana B. Gonzalez, City Clerk

## Legislation Text

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File #: 16-585, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Reaffirm Policy for naming Parks and Recreation Facilities

Recommendation for Action: Staff recommends that the City Council reaffirm the policy for naming parks and recreation facilities that was approved by the City Council on March 21, 1995.

**Staff Contact**

Christine Engel, Community Services Director - (530) 661-2000, [christine.engel@cityofwoodland.org](mailto:christine.engel@cityofwoodland.org)

**Fiscal Impact**

Naming of existing and future approved parks and recreational facilities will not result in any fiscal impacts.

**Background**

On March 21, 1995 the City Council approved a policy created by the Parks & Recreation Commission that outlined the process and procedures for naming existing and future approved parks and recreational facilities.

**Discussion**

The policy states that names of facilities, if possible, should have local topographic, community, or historical significance, or relate to an unusually significant feature of the facility generally recognized and known throughout the community. It outlines criteria to be applied if naming of a facility is proposed to be named after a living or deceased person who is/was a resident of Woodland, such as:

- 1) The facility was acquired by means of a donation, or
- 2) The living person has made a substantial contribution in terms of volunteer services, providing a broad recreational or environmental benefit to the residents of the Woodland community, or
- 3) A facility may be named after a person whose life or circumstances provide a compelling communitywide interest or sentiment.

The policy outlines the following procedures for naming a facility:

- 1) The Parks & Recreation Commission will solicit suggestions and recommend a name to the City

Council during the planning stages, prior to the facility construction, and at least 30 days before the new facility is ready to be used.

- 2) The Community Services Department will solicit help from historical societies, or other groups having special knowledge, when considering a name to highlight an area's geographic or historical significant.
- 3) Nominations will be solicited from the public for naming new parks and recreational facilities. The nominations will be reviewed to determine compliance with the naming criteria outlined in the policy for naming parks and recreation facilities.
- 4) A Parks & Recreation Commission subcommittee and city staff will review the nominations and formulate a recommendation to the Parks & Recreation Commission.
- 5) The Parks & Recreation Commission will bring forward a recommendation to the City Council for consideration and final approval.

### **Conclusion**

Staff recommends that the City Council reaffirm the policy for naming parks and recreation facilities that was approved by the City Council on March 21, 1995.

Prepared by: Christine Engel, Community Services Director



Paul Navazio, City Manager

Attached: Policy for Naming Parks and Recreation Facilities in Woodland

# Policy for Naming Parks and Recreation Facilities in Woodland

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## Purpose & Overview

The purpose of this policy is to provide rules and guidelines for naming public parks and recreation facilities in the City of Woodland. The naming of facilities is a very important process and should be handled in a prescribed manner. The decision should be made by the City Council with input from Parks, Recreation and Community Services Department staff, Parks and Recreation Commission and the general public.

## Need

It is the intent of the Parks and Recreation Commission to clarify the City's policy on the naming of public parks and facilities. The term "park" is used in this document to refer to an entire park, sections of a park, park areas and park facilities. This policy is intended to govern the naming of regional parks, play areas, golf courses, picnic areas, park buildings, bleachers, groves of or individual trees, etc., located within the City. The term "Recreation facilities" is used in this document to refer to ballfields, swimming pools, gymnasiums, community and fitness centers, etc.. For the purposes of this policy, these parks, recreation areas and facilities will be termed as "facility" which may be construed and/or operated by joint agreement with other governmental agencies, School District, non-profit organizations, and/or commercial business.

## Policy

1. Facilities should be named at least thirty (30) days before the facility is ready for use.
2. The name of a facility, if possible, should have local topographic, community, or historical significance, or relate to an unusually significant feature of the facility generally recognized and known throughout the City.
3. A facility should be named after a living or deceased person who is or was a resident of the Woodland community if one of the following conditions apply:
  - A. The facility was acquired by means of:
    - 1) A substantial gift or donation from an individual.
    - 2) A substantial gift or donation from a family, corporation, or non profit organization.
    - 3) A substantial gift or donation which carries a stipulation for naming the facility, if acceptable to the Department, Commission and City Council.

- B. The living person has made a substantial contribution in terms of volunteer services, providing a broad recreational or environmental benefit to the residents of the Woodland community.
  - C. A facility may be named after a person whose life or circumstance provides a compelling community-wide interest or sentiment.
- 4. A new site selected and acquired for a facility should be named as quickly as possible to avoid prolonged use of a temporary designation. The naming of a park or recreation facility should be a reflection of the cultural diversity of our community.
  - 5. The Parks and Recreation Commission may ask the Commission on Aging or the Child Care Commission to name a facility if it is deemed within their scope of responsibility.

### **Procedures and Implementation**

- 1. The following procedures for naming a facility shall be used:
  - A. Whenever possible, the Parks, Recreation and Community Services Department and Parks and Recreation Commission will solicit suggestions and recommend a name to the City Council during the planning stages, prior to facility construction and in compliance with the "thirty (30) day" rule (as stated in #1 under "Policy").
  - B. The Parks, Recreation and Community Services Department will solicit help from historical societies, or other groups having special knowledge, when considering a name to highlight an area's geographic or historical significance.
  - C. To stimulate public interest and obtain suggestions, a part of the selection process to name a facility may include various means to stimulate public involvement. The Parks, Recreation and Community Services Department will conduct the process and shall consider only suggestions which meet these policy guidelines. Once suggestions are collected, they will be forwarded to the facilities subcommittee of the Parks and Recreation Commission. The subcommittee, in conjunction with the Parks, Recreation and Community Service staff, will evaluate the proposed name and formulate a recommendation for the Commission's consideration. The Parks and Recreation Commission shall then take the recommendation approved by the Commission to the City Council for final approval.
  - D. To avoid duplication and confusion, all proposed names for a facility must be cleared with, and checked against, a master list of facility names, to be kept current by the Parks, Recreation and Community Services Department. The master list may be obtained from the Department upon request.

## Legislation Text

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File #: 16-603, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Fiscal Year 2015/16 Report on Affordable Housing Loan Portfolio

Recommendation for Action: Staff recommends that the City Council receive the Fiscal Year 2015/16 report on the City's affordable housing loan portfolio.

**Staff Contact**

Dan Sokolow, Senior Planner - (530) 661-5927, dan.sokolow@cityofwoodland.org

**Fiscal Impact**

There is no impact to the General Fund.

**Background**

The City's affordable housing loan portfolio dates from the late 1980s, but most of the loans were made in the period of 2006 - 2013. The current value of the portfolio is nearly \$28,000,000 not including accrued interest and covers loans held by the Successor Agency to the Woodland Redevelopment Agency. Repayment of City housing loans is deferred with a few exceptions. The City's portfolio consists of almost 170 loans. The attached inventory details the City's portfolio. Street addresses and parcel numbers have been removed from the owner occupied loans in order to not identify individual borrowers.

**Discussion**

Management of the City's affordable housing loan portfolio includes the organization and maintenance of the physical files; maintaining an electronic database of loan agreements, promissory notes, deeds of trusts, and affordability agreements; preparing a spreadsheet system for tracking individual loans with key borrower information (property address, borrower name, assessor parcel number, source of funds for loan, principal amount of loan, start date of loan, loan term, interest rate, and City monitoring responsibilities); monitoring affordable housing properties (owner-occupied homes and rental projects); preparing payoff notices; reviewing loan subordination requests for compliance with City loan funding sources; and working with individual City borrowers who are experiencing financial difficulties that may put them at risk of defaulting on their principal loans.



The City's ongoing responsibilities for its affordable housing portfolio vary. For example, the City is a HOME funds lender for three multi-family projects: Sycamore Pointe (11 HOME units), Terracina at Spring Lake (85 HOME units), and Rochdale Grange (43 HOME units). Pursuant to Federal HOME requirements, the City monitors each project in January which involves inspecting a representative sample of the units, review of tenant files, and an overall inspection of the exterior facilities. For owner-occupied loans (first time homebuyers and rehabilitations), the City contacts the property owners on an annual basis and requires them to certify continued owner-occupancy and provide proof of homeowner insurance coverage. Currently, the City monitors nearly 90 owner-occupied properties. In some instances, borrowers have received more than one loan from the City.

### **Conclusion**

Staff recommends that the City Council receive the Fiscal Year 2015/16 report on the City's affordable housing loan portfolio.

Prepared by: Dan Sokolow  
Senior Planner

Reviewed by: Christine Engel  
CSD Director



Paul Navazio, City Manager

Attachment:  
Affordable Housing Loan Portfolio

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(1998 HOME FTHB Units)**

|   | Street Address/Borrower | APN | Source of Funds | Loan Amount | Loan Date | Loan Term | Interest Rate | Notes             |
|---|-------------------------|-----|-----------------|-------------|-----------|-----------|---------------|-------------------|
| 1 | Abele Street            |     | HOME            | 39,259.00   | 23-May-02 | 30 yrs    | 3% simple     | Deferred payment. |
| 2 | West Lincoln Avenue     |     | HOME            | 38,305.00   | 2-Oct-01  | 30 yrs    | 3% simple     | Deferred payment. |
| 3 | Princeton Place         |     | HOME            | 40,000.00   | 23-Sep-01 | 30 yrs    | 3% simple     | Deferred payment. |
| 4 | Thomas Street           |     | HOME            | 39,000.00   | 28-Jan-02 | 30 yrs    | 3% simple     | Deferred payment. |
| 5 | Van Buren Place         |     | HOME            | 40,000.00   | 17-Jun-02 | 30 yrs    | 3% simple     | Deferred payment. |
| 6 | Woodland Avenue         |     | HOME            | 29,070.00   | 6-Feb-02  | 30 yrs    | 3% simple     | Deferred payment. |

**Ongoing City Responsibilities**

Annual request for certification of owner-occupancy sent in April/May. Property owner returns signed certification and copy of homeowner insurance information. In May City staff verifies payment of property taxes through the Yolo County Assessor's website.

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(Owner-Occupied Rehabilitations)**

|    | Street Address/Borrower | APN | Source of Funds | Loan Amount | Loan Date | Loan Term | Interest Rate | Notes             |
|----|-------------------------|-----|-----------------|-------------|-----------|-----------|---------------|-------------------|
| 1  | Betty Court (See Note)  |     | CDBG            | 35,000.00   | 15-Apr-98 | See note  | 3% simple     | Deferred payment. |
| 2  | Bourn Drive             |     | CDBG            | 5,312.00    | 20-Jul-05 | 15 yrs    | 3% simple     | Deferred payment. |
| 3  | North Cleveland Street  |     | CDBG            | 29,300.00   | 22-Jan-08 | 30 yrs    | 3% simple     | Deferred payment. |
| 4  | Coloma Way              |     | CDBG            | 42,906.00   | 22-Jan-08 | 30 yrs    | 3% simple     | Deferred payment. |
| 5  | Coral Drive             |     | CDBG            | 47,380.00   | 2-Sep-09  | 30 yrs    | 3% simple     | Deferred payment. |
| 6  | Fourth Street           |     | CDBG            | 36,000.00   | 5-Sep-01  | ?         | 3% simple     | ?                 |
| 7  | Harvard Court           |     | CDBG            | 10,750.00   | 18-Aug-10 | 15 yrs    | 3% simple     | Deferred payment. |
| 8  | Inyo Place              |     | CDBG            | 57,774.00   | 24-Feb-06 | 15 yrs    | 3% simple     | Deferred payment. |
| 9  | Schuerle Street         |     | CDBG            | 40,708.00   | 3-Aug-10  | 30 yrs    | 3% simple     | Deferred payment. |
| 10 | Sixth Street            |     | CDBG            | 72,549.00   | 23-Jan-09 | 30 yrs    | 3% simple     | Deferred payment. |

**Ongoing City Responsibilities**

Annual request for certification of owner-occupancy sent in April/May. Property owner returns signed certification and copy of homeowner insurance information. In May City staff verifies payment of property taxes through the Yolo County Assessor's website.

**Note**

Repayment deferred until sale or death, whichever occurs first.

**CITY OF WOODLAND**  
2016 Housing Loan Portfolio  
(Greenwood RDA Units)

|   | Street Address/Borrower | APN | Source of Funds   | Loan Amount | Loan Date | Loan Term | Interest Rate | Notes             |
|---|-------------------------|-----|-------------------|-------------|-----------|-----------|---------------|-------------------|
| 1 | Hecke Drive             |     | RDA Tax Increment | 47,900.00   | 9-May-03  | 45 years  | None*         | Deferred payment. |
| 2 | Hecke Drive             |     | RDA Tax Increment | 50,900.00   | 21-May-03 | 45 years  | None*         | Deferred payment. |
| 3 | Hecke Drive             |     | RDA Tax Increment | 67,400.00   | 9-Jun-03  | 45 years  | None*         | Deferred payment. |
| 4 | Hecke Drive             |     | RDA Tax Increment | 68,500.00   | 20-May-03 | 45 years  | None*         | Deferred payment. |
| 5 | Hershey Drive           |     | RDA Tax Increment | 50,900.00   | 25-Mar-03 | 45 years  | None*         | Deferred payment. |
| 6 | Hershey Drive           |     | RDA Tax Increment | 47,900.00   | 18-Apr-03 | 45 years  | None*         | Deferred payment. |

\*If during the 45-year term of the promissory note, the property is sold to a non-eligible household or maker then deferred contingent interest is paid. The deferred contingent interest is calculated at the lower of the highest rate then allowed by law or two percent (2%) over the prime interest rate announced by Wells Fargo Bak, N.A. (or any successor financial institution).

**Ongoing City Responsibilities**

Annual request for certification of owner-occupancy sent in April/May. Property owner returns signed certification and copy of homeowner insurance information. In May City staff verifies payment of property taxes through the Yolo County Assessor's website.

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(Inclusionary Units)**

|    | Street Address/Borrower | APN | Source of Funds | Loan Amount | Loan Date | Loan Term | Interest Rate | Notes                               |
|----|-------------------------|-----|-----------------|-------------|-----------|-----------|---------------|-------------------------------------|
| 1  | Boyle Place             |     | BEGIN           | 30,000.00   | 160ct08   | 30 yrs    | 3% simple     | Deferred payment.                   |
| 2  | Boyle Place             |     | BMPP            | 29,543.00   | 160ct08   | 30 yrs    | None          | Deferred payment.                   |
| 3  | Boyle Place             |     | CalHome         | 35,000.00   | 29-Sep-08 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 4  | Boyle Place             |     | BMPP            | 62,543.00   | 29-Sep-08 | 30 yrs    | None          | Deferred payment.                   |
| 5  | Boyle Place             |     | HOME            | 75,000.00   | 29-Sep-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 6  | Boyle Place             |     | BEGIN           | 30,000.00   | 29-Sep-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 7  | Boyle Place             |     | CDBG            | 12,863.00   | 29-Sep-08 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 8  | Briscoe Court           |     | BMPP            | 118,955.79  | 20-Mar-07 | 30 yrs    | None          | Deferred payment.                   |
| 9  | California Street       |     | HOME            | 9,000.00    | 4-Jun-13  | 30 yrs    | 3% simple     | Deferred payment.                   |
| 10 | Campos Avenue           |     | CalHome         | 35,000.00   | 16-Oct-08 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 11 | Campos Avenue           |     | BMPP            | 37,171.00   | 16-Oct-08 | 30 yrs    | None          | Deferred payment.                   |
| 12 | Campos Avenue           |     | BEGIN           | 30,000.00   | 16-Oct-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 13 | Campos Avenue           |     | HOME            | 45,000.00   | 16-Oct-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 14 | Campos Avenue           |     | CalHome         | 35,000.00   | 10-Jun-08 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 15 | Campos Avenue           |     | HOME            | 30,000.00   | 10-Jun-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 16 | Campos Avenue           |     | BEGIN           | 30,000.00   | 10-Jun-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 17 | Campos Avenue           |     | BMPP            | 40,171.00   | 10-Jun-08 | 30 yrs    | None          | Deferred payment.                   |
| 18 | Campos Avenue           |     | BMPP            | 128,955.79  | 20-Mar-07 | 30 yrs    | None          | Deferred payment.                   |
| 19 | Campos Avenue           |     | CalHome         | 35,000.00   | 31-Jan-08 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 20 | Campos Avenue           |     | BMPP            | 45,822.00   | 31-Jan-08 | 30 yrs    | None          | Deferred payment.                   |
| 21 | Campos Avenue           |     | CDBG            | 20,000.00   | 31-Jan-08 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 22 | Campos Avenue           |     | BMPP            | 108,955.79  | 20-Mar-07 | 30 yrs    | None          | Deferred payment.                   |
| 23 | Campos Avenue           |     | RDA TI          | 45,000.00   | 26-Oct-09 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 24 | Campos Avenue           |     | BEGIN           | 30,000.00   | 26-Oct-09 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 25 | Cook Court              |     | HOME            | 75,000.00   | 12-Mar-09 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 26 | Cook Court              |     | BMPP            | 96,042.00   | 12-Mar-09 | 30 yrs    | None          | Deferred payment.                   |
| 27 | Hawkins Court           |     | BMPP            | 57,042.00   | 24-Sep-08 | 30 yrs    | None          | Deferred payment.                   |
| 28 | Hawkins Court           |     | HOME            | 70,000.00   | 24-Sep-08 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 29 | Hoffman Street          |     | HOME            | 75,000.00   | 30-Apr-12 | 30 yrs    | 3% simple     | Deferred payment.                   |
| 30 | Holland Way             |     | CalHome         | 35,000.00   | 21-Nov-07 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |
| 31 | Holland Way             |     | BMPP            | 69,832.00   | 21-Nov-07 | 30 yrs    | None          | Deferred payment.                   |
| 32 | Holland Way             |     | CDBG            | 25,000.00   | 26-Nov-07 | 30 yrs    | SNA           | Shared net appreciation, defer pay. |

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(Inclusionary Units)**

|    |               |  |         |            |           |        |           |                                     |
|----|---------------|--|---------|------------|-----------|--------|-----------|-------------------------------------|
| 33 | Holland Way   |  | BMPP    | 118,955.79 | 20-Mar-07 | 30 yrs | None      | Deferred payment.                   |
| 34 | Jones Street  |  | HOME    | 25,682.00  | 10-Aug-11 | 30 yrs | 3% simple | Deferred payment.                   |
| 35 | Liberty Lane  |  | BEGIN   | 30,000.00  | 30-Oct-06 | 30 yrs | 3% simple | Deferred payment.                   |
| 36 | Liberty Lane  |  | BMPP    | 109,536.00 | 10-Jul-06 | 30 yrs | None      | Deferred payment.                   |
| 37 | Liberty Lane  |  | BEGIN   | 30,000.00  | 12-Jul-06 | 30 yrs | 3% simple | Deferred payment.                   |
| 38 | Liberty Lane  |  | BMPP    | 109,536.00 | 12-Jul-06 | 30 yrs | None      | Deferred payment.                   |
| 39 | Liberty Lane  |  | BEGIN   | 30,000.00  | 7-Jul-06  | 30 yrs | 3% simple | Deferred payment.                   |
| 40 | Liberty Lane  |  | BMPP    | 103,036.00 | 7-Jul-06  | 30 yrs | None      | Deferred payment.                   |
| 41 | Liberty Lane  |  | BEGIN   | 30,000.00  | 7-Nov-06  | 30 yrs | 3% simple | Deferred payment.                   |
| 42 | Liberty Lane  |  | BMPP    | 103,036.00 | 7-Nov-06  | 30 yrs | None      | Deferred payment.                   |
| 43 | Mack Way      |  | CalHome | 27,917.00  | 24-Sep-08 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 44 | Mack Way      |  | BMPP    | 25,543.00  | 24-Sep-08 | 30 yrs | None      | Deferred payment.                   |
| 45 | Mack Way      |  | HOME    | 60,000.00  | 24-Sep-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 46 | Mack Way      |  | BEGIN   | 30,000.00  | 24-Sep-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 47 | Mack Way      |  | BMPP    | 87,413.00  | 2-Jul-08  | 30 yrs | None      | Deferred payment.                   |
| 48 | Mack Way      |  | CalHome | 35,000.00  | 12-Aug-08 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 49 | Mack Way      |  | HOME    | 55,000.00  | 12-Aug-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 50 | Mack Way      |  | BMPP    | 82,413.00  | 12-Aug-08 | 30 yrs | None      | Deferred payment.                   |
| 51 | Mack Way      |  | BEGIN   | 30,000.00  | 12-Aug-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 52 | Mack Way      |  | CalHome | 35,000.00  | 25-Nov-08 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 53 | Mack Way      |  | HOME    | 54,625.00  | 25-Nov-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 54 | Mack Way      |  | BEGIN   | 30,000.00  | 25-Nov-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 55 | Mack Way      |  | BMPP    | 29,543.00  | 25-Nov-08 | 30 yrs | None      | Deferred payment.                   |
| 56 | Mack Way      |  | HOME    | 15,000.00  | 5-Mar-09  | 30 yrs | 3% simple | Deferred payment.                   |
| 57 | Mack Way      |  | BEGIN   | 30,000.00  | 5-Mar-09  | 30 yrs | 3% simple | Deferred payment.                   |
| 58 | Mack Way      |  | BMPP    | 6,182.00   | 5-Mar-09  | 30 yrs | None      | Deferred payment.                   |
| 59 | Mezger Drive  |  | HOME    | 63,000.00  | 13-Jun-13 | 30 yrs | 3% simple | Deferred payment.                   |
| 60 | Mezger Drive  |  | HOME    | 75,000.00  | 12-Jun-13 | 30 yrs | 3% simple | Deferred payment.                   |
| 61 | Mezger Drive  |  | HOME    | 15,000.00  | 10-Jul-13 | 30 yrs | 3% simple | Deferred payment.                   |
| 62 | Miekle Avenue |  | HOME    | 70,000.00  | 13-Jun-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 63 | Miekle Avenue |  | BMPP    | 89,508.00  | 13-Jun-07 | 30 yrs | None      | Deferred payment.                   |
| 64 | Miekle Avenue |  | HOME    | 50,000.00  | 7-Aug-07  | 30 yrs | 3% simple | Deferred payment.                   |
| 65 | Miekle Avenue |  | BMPP    | 74,518.00  | 7-Aug-07  | 30 yrs | None      | Deferred payment.                   |
| 66 | Miekle Avenue |  | CalHome | 35,000.00  | 28-Oct-08 | 30 yrs | SNA       | Shared net appreciation, defer pay. |

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(Inclusionary Units)**

|     |                 |  |                  |            |           |        |           |                                     |
|-----|-----------------|--|------------------|------------|-----------|--------|-----------|-------------------------------------|
| 67  | Miekle Avenue   |  | BMPP             | 9,171.00   | 28-Oct-08 | 30 yrs | None      | Deferred payment.                   |
| 68  | Miekle Avenue   |  | HOME             | 25,000.00  | 28-Oct-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 69  | Miekle Avenue   |  | SL Off-Site Fund | 75,000.00  | 8-Dec-15  | 30 yrs | 3% simple | Deferred payment.                   |
| 70  | Miller Court    |  | BMPP             | 86,196.00  | 23-Aug-07 | 30 yrs | None      | Deferred payment.                   |
| 71  | Miller Court    |  | HOME             | 50,000.00  | 23-Aug-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 72  | Molly Avenue    |  | HOME             | 69,760.82  | 29-Jul-13 | 30 yrs | 3% simple | Deferred payment.                   |
| 73  | Neal Way        |  | CalHome          | 35,000.00  | 17-Sep-08 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 74  | Neal Way        |  | HOME             | 27,000.00  | 17-Sep-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 75  | Neal Way        |  | BEGIN            | 30,000.00  | 17-Sep-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 76  | Neal Way        |  | BMPP             | 29,543.00  | 17-Sep-08 | 30 yrs | None      | Deferred payment.                   |
| 77  | Neal Way        |  | BEGIN            | 30,000.00  | 15-Sep-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 78  | Neal Way        |  | BMPP             | 62,413.00  | 15-Sep-08 | 30 yrs | None      | Deferred payment.                   |
| 79  | Neal Way        |  | HOME             | 40,000.00  | 12-Aug-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 80  | Neal Way        |  | BMPP             | 77,413.00  | 12-Aug-08 | 30 yrs | None      | Deferred payment.                   |
| 81  | Neal Way        |  | BEGIN            | 30,000.00  | 12-Aug-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 82  | Newton Drive    |  | CalHome          | 8,000.00   | 10-Aug-11 | 30 yrs | SNA       | Deferred payment.                   |
| 83  | Newton Drive    |  | HOME             | 22,000.00  | 10-Aug-11 | 30 yrs | 3% simple | Deferred payment.                   |
| 84  | Nicolson Circle |  | BEGIN            | 30,000.00  | 21-Oct-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 85  | Nicolson Circle |  | BMPP             | 33,171.00  | 21-Oct-08 | 30 yrs | None      | Deferred payment.                   |
| 86  | Nicolson Circle |  | HOME             | 20,000.00  | 21-Oct-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 87  | Ochoa Court     |  | BMPP             | 96,196.00  | 23-Aug-07 | 30 yrs | None      | Deferred payment.                   |
| 88  | Ochoa Court     |  | HOME             | 50,000.00  | 23-Aug-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 89  | Ortiz Avenue    |  | HOME             | 70,000.00  | 7-Aug-07  | 30 yrs | 3% simple | Deferred payment.                   |
| 90  | Ortiz Avenue    |  | BMPP             | 63,909.00  | 7-Aug-07  | 30 yrs | None      | Deferred payment.                   |
| 91  | Ortiz Avenue    |  | BEGIN            | 30,000.00  | 10-Jun-08 | 30 yrs | 3% simple | Deferred payment.                   |
| 92  | Ortiz Avenue    |  | BMPP             | 46,645.00  | 10-Jun-08 | 30 yrs | None      | Deferred payment.                   |
| 93  | Ortiz Avenue    |  | BMPP             | 128,955.79 | 20-Mar-07 | 30 yrs | None      | Deferred payment.                   |
| 94  | Ragen Street    |  | CalHome          | 25,000.00  | 6-Jul-09  | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 95  | Ragen Street    |  | HOME             | 15,000.00  | 6-Jul-09  | 30 yrs | 3% simple | Shared net appreciation, defer pay. |
| 96  | Rico Court      |  | HOME             | 70,000.00  | 5-Dec-08  | 30 yrs | 3% simple | Deferred payment.                   |
| 97  | Rico Court      |  | BMPP             | 52,042.00  | 5-Dec-08  | 30 yrs | None      | Deferred payment.                   |
| 98  | Rominger Street |  | HOME             | 74,741.00  | 29-Nov-12 | 30 yrs | 3% simple | Deferred payment.                   |
| 99  | Rominger Street |  | HOME             | 71,500.00  | 12-Dec-11 | 30 yrs | 3% simple | Deferred payment.                   |
| 100 | Savala Court    |  | BMPP             | 46,042.00  | 11-Mar-09 | 30 yrs | None      | Deferred payment.                   |

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(Inclusionary Units)**

|     |                 |  |         |            |           |        |           |                                     |
|-----|-----------------|--|---------|------------|-----------|--------|-----------|-------------------------------------|
| 101 | Simpson Street  |  | RDA TI  | 47,030.00  | 4-Jan-10  | 30 yrs | 3% simple | Deferred payment.                   |
| 102 | Simpson Street  |  | BMPP    | 12,010.00  | 4-Jan-10  | 30 yrs | None      | Deferred payment.                   |
| 103 | Simpson Street  |  | CalHome | 26,700.00  | 16-Jun-09 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 104 | Simpson Street  |  | HOME    | 40,000.00  | 15-Jun-09 | 30 yrs | 3% simple | Deferred payment.                   |
| 105 | Simpson Street  |  | CDBG    | 19,900.00  | 12-Jan-10 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 106 | Simpson Street  |  | CalHome | 35,000.00  | 12-Jan-10 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 107 | Simpson Street  |  | BMPP    | 860.00     | 12-Jan-10 | 30 yrs | None      | Deferred payment.                   |
| 108 | Stewart Circle  |  | CalHome | 15,000.00  | 1-Jun-10  | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 109 | Stonehaven Loop |  | BMPP    | 112,042.00 | 12-Feb-08 | 30 yrs | None      | Deferred payment.                   |
| 110 | Ulrich Place    |  | CalHome | 25,113.00  | 23-Jun-09 | 30 yrs | SNA       | Shared net appreciation, defer pay. |
| 111 | Ulrich Place    |  | RDA TI  | 27,970.00  | 23-Jun-09 | 30 yrs | 3% simple | Deferred payment.                   |
| 112 | Ulrich Place    |  | HOME    | 10,769.00  | 23-Jun-09 | 30 yrs | 3% simple | Deferred payment.                   |
| 113 | Vaca Court      |  | BMPP    | 142,042.00 | 21-Dec-07 | 30 yrs | None      | Deferred payment.                   |
| 114 | Village Lane    |  | BEGIN   | 30,000.00  | 9-May-07  | 30 yrs | 3% simple | Deferred payment.                   |
| 115 | Village Lane    |  | BMPP    | 118,135.00 | 9-May-07  | 30 yrs | None      | Deferred payment.                   |
| 116 | Village Lane    |  | BEGIN   | 30,000.00  | 21-May-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 117 | Village Lane    |  | BMPP    | 108,335.00 | 21-May-07 | 30 yrs | None      | Deferred payment.                   |
| 118 | Village Lane    |  | BEGIN   | 30,000.00  | 9-May-07  | 30 yrs | 3% simple | Deferred payment.                   |
| 119 | Village Lane    |  | BMPP    | 118,135.00 | 9-May-07  | 30 yrs | None      | Deferred payment.                   |
| 120 | Village Lane    |  | HOME    | 60,000.00  | 15-May-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 121 | Village Lane    |  | BEGIN   | 30,000.00  | 15-May-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 122 | Village Lane    |  | BMPP    | 108,335.00 | 15-May-07 | 30 yrs | None      | Deferred payment.                   |
| 123 | Village Lane    |  | BEGIN   | 30,000.00  | 9-May-07  | 30 yrs | 3% simple | Deferred payment.                   |
| 124 | Village Lane    |  | BMPP    | 118,135.00 | 9-May-07  | 30 yrs | None      | Deferred payment.                   |
| 125 | Village Lane    |  | BEGIN   | 30,000.00  | 30-May-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 126 | Village Lane    |  | BMPP    | 108,335.00 | 30-May-07 | 30 yrs | None      | Deferred payment.                   |
| 127 | Village Lane    |  | BEGIN   | 30,000.00  | 15-May-07 | 30 yrs | 3% simple | Deferred payment.                   |
| 128 | Village Lane    |  | BMPP    | 118,135.00 | 15-May-07 | 30 yrs | None      | Deferred payment.                   |



**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio**  
**(Inclusionary Units)**

**Source of Funds Legend**

BEGIN = Building Equity and Growth in Neighborhoods

BMPP = Below Market Purchase Price

CDBG = Community Development Block Grant

RDA TI = Redevelopment Agency Tax Increment

SL Off-Site Fund = Spring Lake Off-Site Affordable Housing Fund

**Ongoing City Responsibilities**

Annual request for certification of owner-occupancy sent in April/May. Property owner returns signed certification and copy of homeowner insurance information.

In May City staff verifies payment of property taxes through the Yolo County Assessor's website.

**CITY OF WOODLAND**  
**2016 Housing Loan Portfolio, Mult-Family Projects**

|    | Street Address          | APN         | Project Name    | Source of Funds                           | Loan Amount  | Loan Date | Loan Term | Interest Rate | Notes                                                                                     |
|----|-------------------------|-------------|-----------------|-------------------------------------------|--------------|-----------|-----------|---------------|-------------------------------------------------------------------------------------------|
| 1  | 709 East St             | 066-092-069 | Casa del Sol    | RDA Tax Increment                         | 150,000.00   | 27-Dec-00 | 20 yrs    | 5% simple     | In repayment, balance approximately \$86,000.                                             |
| 2  | 709 East St             | 066-092-069 | Casa del Sol    | CDBG Section 108                          | 1,000,000.00 | 10-Nov-06 | 55 yrs    | 1.25% simple  | Deferred payment, residual cash flow provision.                                           |
| 3  | 436 Main St             | See below   | Hotel Woodland  | RDA Tax Increment                         | 245,076.93   | 10-Jan-94 | 30 yrs    | 4.44% simple  | Deferred payment, residual cash flow provision.                                           |
| 4  | 436 Main St             | See below   | Hotel Woodland  | CDBG                                      | 400,000.00   | 11-Aug-95 | 30 yrs    | 4% simple     | Deferred payment, residual cash flow provision.                                           |
| 5  | 436 Main St             | See below   | Hotel Woodland  | CDBG                                      | 74,342.00    | 16-Sep-96 | 30 yrs    | 4.44% simple  | Deferred payment, residual cash flow provision.                                           |
| 6  | 436 Main St             | See below   | Hotel Woodland  | CDBG                                      | 50,000.00    | 18-Oct-95 | 30 yrs    | 4.44% simple  | Deferred payment, residual cash flow provision.                                           |
| 7  | 436 Main St             | See below   | Hotel Woodland  | CDBG                                      | 89,422.00    | 3-Aug-95  | 30 yrs    | 4% simple     | Deferred payment, residual cash flow provision.                                           |
| 8  | 436 Main St             | See below   | Hotel Woodland  | CDBG                                      | 42,000.00    | 3-Aug-95  | 30 yrs    | 4% simple     | Deferred payment, residual cash flow provision.                                           |
| 9  | 436 Main St             | See below   | Hotel Woodland  | CDBG                                      | 800,000.00   | 3-Aug-95  | 30 yrs    | 4% simple     | Deferred payment, residual cash flow provision.                                           |
| 10 | 1313 E Gibson Rd        | 066-200-052 | Leisureville    | HOME & CDBG                               | 1,227,381.00 | 7-Apr-95  | 30 yrs    | 3% simple     | Deferred payment, residual receipts provision.                                            |
| 11 | 2170 Farmers Central Rd | 042-010-062 | Mutual Housing  | Spring Lake Off-Site Affordable Hsng Fund | 910,000.00   | 20-Dec-13 | 57 yrs    | 3% simple     | Deferred payment, residual receipts provision, and maturity date December 23, 2070.       |
| 12 | 2090 Heritage Parkway   | 042-580-009 | Rochdale Grange | HOME                                      | 4,000,000.00 | 25-Feb-10 | 55 yrs    | 3% simple     | Deferred payment, residual receipts provision.                                            |
| 13 | 521 Pioneer Ave         | 027-860-027 | Sycamore Pointe | HOME                                      | 885,000.00   | 1-May-99  | 32 yrs    | 3% simple     | Deferred payment, maturity date 31Dec31.                                                  |
| 14 | 1620 Mickle Ave         | 042-580-018 | Terracina       | HOME                                      | 4,189,000.00 | 12-Sep-06 | 55 yrs    | 3% simple     | Deferred payment, residual receipts provision.                                            |
| 15 | 1620 Mickle Ave         | 042-580-018 | Terracina       | Land & cash from mkt rate developer.      | 1,732,000.00 | 20-Dec-07 | 55 yrs    | None          | No repayment and interest accrual as long as units affordable and other obligations meet. |
| 16 | 1620 Mickle Ave         | 042-580-018 | Terracina       | Cash from mkt rate developer              | 722,122.00   | 20-Dec-07 | 35 yrs    | 3.4% simple   |                                                                                           |

**Notes:**

1. Hotel Woodland (436 Main St) APNs are 006-620-009, 010, 011, 012, 013, 014, 015, 016, and 017.
2. Loans for Items 6-8 are covered under one promissory note.

**Ongoing City Responsibilities**

1. Casa del Sol (709 East St) - Loan assisted borrower with demolition of Dana Motel site. Ongoing City responsibilities limited to servicing loan.
2. Casa del Sol (709 East St) - Review of annual audit for residual cash flow calculation. Loan becomes fully amortized between years 40 and 55.
- 3 through 9. Hotel Woodland (436 Main St) - Review of annual audit for project and residual cash flow calculation.
10. Leisureville (1313 E. Gibson Rd) - Review of annual audit, residual receipts calculation, proposed annual budget, and semi-annual reports. Also, income verify new residents applying for CDBG-funded low-income loan share program.
11. Mutual Housing (2170 Farmers Central Rd) - Affordable housing monitoring addressed by covenants recorded by senior lenders (State of California and USDA) and California Tax Credit Allocation Committee. Staff reviews annual audit for residual cash flow calculation.
- 12 - 16. Affordable housing monitoring conducted on annual basis through unit inspections and unit file reviews. The results of the monitoring reported to California Department of Housing and Community Development (HOME program).

**WOODLAND SUCCESSOR AGENCY**  
**2016 Housing Loan Portfolio**

|   | Street Address/Borrower                                 | APN         | Project Name    | Source of Funds                                  | Loan Amount  | Loan Date | Loan Term | Interest Rate | Notes                            |
|---|---------------------------------------------------------|-------------|-----------------|--------------------------------------------------|--------------|-----------|-----------|---------------|----------------------------------|
| 1 | 709 East St/Community Housing Opportunities Corporation | 066-092-069 | Casa del Sol    | HELP (CalHFA)                                    | 1,000,000.00 | 18-Dec-01 | 8 yrs     | 3% simple     | Deferred payment, due 17-Dec-09. |
| 2 | 186 Muir St/Heritage Oaks, L.P.                         | 064-271-011 | Heritage Oaks   | HELP (CalHFA)                                    | 1,550,000.00 | 1-Feb-05  | 19 yrs    | 3% simple     | See Note, balance due 22-Aug-24. |
| 3 | 35 West Clover St/Fair Plaza Senior Apartments, L.P.    | 064-242-006 | Fair Plaza East | HELP (CalHFA),<br>Redevelopment<br>Tax increment | 1,317,000.00 | 3-Apr-08  | 32 yrs    | 3.5% simple   | Deferred payment, due 1-Apr-40.  |

**Note**

Heritage Oaks property owner is making \$100,000 annual payments.

**Ongoing Successor Agency Responsibilities**

For each loan the Successor Agency is required to submit semiannual status report to CalHFA on the status of the project. Borrowers for Heritage Oaks and Fair Plaza East required to submit annual report to the Successor Agency in order for staff to verify compliance with affordability covenants. Staff reviews annual audits of Casa del Sol and Fair Plaza East to determine whether residual receipts payments to the City are triggered.

## Legislation Text

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File #: 16-607, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Adopt the revisions to the Deputy Director of Community Development, Deputy Director of Public Works, Operations and Maintenance and Approve two new job descriptions, Deputy Director of Public Works, Utilities and Environmental Sustainability Manager

**Recommendation for Action:** Staff recommends that the City Council take the following actions:

1. Adopt the revisions to the Deputy Director of Community Development, and Deputy Director of Public Works, Operations and Maintenance; and
2. Approve two new Job Descriptions ((1) Deputy Director of Public Works, Utilities and (2) Environmental Sustainability Manager) and their associated salary ranges; and
3. Approve a Side Letter which modifies the job classifications covered by the MOU between the City and the Mid-Management Professional Association (MMPA).

**Staff Contact**Sheila McShane, Human Resources Manager, [sheila.mcshane@cityofwoodland.org](mailto:sheila.mcshane@cityofwoodland.org)**Budget Impact**

These actions have already been addressed in the fiscal year 2016/17 budget; therefore, there is no fiscal impact.

**Report in Brief**

City staff, based on recommendations from an Organization Review which the City commissioned, is creating two new job classifications. These two positions -- the Deputy Director of Public Works Utilities and Environmental Sustainability Manager -- are located in Public Works. Additionally, based on the recommendations from the Organization Review, the City is revising the current classification of Deputy Director of Public Works, Operations and Maintenance.

City staff reviewed and is recommending changes to the Deputy Director of Community Development due to the expanding role of this Department within the City.

**Discussion**

As a result of the Organization Review the City engaged in, Public Works is creating two divisions, one over

Operations and Maintenance and the other over Utilities. The report determined the need for a strong leader with extensive knowledge about the utilities function. The current structure has management employees spread over many functions. The study felt that the City would benefit from the efficiencies of one administrative team and the creation of two separate divisions within Public works. To address a portion of the findings of the review, staff is recommending that there be a total of two deputy director positions in Public Works. Another classification affected by this proposed action - Deputy Director of Community Development (Salary Range \$9,695.28 to \$11,784.66) - will assist the Director of Community Development.

The two existing classifications --Deputy Director of Community Development, (Salary Range \$9,695.28 to \$11,784.66) and Deputy Director of Public Works, Operations and Maintenance, (Salary Range \$9003.02 to \$10943.24) -- are proposed to be revised as attached. A new classification - Deputy Director of Public Works Utilities (Salary Range \$9,695.28 to \$11,784.66) - is proposed to be created to manage the Utilities division in Public Works. As high-level management employees, staff is proposing that all three of these positions be "at-will" and subject to employment agreements. This structure allows the City flexibility to fill critical positions which manage improvements to our infrastructure as well as respond to and meet the new State and Federal Regulations. The two current Deputy Director positions were "for cause" positions included within the bargaining unit represented by the Mid Management Professional Association (MMPA). MMPA has agreed to removal of these positions from the bargaining unit and has agreed that the new position will also be independent of the MMPA unit (see attached Side Letter.)

A new job classification proposed to be created is the Environmental Sustainability Manager (Range \$6,530.97 - \$7,938.45 Range 131). This position will address the additional projects and tasks that are required due to new regulations and restrictions, and will support aspects of existing environmental programs and sustainability for the City. This classification will be included within the MMPA unit (see attached Side Letter).

### **Conclusion**

Adopt the revisions to the Deputy Director of Community Development, and Deputy Director of Public Works, Operations and Maintenance. Approve two new job Descriptions; Deputy Director of Public Works, Utilities and Environmental Sustainability Manager and the Side Letter which modifies the job classifications covered by the MOU between the City and MMPA.

Prepared by: Sheila McShane  
Human Resources Manager



Paul Navazio, City Manager

### **Attachments:**

Deputy Director of Community Development  
Deputy Director of Public Works, Operations and Maintenance

Deputy Director of Public Works, Utilities

Environmental Sustainability Manager

Side Letter - Modification of job classifications covered by MMPA Resolution



## **DEFINITION**

Under direction of the Public Works Director develops and manages the staff and programs of the Department of Water Production and Wastewater Resources Operations, field service programs, and activities to provide highly responsible technical and staff assistance; to assist in the planning and designing of municipal construction and capital improvement projects and supervising their inspection. This includes the work of the following work groups within Public Works: Water Production, Distribution, and Maintenance, Recycled Water Distribution and Maintenance, Stormwater Collection and Maintenance, Sewer Collection and Maintenance, Treatment Plant Operations and Maintenance, Wastewater Treatment Laboratory, and Environmental Compliance.

## **SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from the Director of Public Works or his designee. Exercises discretion and independent judgment with respect to assigned duties.

## **EXAMPLES OF DUTIES**

The following are typical illustrations of duties encompassed by the job class but are not an all-inclusive or limiting list:

## **ESSENTIAL JOB FUNCTIONS**

- Assists in the management of the Utilities Division; assumes responsibility for managing multiple sections, work groups, and/or service areas of the Utilities Division
- Participates the planning, design, and construction of water, wastewater, stormwater, recycled water, and aquifer storage and recovery projects in order to maintain quality service levels.
- Participates in the development and implementation of an efficient Capital Improvement Program; recommends project budget requirements to adequately fund said program.
- Participates in the selection, negotiation and administration of consultant contracts to implement the Capital Improvement Program and other work as

needed to maintain quality water, wastewater, stormwater, and recycled water systems.

- Oversees and administers the operations of assigned sections and programs in compliance with federal, state, and local guidelines, requirements, and regulations; provides oversight for translating new law into functional activity for compliance.
- Prepares the budget for areas of assignment. Forecasts funds needed for staffing, equipment, materials, and supplies; monitors and approves expenditures; implements adjustments.
- Selects, trains, motivates, and evaluates assigned personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline and termination procedures.
- Oversees safety programs for assigned sections and work groups; assists with action planning for safety programs; responds to workers' compensation issues.
- Provides responsible staff assistance to the Director of Public Works; conducts a variety of organizational studies, investigations, and operational studies; recommends modifications to assigned utilities programs, policies, and procedures as appropriate.
- Develop and implement goals, objectives, policies, procedures, schedules and work standards for various operating work groups.
- Serves as the liaison for assigned sections, work groups, and service areas of the Utilities Division to other sections, divisions, departments, and outside agencies; participates in meetings with City staff, vendors, consultants, and regulatory agencies; negotiates and resolves sensitive and controversial issues.
- Manages and participates in the preparation and review of a variety of reports to regulatory agencies.
- Represents the City as the lead administrator of the National Pollutant Discharge Elimination Systems (NPDES) permit; as it relates to all aspects of the MS4 Stormwater permit.
- Serves as staff on a variety of boards, commissions, and committees; prepares and presents staff reports and other necessary correspondence.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of utilities.
- Oversees and participates in providing customer service to internal and external customers; responds to and resolves difficult and sensitive citizen inquiries and complaints.
- Regular, predictable, consistent and timely attendance is an essential function of the position, in that Employee must be present to work on facilities and equipment impacting the public's health and safety.

## **OTHER JOB FUNCTIONS**

- Review data, analyze results and prepare reports as required.
- Review laboratories tests and analysis for completeness and a record of results are available for use and are within range.



- Respond to inquiries or concerns from citizens and other departments and agencies.
- Participate with tours and public presentations related to surface water, wastewater collection, stormwater system program or other Utility projects.
- Work with engineering, consultants and contractors with regard to system expansions and operations.
- Oversee and manage maintenance contracts for water, wastewater collection, stormwater, and recycled water operations.
- Plan and direct safety and training programs for the various water, wastewater, stormwater, and recycled water facilities.
- Insure compliance with applicable codes such as, California Environmental Quality Act (CEQA), City Contracts practices, etc.
- Perform related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Operational characteristics, services, and activities of assigned utilities program areas including maintenance and operation of surface water, wells, wastewater treatment plant, lift stations, pumping stations, and open space management as well as water, wastewater collection, stormwater, and recycled water field operations, functions, and program areas. Water and wastewater related engineering and construction, including, but not limited to treatment plants, lift stations, pump stations, pipelines, force mains, aquifer storage and recovery systems, and drainage systems.
- Engineering principles and practices as applied to water and sewer field and plant operations, including planning, design and construction, and operation and maintenance.
- Principles and practices of program development and administration.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training, and performance evaluation.
- Pertinent federal, state, and local laws, codes, and regulations.
- Principles and practices of project management, administration, and coordination.
- Current methods, terminology, equipment, tools, and materials utilized in the operation, maintenance, and repair of water systems or wastewater treatment plants and related systems and structures.
- Types and level of maintenance and repair activities generally performed in utilities operations.
- Understanding of the physical, microbiological, and chemical processes involved in water and wastewater treatment.
- Principles of hydraulics involved in the operation of distribution systems.
- Principles and practices of backflow prevention.
- Sampling techniques and methods for bacteriological, chemical, and organic analysis.
- Occupational hazards and standard safety precautions.

- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.

**Skill to:**

- Develop, interpret and implement Department policies.
- Manage, direct, coordinate, and evaluate the work of assigned personnel.
- Prepare and present clear, concise, and competent reports, both orally and in writing.
- Mathematical principles.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.

**Ability to:**

- Oversee and participate in the management of multiple sections, work groups, and/or service areas within a comprehensive utilities division.
- Oversee, direct, and coordinate the work of lower level staff.
- Select, supervise, train, and evaluate staff.
- Participate in the development and administration of goals, objectives, and procedures for assigned areas of responsibility.
- Research, analyze, and evaluate new service delivery methods and techniques.
- Prepare and administer program budgets.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Analyze and take appropriate action to correct construction and functional fault in equipment, buildings, lines, and appurtenances of the plants and all assigned facilities.
- Learn and apply computer hardware and software, including SCADA systems, to enhance plant and field operation and maintenance.
- Oversee and participate in the compilation of data, maintenance of records and files, and the preparation of clear and concise administrative and financial reports.
- Interpret and apply federal, state, and local policies, laws, and regulations.
- Understand the organization, operation, and services of the City and of outside agencies as necessary to assume assigned responsibilities.
- Ensure adherence to established safety rules, regulations and guidelines.
- Oversee and participate in the provision of a high level of customer service to internal and external customers.
- Respond to requests and inquiries from the general public; tactfully and courteously represent the Utilities Division during public contacts.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Work flexible hours to attend Council Meetings and other Citizen Group meetings.

## **MINIMUM EDUCATION AND EXPERIENCE:**

### **Education:**

A Bachelor's degree from an accredited college or university with major course work in construction technology, chemistry, biology, engineering, environmental science, business or public administration, or a related field.

### **Experience:**

Six (6) years of increasingly responsible experience in water or wastewater utility administration/engineering including two (2) years of executive administrative and supervisory responsibility.

### **License and Certificate:**

Required upon hire:

1. Possession of a valid California Driver's License.

One or more of the following are required upon hire

1. Possession of a current Grade IV Collection System Maintenance Certificate issued by the California Water Environmental Association (CWEA).
2. Possession of a current Grade 5 Water Distribution Operator Certificate issued by the State Water Resources Control Board (SWRCB) is desirable.
3. Grade IV Wastewater Treatment Plant Operator Certificate issued by the State Water Resources Control Board (SWRCB) is desirable. A Grade V Wastewater Treatment Plant Operator Certificate is desirable.
4. Registered Engineer with the State of California is highly desirable.

## **SPECIAL CONDITIONS**

Incumbents of this class may be required to work unusual hours in emergency situations and to be available on an "on call" basis.

## **ADA COMPLIANCE**

**Physical Ability:** Positions in this class typically require: climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, talking, hearing, seeing, and repetitive motions.

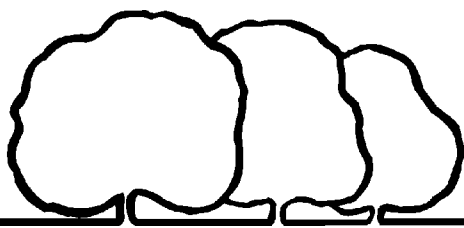
Very Heavy Work: Exerting in excess of 50 pounds of force occasionally, and/or in excess of 20 pounds of force frequently, and/or in excess of 10 pounds of force constantly to move objects.

**Other Requirements:**

**Sensory Requirements:** Requires the ability to recognize and identify similarities and differences between shade, degree or value of colors, shapes, sounds, forms, textures or physical appearance associated with objects and people.

**Environmental Factors:** May be subjected to moving mechanical parts, electrical currents, vibrations, fumes, odors, dusts, gases, poor ventilation, chemicals, oils, extreme temperatures, work space restrictions, intense noises, and environmental dangers.

Council Action: June 2016



City of Woodland

## **DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT**

### **DEFINITION**

To plan, organize, and assist in the management and leadership of the Community Development Department.

### **SUPERVISION RECEIVED AND EXERCISED**

General direction is provided by the Assistant City Manager or designee. Responsibilities include direct and indirect supervision of professional, technical, and clerical staff. Also provides management and supervision of consultant contracts. Exercises discretion and independent judgment with respect to assigned duties.

### **EXAMPLE OF DUTIES**

The following are typical illustrations of duties encompassed by the job class, not an all inclusive or limiting list:

### **ESSENTIAL JOB FUNCTIONS**

- Plan, organize and direct one or more Divisions of the Community Development Department to achieve respective division goals.
- Be involved in the City's strategic planning of the to ensure the priorities and goals of the City are met.
- Evaluate and maintain quality control over staff assignments, review progress and direct changes as needed.
- Provide effective direction, control, and management over key planning, business license, building permit and inspection, and engineering functions.
- Meet and confer with developers, contractors, engineers and the general public relative to the city policies, regulations, and procedures; coordinate discrepancies and problem situations with outside parties.
- Determine priorities and work sequences necessary to achieve objectives and assign personnel in accordance with priority and need.
- Coordinate department activities with other departments and agencies as needed.
- Supervise and direct consultants preparing special studies or plans.
- Provide technical expertise, information and assistance to department staff, other departments, the Planning Commission and City Council, other boards and commissions, and the general public as needed.
- Assist in the preparation of the Community Development Department annual preliminary budget; analyze and review budgetary and financial data; control and authorize expenditures in accordance with established limitations; review, prepare and direct major department purchases.

- Attend and conduct a variety of meetings as assigned; serve on assigned committees; prepare and deliver oral presentations and recommendations to the City Council, commissions, committees, and government boards.
- Regular, predictable, consistent and timely attendance is an essential function of the position, in that Employee must be present to manage projects and department functions that impact the public's health and safety.

#### **OTHER JOB FUNCTIONS:**

- Conduct public meetings and workshops to receive input on public and private projects.
- As assigned, oversee the preparation of updates to the City's General Plan, Specific Plans, Zoning Ordinance, Community Design Standards, Climate Action Plan, Major Projects Financing Plan, and Capital Improvement Program.
- Interpret and apply relevant codes, ordinances, rules, and regulations, including CEQA, the Subdivision Map Act, and the Public Contracts Code. Oversee and ensure proper review of all private development proposals including specific plans, infrastructure financing plans, subdivision and parcel maps, improvement plans, conditional use permits, design reviews, and building permits.
- Prepare and direct the preparation of various reports to City Council, Commissions, and state and federal entities; coordinate special studies on a variety of complex problems that require a high degree of technical competence and political awareness.
- Represent the Department to public and other organizations and participate in outside activities that will further the City's objectives.
- Supervise, train, mentor and evaluate assigned staff.
- Serve as Acting Community Development Director as assigned.
- Perform related duties as assigned.

#### **QUALIFICATIONS**

##### **Knowledge of:**

- Urban design, land use and transportation planning, sustainability, and environmental law practices and implementation procedures.
- Land planning including subdivision laws.
- Civil engineering principles and practices as applied to municipal public works, including planning and development, design and construction, and operation and maintenance.
- Methods of preparing designs, plans, specifications, estimates, reports, and recommendations relating to a variety of public works projects.
- Codes, ordinances, resolutions, laws, recent developments, current literature and sources of information in land use planning, transportation, environmental sustainability, and municipal public works.
- Contract preparations and administration.
- Budget preparation and management.
- Principles and practices of administration, supervision and training. City government organization structure, operations and policies.

- Principles and practices of management, supervision, leadership, motivation, team building and conflict resolution.

**Skill to:**

- Plan, coordinate and prioritize a variety of planning, building permitting and engineering projects.
- Supervise and participate in the preparation and management of plans, drawings, specifications, diagrams, and sketches pertaining to private development and public works construction projects.
- Analyze complex technical and administrative problems, evaluate alternatives, and implement creative but sound alternatives.
- Manage, direct, coordinate, and evaluate the work of professional and technical personnel. Prepare and present clear, concise, and competent reports, both orally and in writing.

**Ability to:**

- Train, mentor and evaluate the performance of assigned staff.
- Communicate effectively both orally and in writing.
- Interpret, apply and explain rules, regulations, policies and procedures.
- Establish and maintain cooperative and effective working relationships with others.
- Analyze situations accurately and adopt an effective course of action.
- Meet schedules and time lines.
- Work independently with little direction.
- Prepare comprehensive narrative and statistical reports.
- Maintain a variety of reports and files related to assigned activities.
- Operate a computer and assigned software.

**Minimum Education and Experience:**

**Education:**

Bachelor's degree from an accredited college or university in urban planning, civil engineering, architecture, geography, public administration or related field.

**Experience:**

Five years of increasingly responsible public or private sector planning, urban design, redevelopment, building, or engineering experience, including at least two years of significant supervisory responsibilities.

**License or Certificate:**

Possession of a valid California Driver's License required upon hire. Possession of a valid certification as a member of the American Institute of Certified Planners preferred.

**ADA COMPLIANCE**

**Physical Ability:** Positions in this class typically require climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, talking, hearing, seeing, and repetitive motions.

**Heavy Work:** Exerting in excess of 25 pounds of force occasionally, and/or in excess of 50 pounds of force constantly to move objects.

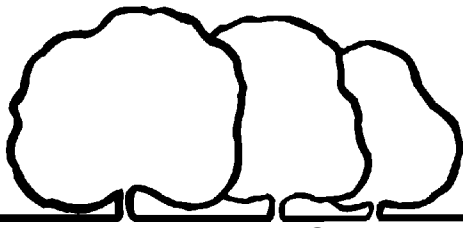
**Other Requirements:**

**Sensory Requirements:** Requires the ability to recognize and identify similarities and differences between shade, degree or value of colors, shapes, sounds, forms, textures or physical appearance associated with objects and people.

**Environmental Factors:** May be subjected to moving mechanical parts, electrical currents, vibrations, fumes, odors, dusts, gases, poor ventilation, chemicals, oils, extreme temperatures, work space restrictions, intense noises, and environmental dangers.

Council Action: Approved June 2016





# City of Woodland

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## ENVIRONMENTAL SUSTAINABILITY MANAGER

### DEFINITION

Plan, develop, manage, and promote programs and policies related to environmental protection and sustainability including, but not limited to, water use efficiency, solid waste management, energy conservation, greenhouse gas emission reduction, habitat management, and other programs designed to achieve a balance among ecological, economic, and social systems. Coordinate activities with other Divisions, Departments, outside agencies, businesses, and the general public.

### SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the City Manager, or designee. Provides direct supervision of Environmental Services personnel and others as directed. May exercise functional and technical supervision over other professional, technical and/or clerical staff assisting in environmental programs.

### EXAMPLES OF DUTIES

The following are typical illustrations of duties encompassed by the job class, and are not an all-inclusive or limiting list.

### ESSENTIAL JOB FUNCTIONS

- Administer various environmental programs and compliance with local, state, and federal permits and other regulatory requirements in areas including, but not limited to, water use efficiency, solid waste and recycling, energy conservation, greenhouse gas emissions, and habitat management.
- Develop and manage work plans, policies, and procedures related to environmental resources and sustainability; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.
- Oversee contracts, including the City's solid waste franchise, and related programs, ensuring compliance with local, state, and federal requirements.
- Assist in defining goals, performance metrics, and a long-range plan for environmental sustainability and programs. Monitor and evaluate program effectiveness, document performance trends, and recommend and implement modifications to improve program effectiveness. Develop alternatives and make recommendations regarding City resource management programs, including utilities, solid waste, and energy issues.
- Identify, track, analyze, and monitor state and regional environmental activities and legislation with the potential to affect existing and future City resources, including utilities, solid waste, and energy issues. Develop and

recommend new and/or revised policies, programs, and regulations. Make recommendations for City involvement in pending legislation and compliance with existing legislation.

- Research and evaluate federal, state, and local legislation dealing with environmental resources; represent City interest on committees and at public meetings and hearings; research, develop, and initiate related City ordinances and address related City Council concerns.
- Foster and coordinate new ideas and concepts for sustainability and identify materials and resources to supplement, expand, or replace existing policies and programs related to sustainability.
- Represent the City's sustainability programs and act as a liaison to the public, other City departments, other agencies, environmental groups and other key stakeholders regarding environmental issues. Serve as the City's representative on committees and advisory groups.
- Develop special events and programs to promote and educate the public about resource conservation and environmental sustainability; guide the preparation of educational and promotional materials.
- Select, coach, mentor, train, and evaluate assigned staff.
- Develop, administer, and monitor the division program budget; review and approve division expenditures.
- Analyzing department support needs and ensuring prompt and efficient delivery of services, materials, and supplies.
- Respond to citizen concerns and requests for information and assistance.
- Regular, predictable, consistent and timely attendance is an essential function of the position.

#### OTHER JOB FUNCTIONS

- Prepare and oversee the preparation of technical studies and reports, including reports to City Council, and perform a variety of operations and calculations to ensure compliance with regulatory requirements and City performance goals.
- Perform related duties as assigned.

#### QUALIFICATIONS

##### Knowledge of:

- Federal, State, and local laws, regulations, and codes, pertaining to environmental programs and sustainability.
- Principles and practices of resource management, including implementing outreach and education programs to adhere to the intention and direction of policy makers.
- Techniques used in the long range planning, analysis and forecasting of resource needs and methods of achieving those needs.
- Customer relations concepts and techniques including measuring and predicting behavioral changes.
- Recent developments, current literature and sources of information regarding natural resource management.

- Conducting environmental audits and protocols for natural resource assessments.
- Advanced computer skills including the use of analytical and statistical modeling, database, presentation, and telecommunications software.
- Methods and requirements for grant proposals and grant administration.
- Principles, techniques and requirements for writing and administering service Contracts.

**Skill to:**

- Plan, coordinate, and prioritize work in assigned areas of responsibility. Work with minimum supervision and exercise initiative and sound judgment.
- Prepare technical analysis and reports.
- Work cooperatively with other departments, outside agencies, and the public. Communicate effectively, both orally and in writing.
- Establish and maintain effective work relationships with those contacted in the performance of required duties.
- Manage multiple projects simultaneously.
- Research and analyze complex problems and situations.
- Identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

**Ability to:**

- Establish and maintain effective work relationships with those contacted in the performance of required duties.
- Effectively plan, organize and direct programs relating to the areas of assigned responsibilities.
- Formulate and write accurate, technical reports. Supervise, train, mentor, and evaluate subordinates.

**Minimum Education and Experience:**

**Education:** Bachelor's degree from an accredited college or university with major coursework in environmental studies, biology, water resources, public administration, or a closely related field.

**Experience:** Four (4) years of increasingly responsible work experience in environmental programs and/or sustainability, or a closely related field with experience in outreach and education programs. One (1) or more years in a supervisory capacity is desirable.

**License or Certificate:** Required upon hire, possession of a valid California Driver's License.

## **ADA COMPLIANCE**

**Physical Ability:** Positions in this class typically require climbing, balancing, stooping, kneeling, crouching, reaching, standing, walking,

pushing, pulling, lifting, fingering, grasping, talking, hearing, seeing, and repetitive motions.

**Heavy Work:** Exerting in excess of 25 pounds of force occasionally, and/or in excess of 5 pounds of force regularly to move objects.

**Other Requirements:**

**Sensory Requirements:** Requires the ability to recognize and identify similarities and differences between shade, degree or value of colors, shapes, sounds, forms, textures or physical appearance associated with objects and people.

**Environmental Factors:** May be subjected to moving mechanical parts, electrical currents, vibrations, fumes, odors, dusts, gases, poor ventilation, chemicals, oils, extreme temperatures, work space restrictions, intense noises, and environmental dangers.



## **DEPUTY DIRECTOR OF PUBLIC WORKS, OPERATIONS & MAINTENANCE**

### **DEFINITION**

To plan, direct, and supervise field maintenance division activities including infrastructure operations and maintenance, equipment and facility maintenance.

### **SUPERVISION RECEIVED AND EXERCISED**

General direction is provided by the Public Works Director. Responsibilities include direct and indirect supervision of staff.

### **EXAMPLES OF DUTIES**

The following are typical illustrations of duties encompassed by the job class, not an all-inclusive or limiting list:

### **ESSENTIAL JOB FUNCTIONS**

Plan, organize and direct activities of the Public Works Operations and Maintenance Divisions providing the public works maintenance and operations functions pertaining to streets, electrical services and building and fleet maintenance. as assigned. Plan, organize, coordinate, supervise, and evaluate programs, plans, services, staffing, equipment, and infrastructure of the Public Works Department. Develop and implement goals, objectives, policies, procedures, schedules, and work standards for the various operating groups within the Public Works Department. Prepare and administer the annual Operations and Maintenance Budget for assigned program areas. Research and analyze complex problems, evaluate varied information and data, and exercise sound independent judgment within established guidelines. Coordinate maintenance service programs with other City departments and with outside agencies. Establish and maintain effective working relationships while providing for the evaluation, training, and professional development of assigned staff. Work cooperatively with others. Regular, predictable, consistent and timely attendance is an essential function of the position, in that Employee must be present to work on facilities and equipment impacting the public's health and safety.

### **OTHER JOB FUNCTIONS**

- Interpret City policies and procedures, update Department policies and procedures,
- Draft City policies and procedures as appropriate, and take responsibility for the morale and productivity of assigned Department staff.
- Make presentations before the City Council, the public, and/or Boards and Commissions as assigned.

- Serve as Acting Deputy Director for Utilities or Public Works Director as assigned.
- Perform related duties as assigned.

## **QUALIFICATIONS**

### **Knowledge of:**

- Administrative principles and methods, including goal setting, program development, scheduling and implementation, budget preparation and administration, employee supervision, and contract evaluation and administration.
- Current principles, practices, and techniques of municipal public works maintenance and operations, including streets, fleet maintenance, and building maintenance.
- Public administration principles and practices related to the activities and functions of municipal government.
- Principles and practices of leadership, motivation, team building and conflict resolution.
- Safety principles, practices, and procedures.
- Operation and programs of a personal computer.

### **Skill to:**

- Plan, organize and administer comprehensive public works office and field activities with in-house and contract personnel.
- Develop, interpret and implement Department policies.
- Analyze complex problems, evaluate alternatives, and implement creative but sound alternatives.
- Manage, direct, coordinate, and evaluate the work of assigned personnel.
- Prepare and present clear, concise, and competent reports, both orally and in writing.
- Communicate clearly and concisely, orally and in writing.
- Establish and maintain cooperative working relationships with co-workers and those contacted in the course of work.

### **Ability to:**

- Develop cooperative public relations with other City departments, developers, businesses, and the general public.
- Serve in a standby status after regular working hours and respond to emergency call-outs.

## **Minimum Education and Experience:**

**Education:** A Baccalaureate Degree from an accredited college or university. An Associate's degree may be substituted for the Bachelor's degree by substituting additional qualifying experience with the City of Woodland, on a year to year basis One

year (2,000 hours) of work experience equals 30 semester quarter units.

**Experience:** Six (6) years of verifiable managerial experience including four (4) years of verifiable mid-management supervisory experience in Public Works activities related to street maintenance, electrical maintenance, signs and markings, urban forestry, parks and sport parks maintenance, cemetery maintenance, pool maintenance, and/or utility infrastructure maintenance.

**License or Certificate:**

Required upon hire, possession of a valid California Driver's License.

SIDE LETTER NO. \_\_  
TO THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF WOODLAND  
AND  
WOODLAND CITY EMPLOYEES ASSOCIATION

Subject to the City of Woodland City Council's approval, the City of Woodland ("City") and the Woodland Mid-Management Employees Association ("Association"), hereby agree to modification of the terms and conditions set forth in that Memorandum of Understanding ("MOU") for the period from July 1, 2015 to June 30, 2018. This Side Letter amends and augments the current MOU as follows:

1. The unit represented by the Association and covered by the MOU shall be modified to remove the positions of Deputy Director of Community Development and Deputy Director of Public Works, Operations and Maintenance effective on July \_\_, 2016. The City and the Association further agree that the new position of Deputy Director of Public Works, Utilities will not be included in the unit represented by Association.
2. The unit represented by the Association and covered by the MOU shall be modified to add the position of Environmental Sustainability Manager (at Range 131) effective on July \_\_, 2016.
3. Section 1.1.1 of the MOU shall be amended and replaced as set forth on the attached Exhibit A.
4. Except as modified above, the terms and conditions of the MOU (including the Amendment and previous Side Letter), shall remain in effect as provided therein.

**FOR THE CITY :**

**CITY OF WOODLAND**

By: \_\_\_\_\_

Name: Paul Navazio

Title: City Manager

Date: \_\_\_\_\_

**FOR THE ASSOCIATION:**

**WOODLAND MID-MANAGEMENT  
EMPLOYEES**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Exhibit A

Section 1.1.1 Shall be replaced by the following language:

1.1.1 This Resolution applies to employees in the following classifications and ranges:

| CLASSIFICATION                                   | RANGE<br>NO. |
|--------------------------------------------------|--------------|
| Accountant I *                                   | 116          |
| Accountant II *                                  | 120          |
| Assistant Engineer *                             | 125          |
| Assistant Planner *                              | 118          |
| Associate Civil Engineer *                       | 131          |
| Associate Engineer *                             | 127          |
| Associate Planner *                              | 124          |
| Building Inspection Services Manager *           | 132          |
| Chief Building Official *                        | 140          |
| Chief Plant Operator *                           | 132          |
| Chief Project Engineer *                         | 145          |
| Chief Water System Operator *                    | 132          |
| Child Librarian II *                             | 118          |
| City Engineer *                                  | 145          |
| Community Services Program Manager *             | 125          |
| Construction Project Manager*                    | 129          |
| Economic Development Manager *                   | 136          |
| Environmental Resources Analyst *                | 127          |
| Environmental Sustainability Manager             | 131          |
| Finance Officer *                                | 141          |
| Fleet & Facilities Manager *                     | 131          |
| Information Technology Manager *                 | 138          |
| Infrastructure O & M Superintendent *            | 132          |
| Junior Engineer *                                | 121          |
| Junior Planner *                                 | 113          |
| Laboratory & Environmental Compliance<br>Manager | 129          |
| Laboratory Supervisor *                          | 127          |
| Librarian I *                                    | 114          |
| Librarian II *                                   | 118          |
| Librarian III *                                  | 122          |
| Management Analyst I *                           | 120          |
| Management Analyst II *                          | 125          |
| Office Manager *                                 | 115          |
| Park Planner *                                   | 132          |
| Park Superintendent *                            | 132          |
| Planning Manager *                               | 140          |

|                                                   |     |
|---------------------------------------------------|-----|
| Principal Civil Engineer *                        | 141 |
| Principal Planner *                               | 136 |
| Principal Utilities Civil Engineer*               | 141 |
| Purchasing Manager *                              | 123 |
| Recreation Superintendent *                       | 131 |
| Redevelopment & Housing Analyst I *               | 120 |
| Redevelopment & Housing Analyst II *              | 124 |
| Redevelopment Manager *                           | 136 |
| Senior Accountant *                               | 125 |
| Senior Application Analyst *                      | 132 |
| Senior Associate Civil Engineer *                 | 134 |
| Senior Center Manager *                           | 120 |
| Senior Civil Engineer *                           | 138 |
| Senior Construction Project Manager *             | 131 |
| Senior Management Analyst *                       | 131 |
| Senior Planner *                                  | 132 |
| Senior Systems Analyst *                          | 132 |
| Sports Manager *                                  | 125 |
| Transportation Engineer *                         | 134 |
| Wastewater Systems Administrator                  | 141 |
| Water Pollution Control Facility Superintendent * | 141 |

## Legislation Text

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File #: 16-598, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Reject All Bids and Re-Authorize Bid Advertisement for Well #24 and Well #26  
Water Main Project, CIP #16-09

Recommendation for Action: Staff recommends that the City Council Adopt Resolution No. \_\_\_\_\_, that includes the following actions:

- (1) Reject all bids from the June 14, 2016 bid opening for the Well #24 and Well #26 Water Main Project; and
- (2) Re-Authorize bid advertisement for the Well #24 and Well #26 Water Main Project; and
- (3) Approve additional \$47,602 Contingency for the Consultant Services Agreement with Hatch Mott McDonald; and
- (4) Approve CM and Inspection Services Contract with Psomas for an amount not to exceed \$100,000; and
- (5) Reallocate \$460,000 from CIP 11-14 to CIP 16-09; and
- (6) Approve a new appropriation in FY 16/17 for \$1,000,000 from the water enterprise fund.

**Staff Contact**

Chris Fong, Senior Associate Civil Engineer, (530) 661-5972, [chris.fong@cityofwoodland.org](mailto:chris.fong@cityofwoodland.org)

**Fiscal Impact**

The cost of this project is included in both the SRF funding agreement for Woodland local water projects and in the water rate study completed to inform the January 2016 water rate increase. In FY 15/16, the City Council adopted Resolution #6517 to allocated \$250,000 for the project. City staff is now asking Council to authorize transferring \$460,000 from CIP #11-14 to CIP #16-09 and furthermore allocating an additional \$1,000,000 from the water enterprise fund. The total project budget will be \$1,710,000. Other items that make up the total project budget represent the amount allocated for design, land acquisition, construction contingency, and construction management/inspection.

The underlying funding source for this project is the City's Water Enterprise Fund. There are no impacts to the City's General Fund.

**Background**

The City has entered into a Joint Powers Agreement with the City of Davis and UC-Davis to construct facilities to treat and deliver surface water to the two cities. This project is an extension of the first phase (CIP #11-14 WTME) of a two-part project to convey treated water from the regional water treatment facility to points throughout the City. This project will connect existing Well #24 and Well #26 directly to the transmission

main for blending purposes. The use of these wells to blend with surface water is a required mitigation measure to be in compliance with the new State of California chromium 6 Maximum Contaminant Limit which was effective as of July 1, 2015.

City staff seeks an additional \$47,602 for consultant services with Hatch Mott McDonald. At the 100% design stage, the City decided to add two features to the design contract: adding pump to waste at Well #26 and improved SCADA controls at Well #26. Additionally the City decided to have Hatch Mott McDonald provide design support during construction which was not part of the original design scope.

Around October 2013, the City issued a Request for Qualifications (RFQ) for CM and Inspection Services contracts. Psomas was one of the selected firms and the City chose to utilize Psomas's construction management and inspection services for this project as Psomas has performed similar services for the City in the past.

### **Discussion**

The City advertised for bids on April 29, 2016. On June 14, 2016, the City received 2 bids for CIP #16-09 ranging from \$1,183,235 to \$1,305,388.70. The engineer's estimate was \$1,049,845. Please see the following table for complete bid results.

|   | CONTRACTOR*                              | BASE BID       | Original Bid as read at<br>Bid Opening (if differen |
|---|------------------------------------------|----------------|-----------------------------------------------------|
| 1 | R.J. Gordon Construction<br>Inc.         | \$1,183,235.00 |                                                     |
| 2 | J.J.M. Engineering<br>Constructors, Inc. | \$1,305,388.70 | \$1,293,535.00                                      |

Staff has performed due diligence in reviewing the bids. R.J. Gordon Construction Inc., was determined to be the apparent lowest responsive bidder. However, the second low bidder submitted a bid protest to the City within the allowable bid protest timeframe. After analyzing the bid protest, the City determined there was a discrepancy/ambiguity in the bid documents, namely the federal requirement for contractors to solicit disadvantaged business enterprises (DBEs) for a minimum of 30 calendar days was not clearly expressed. City staff recommends that the Council reject all bids and rebid the project with the proper DBE documentation included in the project specifications.

Hatch Mott McDonald will be providing design support during construction and Psomas will be providing construction management and inspection services during construction.

### **Conclusion**

Staff recommends that the City Council Adopt Resolution No. \_\_\_\_\_, that includes the following actions:

- (1) Reject all bids from the June 14, 2016 bid opening for the Well #24 and Well #26 Water Main Project; and
- (2) Re-Authorize bid advertisement for the Well #24 and Well #26 Water Main Project; and
- (3) Approve additional \$47,602 Contingency for the Consultant Services Agreement with Hatch Mott McDonald; and

- (4) Approve CM and Inspection Services Contract with Psomas for an amount not to exceed \$100,000; and
- (5) Reallocate \$460,000 from CIP 11-14 to CIP 16-09; and
- (6) Approve a new appropriation in FY 16/17 for \$1,000,000 from the water enterprise fund.

Prepared by: Chris Fong, Senior Associate Civil Engineer

Reviewed by: Tim Busch, Principal Utilities Civil Engineer  
Brent Meyer, City Engineer  
Ken Hiatt, CDD Director



Paul Navazio, City Manager

ATTACHMENT:  
Attachment A - Resolution

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND REJECTING ALL BIDS FROM THE JUNE 14, 2016 BID OPENING FOR THE WELL #24 AND WELL #26 WATER MAIN PROJECT; RE-AUTHORIZE BID ADVERTISEMENT FOR THE WELL #24 AND WELL #26 WATER MAIN PROJECT; APPROVE ADDITIONAL \$47,602 CONTINGENCY FOR THE CONSULTANT SERVICES AGREEMENT WITH HATCH MOTT MCDONALD; APPROVE CM AND INSPECTION SERVICES CONTRACT WITH PSOMAS FOR AN AMOUNT NOT TO EXCEED \$100,000; REALLOCATE \$460,000 FROM CIP 11-14 TO CIP #16-09; AND APPROVE A NEW APPROPRIATION IN FY 16/17 OF \$1,000,000 FROM THE WATER ENTERPRISE FUND FOR CIP 16-09, WELL #24 AND WELL #26 WATER MAIN PROJECT**

**WHEREAS**, the City Council originally approved the plans and specifications and authorized advertisement for bids on April 29, 2016; and the City of Woodland opened bids on June 14, 2016; and

**WHEREAS**, on June 14, 2016 the City of Woodland received 2 bids; and

**WHEREAS**, on June 20, 2016, the City of Woodland received a bid protest from the second low bidder, JJM Engineering, claiming the apparent low bidder did not meet the Good Faith Effort (GFE) requirements for Disadvantaged Business Enterprises (DBEs);

**WHEREAS**, on June 22, 2016 and June 28, 2016, the apparent low bidder, RJ Gordon, responded to the bid protest claim; and

**WHEREAS**, the City of Woodland wishes to reject all bids from the June 14, 2016 bid opening for CIP 16-09, Wells #24 and #26 Water Main Project; and

**WHEREAS**, the City Council wishes to approve an additional \$47,602 contingency for consultant services agreement with Hatch Mott McDonald; and

**WHEREAS**, the City Council wishes to approve a CM and Inspection Services Contract with Psomas for an amount not to exceed \$100,000.

**WHEREAS**, the City Council wishes to approve the transfer of \$460,000 of Water Enterprise Funds from the Water Transmission Main East Project, CIP 11-14 to Well #24 and Well #26 Water Main Project, CIP #16-09; and

**WHEREAS**, the City Council wishes to approve the allocation of an additional \$1,000,000 of Water Enterprise Funds to Well #24 and Well #26 Water Main Project, CIP #16-09; and

**WHEREAS**, the City Council wishes to re-authorize bid advertisement for the Well #24 and Well #26 Water Main Project, CIP 16-09, through adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:**

Section 1. The City Council hereby rejects all bids from the June 14, 2016 bid opening for CIP 16-09, Wells #24 and #26 Water Main Project.

Section 2. The City Council hereby re-authorizes bidding the CIP 16-09, Well #24 and Well #26 Water Main.

Section 3. The City Council hereby authorizes an additional \$47,602 contingency with Hatch Mott McDonald for design work.

Section 4. The City Council hereby authorizes a CM and Inspection Services Contract with Psomas for an amount not to exceed \$100,000.

Section 5. The City Council hereby authorizes the transfer of \$460,000 of Water Enterprise Funds from the Water Transmission Main East Project, CIP 11-14 to Well #24 and Well #26 Water Main Project, CIP #16-09.

Section 5. The City Council hereby authorizes the allocation of an additional \$1,000,000 of Water Enterprise Funds to Well #24 and Well #26 Water Main Project, CIP #16-09.

Section 6. The City Council hereby authorizes the City Manager to approve a consultant agreement with Psomas for construction management and inspection services for an amount up to \$100,000 for the consultant services agreement with Hatch Mott McDonald.

Section 7. Copies of the project Plans and Specifications for re-bidding are on file in the City Clerk's office, and are incorporated herein by reference and made a part of this Resolution.

**PASSED AND ADOPTED** by the City Council this 5<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Ana B. Gonzalez, City Clerk

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Kara K. Ueda, City Attorney

## Legislation Text

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File #: 16-604, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: **PUBLIC HEARING** - Prudler Tentative Subdivision Map Project (PLNG 14-00090): A request to amend the General Plan and Spring Lake Specific Plan, rezone the project site, and approve a Tentative Subdivision Map (TSM #4856), Conditional Use Permit and Development Agreement to allow the development of 183 detached single-family units in two phases and a 1.46 acre park, on an approximately 38-acre site located at the northeast corner of East Street and Sports Park Drive/ County Road (CR) 24A in the City of Woodland

**Recommendation for Action:** Staff recommends that the City Council:

1. Adopt Resolution No. \_\_\_\_\_, certifying the Environmental Impact Report (EIR), adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP); and
2. Adopt Resolution No. \_\_\_\_\_, amending the General Plan Land Use Diagram from General Commercial (GC) to Low Density Residential (LDR), 3-8 dwelling units/acre and amending the Circulation Element to reduce the segment of East Street, located south of the County Fair Mall to CR 24A, from four lanes to two lanes; and
3. Adopt Resolution No. \_\_\_\_\_, amending the Spring Lake Specific Plan (SLSP) East Street cross-section; and
4. Introduce Ordinance No. \_\_\_\_\_, Rezoning from General Commercial (C-2) to Single Family Planned Development (R-1) and adoption of Planned Development Standards (PD); and
5. Adopt Resolution No. \_\_\_\_\_, approving Tentative Subdivision Map # 4856 to subdivide the 38-acre site into 183 residential lots and a 1.46 acre park site and approving a Conditional Use Permit for development criteria within the Planned Development Zone; and
6. Introduce Ordinance No. \_\_\_\_\_, approving a Development Agreement.

**Staff Contact**

Cindy Abell Norris, Principal Planner - (530) 661-5911, [Cindy.Norris@cityofwoodland.org](mailto:Cindy.Norris@cityofwoodland.org)

**Report in Brief**

This item was originally scheduled for the June 21, 2016 City Council as a public hearing item. The item was continued to the July 5, 2016 City Council meeting agenda. Included in this report as Attachment 12 is a copy of the letter received from Legal Services of Northern California on June 20, 2016 and Attachment 13 provides



a response from the City Attorney.

### **Fiscal Impact**

The project as proposed is estimated to have an annual net fiscal loss to the General Fund of \$70,821, or \$387 per unit per year. The Development Agreement requires that the City and Developer form a new Community Facilities District (“CFD”) to pay for additional services and service deficits that will result from the project, including but not limited to increased maintenance costs for the new neighborhood park, new green spaces, and additional landscaping and lighting on the south side of Sports Park Drive and East Street. The CFD shall be in place prior to approval of the first final map for the project.

### **Project Site Description:**

The project site encompasses approximately 38 acres in the General Commercial zoning area. The current City of Woodland General Plan land use designation for the project site is General Commercial. The project site is currently vacant and is located in a developed area within Woodland. A series of older walnut trees are located on the east side of the roadway.



The site is bordered by County Fair Mall to the north, existing single family residential to the east, multi-family

residential, single family residential, and Tredway Park, and Sports Park Drive/CR 24A and the Woodland Community and Senior Center and Woodland Sports Park to the south. In addition, the project site forms the north and east borders of the approximately two-acre Forrest property located at the northeast corner of East Street and CR 24A. The Forrest property contains two single-family residences and is zoned and designated for GC (General Commercial) use. The Forrest property is currently not included as part of the proposed project and recently experienced a serious fire that damaged a significant portion of the main house.

## **Background**

Since August of 2005, applications for residential use have been submitted for consideration on this subject site. A General Plan petition was submitted on August 18, 2005, with a formal application submitted by K. Hovnanian in April of 2006, for a 267 unit single-story senior housing development proposal for an attached and detached product as well as a club house and HOA (homeowners association) with a proposed density of 7 dwelling units per acre.

K. Hovnanian withdrew this application due to economic and market concerns. A revised application was submitted by Yolo Residential Investors in August 2008 for a similar project, and work progressed on this application through August of 2010. At that time, it was put on hold.

On January 18, 2013, the same applicant, Yolo Residential Investors, submitted an amended application, which included an initial proposal for 204 units to be developed in two phases with Phase I proposing 86 lots with minimum lot widths of 60 feet, similar to a Spring Lake R-5 product, and Phase 2 proposing 118 lots with minimum lot widths of 45 feet, similar to a Spring Lake R-8 product. The final proposed project includes 183 units at an overall density of 5.36 units per acre. The number of units in the project was reduced in order to accommodate the City's request that a neighborhood park be provided within the development. Additional detailed descriptions are included in the Planning Commission staff report, which is included as Attachment 8.

## **Project Proposal**

### **General Plan Amendment Request**

The applicant is requesting a General Plan Amendment of the project site from General Commercial (GC) to Low Density Residential (LDR). The LDR designation allows for the residential densities ranging from 3.0 to 8.0 units per acre. The proposed development includes a density of 5.36 units per acre. Additionally; the General Plan Circulation Element would be amended to include a reduction in the width of East Street from four to two lanes. The proposal to amend the Circulation Element is consistent with direction the City is moving to as part of the General Plan update, as discussed in the December 15, 2015 City Council workshop. General Plan Amendment Exhibits are included in Attachment 2.

### **Spring Lake Specific Plan Amendment Request**

The Spring Lake Specific Plan (SLSP) would be amended with reference to the median on East Street as well as a proposed reduction from four to two lanes. The SLSP currently includes a street cross section with a 45-foot median on East Street adjacent to the proposed project site. The applicant is proposing to retain a median, but to reduce the width to 18 feet with one travel lane in each direction along with a Class II bike lane. On the east side of East Street, adjacent to the proposed subdivision, there would be an additional 33 foot landscape corridor consisting on an 8-foot landscape strip, a 10-foot path, and an additional 15 feet of landscaping. The Spring Lake Specific Plan Amendment Exhibits are included in Attachment 3.

### **Rezone Request**

The applicant is requesting a rezone of the project site from (General Commercial) C-2 to (Low Density Residential/Planned Development) R-1/PD with the adoption of Planned Development Standards. The purpose of the Planned Development (PD) overlay zone is to encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments not otherwise possible through strict application of zoning regulations. The proposed rezone and planned development exhibits are included in Attachment 4.

### **Conditional Use Permit Request**

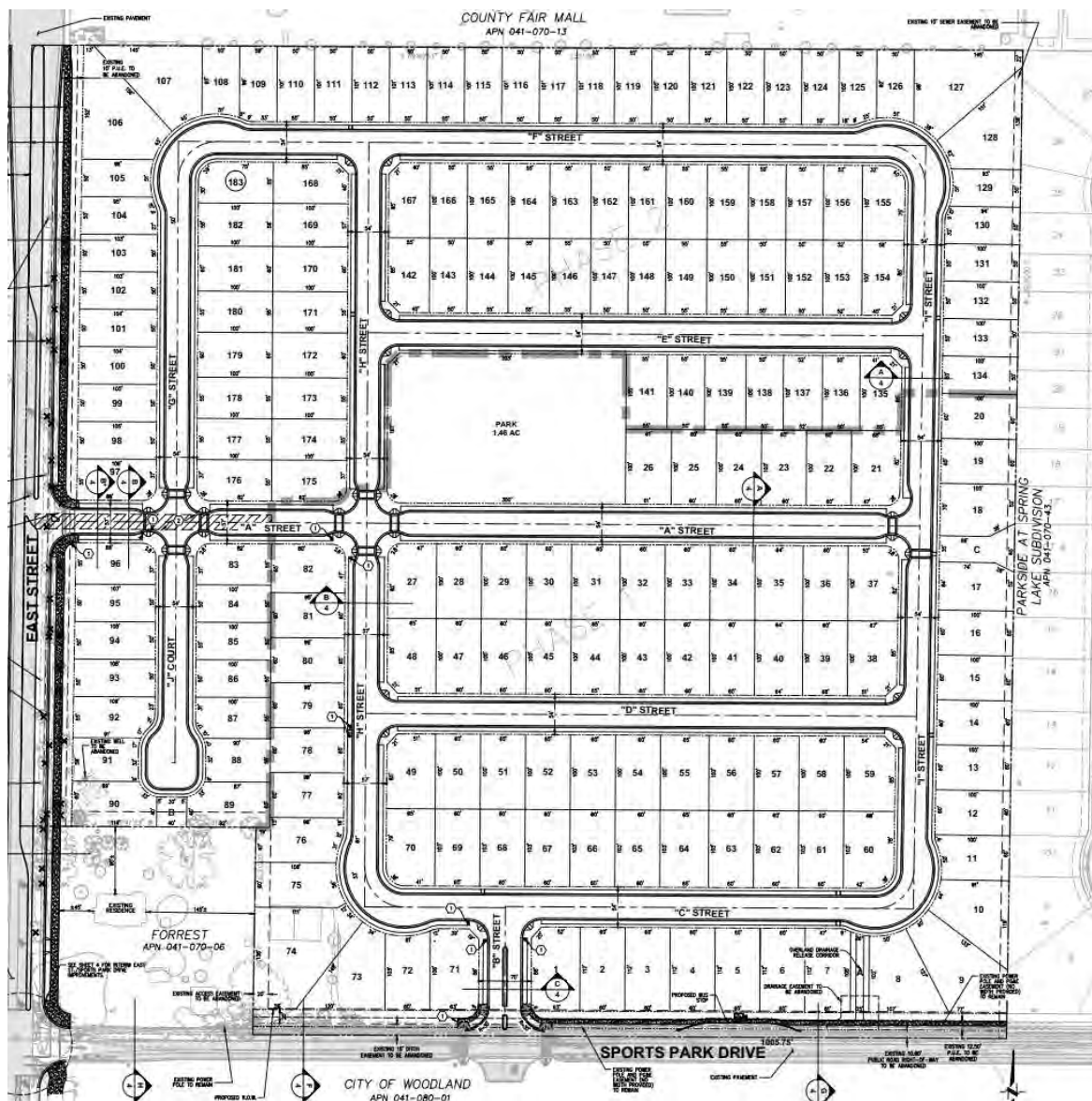
The applicant is requesting a Conditional Use Permit (CUP), which is required for development within the PD overlay zone. The Development Standards are adopted as part of the PD zoning designation. Specific designs for the homes have not been submitted and will be the subject of a future application for Planning Commission design review.

### **Tentative Subdivision Map Request**

The applicant is requesting the approval of a Tentative Subdivision Map (TSM) to allow the development of 183 detached single-family units on an approximately 38-acre site (Attachment 5). The proposed project would be developed in two phases. The first phase would include development of 82 units with minimum lot widths of 60 feet (similar to a Spring Lake R-5 product), the 1.46 acre park, and internal roadway improvements. The second phase would include development of the remaining 101 units with minimum lot widths of 45 feet (similar to a Spring Lake R-8 product) and internal roadway improvements. The average density overall would be 5.36 dwelling units per acre. The internal streets, street lighting, and underground utilities in the proposed development would be publicly-owned and maintained by the City of Woodland. All access to the site would be from East Street to the west and Sports Park Drive to the south.

The following off-site improvements are included as part of the proposed project:

1. Construction of East Street improvements between the project site and the East Street/Sports Park Drive intersection (along the Forrest property frontage) for a distance of approximately 250 feet, including widening of the east side of the existing paved section.
2. Construction of improvements between East Street and Sports Park Drive (along the Woodland Sports Park property frontage) for a distance of approximately 270 feet, including widening of the east side of the existing paved section. Enhanced landscaping will be provided on the south side of Sports Park Drive.
3. Modifications to the signal at the East Street/Sports Park Drive intersection to accommodate left turn movements, minor adjustments to signal location, and reconstruction of curb, gutter and ramps.



## Development Agreement Request

The proposed Development Agreement is valid for a term of 10 years with the option for two (2) 2-year extensions (14 years in total). The Development Agreement outlines park dedication and improvement requirements, requires 10 percent of the subdivision to contain single story homes, requires universal design features on all homes, and requires a minimum of 10 percent of the homes to provide solar with the remaining homes to be photovoltaic ready. In addition, the Development Agreement requires the development to enter into an inclusionary housing agreement and to establish two Community Facility Districts (CFDs) to fund new services as a result of the project, including lighting and landscape maintenance, park maintenance, and increased sports park maintenance. The Development Agreement is included as Attachment 6. Attachment D to the Development Agreement outlines the project fees and public benefit contributions. The following key provisions are contained in the Development Agreement:

## Fees and Public Benefit Improvements

The project will be required to fund necessary fees and project improvements, the majority of which will provide for annual adjustments for inflation. The following is a summary of fees and funded improvements included within the Development Agreement:

- Development Impact Fees - \$26,031 per unit
- Road Improvement, Fire Operation and Maintenance, Public Transit Fees: \$1,918 per unit
- General Purpose Fee - \$12,700 per unit, \$2,324,100 in total
- Hwy 113 Overcrossing Fee - \$1,100 per unit, or a one-time payment of \$183,000
- Spring Lake Infrastructure Reimbursement \$1,266,591
- Reimbursement to Standard Pacific for utility improvements - \$309,282
- West Regional Pond Contribution - \$177,000
- Neighborhood Park dedication and improvement costs - \$699,000 estimated value
- Complete landscaping to the south side of Sports Park Drive - \$160,000 estimated value
- Signal improvements to the Gibson Rd/Matmor Rd intersection (TBD)

Development agreements allow the City to negotiate the vesting of certain development rights for the applicant in exchange for benefits to the City that might not otherwise be required of a developer. Further; state law allows local agencies and developers to negotiate the payment of development fees in the context of a Development Agreement, regardless of whether the local agency has previously adopted a general ordinance imposing the same fee. Development Agreements, like adoption of City wide fee ordinances, are legislative acts that are approved by ordinance. See *Government Code* §65867.5(a). This requirement ensures that the fee agreement embodied in the Development Agreement is subject to public notice and hearing, along with the availability of referendum rights.

#### Universal Design Requirement

The project has been conditioned to include Universal Design features in all homes. Universal Design, otherwise known as multi-generational housing, provides features that make homes accessible for the spectrum of young, old, healthy, and infirm individuals. Improvements may include items such as wider doorways, wider hallways, roll-in showers, and reinforced towel bars. Attachment F to the Development Agreement provides a list of the minimum requirements to be provided in the future homes.

#### Public Art Requirement

The project has been conditioned to provide public art either on-site within the neighborhood park or through the payment of an in-lieu fee. The public art amount for the 38-acre site is \$15,000.

#### Affordable Housing In-Lieu Fee

In accordance with the City's Affordable Housing Ordinance 6A, the applicant must provide ten percent (10%) of the units as affordable to low income households. The applicant and City recommend allowance for the payment of fees in-lieu of providing actual constructed units to meet the affordability requirement. The proposed in-lieu fee amount is \$620,040 or an average of approximately \$33,900 per required affordable unit. The formula is based on a sliding scale that relates to density, the idea being that the higher density product inherently provides greater affordability and is typically less expensive. The project requires eight (8) R-5 affordable units (8 x \$40,000) and ten (10) R-8 units (10 x \$30,000). The provision for payment of in-lieu fees is included in the Development Agreement. Discussion regarding the findings for the recommendation of an in-lieu fee is provided later in the report in the section on Affordable Housing Ordinance 6A.

#### Community Facility Districts/Fiscal Deficit

Two Community Facilities Districts (CFDs), for the provision of public services, will be required for the project as outlined below:

- The Developer shall join the existing CFD for the operations and maintenance of the Sports Park.
- The City and Developer shall form a new CFD to address the project fiscal deficit to the general fund, as well as to cover the costs for maintenance for the neighborhood park, green spaces and landscaping, as well as to cover landscaping and lighting on the south side of Sports Park Drive and East Street.
- The project as proposed is estimated to have an annual net fiscal loss to the general fund of \$70,821, or \$387 per unit per year. The City and Developer shall form a new Community Facilities District (“CFD”) to pay for additional services that will result from the project, including but not limited to increased maintenance costs for the new neighborhood park, new green spaces, and additional landscaping and lighting on the south side of Sports Park Drive and East Street. The CFD shall be in place prior to approval of the first final map for the project.

### **Environmental Assessment Status**

The City of Woodland prepared a Notice of Preparation (NOP) for the proposed project, which was released on December 17, 2014, for a minimum 30-day review, which ended on February 2, 2015. Based upon the conclusions of the Initial Study, the Draft EIR included analyses of Air Quality and Greenhouse Gas Emissions, as well as Transportation and Circulation.

The Draft EIR concludes that all impacts are less than significant or reduced to less than significant with the implementation of mitigation measures with the exception of the following traffics impacts, which remain significant and unavoidable:

- Matmor Road and Gibson Road intersection (LOS E in the AM peak hour and LOS F in the AM and PM peak hour in the Cumulative Plus Project Conditions).
  - *Widening is not feasible due to lack of available right of way, however improvements to the signal will be provided.*
- East Street and Gibson Road intersection (LOS E in the AM and PM peak Cumulative Plus Project Condition).
  - *Mitigation is not feasible due to lack of available right of way.*
- Southbound East Street segment (from Gibson to Sports Park Drive) (LOS D in AM and PM peak hour Cumulative Plus Project Condition).
  - *Mitigation not feasible due to right of way constraints.*
- Northbound East Street segment (from Sports Park Drive to Gibson) at LOS E in the AM peak hour and at LOS D in the PM peak hour (Cumulative Plus Project Conditions).
  - *Mitigation not feasible due to right of way constraints.*

With respect to a project for which significant impacts are not mitigated to a less-than-significant level, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” A summary of the project “benefits” or “overriding considerations” is provided in the CEQA Resolution (Attachment “ 1A”). The findings summarize a variety of goals that benefit both the City and region, including providing needed housing units, needed infrastructure improvements, attractive lifestyle choices, and fiscal and economic benefits to the City.



A Notice of Completion was filed with the office of Planning and Research (OPR) on September 4, 2015, and the public notice was published to inform interested parties that the EIR was available for agency and/or public review. The EIR was circulated for a period of 45 days for the public review and comment from September 8, 2015 through October 23, 2015.

The City of Woodland Planning Commission held a public hearing on October 1, 2015 to receive comments on the Draft EIR. Along with public testimony at the Planning Commission meeting, four comment letters were received regarding the Draft EIR. All comments that addressed the adequacy of the environmental review have been responded to in the Final EIR. A brief summary of the comments and responses is included in the attached Planning Commission staff report.

Legal Services of Northern California sent a letter to the Planning Commission addressing its concerns regarding the proposed project and EIR. The letter is provided as Attachment “9”. In summary, the concerns note that the EIR should have found a significant impact related to consistency with adopted plans because the City has failed to comply with provisions of the Housing Element and that the project is inconsistent with the General Plan, that the EIR did not look at a range of reasonable alternatives, and that the EIR did not provide a reasoned analysis to public comments. In addition, the letter noted that the proposed project would result in racial and economic segregation and disparately impact people of color. The City Attorney has prepared a response to the letter which is included in Attachment “10”. Additionally, the applicant’s representative responded to the letter, which is included as Attachment “11.”

### **Planning Commission Recommendation**

On April 7, 2016, the Woodland Planning Commission voted 5-1, with one member absent, to recommend City Council denial of the proposed project, including not certifying the EIR. The Planning Commission expressed concern related to the affordable housing in-lieu fee proposal, the reduction of East Street from four to two lanes, and the lack of a higher density alternative evaluated in the EIR.

Although the Planning Commission recommended denial, staff still recommends approval of the proposed project. The project as proposed does not provide for construction of for-sale affordable housing units on-site. However, as explained above, the applicant would instead pay an in-lieu fee that would satisfy the City’s affordable housing requirements. As explained in more detail in the City Attorney’s response to the letter sent from Legal Services of Northern California, and as staff explained to the City Council during the recent affordable housing workshop on June 7, 2016, it is more difficult now to achieve affordable housing via Zoning Ordinance requirements due to the loss of redevelopment funding and less Federal/State funding being made available for first-time low-income homebuyer assistance.

Staff also believes that changing East Street from four lanes to two lanes is in the best interest of the City because this modification will better utilize the existing transportation network and better accommodate alternative modes of transportation. Fewer lanes will enhance the bike and pedestrian experience as well as urban design. In addition, the proposed reduction is only for the portion of the East Street adjacent to the proposed project. The existing four lanes adjacent to the existing commercial development to the north will remain.

The affected area includes the road segment adjacent to the project on East Street from Sports Park Drive north to south boundary with the County Fair Mall. With the change in land use for the subject site from commercial to residential, a 4-lane roadway segment is not needed. Instead, East Street along this segment will be

improved to include an 18-foot median, with turn pockets, one travel lane in each direction with a Class II bike lane. The east side of the street will be improved to include an 8-foot landscape strip, a 10-foot path, and additional 15-feet of landscaping. Staff believes that the reduction in lanes will result in negligible delays and that the proposed roadway design will significantly improve this portion of East Street while reducing long term maintenance costs for the city. Furthermore, through the Development Agreement the City has required the developer to pay the city the equivalent savings in initial construction costs for city's investment in alternative public infrastructure.

The Planning Commission also raised concerns that the EIR should analyze the project site at a higher density. A higher density alternative would have more environmental impacts than the proposed project, and would generate more traffic, and additional noise and air quality impacts. Therefore, a higher density alternative is not necessary for CEQA compliance purposes. A higher density could be analyzed for City policy reasons; however, staff believes that the proposed density is consistent with the adjacent subdivision and is appropriate for the project site. This issue is explained in greater detail in the City Attorney's response to the letter from Legal Services of Northern California.

### **Staff Analysis**

Staff supports this project, subject to the recommended provisions in the Development Agreement and conditions of approval. A brief summary of staff's analysis is provided below with a more detailed analysis provided in the attached Planning Commission staff report (Attachment "8").

### **General Plan Consistency**

#### **Land Use**

The current General Plan designation for the project site is General Commercial (GC), which was originally intended to serve as an expansion of the County Fair Mall. The applicant is requesting a General Plan Amendment of the project site from GC to Low Density Residential (LDR). The LDR designation provides for single-family detached homes, with a density range of 3.0 - 8.0 units per acre. The proposed project would include an average density of 5.36 units per acre, which is consistent with the LDR designation. The change in General Plan designation would not create conflicts with the existing and planned residential uses to the east and west and would potentially reduce impacts to those uses as compared to development of the site under the GC General Plan designation.

Policy 1.G.4 provides that "*The City shall promote the expansion of County Fair Mall to the south along East Street.*" However, due to market conditions and demographic factors, it does not appear that this policy would be achievable during the planning horizon of the General Plan. Strict adherence to this policy, and the resulting maintenance of a commercial designation for the site, would continue the status quo, of a vacant and underutilized parcel within the City. In addition, Policy 1.E.1 states that "*...The City shall strive to avoid creating an oversupply of commercially-designated land to prevent the dilution or deterioration of currently viable commercial areas.*"

In addition, multiple policies in the General Plan support infill development that is consistent with the needs of the community, reflective of existing neighborhood character, and consistent with efforts to maintain a positive fiscal balance for the City. The General Plan does have policies relating to infill density. However; rather than being mandated, infill density is to be assessed on a case by case basis to determine whether it will assist in the reuse of a property. A more detailed discussion is provided in the Planning Commission Report, which is



included as Attachment “9.”

#### 1996 General Plan Growth Management Cap Policies

The 1996 General Plan included a population limit for the 2020 horizon year. Due to the difficulty in tracking population, the growth management cap was modified in May of 2005 to allow 5,000 single family units in new planned neighborhoods by the year 2020 in anticipation of the build out of Spring Lake and the Master Planned Remainder area. Resolution No. 4636 set forth revised policy 1.A.7 but specifically exempted infill development by stating, “The intent is not to limit infill and multi-family development, including multi-family development approved in planned neighborhoods.” Therefore, as a qualified infill site, this site is not subject to the City’s growth cap.

#### Housing Element Consistency

The project site is not identified in the Housing Element on the inventory of available sites to provide high-density and/or affordable housing units. Therefore, the site was not included in the Housing Element. The development of the proposed project would not impede the City’s ability to provide affordable housing units outlined in the Housing Element. As discussed in Attachment 13, the response provided by the City Attorney to Legal Services of Northern California; “While the City could (and has) rezoned other sites as high density housing sites, the City is not under an obligation to rezone every project that it considers to high-density housing until it meets the additional capacity identified in the Housing Element.” In addition, per the Development Agreement, the project is required to enter into an Inclusionary Housing Agreement in compliance with the City’s Affordable Housing Ordinance 6A. Therefore, the project is consistent with the Housing Element of the General Plan.

#### Voter Approved Urban Limit Line Initiative

The City of Woodland’s voters approved an initiative in June 2006 known as the “City of Woodland Voter Approved Urban Limit Line Act” (The Act). The initiative amended the City’s General Plan to create a permanent and complete urban limit line. As part of the initiative, General Plan Policy 1.B.6 was amended to state (unless amended by a future vote), the following:

*Policy 1.B.6 - The City shall continually reevaluate residential land use densities, housing policies, and zoning to determine the potential for increased residential densities for both infill sites and underdeveloped land within the permanent urban limit line. The City shall continually review existing non-residential zoning to determine potential for conversion to higher density residential uses within the permanent urban limit line.*

In an effort to address this and other policy issues, the City has undertaken an effort to initiate a General Plan update in which growth and density of development are evaluated on a citywide basis and in particular in the Downtown and along key corridors. Policies to further encourage infill development of all types will be addressed. Further, the City continues to encourage and allow the proposed development of higher density residential in locations and in a manner that will facilitate high quality planning and ensure the best management of such properties. This is best evidenced by the recent up-zoning of 9.3 acres of land within the Spring Lake Central Village Center project and the Mercy Housing Project on Beamer and Cottonwood.

#### Circulation

The proposal to amend the General Plan Circulation Element to include a reduction in the width of East Street from four to two lanes is consistent with direction the City is moving to as part of the General Plan 2035 Update. The December 15, 2015 City Council workshop on Circulation and Transportation recommended that

the General Plan Level of Service (LOS) standard be reduced from a LOS C to LOS D citywide. The purpose of this modification is to better utilize the existing transportation network and better accommodate alternative modes of transportation. Fewer lanes will enhance the bike and pedestrian experience as well as urban design.

The affected area includes the road segment adjacent to the project on East Street from Sports Park Drive north to south boundary with the County Fair Mall. East Street along this segment will be improved to include an 18-foot median, one travel lane in each direction with a Class II bike lane. The East side of the street will be improved to include an 8-foot landscape strip, a 10-foot path, and an additional 15-feet of landscaping.

It should be noted that the current General Plan includes the following policy:

*The City shall develop and manage its roadway system to maintain LOS "C" or better on all roadways, except within one-half mile of state or federal highways and freeways and within the Downtown Specific Plan area. In these areas, the City shall strive to maintain LOS "D" or better. Exceptions to these levels of service standards may be allowed in infill areas where the City finds that the improvements or other measures required to achieve the LOS standards are unacceptable because of the right-of-way needs, the physical impacts on surrounding properties, and/or the visual aesthetics of the required improvement and its impact on community character.*

The project site is considered infill, which under this policy may allow an exception to the LOS standards. However, because the General Plan 2035 Update has not yet been adopted (which would provide certainty on this matter), the project environmental review in the Draft EIR utilized a conservative approach, rather than taking the possible infill exemption as stated in the policy, which resulted in the project impacts being significant and unavoidable. The purpose for this was to provide full disclosure. Staff believes that the impacts will be negligible and that the project infrastructure improvements will significantly improve this portion of East Street now and in the long-term. Pedestrian access will be improved, and bike lanes will provide multi-modal access to a future planned bike overcrossing in this immediate area.

#### Processing Projects During A General Plan Update

The City is not restricted from processing General Plan Amendments during the process of updating the General Plan. The City Council has not imposed a moratorium on development applications and has in fact taken action on General Plan Amendments during the course of the update.

#### **Tentative Map Review**

The proposed tentative map includes 183 detached single-family units and a 1.46-acre park on an approximately 38-acre site. Because the proposed project is requesting a Planned Development overlay, the standard zoning requirements do not apply. In addition, the site is not located within the SLSP, so the SLSP development standards do not apply to the site. Staff has reviewed the proposed tentative map and development standards and finds, as conditioned; the proposed project is consistent with the General Plan.

#### **Zoning Ordinance Consistency**

The current zoning designation for the site is General Commercial (C-2). Because the proposed project would be inconsistent with the C-2 designation, the applicant is requesting a rezone of the project site to R-1/PD. Permitted uses in the PD Zone include any use or combination of uses and densities shown on the approved

development plan that are arranged and designed to provide a development that is in conformity with the General Plan. The proposed Planned Development Standards establish the requirements for the proposed project.

### **Planned Development and Conditional Use Permit**

The purpose of the Planned Development Overlay Zone is to encourage a creative and efficient approach to the use of land, and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of the zoning regulations. Development in the PD overlay requires approval of a Conditional Use Permit. The proposed project includes the adoption of Planned Development (PD) Standards, which would be adopted as part of the PD zoning designation. The Planned Development Standards have been created with the intent to be more aligned with the SLSP Planned Development Standards. In addition, the project also includes a request for a Conditional Use Permit.

### **Subdivision Ordinance Consistency**

#### Local Builder Requirements

Consistent with Section 21-15-1 of the City's Subdivision Ordinance regarding providing for the sale of lots to local building contractors, the project will be conditioned to include lots available to local builders. The intent of this regulation was to provide the opportunity for the local building community to participate in development in the City. The regulation provides for a process to allow the lots to be offered for a limited time (45-days) to local builders at a fair market price.

#### Dedication of Parkland and Facilities

Section 21-12-1 of the City's Subdivision Ordinance requires that a developer of residential land dedicate land to the City for parks and recreational purposes, pay to the City a fee in lieu thereof, or a combination of both, at the option of the City. Based on the formula provided in Section 21-12-2; this project would be required to either dedicate or pay fees for the equivalent of 2.75 acres of land. Because the site is adjacent to the Community Center, which does not provide for neighborhood active play space, the City requested that the applicant both provide and improve a neighborhood park space. A 1.46 acre local neighborhood park is proposed. Based on an estimated cost per acre of \$200,000 and estimated costs for the park improvements, as set forth in the Development Agreement, the cost to the project will be \$669,000 for the park land and improvements, which exceeds the estimated land cost of \$550,000.

The project, as conditioned, is consistent with the City's Subdivision Ordinance.

### **Affordable Housing Ordinance 6A Consistency**

Staff's recommendation is that the best means by which to meet City affordability requirements is through the payment of in-lieu fees for the following reasons:

- The payment of in-lieu fees provides greater certainty to the City and Applicant in defining the affordable housing obligation.
- Allows the City to focus resources on individuals and households with the greatest need and to target areas of greatest unmet need including the development of new low and very low income rental units, the preservation of existing affordable multi-family projects, the rehabilitation of existing low and very low income single family homes, and first-time homebuyer assistance citywide. The City of Woodland

is currently experiencing a significant shortfall of available, good quality, rental housing for low and very low income households.

- Allows the City the ability to generate a local funding source that can be used to leverage State and Federal dollars available to develop affordable rental housing.
- Reduces program administration burdens associated with for-sale affordable programs that are costly to administer and monitor.
- Provides the City greater flexibility to target funding and support projects that best meet infill, sustainability, compact development goals, that use land use resources most efficiently.
- Allows the City the ability to combine fee generated resources with potential land dedication site(s) to facilitate the construction of needed rental housing in the near term.
- Allows the City to invest in housing options, such as rental housing, that will remain in the affordable housing inventory over a long time frame.

Fees collected in-lieu of providing the required ten (10) percent low income single family units will be deposited into the city's Housing Trust Fund utilized to provide affordable housing city-wide as determined by the City Council.

On June 7, 2016, staff held a workshop on affordable housing with the City Council to discuss City-wide policies and approaches. While the Council expressed a desire to have further discussions regarding affordable housing, they indicated support for use of in-lieu fees for those projects currently in the review process for which in-lieu fees were a proposed consideration.

As stated in the June 29, 2016 memo from the City Attorney, "In sum, City staff negotiated an in lieu fee with the project applicant with the goal of providing affordable rental housing, and the City would not have been able to achieve this goal (particularly for multi-family units) without entering into a development agreement."

### **Fees, Reimbursements and Infrastructure Requirements**

The project Development Agreement and Conditions of Approval set forth the various fees, reimbursements, and infrastructure requirements for the project (Attachments 6 and 7). The project site is not located within the boundaries of the Spring Lake Specific Plan and as such is not subject to the payment of fees under the Spring Lake Capital Improvement Program (CIP), except as required to contribute to the Project's fair share contribution for downstream wastewater and drainage facilities impacts. This contribution amount is \$1,266,591. The subject fees are outlined in Exhibit D to the Development Agreement. Other reimbursements include payments owed to the existing Standard Pacific project for utility improvements and a fair share contribution to the West Regional Pond, totaling \$486,282. The project is subject to the citywide Development Impact Fees, including citywide park fees totaling \$26,032 per unit. Additionally, the City and Developer have negotiated terms of a Development Agreement that includes payment of additional fees specific to the project. These project specific fees include road improvement fee, fire operations and maintenance, public transit as well as an in-lieu fee for an affordable housing contribution. Additional fees levied on the project are categorized as Project Public Benefit fees and include the following:

|                     |                   |                                                                                           |
|---------------------|-------------------|-------------------------------------------------------------------------------------------|
| General Purpose Fee | \$12,700 per unit | General Purpose Fee to City of Woodland for unrestricted use, to fund public improvements |
|---------------------|-------------------|-------------------------------------------------------------------------------------------|

|                                                                   |                                      |                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Highway 113 Bicycle/<br>Pedestrian Overcrossing<br>Fee            | \$1,100 per unit                     | Fee for bicycle and pedestrian connectivity and enhancement projects such as a Highway 113 bicycle/pedestrian overcrossing.                                                                                                                      |
| Public Art                                                        | \$82 per unit<br>(\$15,000 value)    | Obligation may be met either by installation of public art within on-site park, or through payment of in lieu fee of \$82.00 per unit.                                                                                                           |
| Improvements to Gibson<br>Road/Matmor Road<br>Intersection        | TBD based upon<br>construction cost  | Developer shall complete construction of improvements to the intersection of Gibson Road/Matmor Road, converting the current five-phase signal to an eight-phase signal. Developer shall receive credit against the Road Development Impact Fee. |
| Landscaping<br>Improvements to South<br>Side of Sports Park Drive | \$160,000 in<br>improvement<br>costs | Developer shall improve the south side of Sports Park Drive between East Street and east property line, through the installation of landscaping and irrigation within an area 20 feet south of the path.                                         |

The General Purpose fee and pedestrian overcrossing fee include payments totaling \$13,800 per unit which may be allocated to fund needed public improvements such land acquisition and development of a fire station as well as contribution to bike/pedestrian improvements.

The project, as conditioned, will provide improvements to East Street to include two lanes with adjacent Class II bike paths on each side and a 10 foot wide walking path on the east side of the street with an additional landscaping. Further, the project will be required to widen and complete improvements along the north side of Sports Park Drive and to provide landscaping along the south side of Sports Park Drive and to complete necessary improvements across the adjacent Forrest property as described below.

### **Forrest Property**

The project site forms the north and east borders of the approximately two-acre Forrest property located at the northeast corner of East Street and CR 24A. The Forrest property contains two single-family residences and is zoned and designated for GC use. The Forrest property does not include a zone change and is not included as part of the proposed project. The proposed project includes masonry privacy fencing along the Forrest property to provide a buffer. It should be noted that past conceptual design work has shown that the Forrest property could be developed with either commercial or residential uses at a future date. The design of the East Street improvements, along the Forrest property west frontage, has been modified to accommodate the Forrest property. Depending on the alignment of the right-of-way for Sports Park Drive, additional trees may be needed to be removed along the Forrest property south frontage.

### **Recommendation:**

Staff recommends that the City Council take action on the following:

1. Adopt Resolution No. \_\_\_\_\_, certifying the Environmental Impact Report (EIR), adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP); and
2. Adopt Resolution No. \_\_\_\_\_, amending the General Plan Land Use Diagram from General Commercial (GC) to Low Density Residential (LDR), 3-8 dwelling units/acre and amending the Circulation Element to reduce the segment of East Street, located south of the County Fair Mall to CR 24A, from four lanes to two lanes; and
3. Adopt Resolution No. \_\_\_\_\_, amending the Spring Lake Specific Plan (SLSP) East Street cross-section; and
4. Introduce Ordinance No. \_\_\_\_\_, Rezoning from General Commercial (C-2) to Single Family

- Planned Development (R-1) and adoption of Planned Development Standards (PD); and
5. Adopt Resolution No. \_\_\_\_\_, approving Tentative Subdivision Map # 4856 to subdivide the 38-acre site into 183 residential lots and a 1.46 acre park site and approving a Conditional Use Permit for development criteria within the Planned Development Zone; and
  6. Introduce Ordinance No. \_\_\_\_\_, approving a Development Agreement.

Prepared by: Cindy Abell Norris, Principal Planner  
Cindy Gnos, Raney Planning & Management, Inc., Contract Planner

Reviewed by: Ken Hiatt, Community Development Director



Paul Navazio, City Manager

#### **ATTACHMENTS:**

- Attachment 1 - City Council CEQA Resolution
  - Exhibit A - Finding of Fact and Statement of Overriding Considerations
  - Exhibit B - Mitigation Monitoring and Reporting Program
- Attachment 2 - City Council General Plan Amendment Resolution
  - Exhibit A - General Plan Circulation Element Amendment Exhibit
  - Exhibit B - General Plan Land Use Amendment Exhibit
- Attachment 3 - City Council Spring Lake Specific Plan Amendment Resolution
  - Exhibit A - Spring Lake Specific Plan Amendment Exhibit
- Attachment 4 - City Council Rezoning Ordinance
  - Exhibit A - Rezone Exhibit
  - Exhibit B - Planned Development Exhibit and Standards
- Attachment 5 - City Council Tentative Map and Conditional Use Permit Resolution
  - Exhibit A - Tentative Subdivision Map #4856
- Attachment 6 - City Council Development Agreement Ordinance
  - Exhibit A - Development Agreement
- Attachment 7 - Findings of Fact and Conditions of Approval
- Attachment 8 - Planning Commission Staff Report
- Attachment 9 - Letter from Legal Services of Northern California (LSNC) April 6, 2016
- Attachment 10 - City Attorney Response to LSNC Correspondence
- Attachment 11 - Applicant's Representative's Response to LSNC Correspondence
- Attachment 12 - Letter from Legal Services of Northern California June 20, 2016
- Attachment 13 - City Attorney Response of June 29, 2016 to LSNC Correspondence

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND CERTIFYING THE ENVIRONMENTAL IMPACT  
REPORT, ADOPTING FINDINGS OF FACT, STATEMENT OF  
OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING  
AND REPORTING PROGRAM FOR THE PRUDLER TENTATIVE  
SUBDIVISION MAP PROJECT**

**WHEREAS**, the applicant filed Planning Application #PLNG14-00090, proposing amendments to the General Plan and Spring Lake Specific Plan, a Rezone, a Tentative Subdivision Map, a Conditional Use Permit, and a Development Agreement for approximately 38 acres located at the northeast corner of East Street and Sports Park Drive/County Road 24A (APN 041-070-042-0000) in the City of Woodland; and

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

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

**WHEREAS**, in compliance with Public Resources Code Section 21080.4, a Notice of Preparation (“NOP”) was prepared by the City and was distributed to the State Clearinghouse of the Office of Planning and Research, responsible agencies, and other interested parties on December 17, 2014 and was circulated for more than thirty (30) days, with comments due February 2, 2015, pursuant to State CEQA Guidelines section 15082(a), 15103, and 15375; and

**WHEREAS**, in accordance with State CEQA Guidelines section 15082, a public scoping meeting was held on January 8, 2015; and

**WHEREAS**, the Draft EIR was prepared by the City, and the City distributed a Notice of Availability (NOA) of the Prudler Tentative Subdivision Map Project Draft EIR to all interested groups, organizations, and individuals on September 8, 2015; and

**WHEREAS**, distribution of the NOA started the 45-day public review period, which ended October 23, 2015, pursuant to State CEQA Guidelines section 15086; and

**WHEREAS**, the NOA stated that the City had completed the Draft EIR and that copies were available on the City’s website (<http://www.cityofwoodland.org>), at the City of Woodland Community Development Department (300 First Street, Woodland, California 95695), at the Woodland Library (250 First Street, Woodland, California 95695), and at the Community and Senior Center (2001 East Street, Woodland, California 95695); and

**WHEREAS**, the NOA was posted in the County Clerk Office of Yolo County September 8, 2015, pursuant to State CEQA Guidelines section 15087(d); and

**WHEREAS**, the NOA was posted with the Woodland City Clerk's Office on September 8, 2015; and

**WHEREAS**, the Planning Commission held a public meeting in order to receive verbal comments on the Draft EIR on October 1, 2015; and

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

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

**WHEREAS**, On December 28, 2015, the Final EIR was distributed for a 10-day public review period to all Responsible Agencies, interested groups, organizations and persons, including all persons and agencies that had commented on the Draft EIR; and

**WHEREAS**, pursuant to Public Resources Code Section 21092.5, on March 28, 2016, a public notice of Final EIR availability and of the Planning Commission's scheduled April 7, 2016 public hearing on the Final EIR, was mailed to all property owners within 300 feet of the Project site, as well as to responsible agencies and interested groups, organizations, and individuals; and

**WHEREAS**, on April 7, 2016, the Planning Commission of the City of Woodland held a duly noticed public hearing on the proposed Final EIR at which all interested parties had an opportunity to be heard. The Planning Commission considered the Draft and Final EIR, the Mitigation Monitoring and Reporting Plan, and all evidence presented both orally and in writing; and

**WHEREAS**, at the close of the Planning Commission hearing, the Planning Commission recommended, among other things, that the City Council of the City of Woodland (i) not certify the Final EIR, (ii) not adopt the Findings and Statement of Overriding Considerations, and (iii) not approve the Mitigation Monitoring and Reporting Plan; and

**WHEREAS**, on July 5, 2016, the City Council of the City of Woodland held a public hearing to discuss the Planning Commission's recommendations, and at such hearing the City Council heard all persons interested in or opposed to the Final EIR; and

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



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

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

**WHEREAS**, as demonstrated by the Findings of Fact attached as Attachment A-1 to this Resolution, many of the Project's significant environmental effects can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

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

**WHEREAS**, the City Council has determined, for reasons set forth in Attachment A-1 attached hereto, that the No Project Alternative, the Reduced Intensity Alternative, and the Mixed-Use Alternative, as described in the EIR, are not environmentally preferable, are infeasible (e.g., they fail to fully meet the Project objectives), or are neither environmentally preferable nor feasible; and

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

**WHEREAS**, a Mitigation Monitoring and Reporting Plan for the Project has been prepared, and is attached hereto as Attachment A-2; and

**WHEREAS**, the City Council, having considered and weighed the economic, legal, social, technological, region-wide and statewide environmental and other benefits of the Project against the Project's unavoidable adverse impacts pursuant to State CEQA Guidelines section 15093, has determined that the benefits of the Project outweigh the potential unavoidable adverse impacts and desires to adopt the Statement of Overriding Considerations for the Project, which is included as Section XV of Attachment A-1 attached hereto and incorporated herein by this reference; and

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

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

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

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

**WHEREAS**, by and through Resolutions No.\_\_\_\_, \_\_\_\_, \_\_\_\_, and \_\_\_\_, Ordinance No.\_\_\_\_, and Ordinance No.\_\_\_\_ adopted contemporaneously herewith, the City Council has expressed its intent to approve an amendment to the General Plan of the City of Woodland, approve an amendment to the Spring Lake Specific Plan, approve the rezoning, approve the Tentative Map and Conditional Use Permit, and approve the Development Agreement for the Prudler Tentative Subdivision Map Project; and

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

**WHEREAS**, the City Council of the City of Woodland held a duly noticed public hearing on July 5, 2016, at which all interested parties had an opportunity to be heard. The City Council considered the Draft and Final EIR, the Mitigation Monitoring and Reporting Plan, and all evidence presented both orally and in writing; and

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

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

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

3. The City hereby adopts the CEQA Findings and Statement of Overriding Considerations attached hereto as Attachment A-1 and incorporated herein by this reference as if fully set forth herein.
4. The City hereby adopts, pursuant to Public Resources Code section 21081.6, the Mitigation Monitoring and Reporting Program contained in the Final EIR attached hereto as Attachment A-2 and incorporated herein by this reference. The City finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation on the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program.
5. The documents and materials that constitute the record of proceedings on which the findings set forth in this Resolution have been based are located at the City of Woodland, City Clerk's Office, located at 300 First Street, Woodland, CA 95695. The custodian for these records is the City Clerk. This information is provided in compliance with Public Resources Code section 21081.6.
6. The City Council hereby authorizes and directs staff to draft, execute, and file a Notice of Determination with the Yolo County Clerk and the Office of Planning and Research within five (5) working days of the adoption of this Resolution.

**PASSED AND ADOPTED** on this the **5th** day of **July, 2016** by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

Ana Gonzalez, City Clerk

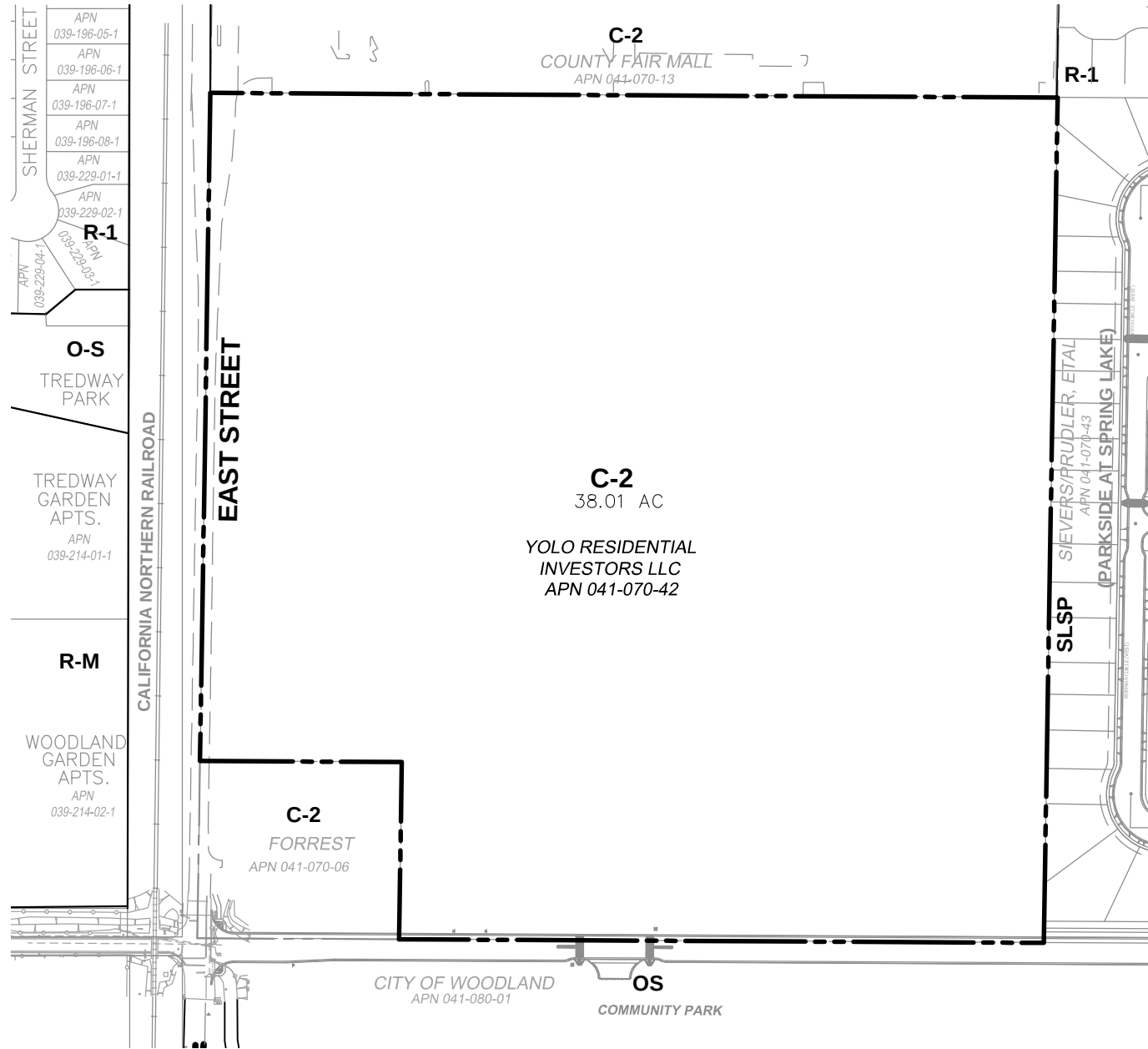
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Kara Ueda, City Attorney

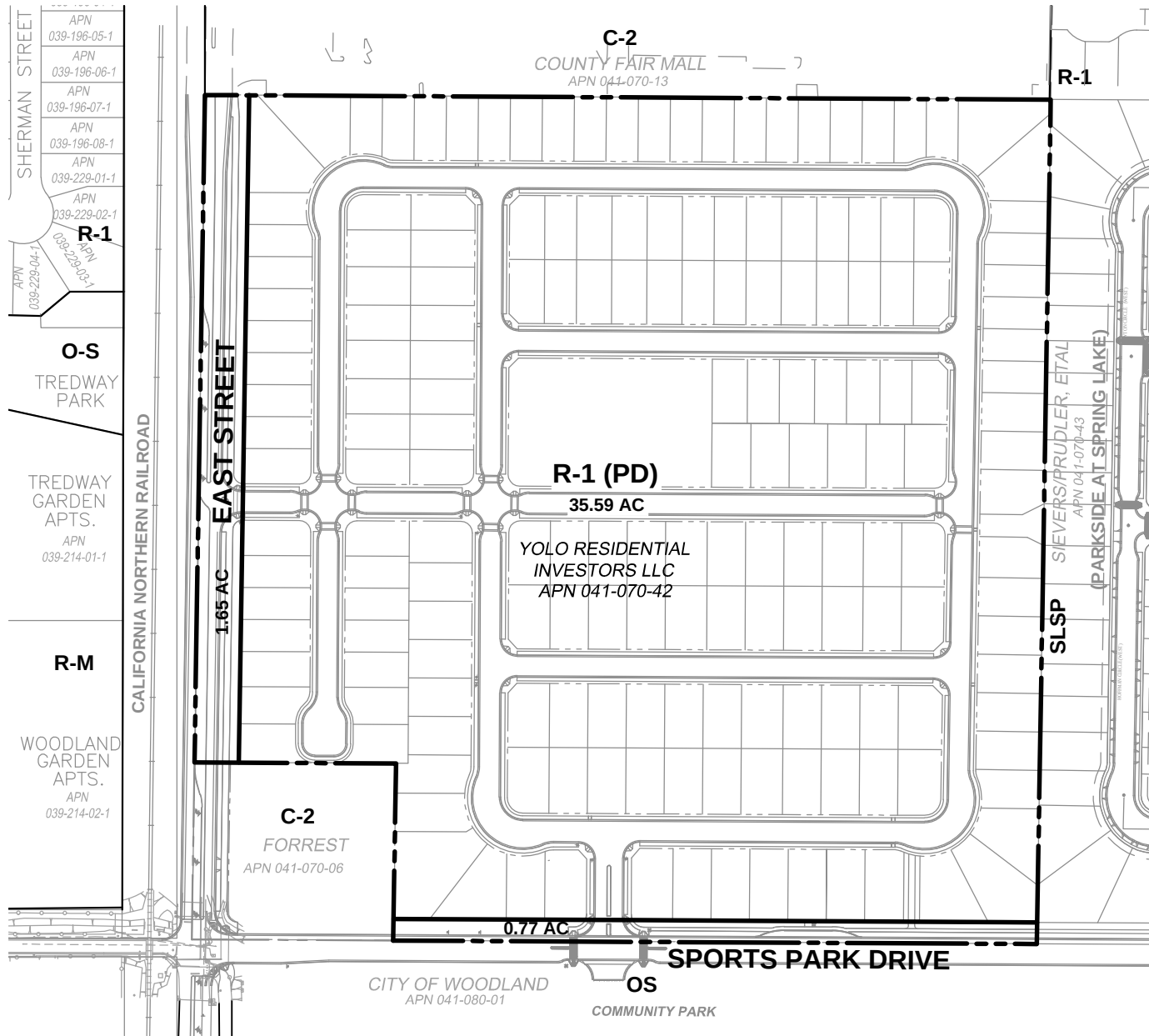
Dated: \_\_\_\_\_

**Attachment 1-A** – Findings of Fact and Statement of Overriding Considerations

**Attachment 1-B** – Mitigation Monitoring and Reporting Program



EXISTING ZONING

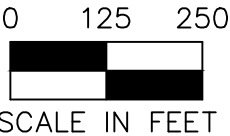


PROPOSED ZONING

ZONING SUMMARY

| EXISTING LAND USE  | EXISTING ZONING | AREA      | PROPOSED LAND USE         | PROPOSED ZONING | AREA      |
|--------------------|-----------------|-----------|---------------------------|-----------------|-----------|
| GENERAL COMMERCIAL | C-2             | 38.01 AC. | SINGLE FAMILY RESIDENTIAL | R-1 (PD)        | 38.01 AC. |

NOTE: (PD) = PLANNED DEVELOPMENT OVERLAY



DESIGNED BY: --  
DRAWN BY: AB  
CHECKED BY: SG

CECWEST.COM

CUNNINGHAM ENGINEERING

Project Planning ■ Civil Engineering ■ Landscape Architecture

SCALE

1" = 250'

Sacramento Office ■  
2120 20th Street, Suite Three  
Sacramento, CA 95818  
(916) 455-2026

Davis Office ■  
2940 Spafford Street, Suite 200  
Davis, CA 95618  
(530) 758-2026

CITY OF WOODLAND

TENTATIVE SUBDIVISION MAP NO. 4856  
RE-ZONE EXHIBIT  
PRUDLER

CALIFORNIA

SHEET

1

OF

1

DATE: 03/30/2016

JOB NO: 984.05

S:\AutoCAD\9800\984-Woodland Mall Expansion STA\984-05 T-MAP\EXHIBITS\2016-03-30 REVISED EXHIBITS\984-05-C-REZN\_WITHOUT FORREST.dwg - Exhibit 3/30/2016 - 2:18PM Plotted by: megon



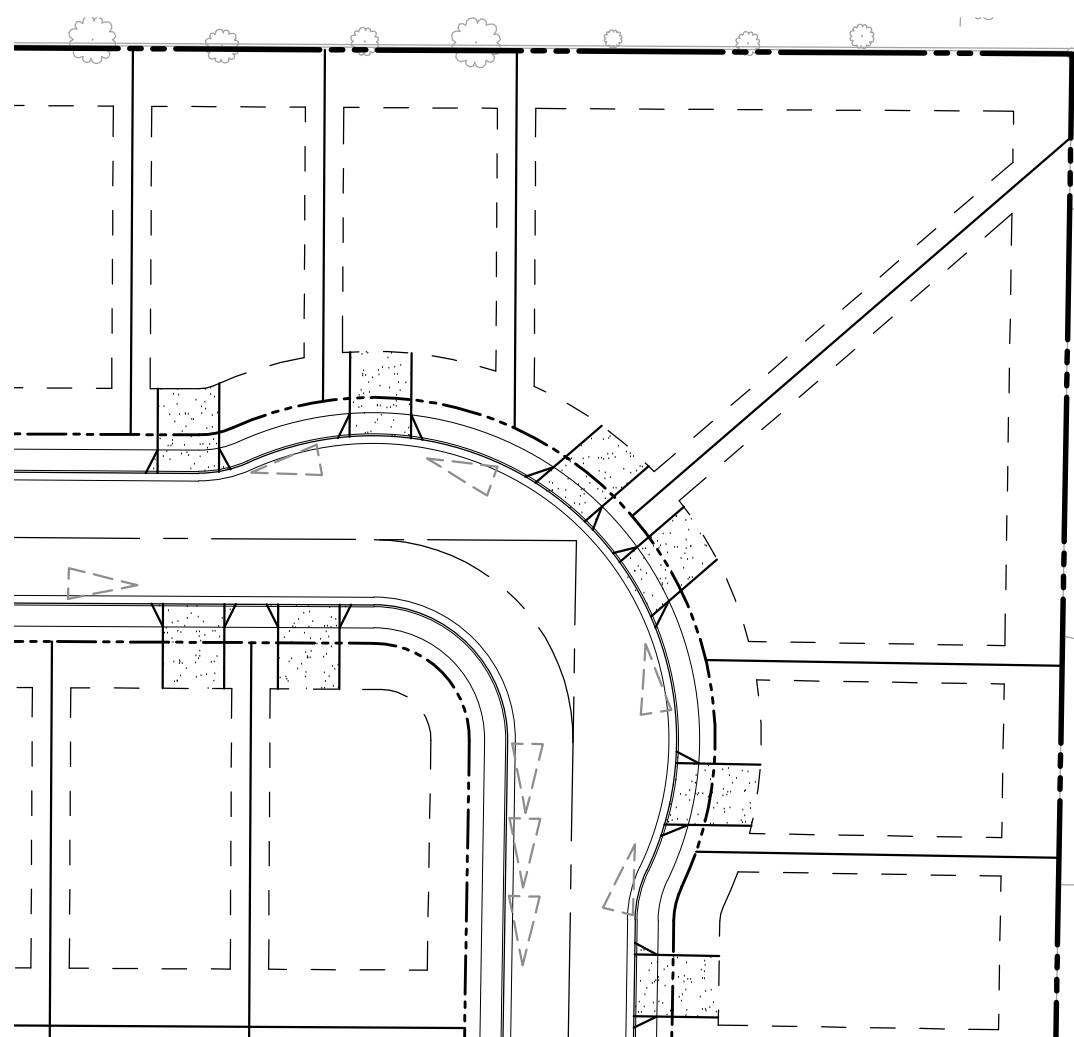


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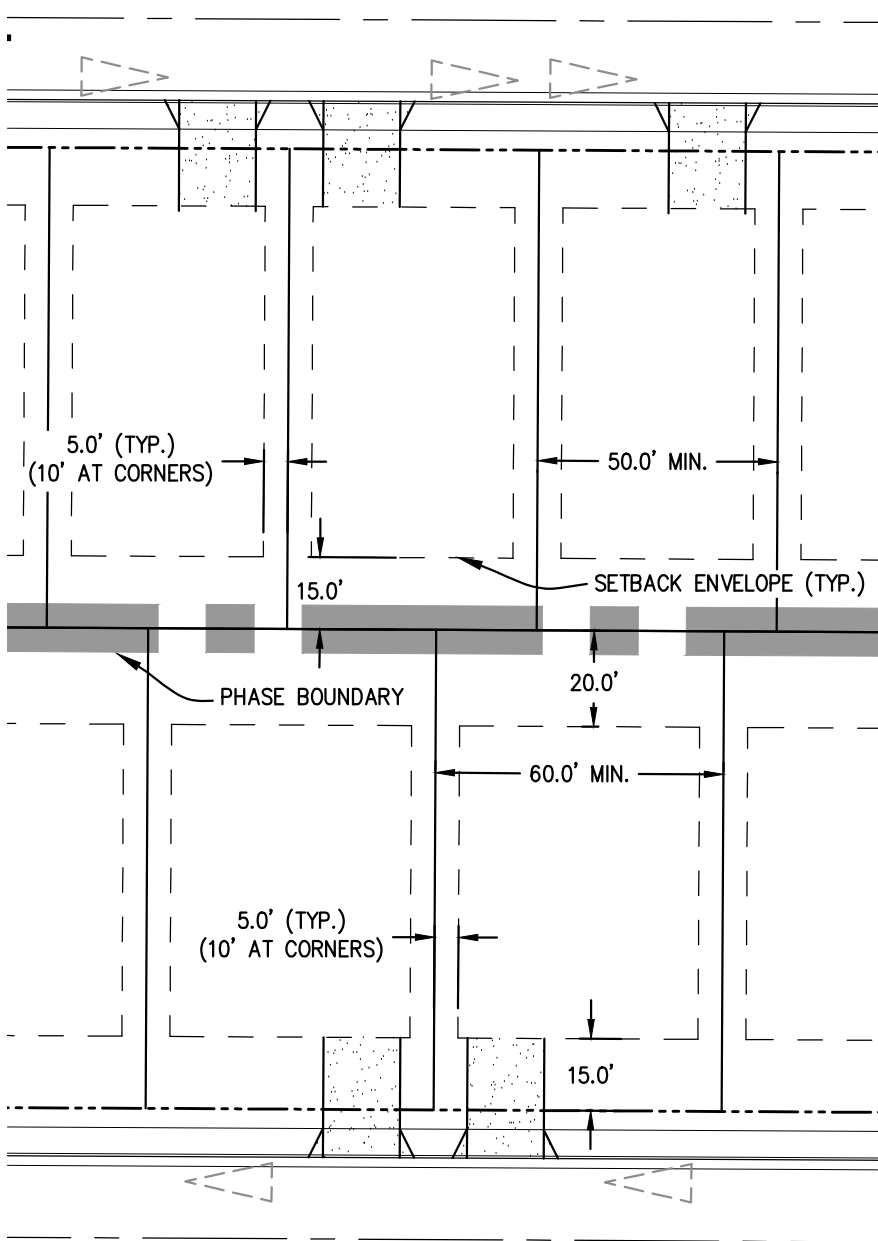
- EACH SINGLE FAMILY RESIDENCE SHALL DEMONSTRATE DEDICATED SPACE FOR THREE WASTE BINS (TRASH, RECYCLE & GREEN WASTE).
- ALL RESIDENTIAL UNITS SHALL BE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM.
- CUL-DE-SACS SHALL MEET THE MINIMUM CITY REQUIREMENTS FOR TURNING RADIUS.
- ALL INTERSECTIONS SHALL MEET CITY TURNING RADIUS FOR FIRE APPARATUS.
- STREET WIDTHS SHALL BE SUCH THAT THERE WILL BE CLEAR, DRIVEABLE WIDTH OF 20'. IF THERE IS NOT CLEAR WIDTH OF 20', RED CURB PAINTING AND "NO PARKING - FIRE LANE" SIGNAGE SHALL BE INSTALLED.
- FIRE HYDRANTS WITH "BLUE LIGHT PAVEMENT MARKINGS" SHALL BE INSTALLED PER CITY OF WOODLAND STANDARDS.
- LIGHTING SHALL BE PROVIDED FOR SECURITY TO RESIDENTS, YET NOT INTRUSIVE (i.e. MOTION SENSOR LIGHTING FOR PORCHES).
- STREETS AND HOUSES SHALL BE DESIGNED TO ENCOURAGE INTERACTION BETWEEN NEIGHBORS.
- PLANTING ADJACENT TO PRIVACY WALLS SHALL MINIMIZE ACCESS FOR GRAFFITI.
- POSTAL CLUSTER BOXES SHALL BE LOCATED IN WELL-LIGHTED PLACES AND HIGHLY VISIBLE.
- LANDSCAPING SHOULD BE OF THE TYPE AND LOCATION TO ALLOW NATURAL SURVEILLANCE. SECURITY PLANTING MATERIALS ARE ENCOURAGED ALONG FENCE AND PROPERTY LINES AND UNDER VULNERABLE WINDOWS.
- IF A PATHWAY IS CREATED BEHIND THE RESIDENTS, GRAFFITI-DETERRENT SURFACES SHOULD BE CONSIDERED FOR WALLS (i.e. PLANTING AND GRAFFITI SHIELD PAINT).
- THE PROJECT MUST MEET ALL CRITERIA AND MANDATES FOR THE FOLLOWING CITY-ADOPTED CODES:
  - 2007 BUILDING CODE
  - 2007 PLUMBING CODE
  - 2007 CALIFORNIA MECHANICAL CODE
  - 2007 CALIFORNIA ELECTRICAL CODE
  - THE CODE OF THE CITY OF WOODLAND
- APPLICATIONS FOR WHICH NO PERMIT IS ISSUED WITHIN 180 DAYS FOLLOWING THE DATE OF APPLICATION WILL EXPIRE. PLANS AND OTHER DATA MAY BE RETURNED TO THE APPLICANT OR DESTROYED BY THE BUILDING OFFICIAL.
- PUBLIC LANDSCAPE DESIGN ON SPORTS PARK DRIVE SHALL BE COMPATIBLE TO THE EXISTING LANDSCAPING ON SPORTS PARK DRIVE.
- THE LOCATION OF ON-SITE UTILITIES, SUCH AS TRASH ENCLOSURE FOR BINS, METERS AND POSTAL BOXES, SHOULD BE LOCATED ON-SITE TO CLEARLY SHOW IMPACT TO STREET TREE PLANTING AND IMPERVIOUS SURFACING.

LEGEND

PROPOSED ON-STREET PARKING LOCATION (SEE TYPICAL DETAILS)



TYPICAL ELBOW ON-STREET PARKING SPACES  
N.T.S.



TYPICAL MINIMUM BUILDING SETBACKS  
AND TYPICAL ON-STREET PARKING LOCATIONS  
N.T.S.

PLANNED DEVELOPMENT STANDARDS

| FEATURES                                | PROPOSED DIMENSIONS |               |
|-----------------------------------------|---------------------|---------------|
|                                         | PHASE 1             | PHASE 2       |
| AVG. LOT AREA                           | 6,464 sq. ft.       | 5,476 sq. ft. |
| MIN. LOT AREA                           | 5,604 sq. ft.       | 4,562 sq. ft. |
| AVG. WIDTH AT SETBACK                   | 61'                 | 53'           |
| MIN. WIDTH AT SETBACK                   | 41'                 | 49'           |
| AVG. LOT DEPTH                          | 102'                | 100'          |
| MIN. LOT DEPTH                          | 91'                 | 86'           |
| MIN. CORNER LOT WIDTH                   | 65'                 | 55'           |
| MIN. FRONTAGE AT FRONT PROPERTY LINE    | 34'                 | 38'           |
| LOT COVERAGE (MAX %)                    | 50%                 | 50%           |
| MIN. FRONT SETBACK TO HOUSE             | 15'                 | 12'           |
| MIN. FRONT SETBACK TO GARAGE            | 22'                 | 20'           |
| MIN. SETBACK OF GARAGE FROM HOUSE FRONT | 3'                  | 3'            |
| CORNER SIDE SETBACK                     | 10'                 | 10'           |
| INTERIOR SIDE SETBACK                   | 5'                  | 5'            |
| REAR SETBACK                            | 20'                 | 15'           |
| HEIGHT LIMITATIONS                      | 30'                 | 30'           |
| MIN. DRIVEWAY LENGTH                    | 22'                 | 20'           |

DESIGNED BY: AB  
DRAWN BY: AB  
CHECKED BY: SG  
SCALE: AS SHOWN

CECWEST.COM  
Project Planning - Civil Engineering - Landscape Architecture  
Sacramento Office  
2200 20th Street, Suite 200  
Sacramento, CA 95818  
(916) 455-2026

WOODLAND  
SHEET  
1 OF 1  
DATE: 03/30/2016  
JOB NO: 984.05

PRUDLER  
TENTATIVE SUBDIVISION MAP NO. 4856  
PLANNED DEVELOPMENT EXHIBIT

CALIFORNIA



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND APPROVING TENTATIVE SUBDIVISION MAP NO. 4856  
AND CONDITIONAL USE PERMIT FOR THE PRUDLER TENTATIVE  
SUBDIVISION MAP PROJECT**

**WHEREAS**, the applicant, Yolo Residential Investors, LLC. filed Planning Application #PLNG14-00090, proposing a Tentative Subdivision Map (TSM #4856) and Conditional Use Permit, as well as amendments to the General Plan and Spring Lake Specific Plan, a rezone and a development agreement for 38 acres, located at the northeast corner of East Street and Sports Park Drive/County Road (CR) 24A, in the City of Woodland (“Project”); and

**WHEREAS**, the applicant prepared a tentative subdivision map, as provided in the proposed tentative subdivision map attached to this Resolution as Attachment E-1; and

**WHEREAS**, the City Council of the City of Woodland held a duly noticed public hearing on June 21, 2016, to review and consider approval of the proposed Prudler Tentative Subdivision Map #4856 and the Conditional Use Permit, at which time interested persons had an opportunity to provide comments either in support or opposition to the Project; and

**WHEREAS**, pursuant to California state law and the Woodland Municipal Code, public hearing notices were mailed to all property owners within an area exceeding a three hundred foot radius of the subject property, and a public hearing notice was published for a minimum of ten days prior to the public hearing in the Daily Democrat; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) Public Resources Code section 21000 *et seq.*, on June 21, 2016, the City Council adopted Resolution No. [REDACTED] certifying the EIR for the Prudler Tentative Subdivision Map Project, including the Tentative Subdivision Map #4856 and Conditional Use Permit; and

**WHEREAS**, the Planning Commission has reviewed all written evidence and oral testimony presented to date and has recommended to the City Council denial of the proposed Prudler Tentative Subdivision Map #4856 and the Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Woodland, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby make the following findings, determinations, and recommendations with respect to the proposed Tentative Subdivision Map and Conditional Use Permit for the Project:

1. The City Council hereby makes the following findings concerning the Tentative Subdivision Map pursuant to Government Code section 66474:

a. The proposed Tentative Subdivision Map is consistent with the City’s General Plan, including the Housing Element. The proposed Tentative Map will implement the

General Plan by providing the opportunity for development of for-sale, single family housing within the community and by providing for additional recreational opportunities at the neighborhood level. The Tentative Subdivision Map is also consistent with the City's Community Design Guidelines.

b. The Tentative Subdivision Map depicts a site that is physically suitable for development. There are no conditions that would render the Property unsuitable for residential development.

c. The Project site is physically suitable for the proposed density of development. The site is of a sufficient size and shape to allow the proposed density, and the subdivision will be able to accommodate the future development of residential units given the shape and topography of the Project site.

d. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Prudler Tentative Subdivision Project EIR (The Jurisdictional Delineation & Special-Status Species Assessment, Prudler Subdivision [March 2004, Revised September 2013]) shows that there would not be any significant and unavoidable impacts related to existing habitat.

e. The design of the proposed subdivision will not cause serious public health problems and is not anticipated to have any negative impacts on Project residents or occupants of the surrounding area.

f. The subdivision design will not conflict with easements acquired by the public at large, for access through or use of property with the proposed subdivision, absent alternative, equivalent easements. Any new easements have been made conditions of map approval.

g. Any proposed phases and their proposed sequence of construction are identified on the submitted map.

h. The tentative map is in conformance with the applicable provisions of the Subdivision Ordinance and Zoning Ordinance of the City.

i. The project substantially satisfies the relevant requirements of the City's Standard Specifications and Details.

j. The project substantially satisfies the Infrastructure Master Plans for streets, water, sewage, and storm drainage.

k. The Development Agreement satisfies the City's Development Agreement Resolution and the requirements of State law.

2. The City Council does hereby approve Tentative Subdivision Map #4856 (Attachment E-1) and Conditional Use Permit to allow the subdivision and development of property located at the northeast corner of East Street and Sports Park Drive/CR 24A, subject to the recommended conditions of approval.

**PASSED AND ADOPTED** on this the 5<sup>th</sup> day of July, 2016, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

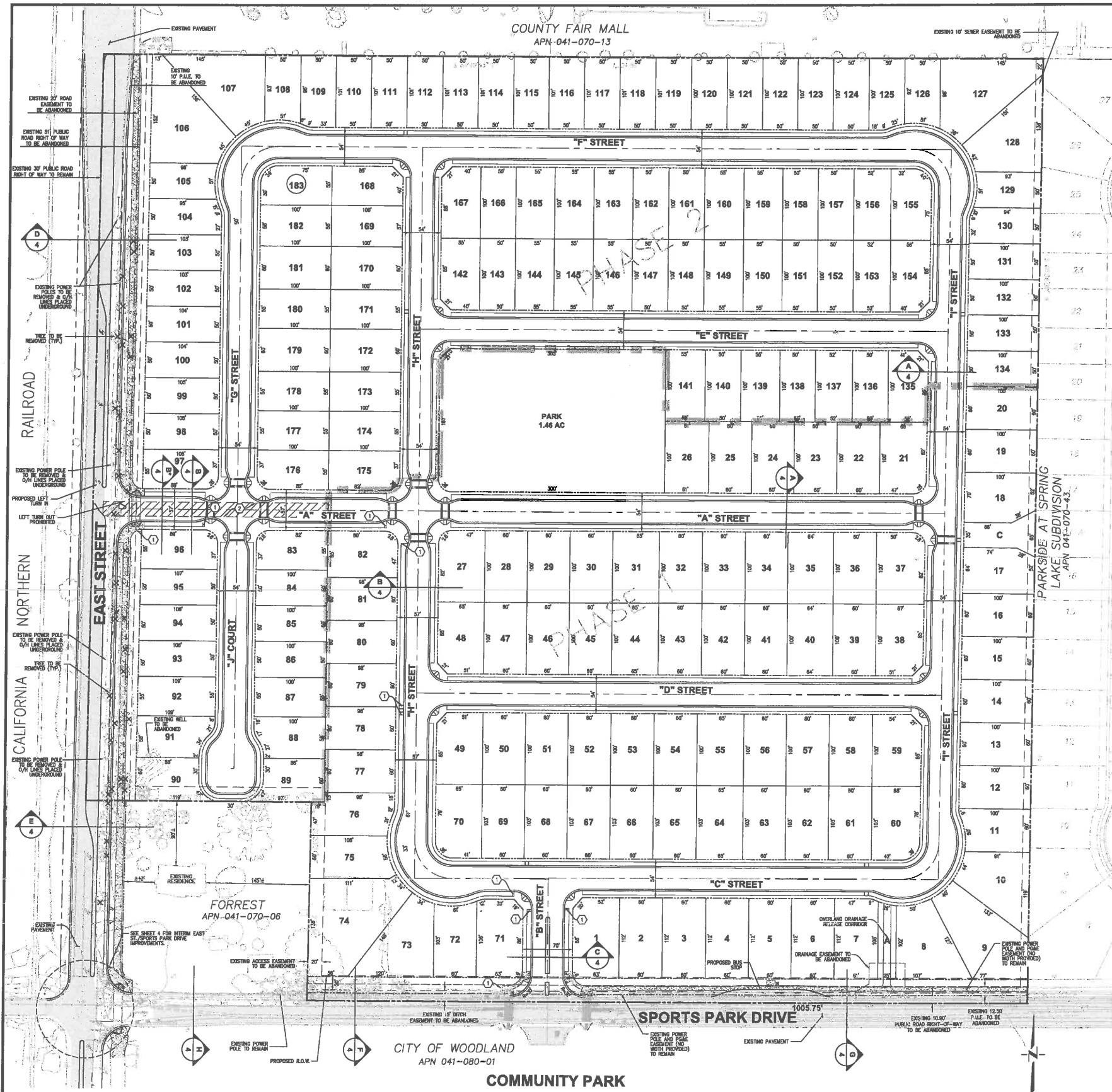
\_\_\_\_\_  
Ana Gonzalez, City Clerk

\_\_\_\_\_  
Kara K. Ueda, City Attorney

Dated:\_\_\_\_\_

**Attachment 5A – Tentative Map (4 sheets)**



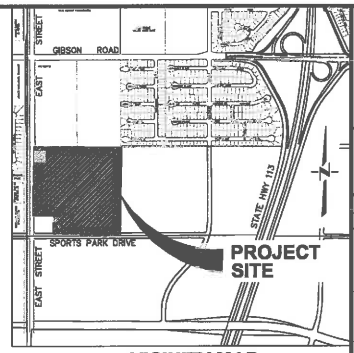


| LAND USE SUMMARY                 |       |       |               |
|----------------------------------|-------|-------|---------------|
| USE                              | ACRES | UNITS | DENSITY       |
| SINGLE FAMILY DETACHED - PHASE 1 | 16.87 | 82    | 4.86 du / ac  |
| SINGLE FAMILY DETACHED - PHASE 2 | 17.26 | 101   | 5.85 du / ac  |
| EAST STREET / SPORTS PARK DRIVE  | 2.42  |       |               |
| PARK                             | 1.46  |       |               |
| TOTAL:                           | 38.01 | 183   | 5.36 du / ac* |

\*OVERALL DENSITY IS EQUAL TO TOTAL NUMBER OF LOTS DIVIDED BY SUM OF PHASE 1 AND PHASE 2 ACREAGES (EXCLUDES SPORTS PARK DRIVE / EAST STREET DEDICATIONS AND PARK ACREAGE).

- KEYNOTES:**
- "PEDESTRIAN ACCESS TO EAST STREET" OR "PEDESTRIAN ACCESS TO SPORTS PARK DRIVE" DEDICATIONS SHOWN (SEE SHEET 4 FOR DETAIL)
  - TEMPORARY ALL-WEATHER EMERGENCY VEHICLE ACCESS ROAD TO BE CONSTRUCTED WITH PHASE 1 IMPROVEMENTS. ROAD WILL BE PROTECTED WITH APPROPRIATE BOLLARDS AND SIGNAGE.

- EASEMENTS TO BE ABANDONED:**
- 15' DITCH EASEMENT PER 1982 O.R. 710, EASEMENT OUTLINED 2009, BY THE YOLO COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO THE CITY OF WOODLAND PER DOCUMENT 2009-009124 AS RECORDED BY THE YOLO COUNTY RECORDER'S OFFICE.
  - 20' ROAD EASEMENT PER 1744 O.S. 276.
  - 20' ACCESS EASEMENT PER BOOK 8, PAGE 5 OF PARCEL MAPS.
  - 10' PUBLIC UTILITY EASEMENT PER BOOK 1998, OF MAPS, PAGE 11-13.
  - 10' SEWER EASEMENT PER BOOK 1998, OF MAPS, PAGE 11-13.
  - 51' PUBLIC ROAD RIGHT OF WAY PER BOOK 1998, OF MAPS, PAGE 11-13.
  - 10.00' RIGHT-OF-WAY DEDICATION PER DOC# 2010-0019616.
  - 12.5' PUBLIC UTILITY EASEMENT PER DOC# 2011-0024082.
  - DRAINAGE EASEMENT PER DOC# 2011-0024083.



**OWNER:**  
YOLO RESIDENTIAL INVESTORS LLC  
401 WATT AVENUE, SUITE 3  
SACRAMENTO, CALIFORNIA 95864  
(916) 425-3080

**DEVELOPER:**  
YOLO RESIDENTIAL INVESTORS LLC  
401 WATT AVENUE, SUITE 3  
SACRAMENTO, CALIFORNIA 95864  
(916) 425-3080

**CIVIL ENGINEER:**  
CUNNINGHAM ENGINEERING  
2940 SPAFFORD STREET, SUITE 200  
DAVIS, CALIFORNIA 95618  
(530) 758-2026

**ASSESSORS PARCEL NO.:**  
041-070-042-000

**AREA:**  
38.01 ACRES, 183 LOTS

**ZONING:**  
C-2 (EXISTING)  
R-1 WITH PLANNED UNIT OVERLAY (PROPOSED)

**USE:**  
GENERAL COMMERCIAL,  
MALL EXPANSION SITE (EXISTING)  
PLANNED UNIT DEVELOPMENT,  
SINGLE FAMILY RESIDENTIAL (PROPOSED)

**FLOOD ZONE:**  
ZONE X PER COMMUNITY PANEL NO.  
06113C0445H DATED 05/16/2012

**DOMESTIC WATER, SANITARY  
SEWER AND DRAINAGE:**  
CITY OF WOODLAND

**ELECTRICITY & GAS:**  
PG & E

**CABLE TELEVISION:**  
CHARTER COMMUNICATIONS

- NOTES:**
- THE STREET NAMES SHOWN ON THIS MAP ARE FOR PLANNING PURPOSES ONLY. FINAL STREET NAMES TO BE APPROVED BY THE CITY OF WOODLAND.
  - THIS TENTATIVE MAP CONFORMS WITH ALL REQUIREMENTS OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT.
  - THIS TENTATIVE MAP CONFORMS WITH ALL THE REQUIREMENTS OF THE CITY OF WOODLAND SUBDIVISION ORDINANCE.
  - LOT "B" NOT USED.
- PROJECT PHASING:**  
THE SUBDIVISION WILL BE FINAL MAPPED IN PHASES AS CONCEPTUALLY SHOWN HEREIN OR SUBSETS THEREOF AS DETERMINED TO BE SUBSTANTIALLY SIMILAR BY THE COMMUNITY DEVELOPMENT DIRECTOR AND THE CITY ENGINEER.
- SECOND UNITS:**  
10 X (21 UNITS) OF THE R-1 SINGLE FAMILY LOTS SHALL BE ALLOWED TO HAVE SECOND UNITS BY RIGHT ON A FIRST-COME, FIRST-SERVED BASIS, WITH SITE PLAN / DESIGN REVIEW. SUBSEQUENT LOTS WILL REQUIRE A USE PERMIT FOR SECOND UNIT INCLUSION.
- LOT SIZES:**  
THE SINGLE FAMILY RESIDENTIAL LOTS HAVE BEEN SHOWN TO BE OF VARYING WIDTHS TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR. THE DEVELOPER RESERVES THE RIGHT OF LOT WIDTH MODIFICATION, SUBJECT TO THE APPROVAL OF THE COMMUNITY DEVELOPMENT DIRECTOR, AT THE FINAL MAP STAGE, BASED UPON SELECTION OF FLOOR PLANS AND MARKET DEMAND.

- SHEET INDEX:**
- 1 STREET AND LOTTING PLAN
  - 2 GRADING & DRAINAGE PLAN
  - 3 UTILITY PLAN
  - 4 STREET SECTIONS AND DETAILS

DESIGNED BY: AB  
DRAWN BY: LE/AB  
CHECKED BY: SG  
SCALE: AS SHOWN

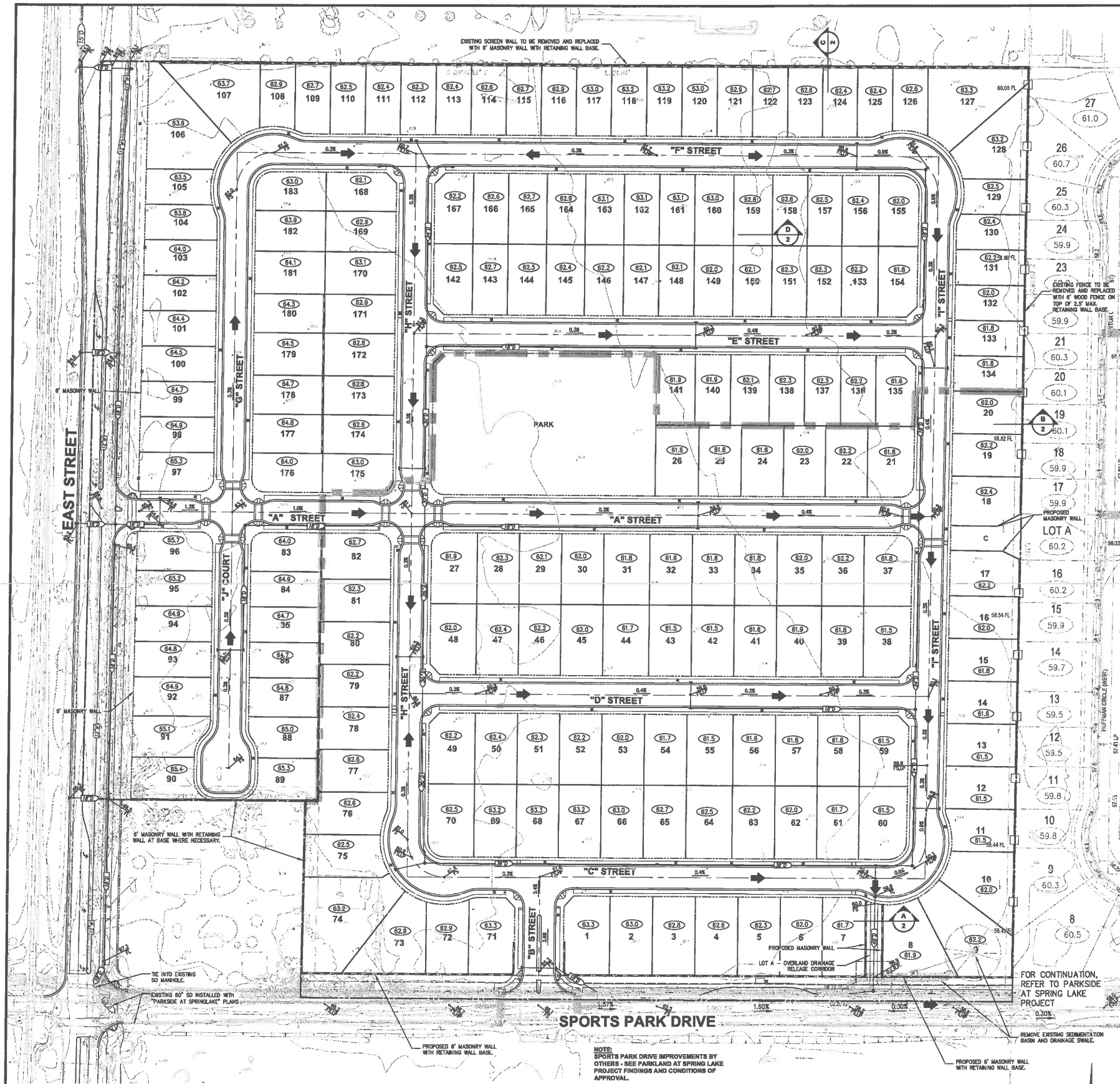
NO. DATE REVISIONS

CERWEST.COM  
Project Planning - Civil Engineering - Landscape Architecture  
1600 Office  
2100 20th Street, Suite 100  
Sacramento, CA 95811  
(916) 425-3028

CUNNINGHAM ENGINEERS  
CALIFORNIA

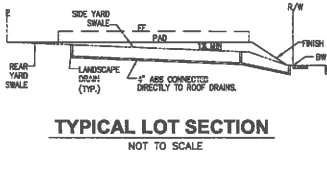
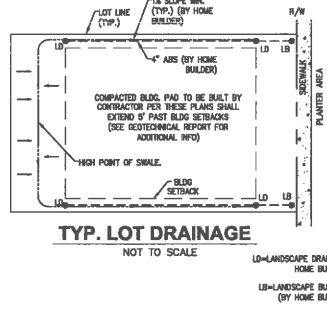
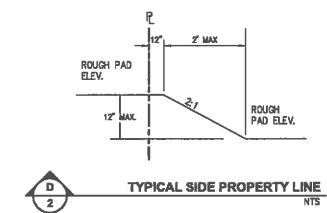
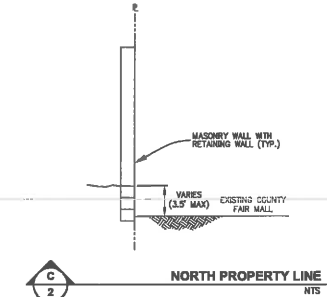
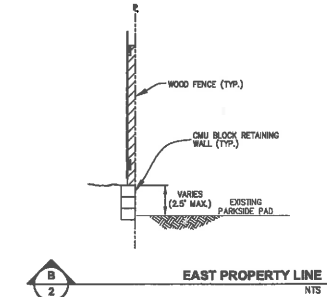
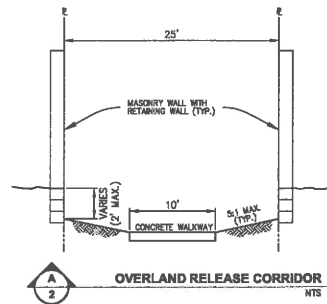
PRUDLER  
TENTATIVE SUBDIVISION MAP NO. 4856  
STREET AND LOTTING PLAN

SHEET 1 OF 4  
DATE: 03/30/16  
JOB NO: 984.05



| LEGEND |                            |  |                                        |
|--------|----------------------------|--|----------------------------------------|
|        | ORIGINAL GRADE             |  | DRAIN PIPE, SIZE AND FLOW DIRECTION    |
|        | PAD GRADE                  |  | DRAIN MANHOLE                          |
|        | LOT NUMBER                 |  | DIRECTION OF DRAINAGE OVERLAND RELEASE |
|        | STREET GRADE AND DIRECTION |  | MODULAR BLOCK RETAINING WALL           |
|        | FINISH GRADE ELEVATION     |  | FENCE ON 2' RETAINING WALL             |
|        | DRAIN INLET                |  |                                        |

NOTE:  
SPORTS PARK DRIVE IMPROVEMENTS BY  
OTHERS - SEE PARKLAND AT SPRING LAKE  
PROJECT FINDINGS AND CONDITIONS OF  
APPROVAL.



DESIGNED BY: **AB**  
DRAWN BY: **LE/AB**  
CHECKED BY: **SG**  
SCALE: **AS SHOWN**

APPROVED BY: **AB**  
DATE: **02/30/16**

NO. **1** DATE **02/30/16**

REVISIONS

PROJECT: **PRUDLER TENTATIVE SUBDIVISION MAP NO. 4856 GRADING AND DRAINAGE PLAN**

PROJECT PLANNING & CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE  
3000 S. G Street, Suite 200  
Folsom, CA 95630  
(916) 452-2000

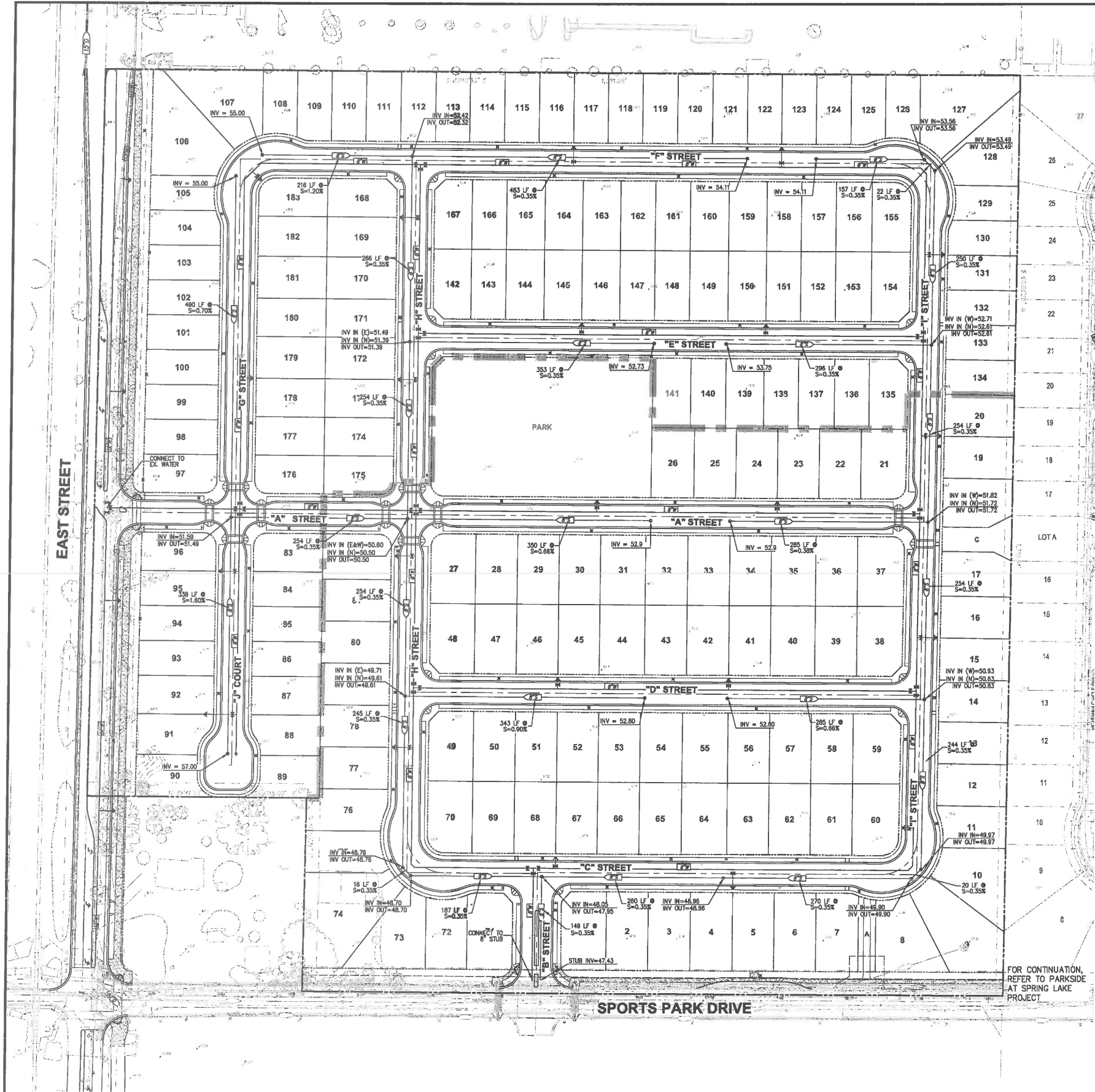
CALIFORNIA

WOODLAND

SHEET **2** OF **4**

DATE: **02/30/16**

JOB NO: **384.05**

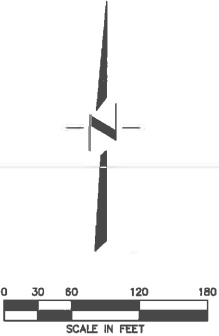


SANITARY SEWER SYSTEM

EACH PARCEL WILL BE CONNECTED TO THE PUBLIC ON-SITE SANITARY SEWER SYSTEM DESIGNED IN ACCORDANCE WITH CITY STANDARDS. SEWER FLOWS WILL BE CARRIED TO SPORTS PARK DRIVE AND CONNECTED TO THE NEW WASTEWATER CONVEYANCE SYSTEM INSTALLED BY THE ADJACENT PARKLAND AT SPRING LAKE SUBDIVISION PROJECT. IN ACCORDANCE WITH THE SLSIP INFRASTRUCTURE STUDY REPORT, THE NEW CONVEYANCE SYSTEM INSTALLED BY THE PARKLAND AT SPRING LAKE PROJECT COLLECTS FLOWS FROM THE SPRING LAKE SPECIFIC PLAN AND REMAINDER MASTER PLAN AREAS WEST OF HIGHWAY 113 AND IS CONVEYED TO THE EAST USING AN EXISTING SLEEVE UNDER HIGHWAY 113. THESE FLOWS ARE CONNECTED TO THE SPRING LAKE SEWER MAINS IN FARMER'S CENTRAL ROAD EAST OF HIGHWAY 113 AND CARRIED TO THE SLSIP SEWER PUMP STATION AT FARMER'S CENTRAL ROAD AND MEIKLE AVENUE.

WATER DISTRIBUTION SYSTEM

AN ON-SITE PUBLIC LOOPED WATER DISTRIBUTION SYSTEM HAS BEEN DESIGNED TO PROVIDE WATER SERVICE TO EACH PARCEL AND ADEQUATELY SUPPLY THE REQUIRED FIRE FLOWS PER CITY AND FIRE DEPARTMENT STANDARDS. THE ON-SITE LOOPED WATER SYSTEM WILL HAVE TWO POINTS OF CONNECTION TO THE CITY SYSTEM: 1) CONNECTION WILL BE MADE TO THE NEW WATER MAIN IN EAST STREET CONSTRUCTED AS PART OF THE COMMUNITY CENTER PROJECT AND; 2) A SECOND CONNECTION WILL BE MADE TO THE NEW WATER MAIN IN SPORTS PARK DRIVE INSTALLED BY THE ADJACENT PARKLAND AT SPRING LAKE PROJECT.



LEGEND

- 204 LOT NUMBER
- 120" WATER PIPE AND SIZE
- 1" FIRE HYDRANT ASSEMBLY
- 12" SEWER PIPE, SIZE, AND DIRECTION OF FLOW SEWER MANHOLE
- INV=30.1 SEWER INVERT ELEVATION
- S=0.35% SEWER PIPE SLOPE
- x STREET LIGHT

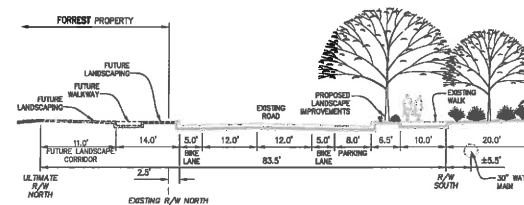
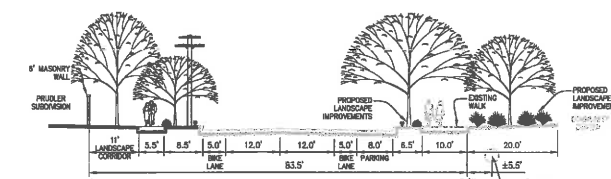
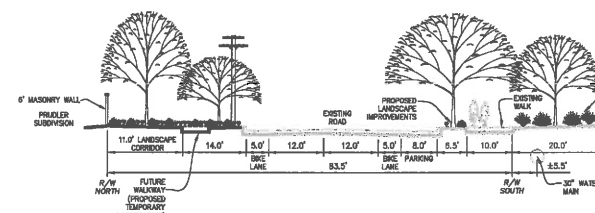
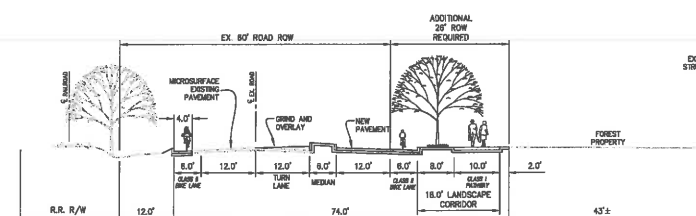
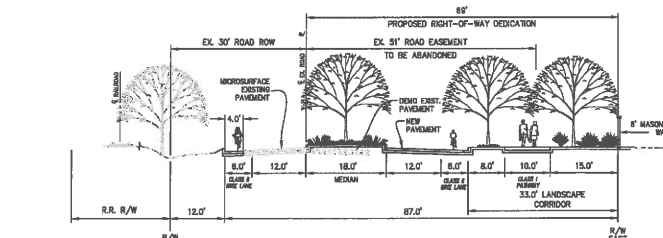
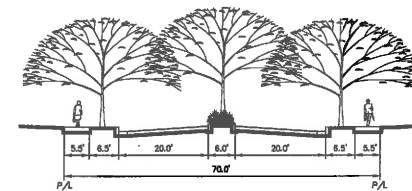
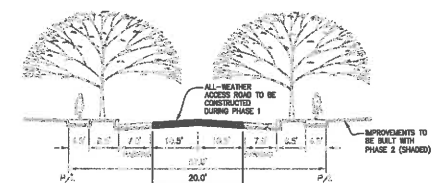
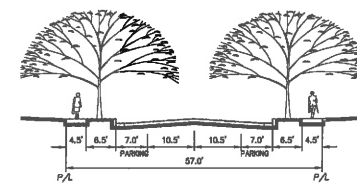
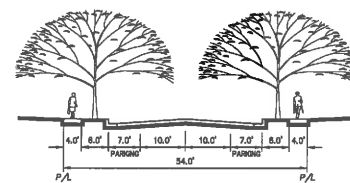
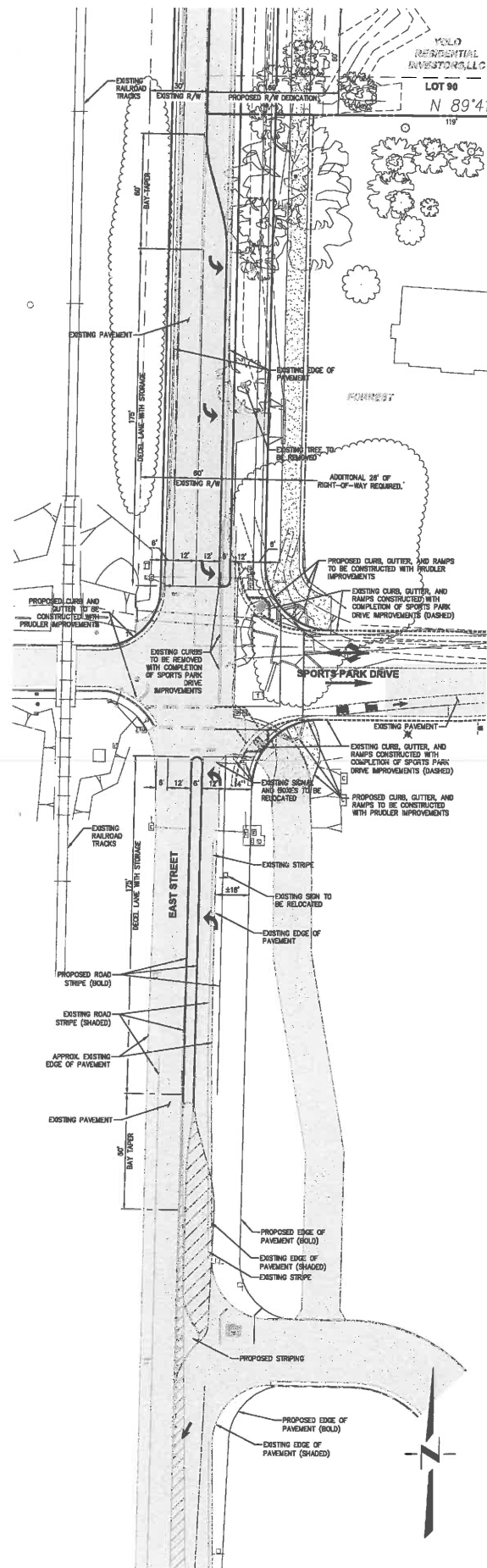
DESIGNED BY: **AB**  
DRAWN BY: **LE/AB**  
CHECKED BY: **BS**  
SCALE: **AS SHOWN**

NO. DATE REVISIONS

PROJECT: **PRUDLER TENTATIVE SUBDIVISION MAP NO. 4856 UTILITY PLAN**  
PROJECT PLANNING: **CHL Engineering & Landscape Architecture**  
2100 20th Street, Suite 200  
Sacramento, CA 95811  
(916) 452-2028  
(916) 452-2029

CUNNINGHAM-DAVIES ENGINEERS  
CALIFORNIA

SHEET **3** OF **4**  
DATE: **03/30/16**  
JOB NO: **994.05**



### PEDESTRIAN ACCESS DIRECTIONAL SIGNS

NOTE: DIRECTIONAL ARROWS WILL VARY DEPENDING ON SIGN LOCATION

|                              |           |
|------------------------------|-----------|
| <b>SHEET</b>                 |           |
| <b>4</b>                     | <b>O'</b> |
| <b>4</b>                     |           |
| <b>DATE:</b> <u>03/30/16</u> |           |
| <b>JOB NO:</b> <u>984-05</u> |           |

PRUDLER

# TENTATIVE SUBDIVISION MAP NO. 4856

## STREET SECTIONS AND DETAILS

WOODLAND

CALIFORNIA

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND, CALIFORNIA, APPROVING THE DEVELOPMENT  
AGREEMENT BETWEEN THE CITY OF WOODLAND AND YOLO  
RESIDENTIAL INVESTORS, LLC TO USE AND DEVELOP THE  
PURDLER PROJECT**

**WHEREAS**, pursuant to Government Code Section 65864 *et seq.*, the City of Woodland (“City”) is authorized to enter into development agreements providing for the development of land under the terms and conditions set forth herein; and

**WHEREAS**, the City has found that development agreements strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

**WHEREAS**, Yolo Residential Investors, LLC (“Developer”) propose to develop certain real property located in the City of Woodland (“Property”), more particularly described in the Development Agreement, attached hereto as Attachment F-1 and incorporated herein by reference, for residential use (“Project”); and

**WHEREAS**, Developer’s interest in the Property constitutes a legal or equitable interest in real property pursuant to Government Code Section 65865; and

**WHEREAS**, Developer proposes the Project to achieve the goals of the City’s General Plan (“General Plan”), as further described and conditioned in the development agreement attached hereto as Attachment F-1 and incorporated herein by reference; and

**WHEREAS**, the City desires timely, efficient, orderly, and proper development of the Project in furtherance of the goals of the General Plan; and

**WHEREAS**, the City Council has found that the Development Agreement is consistent with the City’s General Plan; and

**WHEREAS**, because of the logistics, magnitude of the expenditure, and considerable lead time prerequisite to planning and developing the Project, the Developer requires assurances that the Project can proceed without disruption caused by a change in the City’s planning policies and requirements, except as provided in the Development Agreement, which assurances will thereby reduce the actual or perceived risk of planning for and proceeding with development of the Project; and

**WHEREAS**, City has determined that by entering into the Development Agreement, City will (i) promote orderly growth and quality development on the Property in accordance with the goals



and policies set forth in the General Plan and (ii) benefit from increased housing opportunities created by the Project for residents of the City; and

**WHEREAS**, it is the intent of the City and Developer to establish certain conditions and requirements related to review and development of the Project that are or will be the subject of subsequent development applications for the Project; and

**WHEREAS**, the City and Developer have reached mutual agreement and desire to voluntarily enter into the Development Agreement to facilitate development of the Project, subject to conditions and requirements set forth herein; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the Development Agreement on April 7, 2016, and recommended that the City Council deny the Project, including the Development Agreement; and

**WHEREAS**, on July 5, 2016, the City Council conducted a public hearing pursuant to Government Code section 65867, not less than ten (10) days notice of which was provided in accordance with Government Code sections 65090 and 65091, at which hearing all persons wishing to testify in connection with the Development Agreement were heard and at which time the Development Agreement was comprehensively reviewed; and

**WHEREAS**, on July 5, 2016, the City Council introduced this Ordinance through a waiving of the first reading of this Ordinance; and

**WHEREAS**; pursuant to the California Environmental Quality Act (CEQA) Public Resources Code section 21000 *et seq.*, on June 21, 2016, the City Council adopted Resolution No. [REDACTED] certifying the EIR for the Prudler Tentative Subdivision Map Project, including the Development Agreement; and

**WHEREAS**, the terms and conditions of the Development Agreement have undergone review by the City at publicly noticed hearings and have been found to be fair, just and reasonable and consistent with the General Plan. Further, the City Council finds that (i) the economic interests of the City's citizens and the public health, safety, and welfare will be best served by entering into the Development Agreement; (ii) the Development Agreement is consistent with the General Plan; (iii) the Development Agreement is in conformance with the public convenience, general welfare, and good land use practice; (iv) the Development Agreement will not be detrimental to the public health, safety, or general welfare; and (v) the Development Agreement will not adversely affect the orderly development or the preservation of property values for the Property or any other property.

**THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:**

Section 1. Pursuant to California Government Code Sections 65865 *et seq.*, the City Council hereby approves the Development Agreement attached hereto as Attachment F-1.

Section 2. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds this Ordinance promotes the public health, safety, and welfare of the community because the Development Agreement will permit land uses that best reflect the community needs and will allow for the most logical and efficient development of the real property governed by the Development Agreement in the City.

Section 3. The City Council hereby incorporates by reference the recitals set forth herein and adopts those recitals as its own as though fully set forth in this Ordinance. Pursuant to Government Code section 65867.5 (b) and based on the entire record before the City Council, including all written and oral evidence presented to the City Council, the City Council hereby finds that the Development Agreement will continue to result in the development of the Property at the intensity and density allowed under the General Plan, as amended, and with the restrictions and standards set forth in the City's Municipal Code and the Development Agreement.

Section 4. The City Council hereby expressly determines that all of the procedures of CEQA have been met with respect to the Development Agreement because, on June 21, 2016, the City Council adopted Resolution No. [REDACTED] certifying the EIR for the Prudler Tentative Subdivision Map Project, including the Development Agreement.

Section 5. The City Clerk shall cause to be recorded with the Yolo County Recorder a copy of the executed Development Agreement, or a Memorandum of Agreement, within ten (10) days following execution thereof.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary thereof to be published in the Daily Democrat, a newspaper of general circulation, printed and published in the City of Woodland and county of Yolo, at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code section 36933. This Ordinance shall take effect thirty (30) days after its adoption.

**PASSED AND ADOPTED** on this the 5<sup>th</sup> day of July, 2016 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ana Gonzalez, City Clerk

\_\_\_\_\_  
Kara K. Ueda, City Attorney

Dated:\_\_\_\_\_

**Attachment 6A – Development Agreement**



DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF WOODLAND AND YOLO RESIDENTIAL  
INVESTORS, LLC RELATIVE TO THE PRUDLER SUBDIVISION PROJECT  
Draft (6-14-16)

This Development Agreement (hereinafter “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Woodland, a municipal corporation of the State of California (hereinafter “City”) and Yolo Residential Investors, LLC, a California limited liability company (hereinafter “Developer”).

RECITALS

A. To strengthen the public land use planning and development process, to encourage private participation in that process, to reduce the economic risk of development, and to provide maximum utilization of resources, the Legislature enacted Government Code Section 65864 *et seq.*, which authorizes the City and any other person having a legal or equitable interest in real property to enter into a development agreement establishing certain vested development rights.

B. Developer has a legal or equitable interest in that certain real property legally described in Exhibit “A” and depicted on the map set forth in Exhibit “B”, located in the incorporated area of the City of Woodland (hereinafter the “Property”) sufficient to enter into this Agreement with City.

C. Developer desires to create and develop the Prudler Subdivision Project (hereinafter the “Project”) on approximately 38 acres in the southern portion of the City, as depicted on the map attached hereto as Exhibit “C” (hereinafter the “Project Area”). The Project would include the development of 183 single family homes on the Property.

D. Developer has applied to City for certain entitlements for development of its property, including this Agreement, and proceedings have been taken in accordance with the rules and regulations of the City.

E. The best interests of the citizens of the City of Woodland and the public health, safety and welfare will be served by entering into this Agreement

F. All of the requirements of the California Environmental Quality Act have been met with respect to the Project and the Agreement, upon the Woodland City Council’s certification of Environmental Impact Report for the Project.

G. All actions taken and approvals given by the City have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters.

H. Project Approvals. City has granted Developer the following land use entitlement approvals (hereinafter “Approvals”) which are incorporated and made a part of this Agreement:

(1) General Plan Amendment to redesignate the Property from General Commercial (GC) to Low Density Residential (LDR)

(2) Spring Lake Specific Plan Amendment to modify the East Street cross-section between County Fair Mall and County Road 24A.

(3) Rezoning of the Property from General Commercial (C-2) to Single Family Residential/Planned Development (R-1/PD)

(4) Planned Development Approval

(5) Tentative Subdivision Map #4856

(6) Conditional Use Permit for development within the PD Zone

(7) A Development Agreement by and between the City of Woodland and Developers

(8) Focused Environmental Impact Report and the Mitigation Monitoring and Reporting Program adopted therewith.

I. City and Developer contemplate that the development of the Property pursuant to this Agreement and the Approvals will result in significant benefits to City and Developer. This Agreement accordingly provides assurances to Developer that it will have the ability to develop the Property in accordance with this Agreement. This Agreement also provides assurances to City that it will receive certain public benefits. Specifically, Developer has voluntarily agreed to enter into this Agreement with the City, which provides various Public Benefits to City and its residents beyond those attainable through conditions of project approval and mitigation measures. Those Public Benefits are described in Section 2.3 of this Agreement.

NOW, THEREFORE, the Parties hereto agree as follows:

## AGREEMENT

### ARTICLE 1

## GENERAL PROVISIONS

Section 1.1 Incorporation of Recitals. Recitals A through I are hereby incorporated herein, including all documents referred to in said Recitals.

Section 1.2 Definitions. As used in this Agreement, the following terms, phrases, and words shall have the meanings and be interpreted as set forth in this Section.

Section 1.2.1 “Adopting Ordinance” means City of Woodland Ordinance No. \_\_\_\_\_ dated \_\_\_\_\_, and effective \_\_\_\_\_, which approves this Development Agreement as required by Government Code Section 65867.5.

Section 1.2.2 “Agreement” means this Development Agreement.

Section 1.2.3 “Approval Conditions” means the terms and conditions of approval attached to the Approvals by action of the City Council.

Section 1.2.4 “Approvals” means the plans, maps, and other land use approvals approved as described in Paragraph D of the Recitals.

Section 1.2.5 “City” means the City of Woodland, a political subdivision of the State of California

Section 1.2.6 “City Council” means the City Council of the City of Woodland.

Section 1.2.7 “Commission” means the Planning Commission of the City of Woodland.

Section 1.2.8 “Development Agreement Statute” means Sections 65864 *et seq.* of the Government Code of the State of California.

Section 1.2.9 “Development Exaction” means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

Section 1.2.10 [Reserved]

Section 1.2.11 “Director” means Director of the Department of Community Development, City of Woodland, or his or her designee.

Section 1.2.12 “Effective Date” means the date of approval of the Adopting Ordinance for this Agreement.

Section 1.2.13 “General Plan” means the General Plan, including text and maps, of the City of Woodland in effect as of the Effective Date and as amended by the Approvals.

Section 1.2.14 “Lender” means the holder of any mortgage or the beneficiary of any deed of trust encumbering all or any portion of the Property.

Section 1.2.15 “MMRP” means the Mitigation, Monitoring and Reporting Plan adopted for the Project by the City Council.

Section 1.2.16 “Project” means development of the Property as approved by action of the City Council pursuant to the Approvals, including the incorporated exhibits thereto.

Section 1.2.17 “Property” means the real property described and depicted in Exhibits “A” and “B.”

Section 1.2.18 “Public Benefits” means the “non-nexus” or “beyond nexus requirements” types of benefits voluntarily provided to City by Developer that are, in whole or in part, in excess of that legally required for the Project as CEQA mitigation, but which are made legally binding by this Agreement. The Public Benefits are enumerated in Section 2.3 of this Agreement.

Section 1.2.19 “Zoning Code” means the Zoning Code of the City of Woodland in effect as of the Effective Date.

Section 1.3 Additional Defined Terms. If any of this Agreement’s capitalized terms are not defined above, then such terms shall have the meaning otherwise ascribed to them in this Agreement.

Section 1.4 Exhibits. This Agreement refers to the following exhibits, which are attached hereto and hereby incorporated into this Agreement by reference.

Exhibit

| <u>Designation</u> | <u>Description</u> |
|--------------------|--------------------|
|--------------------|--------------------|

|   |                                   |
|---|-----------------------------------|
| A | Legal Description of the Property |
|---|-----------------------------------|

|   |                              |
|---|------------------------------|
| B | Vicinity Map of the Property |
|---|------------------------------|

|   |                                             |
|---|---------------------------------------------|
| C | Development Plan and Conditions of Approval |
|---|---------------------------------------------|

- D Fees, Exactions and Dedications
- E Park Improvement Requirements
- F. Universal Design Features
- G. Form of Assignment and Assumption Agreement

Section 1.5 Term of Agreement. This Agreement shall commence upon the Effective Date, and shall be in force for a period of ten (10) years thereafter (the “Initial Term”), unless extended or terminated as provided herein. Developer may elect to extend the Term by up to two successive two (2) year periods (for a maximum Term of 14 years) upon written notice to the City no later than 90 days prior to the date the Term would otherwise expire. Thereafter, the Developer shall have no vested right under this Agreement, regardless of whether or not Developer has paid any Development Impact Fee. Any tentative map approved by City for the Property shall have a duration co-extensive with the duration of this Agreement.

Section 1.6 Consistency with General Plan. In granting the Approvals described herein, the City Council expressly found that the Approvals are consistent with the General Plan, as amended, and further found that this Agreement is also consistent with the General Plan, as amended.

Section 1.7 Amendment to Agreement. This Agreement may be amended from time to time by mutual written consent of the parties, provided it is amended in the manner set forth in Government Code Section 65868. Either party may propose an amendment to this Agreement at any time. Any amendment to this Agreement shall be in writing and executed by the parties or their successors in interest. If the amendment only applies to a portion of the Property, then the only parties required to execute the amendment shall be the City and the then current owners of that portion of the Property affected by the amendment, provided that such amendment does not adversely affect the rights and obligations of the then current owners of the remainder of the Property under this Agreement. The parties acknowledge that under the City Zoning Code and applicable rules, regulations, and policies of the City, the Director has the discretion to approve minor modifications to approved land use entitlements without the requirement for a public hearing or approval by the City Council. Accordingly, the approval by the Director of any minor modifications to the Approvals that are consistent with this Agreement shall not constitute nor require an amendment to this Agreement to be effective or to be subject to this Agreement.

For purposes of this Section 1.7, minor modifications shall mean any modification to the Project that does not relate to: (i) the term of this Agreement; (ii) permitted-uses of the Project; (iii) density or intensity of use; (iv) provisions for the reservation or dedication of land; (v) conditions, terms, restrictions or requirements for subsequent discretionary actions; or (vi) monetary contributions by Developer, and may be processed under CEQA as exempt from CEQA.

#### Section 1.8 Assignment.

Right to Assign. Developer shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.) to any person, partnership, joint venture, firm or corporation at any time during the Term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such sale, transfer or assignment, Developer shall notify CITY, in writing, of such sale, transfer or assignment and shall provide CITY with an executed agreement (“Assignment and Assumption Agreement”), in substantially the form incorporated herein as Exhibit “G”, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties, obligations, agreements, covenants, and waivers of OWNER under this Agreement.

Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by Developer under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 0, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed.

Release of Transferring Developer. Notwithstanding any sale, transfer or assignment, a transferring Developer shall continue to be obligated under this Agreement with respect to the transferred Property or any transferred portion thereof, unless such transferring Developer is given a release in writing by City (which written confirmation may be in the form of execution and recordation of the Assignment and Assumption Agreement), which release shall

be provided by City upon the full satisfaction by such transferring Developer of the following conditions:

(a) Developer no longer has a legal or equitable interest in all or any part of the Property subject to the transfer.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Section 1.9(b) above.

(d) The purchaser, transferee or assignee provides City with security equivalent to any security previously provided by Developer to secure performance of its obligations hereunder.

Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section.

Section 1.9 Private Project. The parties confirm and agree that the development of the Property with the Project is a private project by the Developer; City has no interest therein except as authorized in the exercise of its governmental functions.

Section 1.10 No Joint Venture or Partnership. City and Developer hereby renounce the existence of any form of joint venture or partnership between City and Developer and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Developer joint venturers or partners.

Section 1.11 Consideration. The City and Developer acknowledge and agree that the City's agreement to perform and abide by the obligations of City set forth herein, including the issuance of the Approvals, is material consideration for Developer's agreement to perform and abide by the obligations of Developer set forth herein.

Section 1.12 Automatic Termination as to Residential Lots / Notice of Termination as to Other Parcels. This Agreement shall automatically be terminated, without any further action by any party or need to record any additional document, with respect to any single-family residential lot within a parcel designated by the Approvals for residential use, upon completion of construction and issuance by City of a final occupancy permit for a dwelling unit upon such single-family residential lot and conveyance of such improved residential lot and dwelling unit to a bona-fide good faith purchaser thereof. In connection with its issuance of a final inspection for such single-family residential lot and dwelling unit, City shall confirm that all improvements that are required to serve the residential lot, as determined by City, have (1) been

accepted by City, or (2) in the discretion of the City, adequate security for certain improvements has been provided, and that the dwelling is ready for occupancy by the homebuyer. Termination of this Agreement for any single-family residential lot as provided for in this Section 1.12 shall not in any way be construed to terminate or modify any assessment district, fee district, public financing district, special tax district, tax and / or any Mello Roos Community Facilities District lien affecting such lot at the time of termination. Termination of this Agreement as to an individual parcel or lot with a building constructed upon it shall not affect Developer's rights or obligations under any of the Approvals applicable to the remainder of the Project at the Property.

## ARTICLE 2 DEVELOPER'S OBLIGATIONS

Section 2.1 Property Development. If the Property is developed, it shall be developed according to the Approvals. Except as may be specifically provided elsewhere in this Agreement, Developer has no affirmative obligation to commence development of the Property or to develop it at a specified rate once the development has commenced. No modification of the City's ordinances, resolutions, policies, rules or regulations adopted after the Effective Date, which purport to limit the rate of development over time or to govern the sequence of development of land within the Project Area, shall apply to the Property.

Section 2.2 Waiver. Developer knowingly and specifically waives its right or rights to challenge by any legal action or other proceeding, at any time during the duration of this Agreement, the question of whether or the extent to which there is any nexus or rough proportionality between any obligation imposed on Developer by the Approvals or by this Agreement. Developer further agrees, and knowingly and specifically waives, its right or rights to challenge by any legal action or other proceeding, at any time during the duration of this Agreement, City's ability to impose any fee, assessment, tax, charge, or land dedication provided for within this Agreement.

Section 2.3 Public Benefits. Developer has offered, and City has accepted, the Public Benefits described in this Section and as further provided in Exhibit D. City and Developer agree that the items described herein are contributions that are in whole or in part in excess of those that the City could otherwise require of Developer. The following Public Benefits offered by Developer are made binding by this Agreement as identified in this Section and in Exhibit "D":

2.3.1 Park Facilities and Fees. Developer shall satisfy its entire park land dedication obligations under the state Quimby Act (*Government Code* §66477) and Chapter 21, Article 12 of the Municipal Code through a combination of the dedication of the approximately 1.46 acre parcel shown on Exhibit C to the



City for park purposes, and the construction of park facility improvements to this park parcel, as described in Exhibit E.

2.3.2 Single Story and Model Homes. Developer shall construct a single-story model home for each of the two lot sizes within the Property (R-5 and R-8). In addition, the Project shall construct at least ten percent (10%) of the homes within the Property as single-story floor plans.

2.3.3 Universal Design. Developer shall emphasize universal design features in the development of the Project, incorporating measures set forth in Exhibit “F” to this Agreement.

2.3.5 Solar and Energy Savings. All homes within the project shall be solar ready (including an electric vehicle charging receptacle in each garage) and a minimum of 10% of the homes shall have solar installed (1.5 kW system). If so desired, the applicant may submit to the Community Development Department for consideration an equivalent alternative energy saving feature(s) to solar for consideration prior to the issuance of building permits. All homes shall provide electric charging facilities in the garages.

2.3.6 Inclusionary Housing. Prior to approval of first final map and improvement plan package to City, Owner and City shall enter into an Inclusionary Housing Agreement of The Project shall satisfy the 10% single family inclusionary obligation through the payment of Affordable Housing In Lieu fee, in the amount set forth in Exhibit “D” to this Agreement.

### ARTICLE 3 CITY OBLIGATIONS

Section 3.1 Vested Rights of Developer. City agrees that the right to develop the Project Area at the Property in a manner consistent with the Approvals is vested in the Developer by this Agreement (as explained in Article 4) without further action by Developer for the duration of this Agreement, and any extensions thereof. The permitted development shall be as set forth in the Approvals. After this Agreement expires, Developer's vested rights, as described herein, shall expire, whether or not the permitted uses allowed by the Approvals have been fully exercised.

Section 3.2 Cooperation Between City and Developer. City shall cooperate in good faith with Developer in securing all state and federal permits that may be required for the development of the Project. Developer shall be responsible for applying for and obtaining approvals and permits required from other governmental agencies having jurisdiction over, or providing services to, the Project Area.

## ARTICLE 4

### PROJECT DEVELOPMENT

Section 4.1 Permitted Uses and Development Standards. The permitted uses, density or intensity of use, height and size of buildings and provisions for reservation and dedication of land for public purposes shall be those set forth in the Approvals and this Agreement.

Section 4.2 Vested Rights. During the Initial Term of this Agreement, and any extensions thereof, City grants Developer the vested right (“Vested Right”) to develop the Project in a manner that is consistent with the Approvals, and all development rights, obligations, terms and conditions specified therein. There shall be no change, modification, amendment, or addition to the rules, regulations and official policies, including the City General Plan in effect on the Effective Date of this Agreement, the City Zoning Code in effect on the Effective Date of this Agreement, the City Code, and all other relevant codes, ordinances, resolutions, programs, policies, rules, and regulations in effect as of the Effective Date of this Agreement (collectively the “Collective Standards”) that govern the development of the Project Area. Notwithstanding the foregoing, the City Building Code and the City Improvement Standards for public infrastructure applicable to the Project shall be those in effect at the time of development of the parcel or building or item of public infrastructure in question. The design standards for the development of the Project Area shall be those set forth in the Planned Development adopted as part of the Approvals. The Developer's Vested Rights may not be changed or modified by the City except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, unless otherwise expressly consented to in writing by Developer.

4.2.1 Approved Map Term. Notwithstanding any provision of state law or City ordinance to the contrary, all approved parcel maps, tentative subdivision maps, final maps, or any re-subdivision or any amendment to any such map shall be valid for the Initial Term of this Agreement, and any extensions thereof, as provided for in Government Code Section 66452.6.

4.2.2 Rules Regarding Permitted Uses. Except as may be provided otherwise in this Agreement, the City's ordinances, resolutions, rules, regulations and official policies governing the permitted uses of the Property, the density and intensity of use, the rate, timing and sequencing of development, the maximum height, size, and design of proposed buildings, and the provisions for reservation and dedication of land shall be those set forth in the Approvals.

4.2.3 Changes in State or Federal Law. Except as provided in Section 4.7.1 below, this Agreement shall not preclude the application of changes in City laws, regulations, plans or policies to the Project, provided the terms of

such changes are specifically mandated and required by changes in State or Federal laws or regulations.

4.2.4 Building and City Codes Applicable. Unless otherwise expressly provided in this Agreement, the Project shall be constructed in accordance with the provisions of the California Building, Mechanical, Plumbing, Electrical and Fire Codes, City standard construction specifications, and Title 24 of the California Code of Regulations relating to Building Standards, in effect at the time of the approval of the appropriate building, grading, encroachment, or other construction permits for the Project. If no permits are required for infrastructure improvements, such improvements will be constructed in accordance with the provisions of the California Building, Mechanical, Plumbing, Electrical and Fire Codes, City standard construction specifications, and Title 24 of the California Code of Regulations, relating to Building Standards, in effect at the start of construction of such infrastructure.

4.2.5 Existing and Subsequently Enacted Fees, Charges, Exactions, Dedications, Taxes and Assessments.

4.2.5.1 Processing Fees or Charges. Application, processing, plan review, permitting and inspection fees that are revised during the Initial Term of this Agreement, and all renewals thereof, shall apply to the Project provided that (a) such revised fees apply generally to all similar private projects or works within the City, and (b) the application of such fees to development of the Property shall only be made for those parcels or portions of the Property where a building permit has not been issued prior to the effective date of the revised fee.

4.2.5.2 Development Impact Fees, Exactions and Dedications. City agrees that Developer shall be required to pay only those development impact fees, connection or mitigation fees, or offer dedications of land, or other exactions required by City to support the construction of any public facilities and improvements or the provision of public services in relation to development of the Project that are enumerated in Exhibit D to this Agreement. Impact fees are collected at building permit and subject to annual city-wide adjustment.

In addition to the Citywide Development Impact Fees included in Exhibit D, the Project shall be subject to the imposition of any additional City-wide Development Impact Fee that becomes effective after the Effective Date and to any increase, decrease, amendment, or alteration of any City-wide Development Impact Fee that becomes effective after the Effective Date. In no event shall the prepayment of any Development Impact Fees required hereunder establish a vested right on the part of Developer or any other owner of the Property or any person or entity with an interest therein to develop the Project or the Property following the expiration, cancellation, or termination of this Agreement, and all

City-wide Development Impact Fees then in effect shall be applicable to the Project and Property notwithstanding any provisions of this Agreement and notwithstanding the prepayment of the City-wide Development Impact Fees set forth in Exhibit D, any increase or amendment of any City-wide Development Impact Fees, or any combination thereof.

4.2.5.3 Taxes and Assessments. Unless otherwise provided in this Agreement, the Project shall be subject to all taxes and assessments to be applied on a City-wide basis resulting from a vote of the public.

Section 4.3 Binding Effect. To the extent permitted by law, this Agreement shall be binding on any existing City or governmental agency with jurisdiction (including Joint Powers Authorities in which the City is a member agency) over the Property during the Initial Term of this Agreement and any extensions thereof.

Section 4.4 Infrastructure Improvement Plan Approval. No plans for infrastructure improvements will be approved nor construction authorized until the City Engineer signifies approval by signing all sheets of the set of plans. Plans shall be deemed ready for the City Engineer's signature once all reviewing departments and agencies have issued a Technical Approval of said plans. City agrees with Developer that all such department reviews will occur in a timely manner. The Technical Approvals of improvement plans shall be valid for a period of six (6) months from the time of receipt of the last Technical Approval issued, unless the then current City policy or ordinance provides for a longer time period.

Section 4.5 and 4.6 [intentionally left blank]

Section 4.7 Subsequently Enacted State or Federal Laws or Regulations. Nothing stated herein is intended to abridge the effect of Government Code section 65869.5, and its provision that subsequently enacted state or federal laws or regulations may require modification or suspension of provisions of this Agreement that are in conflict with such Subsequently Enacted Laws.

Section 4.7.1 Actions of State or Federal Agencies. To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including City, required by federal or state agencies or actions of City taken in good faith in order to prevent adverse impacts upon City by state or federal actions) have the effect of preventing, delaying, or modifying development of the Project or any area therein, City shall not in any manner be liable for such prevention, delay, or modification of said development. Such actions may include, but are not limited to, flood plain or wetlands designations and actions of City or regional agencies as a result thereof and the imposition of air quality measures or sanctions and actions of City or regional and local agencies as a result thereof. In such a situation, City's actions shall not be

arbitrary or capricious, and the parties shall meet and endeavor to achieve solutions that preserve the integrity of the Approvals, while to the extent feasible allow development of the Property in the manner contemplated by this Agreement. Until a determination is reached, the running of the Term of this Agreement and the Developer's obligations hereunder shall be tolled.

Section 4.8 Extension of Approvals. Pursuant to Government Code Section 66452.6, all vesting tentative subdivision maps, master parcel tentative maps, parcel maps, subdivision tentative maps, planned unit development permits, special permits, or any other maps, or land use entitlements of potentially limited duration previously, contemporaneously or subsequently approved for the Property subject to this Agreement shall be valid for a minimum term equal to the full term of this Agreement (including the Initial Term, and any renewal period resulting from exercise by Developer of the options provided for in Section 1.7.1 hereof), or for a period of thirty-six (36) months, whichever is longer, but in no event for a shorter period than the maximum period of time permitted by the Subdivision Map Act or the Government Code for such land use entitlements. The provisions of this Agreement relating to estoppel certificates shall apply to any request made by Developer to City with respect to the life of any entitlement covered by this section. Nothing in this section shall be construed to, or operate to extend the duration of this Agreement.

Section 4.9 Reconfiguration of Parcels. Developer shall have the right to file applications with City for subdivision (via parcel map), lot line adjustment, or for master parcelization of all or part of the Property with no development entitlements, for the purpose of reconfiguration of the Property. Such applications shall be processed and determined in accordance with the provisions of Section 3.2, and all other applicable provisions of this Agreement. Where reconfiguration requires a special permit, or a planned unit development designation, or other land use entitlement applicable to the Property or portion thereof which is subject to the application, City reserves the right to require such Approvals as a condition of granting the application.

Section 4.10 Health and Safety Measures. Notwithstanding anything to the contrary contained in this Agreement, nothing herein shall be construed to limit the City's general police power to implement, based upon appropriate and adequate findings, specific measures necessary to alleviate legitimate and bona fide harmful and noxious uses, or protect against real, actual, and dangerous threats to the health and safety of City residents, in which event any rule, regulation or policy imposed on the development of the Project shall be done to the minimum extent necessary to correct such bona fide harmful and noxious uses or protect against any such real, actual and dangerous threats to the health and safety of City residents.

Section 4.11 Development Timing. This Agreement contains no requirement that Developer must initiate or complete development of any phase of the development of the Property or any portion thereof within any period of time set by City. It is the intention of this provision that Developer be able to develop the Property in accordance with Developer's own schedule; provided, however, that to the extent phasing is required by the Project's Approvals, such provision shall govern. No future modification of the City Code or any ordinance or regulation which limits the rate of development over time shall be applicable to the Property.

Section 4.12 Moratorium, Quotas, Restrictions or Other Growth Limitations. Subject to applicable law, Developer and City intend that except as otherwise provided herein, this Agreement shall vest the Approvals against subsequent City resolutions, ordinances, growth control measures and initiatives or referenda, other than a referendum that specifically overturns City's approval of the Approvals, that would directly or indirectly limit the rate, timing or sequencing of development, or would prevent or conflict with the land use designations, permitted or conditionally permitted uses on the Property, design requirements, density and intensity of uses as set forth in the Approvals, and as further set forth in Section 2.1 above, and intend that any such resolution, ordinance, initiative or referendum shall not apply to the Approvals and the Project. Notwithstanding any other provision of this Agreement, Developer shall, to the extent allowed by the laws pertaining to development agreements, be subject to any growth limitation ordinance, resolution, rule, regulation, or policy that is adopted and applied on a uniform, city-wide basis and directly concerns an imminent public health or safety issue. In such case, City shall apply such ordinance, resolution, rule, regulation, or policy uniformly, equitably, and proportionately to Developer and the Property and to all other public or private owners and properties directly affected thereby. By way of example only, an ordinance which would preclude the issuance of a building permit due to a city-wide lack of adequate sewage treatment capacity to meet additional demand would directly concern an imminent public health issue under the terms of this paragraph and would support a denial of a building permit within the Property or anywhere else in the City if approval would require additional sewage treatment capacity. However, an effort to limit the issuance of building permits because of a general increase in traffic congestion levels in the City would not be deemed to directly concern an imminent public health or safety issue under the terms of this paragraph.

Section 4.13 Right-of-Way Acquisition. Developer shall use best efforts to obtain all necessary rights of way for public improvements prior to final map. Should the Developer be unable to acquire the necessary rights of way with a good faith effort based on a MAI (Member Appraisal Institute) appraisal, the Developer may request the City to acquire the necessary offsite right of way. In the event that the City elects to proceed with right of way acquisition, Developer shall fund all City costs to be made by Developer, and shall deposit \$200,000

prior to approval of the first final map that triggers right of way acquisition. Funds deposited by Developer pursuant to this section shall be applied by the City to acquisition costs: including but not limited to all staff time, legal time, Court cost, consultant costs, material costs, and incidentals; and the purchase price paid by the City for the rights of way in question, with all funds on deposit in excess of the purchase price and acquisition costs to be refunded to Developer. Deposit of \$200,000 shall allow the project to proceed provided that Developer has entered into an agreement and provided security for all civil improvements. If costs exceed \$200,000 developer shall be responsible for additional deposits of funds as needed.

Section 4.14 Building Permits/Model Homes. City shall make a determination regarding the construction drawing master plans for each model home (“Master Plan”) within thirty (30) days after any application for same is deemed complete by City. The term “determination” is defined as payment of plan check fees by the Developer, a full review by City of the building permit submittal package (application and plans) and the City’s delivery to Developer of either a list of corrections required for resubmittal or City approval of the submitted package for issuance of building permits. Recordation of a final map shall not be required prior to issuance of a building permit for model homes. In the event that an amendment to the City Building Code results in the need to change the Master Plan, construction of residential units pursuant to the Master Plan shall be allowed to continue for a period of three (3) months from the date City notifies Developer of the change to the City Building Code and corresponding need for changes to the Master Plan. The Statewide triennial adoption and enforcement of the California Building Codes shall occur on the date as determined by the State of California and shall be applied to those Master Plan building permits that have not been issued prior to the date set for such enforcement.

Section 4.15 Reimbursements from Others Benefited. City and Developer acknowledge that in order to facilitate orderly development, Developer may be required to pay or contribute funds, dedicate certain lands, and / or construct certain improvements or infrastructure, and / or other public facilities which might otherwise be financed through City development impact fee programs. Developer may request to enter into a reimbursement agreement, which may include an impact fee credit, prior to final map.

a. Election between Credit and Reimbursement. Developer shall receive City credits or reimbursements as identified within the policies of the applicable fee program.

b. No Limitations. Nothing in this Section is intended to or shall be construed to limit Developer from receiving any other credits, reimbursements or contributions of any kind or nature whatsoever that may arise after the Effective Date and be available to pay for all or a portion of the

costs of public infrastructure improvements, to the extent that the combined total value of the credit, reimbursement, and / or contribution does not exceed the actual cost of constructing the public infrastructure improvement.

Section 4.16 Attribution of City Fee Credits. City and Developer agree and understand that any fee credits obtained by Developer as a result of expenditures of Developer on public infrastructure improvements may be transferred or assigned by Developer to another subsequent landowner or other third party, but only in the manner provided for in each City reimbursement program that provided for the credit. The transfer of credits shall be in compliance with the requirements and provisions of the credit agreements entered into between the City and Developer that granted the fee credits in the first instance.

Section 4.17 Community Facilities District for Public Services. Developers and City shall form a Community Facilities District for the provision of public services to the Property ("Services CFD") or, upon the agreement of both parties, annex into an existing Services CFD. Formation of a new Services CFD or annexation into an existing Services CFD shall be pursuant to and consistent with the requirements of this Agreement and Government Code Section 53311 et. seq. and all costs associated with paid for by Developer.

Funding requirements (rate and method) established by any Services CFD applicable to the Property shall be established upon the fiscal impact analysis prepared for the Project. The amount of any special tax assessment under a Services CFD shall be calculated after taking into consideration Project revenues, including but not limited to property tax revenue and real property transfer tax revenue. If the Property is annexed into an existing Services CFD, a new and separate zone of benefit shall be established for the Property.

- a. The Developer shall join the existing CFD for the operations and maintenance of the Sports Park; and
- b. The City and Developer shall form a new Community Facilities District (CFD) to pay for additional services and service deficits that will result from the project, including but not limited to maintenance costs for the new neighborhood park, new green spaces, and additional landscaping and lighting on the south side of Sports Park Drive and East Street. The CFD shall be in place prior to approval of the first final map for the project.

## ARTICLE 5

### BREACH OF AGREEMENT, ENFORCEMENT, TERMINATION, INDEMNIFICATION, CHALLENGES, TOLLING, RELEASE

Section 5.1 Breach/Time for Cure. Failure or delay by any Party to perform any provision of this Agreement shall constitute an event of default



("Event of Default"). For purposes of this Agreement, a party claiming that another party is in default shall be referred to as the "Complaining Party," and the party alleged to be in default shall be referred to as the "Party in Default." A Complaining Party shall not exercise any of its remedies as the result of an Event of Default unless such Complaining Party first gives written notice to the Party in Default and the Party in Default fails to cure such Event of Default within the applicable cure period. A Complaining Party shall give the Party in Default written notice specifying all factual grounds for the allegation of an Event of Default. If the Event of Default is reasonably capable of being cured within thirty (30) days, the Party in Default shall have such period to effect a cure prior to the exercise of any remedies by the Complaining Party. If the nature of the alleged Event of Default is such that it cannot practicably be cured within such thirty (30) day period, the cure shall be deemed to have occurred within such thirty (30) day period if (1) the cure is commenced at the earliest practicable date following receipt of the notice; (2) the cure is diligently prosecuted to completion at all times thereafter; (3) at the earliest practicable date (in no event later than thirty (30) days after the Party in Default has received the notice) the Party in Default provides written notice to the Complaining Party that the cure cannot be practicably completed within such thirty (30) day period; and (4) the cure is completed at the earliest practicable date. In no event shall the Complaining Party be precluded from exercising remedies if a default is not cured within ninety (90) days after the first notice of default is given. Developer shall have the right to appeal any City staff level determination that there has been an Event of Default by the Developer to the City Council. Any such appeal to the City Council must be filed within ten (10) days of Developer's receipt of the notice of default given by City staff. If no resolution of the matter is reached, the party alleging the Event of Default may institute legal proceedings to cure or remedy the Event of Default or may commence proceedings to terminate this Agreement in the event of a material default. If this Agreement is terminated following any Event of Default, such termination shall not affect the use or occupancy of any building or improvement within the Project that is completed as of the date of the termination, provided that such building or improvement has been constructed pursuant to a valid building permit issued by City. Furthermore, no termination of this Agreement shall prevent Developer from completing or occupying the building or other improvement authorized pursuant to a valid building permit previously issued by City that is under construction at the time of termination, provided that any such building or other improvement is completed in accordance with said building permit.

Section 5.2 Enforcement of Approvals Provisions. Nothing in this Agreement shall limit City's ability to enforce the provisions of the Approvals or this Agreement, as provided in Government Code Section 65865.4.

Section 5.3 Enforced Delay; Extension of Times of Performance. No party shall deem performance of the terms of this Agreement to be in breach where delays or defaults are due to war, insurrection, strikes, walkouts, riots, acts of

terrorism, floods, earthquakes, fires, casualties, acts of God, actions of other government agencies, energy shortages, fuel shortages, or enactment of conflicting state or federal laws or regulations, or new or supplementary environmental regulation enacted by the state or federal government. For such cause, City shall not unreasonably withhold a grant of an extension of time for the period of the enforced delay or longer, as may be mutually agreed.

Section 5.4 Indemnification. Developer shall indemnify, defend, and hold harmless City and each of City's officers, employees, representatives, agents, successors and assigns, from and against any and all loss, cost, expense (including but not limited to, attorneys' fees and court costs), damage, injury, liability, cause of action, or claim of any kind or character to any person or property (collectively, "Losses") related to, arising out of, or resulting from, directly or indirectly, any act, negligence, willful misconduct, or breach of any agreement of Developer or its officers, directors, affiliates, employees, agents, licensees, invitees, contractors, or subcontractors, or by any one or more persons directly or indirectly employed by, or acting on behalf of or as agent for Developer or any of Developer's contractors or subcontractors ("Developer's Related Parties") relating to, directly or indirectly, the activities contemplated by this Agreement, including development of the Property pursuant to this Agreement, which includes, but is not limited to, any losses arising from or caused by: (i) the approval of this Agreement; (ii) any use of the Property; (iii) any construction on the Property by Developer or Developer's Related Parties; (iv) any defect in the design or construction of, or materials used in, the development of the Property pursuant to this Agreement; (v) any defect in soils or in preparation of soils or in the design and accomplishment of grading; (vi) any contamination of the soils, surface water, or groundwater on or below the Property by any Hazardous Substance, or any other impact or contamination that results in, or is alleged to result in, a nuisance; (vii) any violation or alleged violation by the Developer or by the Developer's Related Parties of any law existing as of the Effective Date of this Agreement or hereinafter enacted; or (viii) the breach of any covenant or the inaccuracy or incorrectness of any representation and warranty of Developer to City under this Agreement. Developer shall defend, at its sole expense, including attorney's fees, City, its officers, agents, employees, and independent contractors in any legal action based upon such alleged acts or omissions. City may in its discretion participate in the defense of any such action.

Section 5.6 Challenge to Agreement or Approvals. In the event of any legal action instituted by a third party challenging the validity of any portion of this Agreement or the Approvals, including the proceedings taken for approval (including the requirements of the California Environmental Quality Act), or any other act undertaken by the parties hereto in furtherance of this Agreement or its terms, the parties agree to cooperate in the defense of the action. In the event City determines to defend the action itself, Developer shall be entitled, subject to court approval, to join in or intervene in the action on its own behalf, or to

advocate in favor of the validity of this Agreement or the Approvals. In the event City determines to tender the defense of the action to Developer, Developer shall defend the action on their behalf and on behalf of the City, and shall bear all attorneys' fees and costs associated with such defense from and after the date of the tender. City, however, may at any time elect to assume representation of itself. The filing of such third party legal action shall not delay or stop the development of the Property pursuant to this Agreement, unless the third party obtains a court order preventing the activity or unless Developer elects not to develop pursuant to Section 5.7 below. The City shall not stipulate to the issuance of such order without first obtaining consent from Developer, which may be withheld in Developer's absolute discretion. If any such injunction or temporary restraining order is issued, the term of this Agreement and the Approvals shall automatically be extended for a period equal to the duration of such injunction and temporary restraining order.

Section 5.7 Tolling of Term of Agreement. In the event litigation is initiated by any party other than Developer that challenges any of the Approvals for the Project or the environmental document for those Approvals and an injunction or temporary restraining order is not issued, Developer may elect to have the term of this Agreement tolled, i.e., suspended, during the pendency of said litigation, upon written notice to City from Developer. The tolling shall commence upon receipt by the City of written notice from Developer invoking this right to tolling. The tolling shall terminate upon the earliest date on which either a final order is issued upholding the challenged approvals or said litigation is dismissed with prejudice by all plaintiffs. In the event a court enjoins either the City or the Developer from taking actions with regard to the Project as a result of such litigation that would preclude any of them from enjoying the benefits bestowed by this Agreement, then the term of this Agreement shall be automatically tolled during the period of time such injunction or restraining order is in effect. In addition, in the event the action of a government agency prevents or delays the development of the Project, the term of this Agreement shall be tolled for a period of time equal to the time period during which the development of the Project was prevented or delayed by the action of such government agency.

Section 5.8 Release. Developer, on behalf of itself and its successors and assigns, waives its right to recover from, and forever releases and discharges, City and City's agents from any and all demands, claims, legal or administrative proceedings, losses, liabilities, damages, penalties, fines, liens, judgments, costs or expenses whatsoever (including, without limitation, attorneys' fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise on account of or in any way be connected with : (i) the physical condition of the Property (including without limitation, the grading and slope conditions thereof and any drainage problems, whether caused by flood, surface or underground water, or any other condition, affecting or relating to the Property); and (ii) the presence in, on, or about the Property or any surrounding property of

any Hazardous Substances caused by Developer's permitted activities. As used herein, Hazardous Substances means any substance, material or waste that is designated, classified, or regulated as being "toxic" or "hazardous" or a "pollutant," or which is similarly designated, classified, or regulated, under any law regulating Hazardous Substances.

## ARTICLE 6 REVIEW

Section 6.1 Annual Report and Review. Developer shall, on each anniversary of the Effective Date, submit evidence to City of compliance with all terms of this Agreement pursuant to Government Code Section 65865.1. This annual report shall be required for compliance with the Approval Conditions and compliance with the adopted CEQA mitigation measures. Such report shall be in a form specified by City or otherwise agreed to by the parties. Based on that report and any inspections conducted by City, the City shall every twelve (12) months during the term of this Agreement make findings specifically as to the extent of good faith compliance by Developer. The City shall make reasonable efforts to provide, at least ten (10) days prior to any Planning Commission and City Council meetings held in connection with said annual review, with a copy of the City staff report concerning Developer's compliance with the terms and provisions of this Agreement. A finding of failure to comply shall be cured by Developer within a reasonable timeframe agreed to by the City and Developer. If such failure amounts to a failure to comply with this Agreement, then the provisions of Section 5.1 shall be applied. Failure by City in any given calendar year to undertake and complete its annual review of the Agreement shall constitute a finding by City that Developer is in compliance with all of the terms and conditions of this Agreement for that calendar year.

## ARTICLE 7 NOTICES & TERMINATION UPON COMPLETION OF DEVELOPMENT

Section 7.1 Notices. Notices, demands, correspondence, and other communication between City and Developer shall be given if dispatched by prepaid first class mail as follows:

To City:                      City of Woodland  
                                    Department of Community Development  
                                    300 First Street  
                                    Woodland, CA 95695  
                                    Attn: Community Development Director

To Developer:              Yolo Residential Investors  
                                    401 Watt Avenue, Suite 2  
                                    Sacramento, CA 95864

Attn: Mr. Paul Prudler

With a copy to: Phillips Land Law, Inc  
5301 Montserrat Lane  
Loomis, California 95650  
Attn: George E. Phillips

A party may, from time to time, advise the other party of a new address for notices, demands, or correspondence. Notwithstanding anything to the contrary contained in this Section 7.1, all notices of a Breach of this Agreement being given pursuant to the provisions of Section 5.1 shall only be given to the other party or parties by first class prepaid certified United States mail, with return receipt requested. No party shall refuse or evade delivery of any notice.

Section 7.2 Termination Upon Completion of Development. This Agreement shall terminate contemporaneously with the Approvals in accordance with the provisions of Section 1.5 of this Agreement, and the Developer's vested rights to continue development of the Property pursuant to the Approvals shall thereupon cease.

## ARTICLE 8 PROVISIONS RELATING TO LENDERS

### Section 8.1 Lender Rights and Obligations.

Section 8.1.1 Prior to Lender Possession. No Lender shall have any obligation or duty under this Agreement prior to the time the Lender obtains possession of all or any portion of the Property to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges that are liabilities of Developer or Developer's successors-in-interest, but such Lender shall otherwise be bound by all of the terms and conditions of this Agreement that pertain to the Property or such portion thereof in which Lender holds an interest. Nothing in this Section shall be construed to grant to a Lender rights beyond those of the Developer hereunder or to limit any remedy City has hereunder in the event of a breach by Developer, including termination or refusal to grant subsequent additional land use Approvals with respect to the Property.

Section 8.1.2 Lender in Possession. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges that are obligations of Developer and which remain unpaid as of the date such Lender takes possession of the Property or any portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive Approvals with respect to the Property, or otherwise be entitled to

develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of Developer hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the Developer hereunder or entitled to enforce the provisions of this Agreement against City unless and until such Lender or successor in interest qualifies as a recognized assignee of this Agreement and makes payment of all delinquent and current City fees and charges pertaining to the Property.

Section 8.1.3 Notice of Developer's Breach Hereunder. If City receives notice from a Lender requesting a copy of any notice of breach given to Developer hereunder and specifying the address for notice thereof, then City shall deliver to such Lender, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by City that Developer have committed a breach, and if City makes a determination of non-compliance, City shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on Developer.

Section 8.1.4 Lender's Right to Cure. Each Lender shall have the right, but not the obligation, for the same period of time given to Developer to cure or remedy, on behalf of Developer, the breach claimed or the areas of non-compliance set forth in City's notice. Such action shall not entitle a Lender to develop the Property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of Developer hereunder.

Section 8.1.5 Other Notices by City. A copy of all other notices given by City to Developer pursuant to the terms of this Agreement shall also be sent to any Lender who has requested such notices at the address provided to City pursuant to Section 8.1.3 above.

Section 8.2 Right to Encumber. City agrees and acknowledges that this Agreement shall not prevent or limit the owner of any interest in the Property, or any portion thereof, at any time or from time to time in any manner, at such owner's sole discretion, from encumbering the Property, the improvements thereon, or any portion thereof with any mortgage, deed of trust, sale and leaseback arrangement or other security device. City acknowledges that any Lender may require certain interpretations of the Agreement and City agrees, upon request, to meet with the owner(s) of the Property and representatives of any Lender to negotiate in good faith any such request for interpretation. City further agrees that it will not unreasonably withhold its consent to any interpretation to the extent such interpretation is consistent with the intent and purpose of this Agreement.

ARTICLE 9  
MISCELLANEOUS PROVISIONS

Section 9.1 Representation by Legal Counsel. Each party hereto specifically affirms that it has received and read a complete copy of this Agreement and that each party was represented by legal counsel of its own choosing, and that each party fully understands the provisions of this Agreement. In addition, the drafting of this Agreement has been the joint effort and the result of negotiation between the parties and their legal counsel. Any rule or principle that a document should be strictly construed against the drafting party will therefore be inapplicable. Accordingly, this Agreement shall not be construed against any party hereto.

Section 9.2 Construction of Agreement. The language in all parts of this Agreement shall, in all cases, be construed as a whole and in accordance with its fair meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. This Agreement shall be governed by the laws of the State of California.

Section 9.3 Entire Agreement. This Agreement, together with the documents incorporated by reference and the exhibits, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement.

Section 9.4 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of any party at any time, the other party or parties shall promptly execute, file or record any required instruments and writings reasonably necessary to evidence or consummate the transactions contemplated by this Agreement, and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement.

Section 9.5 Covenant of Good Faith and Fair Dealing. No party shall do anything which shall have the effect of harming or injuring the right of the other party to receive the benefits of this Agreement. Each party shall refrain from doing anything which would render its performance under this Agreement impossible, and each party shall do everything that this Agreement contemplates that such party shall do to accomplish the objectives and purposes of this Agreement. Whenever the consent or approval of a party is required or necessary under this Agreement, such consent or approval shall not be unreasonably withheld, conditioned, or delayed.

Section 9.6 No Waiver. No delay or omission by a party in exercising any right or power accruing upon a non-compliance or failure to perform by another party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by any party of any of the covenants or conditions to be performed by another party shall not be construed as a waiver of any succeeding breach or non-performance of the same or other covenants and conditions hereof.

Section 9.7 Applicable Law and Jurisdiction. This Agreement shall be construed and enforced in accordance with the laws of the State of California. Notwithstanding the provisions of Code of Civil Procedure Section 394, Developer and City agree that the jurisdiction for any legal proceeding involving this Agreement shall be the Superior Court of the State of California in and for the County of Yolo.

Section 9.8 Recording. The City shall cause a copy of this Agreement to be recorded with the County of Yolo Recorder no later than ten (10) days following execution of this Agreement by City, which execution by City will take place no sooner than the Effective Date of the Adopting Ordinance.

Section 9.9 Invalidity of Agreement. If this Agreement, in its entirety, is determined by a court to be entirely invalid or unenforceable, then this Agreement shall be deemed terminated as of the date of entry of final judgment by the court with no further right of appeal.

Section 9.10 Invalidity of Provisions of Agreement. If any provision of this Agreement shall be finally adjudicated by a court to be invalid and unenforceable, the parties shall promptly meet to attempt to revise this Agreement and, as appropriate, other documents executed pursuant to this Agreement, in order to give effect to the parties' intentions in entering into this Agreement; the remainder of the Agreement shall stay in effect.

Section 9.11 Future State and Federal Laws. If future state and federal laws or regulations render any provision of this Agreement invalid or unenforceable, such provisions shall, in the discretion of the City Council, be modified or suspended as may be necessary to comply with such state or federal laws and regulations, and the remainder of the Agreement shall continue in full force and effect.

Section 9.12 No Third Party Beneficiary. No person or entity other than the parties to this Agreement shall have any right of action based upon any provision in this Agreement.

Section 9.13 Additional Rights of Parties. In addition to any other rights or remedies specified herein, either party may institute legal proceedings to cure, correct or remedy any breach, or to specifically enforce any covenant or



agreement herein, or to enjoin any threatened or attempted violation of the provisions of this Agreement, in accordance with Government Code Section 65865.4.

Section 9.14 Authority to Execute. The person or persons executing this Agreement on behalf of the Developer warrant and represent that they have the authority to execute this Agreement on behalf of such parties and represent that they have the authority to bind such parties to the performance of their obligations hereunder.

Section 9.15 Attorneys' Fees. Should any legal action be brought by any party for breach of this Agreement or to enforce any provisions herein, the prevailing party shall be entitled to reasonable attorneys' fees, court costs and other costs as may be fixed by the Court. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such actions, taking depositions and discovery, and all other necessary costs incurred in the litigation.

Section 9.16 Time is of the Essence. Time is of the essence of each and every provision of this Agreement.

Section 9.17 Estoppel Certificate. Any party to this Agreement and any Lender may, at any time, and from time to time, deliver written notice to a party requesting such party to certify in writing that, to the knowledge of the certifying party, (i) the Agreement is in full force and effect and a binding obligation on the parties, (ii) the Agreement has not been amended or modified, either orally or in writing, and if so amended or modified, identifying the amendments or modifications, and (iii) as of the date of the estoppel certificate, the requesting party (or any party specified by a Lender) is not in breach in the performance of its obligations under the Agreement, or if in breach to describe therein the nature of any such breach and the steps or actions to be taken by the other party reasonably necessary to cure any such alleged breach. A party receiving a request hereunder shall execute and return such certificate or give a written detailed response explaining why it will not do so within thirty (30) days following the receipt of such request. Each party acknowledges that such an estoppel certificate may be relied upon by third parties acting in good faith. An estoppel certificate provided by City establishing the status of this Agreement shall be in recordable form and may be recorded at the expense of the recording party.

Section 9.18 Meaning of Terms. Where the context so requires, the use of the masculine gender shall include the feminine and the neuter gender, and the singular shall include the plural and vice versa.

Section 9.19 Liberal Construction. This Agreement shall be liberally construed to accomplish the purposes of this Agreement.

Section 9.20 Reasonable Discretion. Whenever a party to this Agreement is to exercise any right granted hereunder in its discretion, such exercise of discretion shall be in a reasonable manner, unless the Agreement specifically describes that a different standard of exercising that discretion shall apply.

IN WITNESS WHEREOF, the parties have executed this Agreement as set forth below.

**EXHIBIT A**  
**Legal Description of Property**

Order No. 306-8041  
UPDATE  
Version 2

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF YOLO, CITY OF WOODLAND, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1, PARCEL MAP NO. 4345, FILED FEBRUARY 3, 1999 IN BOOK 1999 OF MAPS, PAGE 11, YOLO COUNTY RECORDS.

EXCEPTING THEREFROM AN UNDIVIDED 1/2 IN ALL OIL, GAS, MINERALS AND OTHER HYDROCARBONS SITUATE IN, ON OR UNDER THE ABOVE DESCRIBED PROPERTY, AS RESERVED IN DEEDS RECORDED DECEMBER 30, 1985 TO YOLO PETROLEUM, INC., IN BOOK 1744 OF OFFICIAL RECORDS, AT PAGES 635 AND 644, YOLO COUNTY RECORDS.

EXCEPT FROM SAID EXCEPTION ALL OIL, GAS, MINERALS AND OTHER HYDROCARBONS LYING FROM THE SURFACE TO A DEPTH OF 500 FEET WITHOUT RIGHT OF SURFACE ENTRY BY DEEDS RECORDED AUGUST 3, 1987 IN BOOK 1879 OF OFFICIAL RECORDS, AT PAGES 332 AND 334, YOLO COUNTY RECORDS.

ASSESSOR'S PARCEL NUMBER: 041-070-042

**EXHIBIT B**  
**Vicinity Map of the Property**



**EXHIBIT C**  
**Development Plan and Conditions of Approval**

*[See April 7 Planning Commission Staff Report Attachments]*

**EXHIBIT D**  
**Project Fees and Public Benefit Contributions**

| Section A. Citywide Development Impact Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |                                          |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------|--|--|
| <p>The City may, in its sole discretion, collect any of the following fees, as specified in the fee requirements below. The fees set forth herein do not include fees imposed by other agencies, such as the County of Yolo or the Woodland Joint Unified School District, or preclude city-wide fees adopted by the City Council at a future date.</p> <p>All applicable city-wide Development Impact Fees owed by Developer will be the then-current amounts of such fees at the time of permit issuance.</p> <p>MPFP Fees include fees identified in this Agreement or conditions of approval that are linked to final map approval or issuance of a building permit. These fees include, but are not limited to, the following fees:</p> |                           |                                          |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Fee                       | Amount<br>(per single<br>family<br>unit) |  |  |
| A1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | General City              | \$854                                    |  |  |
| A2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Fire                      | \$1,317                                  |  |  |
| A3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Library                   | \$52                                     |  |  |
| A4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Police                    | \$1,126                                  |  |  |
| A5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Wastewater                | \$6,179                                  |  |  |
| A6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Water                     | \$567                                    |  |  |
| A7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Parks                     | \$7,094                                  |  |  |
| A8.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Roads                     | \$5,694                                  |  |  |
| A9.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Surface Water             | \$2,977                                  |  |  |
| A10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | MPFP Admin Fee<br>(.745%) | \$172                                    |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Total                     | \$26,032                                 |  |  |

| Section B. Project-Specific Development Impact Fees                                                                                                                                                              |                                   |                   |                      |                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------|----------------------|----------------------------------------------------------------------|
| (All fees in Section B to be adjusted by CCI annually on January 1 <sup>st</sup> of each year with first adjustment occurring on the January 1, 2017. Final fee amount to be determined at the time of payment.) |                                   |                   |                      |                                                                      |
|                                                                                                                                                                                                                  | Fee                               | Amount            | Timing of<br>Payment | Comments                                                             |
| B1.                                                                                                                                                                                                              | Transportation<br>Improvement Fee | \$794 per<br>unit | Building<br>Permit   | One-time fee for area<br>wide transportation<br>improvements or road |

|     |                                                   |                  |                 |                                                                                                                                                                                                                                                                                                        |
|-----|---------------------------------------------------|------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                   |                  |                 | maintenance                                                                                                                                                                                                                                                                                            |
| B2. | Affordable Housing Fund In Lieu Fee               | \$3,388 per unit | Building Permit | One-time in-lieu fee to satisfy 10% single-family affordability for sale affordability requirement. The Project requires eight (8) R-5 affordable units (8 x \$40,000 per unit) and ten (10) R-8 affordable units (10 x \$30,000 per unit), for a total in lieu fee of \$620,004, or \$3,388 per unit. |
| B3. | Fire Operation and Maintenance Fee                | \$771 per unit   | Final Map       | One-time fee for Spring Lake Fire Department operation and maintenance funding                                                                                                                                                                                                                         |
| B4. | Public Transit Capital Fee                        | \$318 per unit   | Final Map       | One-time fee for construction of transit system capital improvements                                                                                                                                                                                                                                   |
| B5. | Public Transit Operation Fee                      | \$35 per unit    | Final Map       | One-time fee for transit system operation                                                                                                                                                                                                                                                              |
|     | Section B Total Fees at Building Permit, per Unit | \$4,182          |                 | Total of Road Fee (B1) and Affordable Housing In-Lieu Fee (B2)                                                                                                                                                                                                                                         |
|     |                                                   |                  |                 |                                                                                                                                                                                                                                                                                                        |
|     | Section B Total Fees at Final Map, per unit       | \$1,124          |                 | Total of Fire Operation and Maintenance Fee (B4), Public Transit Capital (B5) and Operation Fees (B6)                                                                                                                                                                                                  |
|     |                                                   |                  |                 |                                                                                                                                                                                                                                                                                                        |

|                                                                                                                                                                                                                      |                                                        |                                  |                 |                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section C. Project Public Benefits                                                                                                                                                                                   |                                                        |                                  |                 |                                                                                                                                                                                                                                                                                                                                  |
| (Fees in Section C1 and C2 to be adjusted by CCI annually on January 1 <sup>st</sup> of each year with first adjustment occurring on the January 1, 2017. Final fee amount to be determined at the time of payment.) |                                                        |                                  |                 |                                                                                                                                                                                                                                                                                                                                  |
| C1.                                                                                                                                                                                                                  | General Purpose Fee                                    | \$12,700 per unit                | Building Permit | General Purpose Fee to City of Woodland for unrestricted use, to fund public improvements or services. The fee may be used toward public improvements such as fire station acquisition / construction, or to reduce vehicle miles traveled and GHGs.                                                                             |
| C2.                                                                                                                                                                                                                  | Highway 113 Bicycle / Pedestrian Overcrossing Fee      | \$1,100 per unit                 | Building Permit | Fee for bicycle and pedestrian connectivity and enhancement projects within proximity of the project and Spring Lake, such as a Highway 113 bicycle / pedestrian overcrossing. Alternatively, this fee may be satisfied for the entire project through a lump sum payment of \$183,000 prior to approval of the First Final Map. |
| C3.                                                                                                                                                                                                                  | Public Art                                             | \$82 per unit                    | First Final Map | Obligation may be met either by installation of public art within the 1.46-acre on-site park (minimum value of \$15,000.00), or through payment of in lieu fee of \$82.00 per unit.                                                                                                                                              |
| C4                                                                                                                                                                                                                   | Improvements to Gibson Road / Matmor Road Intersection | TBD based upon construction cost | First Final Map | Developer shall complete construction of improvements to the intersection of Gibson                                                                                                                                                                                                                                              |



|    |                                                             |                                          |                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                 |
|----|-------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                                             |                                          |                                                                                                                                                           | Road / Matmor Road, converting the current five-phase signal to an eight-phase signal. Developer shall receive credit against the Road Development Impact Fee amount of such credit to be equivalent to Developer's actual improvement costs.                                                                                                   |
| C5 | Landscaping Improvements to South Side of Sports Park Drive | Estimated \$160,000 in improvement costs | First Final Map                                                                                                                                           | Developer shall improve the south side of Sports Park Drive between East Street and east property line, through the installation of landscaping and irrigation within an area 20 feet south of the path. Prior to installation of these improvements, Developer shall obtain approval of landscape plans by the Community Development Director. |
|    | Section C Total Fees, at Building Permit, Per Unit.         | \$13,800 per unit*                       | * Subject to reduction by an additional \$1,100 per unit if the Highway 113 Pedestrian / Bicycle Overcrossing Fee (C2) is paid as a lump sum at Final Map |                                                                                                                                                                                                                                                                                                                                                 |
|    |                                                             |                                          |                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                 |

|                                                                                                                                                   |                                          |             |                 |                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Section D. Project Reimbursements (Final determination of cost made at time of payment based on inflationary cost increases – and CIP amendments) |                                          |             |                 |                                                                                                                                          |
| D1                                                                                                                                                | Spring Lake Infrastructure Reimbursement | \$1,266,591 | First Final Map | Lump sum payment for reimbursement of fair share cost for existing and proposed Spring Lake water, sewer and storm drain infrastructure. |
| D2.                                                                                                                                               | Reimbursement to Standard Pacific        | \$309,282   | First Final Map | Lump sum payment to Standard Pacific for water, sewer and storm drain improvements                                                       |
| D3.                                                                                                                                               | West Regional Pond Contribution          | \$177,000   | First Final Map | Lump sum payment as fair share contribution toward West Regional Pond                                                                    |
|                                                                                                                                                   | Section D, Total Reimbursements          | \$1,752,873 |                 |                                                                                                                                          |
|                                                                                                                                                   |                                          |             |                 |                                                                                                                                          |

**EXHIBIT “E”**  
**Park Design and Development**

- The 1.46-acre park site within the project area shall be designed and included on the Civil Improvement Plans and shall be improved with the first phase of construction and completed prior to the issuance of the 60<sup>th</sup> building permit, with improvements to be completed by the owner, or as approved in the Subdivision Improvement Agreement.
- At minimum, park improvements shall include the following:
  - Shade structure
  - Small picnic area
  - Play structure with shade cover
  - Combination turf and low water use landscape areas
  - Dual drinking fountains (people / dog)
- Park improvement costs may be allocated toward fulfilling the Quimby requirement, in addition to the value for the dedication of land in the amount of 1.46 acres.
  - a. The agreed upon value for the land dedication is \$200,000 per acre, which results in a total land value amount of \$292,000.
  - b. The agreed upon value placed on the park improvement costs is \$377,000.
  - c. Items a and b above fulfill Chapter 21, Article 12 of the City’s Municipal Code regarding park land dedication.

## Exhibit F Universal Design Features

The Project shall include at least 7 of the following 12 Universal Design features in all residential units, including Model Homes:

1. All exterior doors shall be a minimum of 36" wide
2. All interior doors shall be a minimum of 34" wide
3. All hallways shall be a minimum of 42" wide. Exceptions may occur where architectural relief is provided, such as archways, where a minimum width of 39" is acceptable.
4. A ground-floor bedroom or an area (den, parlor, office, separate dining room, etc.) that could be used as a guest sleeping area for someone that is mobility impaired or as an area for someone that incurs an injury or an impairment to recover or relocate their sleeping quarters.
5. One ground floor bathroom (full bathroom) which provides a roll-in shower or optional tub, shall include 18" of space beside the pull side of the door.
6. Install at least one toilet that has a higher than standard seat height (16-19") in a ground floor bathroom that meets the criteria in Item 5, above.
7. Use lever-style handles on all faucets
8. Provide additional backing for placement of future grab bars
9. Install all electrical switches 42-48" above the finished floor
10. Provide reinforced towel bars in all ground floor bathroom
11. Lever-style handles on doors
12. Provide a walkway from the public sidewalk to the front door with a slope of 5% or less.

Additional optional features available at the option of the homebuyer can include the following:

1. Easily reachable towel bars in bathrooms which are reinforced and rated for falls.

2. Multiple height work surfaces in kitchen.
3. Kitchen appliances with easy to reach appliances.
4. Pull out spray faucet in kitchen.
5. Adjustable handheld showerhead in one shower.
6. Low effort light switches throughout home.
7. Drawer-style or pull-out shelving in kitchen base cabinets.
8. Power outlets located on each side of bathroom vanities where double sinks occur.
9. A standard electrical outlet provided in the laundry room.
10. Slip resistant flooring in bathrooms and bathing areas.
11. Garbage disposal switch installed in an easy to reach location.
12. A portion of upper cabinets at a lower height than standard.
13. Exterior motion-sensor lighting at the front and back entry doors.
14. Handrail extended beyond top and bottom riser
15. Handrails on both sides of stairway.
16. Electrical power outlet provided at top and base of stairwell.
17. Stairway lighting to illuminate treads.

Exhibit G  
Form of Assignment and Assumption Agreement

WHEN RECORDED, RETURN TO:

\_\_\_\_\_  
ATTN: \_\_\_\_\_

ASSIGNMENT AND ASSUMPTION AGREEMENT  
RELATIVE TO THE  
PRUDLER SUBDIVISION PROJECT DEVELOPMENT AGREEMENT  
Yolo Residential Investors, LLC ("Developer")

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (hereinafter, the "Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, a \_\_\_\_\_ (hereinafter "Assignee").

- A. On \_\_\_\_\_, 2016, the City of Woodland and Developer entered into that certain agreement entitled "Development Agreement By And Between The City Of Woodland And Yolo Residential Investors, LLC Relative To The Prudler Subdivision Project (hereinafter the "Development Agreement"). Pursuant to the Development Agreement, Developer agreed to develop certain property more particularly described in the Development Agreement (hereinafter, the "Subject Property"), subject to certain conditions and obligations as set forth in the Development Agreement. The Development Agreement was recorded against the Subject Property in the Official Records of Yolo County on \_\_\_\_\_, 2016 [Instrument No. \_\_\_\_\_].
- B. Developer intends to convey a portion of the Subject Property to Assignee, commonly referred to as Parcel \_\_\_\_, and more particularly identified and described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter the "Assigned Parcel"), or all of the Subject Property, as defined in the Development Agreement.
- C. Developer desires to assign and Assignee desires to assume all of Developer's right, title, interest, burdens and obligations under the Development Agreement with respect to and as related to the Assigned Parcel.

ASSIGNMENT AND ASSUMPTION

NOW, THEREFORE, Developer and Assignee hereby agree as follows:

1. Developer hereby assigns, effective as of Developer conveyance of the Assigned Parcel to Assignee, all of the rights, title, interest, burdens and

obligations of Developer under the Development Agreement with respect to the Assigned Parcel. Developer retains all the rights, title, interest, burdens and obligations under the Development Agreement with respect to all other property within the Subject Property owned by Developer, if any.

2. Assignee hereby assumes all of the rights, title, interests, burdens and obligations of Developer under the Development Agreement with respect to the Assigned Parcel, and agrees to observe and fully perform all of the duties and obligations of Developer under the Development Agreement with respect to the Assigned Parcel, and to be subject to all the terms and conditions thereof with respect to the Assigned Parcel. The parties intend hereby that, upon the execution of this Agreement and conveyance of the Assigned Parcel to Assignee, Assignee shall become substituted for Developer as the "Developer" under the Development Agreement with respect to the Assigned Parcel.
3. All of the covenants, terms and conditions set forth herein shall be binding upon and shall insure to the benefit of the parties hereto and their respective heirs, successors and assigns.
4. The Notice Address described in Article 7 of the Development Agreement for the Developer with respect to the Assigned Parcel shall be:

\_\_\_\_\_ Attn: \_\_\_\_\_

In WITNESS HEREOF, the parties hereto have executed this Agreement as of the day and year first above written. This Agreement may be signed in identical counterparts.

“Developer”

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

“Assignee”

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

## EXHIBIT C

### **CONDITIONS OF APPROVAL FOR THE PRUDLER TENTATIVE SUBDIVISION PROJECT INCLUDING GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS, REZONE TO PLANNED DEVELOPMENT, TENTATIVE SUBDIVISION MAP #4856 , CONDITIONAL USE PERMIT, AND DEVELOPMENT AGREEMENT**

Conditions of Approval: The following conditions apply to the Tentative Map unless otherwise stated and shall be fully satisfied prior to acceptance of First Final Map (unless otherwise stated):

#### **Planning Department**

1. Project Approval. The project is as described in the staff report for the Prudler Tentative Subdivision Project General Plan and Specific Plan Amendments, Tentative Subdivision Map 4856, Conditional Use Permit and Development Agreement prepared for the Planning Commission on April 7, 2016, City Council on June 21, 2016. The project shall be substantially (as determined by the City) constructed as depicted on the maps and exhibits included in the April 7, 2016 and June 21, 2016 staff reports for the Prudler Tentative Subdivision Project, except as modified by these conditions of approval.
2. Indemnity. 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. Informing Subcontractors. The applicant/developer shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibility to comply with all pertinent requirements of the City of Woodland Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City in addition to applicable state and federal laws.
4. Construction Impact Plan. Prior to issuance of any building permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and "good neighbor" information for review and approval by the Community Development Department. The plan shall include but is not limited to public notice requirements for periods of significant impacts (noise/vibration/street closures, tree removal, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways.

Findings and Conditions of Approval for the Prudler Tentative Subdivision Map Project  
3/30/16 PC & 6/21/16 CC



5. Prior to approval of the first final map submit, three (3) copies of the CC&Rs to the Community Development Department for review and approval prior to recordation of the CC&Rs, to include:
  - That prohibits recreational vehicle parking in the front yard longer than 24 hours.
  - That prohibits garages from being converted to residential use except the temporary use as a model home sales office. When the sales office is vacated, it must be converted back to a garage.
  - That prohibits garages from being converted to storage. Garages shall be kept clear for residential vehicle parking.
  - That prohibit any restrictions of color on residential structures. This provision shall be enforced through mechanisms established in the CC&Rs.
6. Design Review. For all residential uses, final site plans, architectural plans, elevations, and landscape plans shall be submitted for review and approval by the Planning Commission to ensure consistency with the City Community Design Standards, Zoning Ordinance, and Planned Development Standards except as modified by these conditions. The project shall be consistent with Section 2.3.1 (b) of the Spring Lake Design Standards with regard to the number of floor plans and elevations that shall be provided.
7. Setbacks and Lot standards. Setbacks and other area requirements for all homes and related structures shall be consistent with the Planned Development standards provided in Exhibit E of the Planning Commission Resolution.
8. Compliance with State Water Conservation Ordinance. All yards and public landscaping shall be in compliance with City's Water Conservation Ordinance and any applicable state Water Efficient Landscape Ordinance AB 1881. Plans shall be reviewed by the City for compliance prior to issuance of first building permit.
9. Landscape Plan Submittal. Detailed Landscape and Irrigation plans shall be submitted and approved by the Community Development Department concurrent with public improvement plans and prior to issuance of the first building permit. Landscape plans shall specify the following:
  - a. Locations, size, and quantity of all plant materials.
  - b. A plant legend specifying species type (botanical and common names), container size, maximum growth habit, and quantity of all plant materials.
  - c. Location of all pavements, fencing, buildings, accessory structures, parking lot light poles, property lines, and other pertinent site plan features.
  - d. Planting and installation details and notes including soil amendments.
  - e. Existing trees on site shall be identified. Trees planned for removal or relocation shall be marked on the plans, methodology to preserve trees in place provided on plans (in

accordance with the City's Tree Preservation Ordinance). Trees that are required as replacement shall be clearly identified.

- f. Details of all irrigation (drip, sprinkler, and bubbler) as well as equipment such as backflow controller and water meter devices identified.
10. Tree Preservation and Replacement. The applicant shall comply with Mitigation Measures IV-2, IV-3, and IV-4 regarding tree mitigation and replacement.
11. Street Tree Master Plan. A Street Tree Master Planting Plan shall be approved prior to the issuance of the first building permit. The plan shall be reviewed for conformance with the Spring Lake Design Standards and shall be reviewed and approved by the Community Development Department and the City's Public Works Department – Tree Division. OWNER shall submit a soils test, which will assist in appropriate species selection, prior to issuance of the first building permit.
12. Public Landscaping. Landscaping design, materials, installation, and maintenance in roadways, medians, greenbelts, subdivision trails, and other public areas shall be consistent with applicable City requirements.
13. Utility Design. The location of all utility structures shall be coordinated with, and depicted on, the landscaping plans. Location and installation of utility structures shall be to the satisfaction of the Community Development Director and City Engineer. Public utility lines, along public street frontages and /or landscaped areas shall be underground type unless otherwise approved by the Community Development Director and City Engineer.
14. Light Pole Location. Light poles shall not conflict with planting or shade trees throughout the site. OWNER shall submit plans for review and approval prior to issuance of final map. Street lights proposed for the interior of the project will have a unique design separate from Spring Lake and will be LED with upper dark sky compliant shielding.
15. Residential Good Neighbor Fencing Interior to the Project. All wood fence post and foundations shall be constructed of galvanized steel, reinforced concrete, or masonry. No treated wood materials in contact with the ground will be permitted. All wood fencing shall be stained with a water sealant to prevent water damage and staining. All required notes/details shall be provided on plans prior to the issuance of permits.
16. North Property Wall. The existing masonry wall along the north boundary of the project shall be replaced with a masonry wall six-feet in height as measured from the finished floor elevation. The location and design of the wall shall be shown on the Improvement Plans for the project. The design shall be approved by the Community Development Department prior to approval of Improvement Plans. Double walls shall not be permitted. OWNER shall work with the adjacent property owners to obtain necessary permission.
17. East Property Wall. The Eastern boundary of the property shall have a masonry block retaining wall with a six-foot wood privacy fence on top. The design shall be approved by

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the Community Development Department prior to issuance of building permits. Double walls shall not be permitted.

18. Double Wall Treatment. Should OWNER be unable to obtain necessary rights of entry from property owners to remove the existing and construct new fences in conditions 16 and/or 17 above, OWNER shall propose new construction design for the City's approval that does not need adjacent property owners' approval and minimize a nuisance or hazard double wall condition.
19. Park and Greenbelt Adjacent Fencing. Fencing adjacent to the park (lots 26 and 141) shall be an masonry wall. Fence design shall be submitted for review and approval of the Community Development Department prior to the issuance of first building permit.
20. Trash and Recycling Container Storage. Provide adequate trash and recycling container storage. Information on location and size on container storage area shall be provided on plot plans prior to issuance of first building permit.
21. Lot Variability. Where there are groupings of lots where lot width does not vary (5 lots in a row of the same width), then enhanced variability in unit design and setbacks shall be provided. This will be evaluated at the time of architectural design review.
22. Energy Efficiency. The Project shall be designed to maximize energy efficiency to the extent possible. All homes within the project shall be solar ready (including a dedicated electric vehicle charging receptacle in each garage) and a minimum of 10 percent (10%) of the homes shall have solar installed (1.5 kV system). If so desired, the applicant may submit to the Community Development Department for consideration an equivalent alternative energy saving feature(s) to solar for consideration prior to the issuance of building permits. All homes shall provide electric charging facilities in the garages.

Each home shall be photovoltaic ready and shall: **1)** be pre-wired; **2)** have adequate roof strength to handle solar panels; **3)** roofs to have few penetrations in order to accommodate solar panels; **4)** a 200 amp main electrical panel; **5)** space provided adjacent to main panel for solar disconnect and associated equipment (inverter); **6)** each home shall have a dedicated 240-volt, 20-amp circuit for electric vehicle charging station in every garage; and **7)** garages shall have adequate ventilation as required for vehicle charging stations. Modification to any of the above requires a finding of necessity, design impracticality, or economic infeasibility, as determined by the City.

23. Privacy Perimeter Walls along Sports Park Drive Frontage. The walls along the Sports Park Drive Frontage shall be a masonry material designed and constructed consistent with the existing adjacent project walls along Sports Park Drive to the East. The design of the walls shall be submitted to the Community Development Department for approval prior to issuance of first building permit.

24. Privacy Perimeter Walls along East Street Frontage. Masonry privacy walls along the East Street Frontage shall be the same model and type of masonry wall along the Sports Park Drive frontage. The design of the walls shall be submitted to the Community Development Department for approval prior to issuance of first building permit.
25. Privacy Fencing along the Forrest Property. A masonry wall adjacent to the Forrest property shall be submitted to the Community Development Department for approval prior to issuance of first building permit.
26. Fencing along Lots “C” and “A” Greenbelt. Fencing adjacent to lot “A” and “C” greenbelt paths shall be masonry, consistent in design with the adjoining privacy walls. The walls shall step down to three feet in height at the front setback.
27. Interconnecting Walks and Pathways. Interconnecting walks and pathways shall be a minimum of 25 feet wide and landscaped. Details of the path design shall be provided on landscape plans prior to the issuance of building permits. OWNER shall be responsible for constructing Lot “A” and “C” connecting access paths. The pathways shall be designed to be ADA accessible. OWNER shall submit proposal and timing of construction to be reviewed and approved by the City. The proposal shall be submitted prior to issuing the first building permit.
28. Greenbelt Lot Connector. OWNER shall construct the Lot “\_C” as a greenbelt lot at the time of construction of the residential lots adjacent to Lot “C”. The timing may only be modified by the Community Development Director after making a finding of necessity, design impracticality, or economic infeasibility. OWNER shall provide a connecting path to the adjoining open space lot, benches and landscaping to the satisfaction of the Community Development Department. Lot “C” to be constructed and included in improvement plans for the final map with adjacent lots.
29. Public Art. Public art shall be provided either in the form of an in-lieu fee, or an art installation shall be provided within the 1.46 acre park with a minimum valuation of \$15,000. If payable as an in-lieu fee a single lump sum payment shall be provided prior to approval of the first final map.
30. Entry signs. The OWNER shall construct Neighborhood entry signs at the following locations:
  - a. At East Street and “A” Street
  - b. At Sports Park Drive and “B” Street.

Construction of the Neighborhood Entry signs shall be concurrent with construction of the adjacent neighborhood unless the Community Development Director makes a finding of necessity, design impracticality, or economic infeasibility that will permit construction delay or otherwise determines that such construction may be delayed. A design specification for these features shall be prepared for approval by the Community Development Director and

Public Works Director. Prior to approval of the first Final Map, the applicant shall be required to submit a design theme for all entry features. The design theme shall be to the satisfaction of the Community Development Director.

31. Lots adjacent to lot “C” (greenbelt lot) and Park Adjacent Lots. Lots adjacent to Lot “C” (Greenbelt Lot) and the Park shall have homes constructed with porches, courtyards, or other similar outdoor social area to provide additional opportunity for “eyes on the open space”. Garages and driveways are prohibited from be constructed on the Greenbelt or Park side of lots abutting Lot “C” or the Park.
32. Park Design and Construction. The 1.46 acre park site within the project area shall be designed and included on the Improvement Plans and shall be improved with the first phase of construction, completed prior to issuance of the 75<sup>th</sup> building permit, with improvements to be completed by the OWNER. The park is a public improvement and security for the park improvements shall be included with the Subdivision Improvement Agreement. The Subdivision Improvement agreement may make an allowance for the partial acceptance of improvements if the park construction is scheduled more than a year past the remainder of the required public improvements. At minimum the park improvements shall include the following:
  - Shade structure
  - Small Picnic area
  - Play structure with Shade cover
  - Combination of turf and low water use landscape areas
  - Dual drinking fountain (people/dogs)
33. Quimby. Park improvement costs may be allocated toward fulfilling the Quimby requirement, in addition to the value for the dedication of land in the amount of 1.46 acres.
  - a. The agreed upon value for the land dedication is \$200,000 per acre, which results in a total land value amount of \$292,000.
  - b. The agreed upon value placed on the park improvement costs is \$377,000,
  - c. Items a and b above fulfill Chapter 21 Article 12 of the City’s Municipal Code regarding park and land dedication.
34. Block Length: OWNER shall provide further design enhancements to reduce the visual appearance of a long unbroken residential block. Significant variation in home front design, landscaping and hardscape shall be provided to help create variety and interest on these longer segments (more than 10 homes). Examples may include providing varied courtyard, patio, or porch features on the home fronts (minimum of eight foot depth), varied garage placement on the lot, use of varied building/hardscape materials, or enhanced front driveways and walkways or varied front or side yard setbacks. This condition is placed on the following blocks and shall be a Design Review requirement for the subdivision:
  - a. The “F” Street block
  - b. The east side of the “I” Street block

35. Noise Level Requirements: The design of the Prudler Tentative Subdivision Project shall comply with the exterior and interior noise level requirements of the Noise Element of the City of Woodland General Plan. Prior to approval of the Final Map, the following shall occur:
- a. Two story residential building plans for lots adjacent to East Street should be reviewed by a qualified acoustical professional to ensure that noise levels in habitable rooms on the upper floors will comply with the interior noise level standard of 45 dB Ldn.
  - b. Air conditioning or other suitable mechanical ventilation should be provided to allow residents to close windows for the desired acoustical isolation.
36. Pedestrian Circulation: Where pedestrian circulation crosses vehicular routes, a change in grade, materials, textures, or colors shall be provided to emphasize the conflict point and improve its visibility and safety, unless the Community Development Director makes a finding of necessity, design impracticality, or economic infeasibility.
37. Affordable Housing: Prior to the City approving the applicant's first Final Map, the applicant and City shall enter into an Inclusionary Housing Agreement as required by the City Affordable Housing Ordinance 6A and consistent with the terms for providing affordable housing set forth in the project Development Agreement.
38. Greenbelt Timing: Greenbelts and pathways/trails shall be constructed at the same time (or earlier) as adjoining dwelling units.
39. Landscape Timing: Street landscaping must accompany street construction for both partial (interim) and full cross-sections. Landscaping is not allowed to be deferred.
40. CEQA Filing Fees: Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$3,069.75 (or latest fee in effect at the time of payment) because an Environmental Impact Report was prepared, for a total of \$3,119.75 made payable to Yolo County Clerk and submitted to the Community Development Department. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
41. Fiscal Deficit: OWNER shall make-up any fiscal deficit resulting from this project as specified in the Development Agreement.
42. Sale of Lots to Local Building Contractors. The project shall comply with Section 21-15-1 of the City's Subdivision Ordinance with regard to sale of lots to local contractors as provided including identifying possible lots to be reserved prior to final map and noticing procedures.

## Conditional Use Permit/Planned Development

43. Universal Design. Developer shall emphasize universal design features in the development of the Project consistent with the universal design provisions contained in the project Development Agreement.
44. Single Story and Model Homes. Developer shall construct single story and model homes consistent with the provisions for same contained in the project Development Agreement.
45. Planned Development Standards. The proposed development shall comply with PD design standards as provided in Exhibit E of the Planning Commission Resolution.

## Building

46. Any deferred submittals that are not a part of the initial permit application shall be listed on the cover sheet of the plan at the time of application for the project.
47. All plans, computations, and specifications shall be prepared and designed by an architect or engineer licensed by the State of California.
48. 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.
49. At time of submittal, provide a cover sheet with COA provided.
50. A soils investigation report shall be provide as specified in section 1803.5.3 of the 2013 CBC.
51. Because this project is located in an area known to contain expansive soils and per Woodland General Plan Policy Document, Part II, Policy 8.A.9, "**The City shall require the use of special bending-resistant designs where foundations must be slab-on-grade in areas with expansive soil.**" and per CBC 1808.6, footings or foundations for buildings founded on expansive soils shall be designed in accordance with CBC 1808.6.1 **and for concrete slab-on-ground foundations** the design shall be in accordance with CBC 1808.6.2 and PTI Standard Requirements for Design of Shallow Post-Tensioned Concrete Foundations on Expansive Soils or WRI/CRSI Design of Slab-on-Ground Foundations and the specific recommendations as noted in the geotechnical engineering report. **Please submit plans and calculations stamped and signed by a California registered Civil or Structural Engineer or Architect** showing compliance. Woodland General Plan Policy Document, Part II, Policy 8.A.9, CBC 1803.5.3 and CBC 1808.6

## Development Engineering

### Rights of Way and Easements

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52. Prior to approval of a final map OWNER shall secure rights-of-way, rights of entry, and any permits necessary to construct improvements associated with and required by the conditions of approval and/or for that final map.
53. Except where not possible or practical, right-of-way dedications shall be accomplished by final map.
54. Sufficient rights of way or easements to accommodate entryway features and/or monuments shall be shown on the final map.
55. The location, placement, and screening of large utility facilities to serve the subdivision shall be reviewed and approved by Community Development, Public Works, and Parks departments. Placement shall not be in a park or public open space. The OWNER shall dedicate an easement(s) of sufficient size and with adequate access to accommodate placement of utility facilities to serve the subdivision.

#### Street Improvements

56. All proposed roads within the subdivision shall comply with the most recent version of the City of Woodland Standard Specifications & Details and any addenda except as specified in the adopted Spring Lake Specific Plan and conditions set forth specifically for this tentative map.
57. Roadway geometrics and improvements including street cross sections, median design and placement, intersection geometrics, roundabout and bulb-out details shall be approved by the City Engineer prior to submittal of each improvement plan and/or final map. Revisions may require changes to lotting layouts to accommodate design approval.
58. Local streets shall provide for ADA compliant sidewalk turnouts where sidewalk widths do not meet ADA minimum width requirements.
59. The surface course (final lift) of asphalt concrete shall not be placed on any road until all utility construction beneath the roadbed has been completed, tested, treated, and repairs made as applicable unless authorized in writing by the City Engineer.

#### Roadways

##### *East Street*

60. Vehicular movements at the proposed East Street entrance to the project (A Street) shall be restricted to right in, right out and left in. The design for East Street shall include physical features to prevent left turn egress from the project and to protect left turns into the project. Design shown on tentative map application is conceptual only, final design shall be approved by the City Engineer prior to submittal of a final map and improvement plans.



61. Along the frontage of the property, owner shall construct full-width road section per section D, with the existing pavement ground and overlaid to a depth appropriate for the roadway section design to meet all City standards.
62. In front of the Forrest property applicant shall construct in accordance with Section E, except that two additional feet of ROW are required at back of path for clear area and that all of existing pavement shall be ground and overlaid to a depth appropriate for the roadway section design to meet all City standards. Final section shall have a maximum 2% continuous cross slope.
63. Applicant shall complete the intersection of Sports Park Drive/24A, including the reconstruction of pavement in the intersection (up to RR crossing on Road 24A) and the installation of curb returns and ramps on the east side of the intersection. Roadway transition shall be necessary on East Street south of the 24A/Sports Park Drive intersection with geometric design to be approved by the City Engineer. Intersection shall have 100' long raised medians on the north and south approaches. South of Sports Park Drive OWNER shall construct the transition to be geometrically compatible with the north side with a minimum 4' median. Existing medians to be modified or remediated as necessary for the new alignment.
64. OWNER shall underground the overhead power line along the East Street frontage. The undergrounding project shall include the pole located on East Street, on the south side of CR 24A/Sports Park Drive.
65. Project shall complete East Street with the Phase 2 Map.
66. With the improvement of East Street, OWNER shall install two 4" Broadband conduits, with final design to be approved, and modified by the City Engineer.

*County Road 24A/Sports Park Drive/Sports Park Drive*

67. OWNER shall construct all Sports Park Drive improvements with phase I final map.
68. OWNER shall construct north side improvements of 8 feet landscaping, 5.5' foot sidewalk, and 11 feet of landscaping) for the portion of CR 24A/ Sports Park Drive from the east boundary of the property to B Street. OWNER shall design a continuance of such improvements to the western boundary of the property except that the frontage shall be 100% landscaped and an additional deposit shall be made for the future installation of the 5.5' sidewalk. The proposed planting scheme shall install trees such that removal of them will not be required for the installation of the sidewalk.
69. Revise street cross section and details on site as follows: County Road 24 A, revise section to show PG&E easement and poles, this may require section modification and/or lot modification. Final section shall be subject to the approval of the City Engineer. OWNER

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shall be responsible for all costs related to any PG&E pole relocation, or preparation of new descriptions and agreements with PG&E.

70. Public Lighting on East Street and 24A/Sports Park Drive shall use 15-foot tall LED street lights. OWNER shall prepare a lighting plan to meet City standards for illuminance for review and approval of the City Engineer. Lights on East Street shall match City Standard Street lights on adjacent portion of East Street (and with a design exception may be greater than 15' to match existing cobra heads). Lights on Sports Park Drive shall be in accordance with Spring Lake and shall match adjacent street lights on Sports Park Drive.
71. Landscape plans on 24A/Sports Park Drive and East Street shall be in accordance with Spring Lake plan, and/or City standards for water conservation planting. (Tree patterns to continue from Parkside frontage).
72. Landscape at intersections and driveways shall be designed to permit adequate sight distance as determined by the City Traffic Engineer.
73. Civil design and improvements for the project shall include ultimate water, sewer and storm drainage for the 2-acre parcel at the northeast corner of CR 24A/Sports Park Drive and East Street. Utility stubs to the parcel shall be provided with the improvements.
74. Phase 1 map improvements shall include completion of all Sports Park Drive improvements. It shall also include the construction of two lanes of Road A, as a City approved emergency vehicle access.
75. Phase 2 Improvements shall include completion of all East Street improvements. Should the OWNER request phase 2 be constructed prior to phase 1, phase 2 shall include interim sections connecting to Sports Park Drive, including Completion of A Street (curb to curb) to H Street, a 32' section to B Street and a Complete B street section (curb to curb).
76. Public Improvement Plans shall include two AC power radar speed feedback signs on Sports Park Drive between East Street and Matmor Road; size, type model and location to be determined in coordination with, and for approval, by the City.

#### *Matmor and Gibson Road*

77. With first final map, as part of the required public improvements, OWNER shall construct improvements at the intersection of Matmor Road and Gibson Road to convert the current 5 phase signal to an 8 phase signal.
78. Improvements shall include but not be limited to: All signal work associated with converting the signal, including poles, mast arms, conduit, wiring, preemption, signal heads, and appurtenances; curb ramps as necessary to comply with ADA, striping, signing, micropaving, and necessary drainage and curb modifications.

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79. Upon entering into a Reimbursement Agreement OWNER's cost to construct the traffic signal be taken as a credit against the traffic impact fee on a per building permit basis until the credit is exhausted. Credits are only generated after improvements have been accepted, and no refunds are to be made on a building permit basis. If an unreimbursed creditable amount is remaining after all Building Permits in phase I have been obtained, remaining credits may be used on phase II.

#### Micro-surfacing

80. Where construction causes the removal and replacement of existing traffic striping and marking on existing roadways, OWNER shall micro surface the full width of pavement over the limits of the striping changes plus 50 feet in each direction.

#### Map Circulation/Lotting

81. Lot B to be eliminated and cul-de-sac to be extended adjacent to the Forrest Property. If approved by the Fire Marshall the street may be dead ended at the property line without cul-de-sac.

#### Easements and Rights of Way

82. Final map shall dedicate necessary rights of way for the construction of approved public improvements as determined by the City Engineer.
83. A seven foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City. Exception on Arterial roads with green belts of 20' or greater.
84. PG&E Easement shall be shown on the map and improvement plans.
85. A portion of the frontage improvements lay within the PG&E easement width, OWNER shall coordinate design and construction of improvements with PG&E
86. Final map shall dedicate land for sports park drive as a condition for easement vacation.
87. OWNER shall obtain all necessary rights of way for public improvements prior to final map. Should the OWNER be unable to acquire rights of way with a good faith effort based on a MAI appraisal, the OWNER may request the City acquire the necessary offsite right of way, OWNER shall fund all City costs, and shall deposit \$200,000 with the first final map that triggers right of way acquisition.
88. Several easements are shown on the tentative map to be abandoned. Prior to final map approval, sufficient evidence of abandonment shall be presented to the City

### Storm Drainage and Site Grading

89. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Woodland Engineering Design and Construction Standards for additional requirements.

The tentative map grading and drainage plan showing grading and drainage information is preliminary only and does not constitute approval in any way. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.

90. Overland Release: Project OWNER shall submit with improvement plans, street cross sectional depths for the 1% event storm for the entire street system, to an outlet at the end of Sports Park Drive. Final plans shall revise grading as necessary to comply with City Standards.
91. OWNER shall revise the cross section of section A2 & B2 to the satisfaction of the City Engineer. The overland release channel side walls to be masonry as described in conditions of approval. Engineer to provide depth and velocity calculations for the 1% event. Maximum depth and velocity shall not exceed 4.0 for the depth and velocity quotient.
92. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
93. Prior to issuance of a grading permit, OWNER shall detail northeast corner of the property for construction between the four adjacent properties, including retaining walls, masonry walls, fencing and grades. Manner and type of detail to be approved by the City.
94. Prior to final map the OWNER shall detail cross property drainage easements, submit CC&R's and separate deed. OWNER shall submit a deed disclosure to the Community Development Director and City Attorney for review and approval. Said deed disclosure shall be a separate written disclosure to the buyer the nature and impacts of the drainage easements. The deed disclosure shall accompany the map and be recorded on title for the effected lots. Costs for document preparation and recording shall be borne by the OWNER.

### Wastewater and Sewer Collection System

95. The properties shall be connected to the City of Woodlands sewer system, with a separate sewer lateral required for each parcel, in accordance with City of Woodland standards. Sewer cleanouts shall not be located in driveways.
96. Prior to approval of the first final map, a comprehensive on-site sewer collection system master plan shall be prepared by a registered civil engineer for project, including the entire area, and shall be submitted to the City for review and approval. The master plan shall include final sizing and location of on-site conveyance facilities, structures, and engineering calculations. Said plan shall also include provisions for cost sharing among affected adjacent development for facilities sized to accommodate the area.
97. Prior to final map OWNER shall prepare a Sanitary Sewer Management Plan (SSMP) for sewer systems over 1 mile in length. Engineer shall provide a total length of sewer for the entire subdivision. OWNER shall submit the SSMP to the Regional Water Quality Control Board (RWQCB) and submit verification of an approved plan to the City prior to final map.
98. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
99. Construction of deep (15') sewer mains shall be connected to laterals by a parallel main and connections at Manholes.
100. OWNER shall obtain a wastewater discharge permit from the RWQCB prior to ground dewatering.

#### Storm Water

101. Prepare, and submit for approval, a storm drain utility site plan prior to preparation of full improvement plans. The proposed utility plan is considered conceptual only; final plans shall be subject to the approval of the City Engineer and shall be based on City standards and final storm drain, water and sewer studies.
102. Prior to approval of a final map, the OWNER shall submit a comprehensive storm drainage plan prepared by a registered civil engineer for the project. The drainage plan shall demonstrate effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at offsite downstream locations. Storm Drain plan on the tentative map is conceptual only. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the OWNER shall be consistent with the most recent version of the City's Storm Drainage Master Plan and any revisions and the City Standard Specifications and Details. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of onsite and offsite storm drain channels, structures and detention basins. The OWNER shall pay all

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costs associated with construction of the improvements required to serve the project. A reimbursement agreement may be drafted to reimburse the OWNER for oversize improvements. The plan shall include the handling of storm drainage between phases when one portion of the subdivision is constructed and another undeveloped.

- 103.** Prior to final map and improvement plan approval, OWNER shall demonstrate to satisfaction of the City Engineer that the proposed project does not negatively impact drainage of the 2-acre parcel at the northeast corner of CR 24A/Sports Park Drive and East Street. Final design shall allow for continuous drainage from the 2-acre parcel to the east or a drainage plan for the site with a right of entry from the property owner.
- 104.** Curb inlet and outlet modifications for the Overland Release (Lot A), shall be submitted for review and approval of the City Engineer. Release shall not accept run off from C Street or Sports Park Drive in a 10 year event. (Gutter flow shall not intrude on lot A).

#### Storm Water Quality

- 105.** The Developer shall prepare an erosion control plan to be approved by City engineer prior to a grading permit or final map. Erosion control plan shall address run off from the second phase of development
- 106.** Houses shall not be connected to the storm drain system, downspouts shall be equipped with splash blocks.. OWNER shall require in CC & R's a prohibition to alter on-site drainage to connect directly to the street and to prohibit removal of any street trees.
- 107.** Project disturbing more than 1 acre of land are subject to nation NPDS, and shall include post construction BMP's and an approved SWPPP during construction.
- 108.** Per City of Woodland Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the OWNER's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Woodland Standard Specifications and Details. Prior to the installation of any backflow prevention assembly between the public water system and the OWNER's facility, the OWNER or contractor shall make application and receive approval from the City Engineer or his designated agent. Backflow devices shall be installed for all public landscape areas, common landscape areas and communal buildings.

#### Water Infrastructure Conditions

- 109.** The first final map shall construct a looped continuous water main system between Sports Park Drive and East Street.
- 110.** Each property/residence shall have a separate metered water service. The water meters shall not be located in driveways.

- 111.** The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. OWNER shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the project. OWNER shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system. Water infrastructure on the plan is conceptual only and water modeling will be required prior to approval of improvement plans to determine adequate fire flow requirements.
- 112.** All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Woodland Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Woodland Fire Department. Hydrants shall be wet barrel Clow 960 with Clow 400A breakaway check valve assembly.
- 113.** Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Woodland Fire Department for replacement purposes.
- 114.** When a median strip is to be installed in the center of a street, the fire hydrant will be spaced not more than 300 feet on both sides of the divider on the curb side of the street. Final approval and approval of any changes is subject to the approval of the City Engineer. (Fire Hydrants may be needed on each side of East Street as determined by the City)
- 115.** Project shall use one Construction water meter, permitted by the OWNER in accordance with the City of Woodland Fee Schedule. Meter shall be available to the prime contractor and all sub-contractors.

#### Fees

- 116.** With the First final map OWNER shall pay a fair share of the Sports Park Drive and East Streets Improvements in accordance with the Supplemental Improvements Revised Third Party Agreement between the City and Standard Pacific Homes (water, sewer road), in the amount of Three Hundred Nine Thousand Eight Hundred Twenty Eight & 50/100 Dollars (\$309,828.50)
- 117.** With first final map OWNER shall pay current amount for Spring Lake buy in for water sewer and storm facilities, listed in the CIP, as of the 2009 update as stated in Exhibit D of the Development Agreement, for Habitat Conservation, East Regional Pond, Off Site drainage, Off Site sewer Systems, Gibson Road, and on Site Land acquisition.

- 118.** Prior to final map, if the storm drain plan includes connection to the storm pond on the City Parkland site, OWNER shall pay \$177,510.18 (38 acres/78 acres times the (\$514,270-\$149,907-the value of the dirt removed)) to buy into the pond.
- 119.** Prior to approval of improvement plans, the OWNER shall pay all fees for plan check and inspection of offsite infrastructure improvements, as approved by City Council and defined in the City Fee Schedule. If OWNER pays a deposit only at improvement plan submittal, the balance shall be paid prior to improvement plan approval by the City Engineer. Dependent on resources, it may be necessary to outsource improvement plan review and inspection services. If required at final map and improvement plan submittal, the OWNER shall enter into an Advanced Funding Agreement for the payment of fees associated with the processing of plans and inspection of public improvements.
- 120.** The project shall pay applicable Development Impact Fees at the single family dwelling unit rate in effect at the time of building permit issuance as provided in the Development Agreement.
- 121.** Prior to approval of the final map the OWNER shall establish a lighting and landscaping district unless superseded by the adoption of the associated costs into a services CFD. Improvements included in the district shall include: the 1.46 acre park, the storm drain detention pond, public lighting on East Street (east side and median) from 24A/Sports Park Drive to the northerly boundary of the property and both sides of Sports Park Drive from the eastern edge of the property to East Street, landscaping and sound/masonry walls over the same limits, and street lights and trees on the interior subdivision streets, the traffic signal at the intersection of 24A/Sports Park Drive and East Street; landscaping & lighting and masonry walls for the pedestrian connection (lot C) and, the overland drainage release (lot A) and, lot B if necessary in the configuration.
- 122.** The conditions of approval set forth herein include certain fees, dedication requirements, reservation requirements and/or other exactions. Pursuant to Government Code, Section 66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations and other exactions.

The OWNER is hereby notified that the 90-day protest period, commencing from the date of project approval, has begun. If the OWNER fails to file a timely protest regarding any of the fees, dedication requirements, reservation requirements and/or other exactions contained in this notice, complying with all the requirements of Government Code, Section 66020, the OWNER will be legally barred from later challenging such fees, dedications requirements, reservation requirements and/or other such exactions. Notwithstanding the foregoing, the City does not waive any rights it may have to enforce any settlement agreement, memorandum of understanding, or other agreement with the OWNER which authorizes the City to impose certain fees, and which may waive the OWNER's right to challenge the imposition of some or all of the fees, dedication requirements, reservation requirements, and/or other exactions set forth in these conditions of approval.



### Landscaping and Lighting

- 123.** Project shall install landscaping on the south side of Sports Park Drive between East Street and the Eastern edge of the project comparable in dimensions and type of landscaping to the east, including area 20 feet south of the path with landscaping and irrigation, to be reviewed and approved by the Community Development Director

### General Conditions

- 124.** Prior to final map the OWNER shall submit and have approved a revised tentative map in compliance with these conditions. The revised tentative map is subject to the approval of the City Engineer and Director of Community Development Department.
- 125.** With submittal of final map, OWNER shall document and provide evidence that all tentative map conditions are met at the time of submittal.
- 126.** The OWNER shall enter into a Subdivision Improvement Agreement and provide securities as required by City Municipal Code and the Subdivision Map Act for the construction of onsite and offsite infrastructure improvements required by the project, including those which will be privately maintained, as determined by the City Engineer.
- 127.** The OWNER shall prepare improvement plans for all onsite and offsite infrastructure improvements required by the project, including those which will be privately maintained, and submit them to the City for review and approval. All subdivision improvements shall conform to current City of Woodland Standard Specifications. All improvements within the public right-of-way and offsite improvements to serve the subdivision shall conform to the current City of Woodland Standard Specifications.
- 128.** The project shall conform to County Health regulations and requirements for the abandonment of any onsite septic tanks and water wells. Furthermore, upon review of design documentation the City may require the cutting of the well casing and injection of grout. Prior to the approval of any construction permits, grading permits or the improvement plan the existing well shall be abandoned, and prior to abandonment of the well the OWNER shall provide to the City permission from all recipients that receive water to abandon the well.
- 129.** All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.
- 130.** All public landscape areas shall include a separate point of connection for water laterals with meters and PG&E power service points for automatic controllers.
- 131.** A registered landscape architect shall design landscape, sound wall and privacy wall improvements consistent with the, Tree Preservation and Replacement, and other City Findings and Conditions of Approval for the Prudler Tentative Subdivision Map Project

Standards, as applicable, unless otherwise detailed in these conditions of approval and mitigation requirements.

- 132.** Joint trench plans shall be submitted for review by the City. City may, at discretion of City Engineer, require joint trench plans be incorporated into the full improvement plan set prior to approval. Project Engineer of Record shall be responsible to verify there are no conflicts between the joint trench and civil improvement plans. Above-ground utility placement and screening (if any) shall be approved by the Community Development Director prior to approval of plans.
- 133.** Except where not possible or practical, right-of-way dedications shall be accomplished by final map.
- 134.** Landscaping of public areas is a public improvement. Design and construction of public landscaping areas shall proceed concurrent with adjacent development. Public improvements will not be formally accepted until a 90-day maintenance period on landscaping improvements is completed. This requirement may be waived at time of acceptance of other public improvements with approval of the Parks, Public Works and Community Development departments, but if waived shall require submittal of a separate security to ensure landscaping completion.
- 135.** 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) (approval of the final map) to Developer.
- 136.** If conditions for the project require OWNER to construct improvements which benefit parties other than OWNER, and are subject to reimbursement by others as determined by the City Engineer, OWNER may request to enter into a reimbursement agreement drafted by the City. City shall endeavor to collect reimbursements from the benefiting party(ies) including requiring payment prior to approval of any entitlements for benefiting party(ies). All reimbursement agreements shall be executed prior to final map approval.
- 137.** Street names are subject to the approval of Fire, Community Development and Public Works departments. OWNER shall submit proposed street names to the Fire Department for City review and approval process. If names are not assigned at the tentative map stage, the final maps and improvement plans shall include names shown on this map in parentheses for clarification purposes.
- 138.** This project is subject to the construction and demolition debris recycling and diversion ordinance.
- 139.** Conform to any mitigation measures outlined in the EIR.

- 140.** All maps and plans shall comply with City Municipal Code and Standard Specifications including coordinated positions and digital submission requirements.
- 141.** For improvements that impact the right of way for the railroad, OWNER shall obtain a railroad Right of Entry Permit.
- 142.** Final map shall tie into two City control network monuments in accordance with the City's electronic submission ordinance

Traffic Engineering/Traffic Calming

- 143.** OWNER shall install pedestrian crossing signage at all street crossings as necessary. Location and installation of signage shall be to the satisfaction of the Community Development Director and City Engineer.



Planning Commission April 7, 2016

**Prudler Tentative Subdivision Map Project (PLNG 14-00090):** A request to amend the General Plan and Spring Lake Specific Plan, rezone the project site, and approve a Tentative Subdivision Map (TSM #4856) and Development Agreement to allow the development of 183 detached single-family units in two phases and a 1.46 acre park, on an approximately 38-acre site in the City of Woodland.

The proposal will include recommendation for:

- Certification of the Environmental Impact Report (EIR) and adoption of the Mitigation Monitoring and Reporting Plan (MMRP);
- Adoption of Findings of Fact and Statement of Overriding Considerations;
- Amendment to the General Plan Circulation Element to reduce the segment of East Street, located south of the County Fair Mall to CR 24A, from four lanes to two lanes;
- Amendment to the General Plan Land Use Map to re-designate the site from General Commercial (GC) to Low Density Residential (LDR), 3-8 dwelling units/acre;
- Amendment to the Spring Lake Specific Plan (SLSP) to modify the East Street cross-section design to reduce the median width from 45 feet to 18 feet and to reduce the number of lanes from four to two for the road segment located south of the County Fair Mall to CR 24A;
- Rezone from General Commercial (C-2) to Single Family Planned Development (R-1) and adoption of Planned Development Standards (PD);
- Approval of Tentative Subdivision Map # 4856 to subdivide the 38-acre site into 183 residential lots and a 1.46 acre park site;
- Approval of a Conditional Use Permit for development criteria within the Planned Development Zone; and
- Approval of a Development Agreement.

**Location:** The subject property is located at the northeast corner of East Street and Sports Park Drive/County Road (CR) 24A.

**Applicant/Owner:** Yolo Residential Investors, LLC., 2625 Fair Oaks Boulevard #3, Sacramento CA 95864

**Environmental Report:** Environmental Impact Report (SCH #2014122036)

**APN:** 041-070-042-0000

**Project Planner:** Cindy Norris, Principal Planner  
Cindy Gnos, Raney Planning & Management, Contract Planner

**Report For:** Planning Commission Hearing April 7, 2016

**Staff Recommendation:** Recommend City Council Approval subject to Conditions

**General Plan Designation (existing):** General Commercial

**Existing Land Uses:** Vacant and farmed

**Flood Zone:** X – Area Outside the 2% Annual Chance Flood Event, FIRM Community Panel Number – 06113C0445H Revised May 16, 2012

**Street Access:** East Street and Sports Park Drive

**Adjacent Land Uses & Zoning:**

| <b><u>DIRECTION</u></b> | <b><u>LAND USE</u></b>                                            | <b><u>ZONING</u></b>                                                 |
|-------------------------|-------------------------------------------------------------------|----------------------------------------------------------------------|
| North                   | Commercial, Mall                                                  | General Commercial (C-2)                                             |
| South                   | Community & Senior Center                                         | Open Space (O-S)                                                     |
| East                    | Single Family Residential                                         | Spring Lake Specific Plan (SLSP)                                     |
| West                    | Single Family Residential,<br>Multi-Family Residential,<br>& Park | Single Family (R-1),<br>Multiple Family (R-M), &<br>Open Space (O-S) |

**Pending/Potential Action**

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

- 1) Receive the staff report;
- 2) Conduct the public hearing;
- 3) Adopt Resolution No. PC16-\_\_\_\_\_ recommending to the City Council certification of the EIR and adoption of the Mitigation Monitoring and Reporting Plan (MMRP), approval of amendments to the General Plan and Spring Lake Specific Plan, the rezone of the site and adoption of Planned Development Designation, a Conditional Use Permit for development criteria within the Planned Development, a Development Agreement and approval of the Tentative Subdivision Map No. 4856 to subdivide the 38-acre site into 183 residential lots and a park site, based upon the Findings of Fact and subject to Conditions of Approval.

### **Project Site Description:**

The project site encompasses approximately 38 acres in the General Commercial zoning area. The current City of Woodland General Plan land use designation for the project site is General Commercial. The site is located on leveled terrain with the elevation of the site ranging from approximately 57 to 65 feet above mean sea level. The project site is currently vacant and is located in a developed area within Woodland. A majority of the site supports leveled cropland that was planted in corn and has been farmed on an annual basis. Disturbed ruderal areas (plants growing in disturbed areas or along roadsides) are located immediately around the field and along the surrounding roads. A series of older walnut trees are located on the east side of the roadway. State Route 113 (SR 113) is located east of the project site.



The site is bordered by County Fair Mall to the north, existing single family residential to the east, and a mix of uses to the west including multi-family residential, single family residential, and Tredway Park, and Sports Park Drive/CR 24A and the Woodland Community and Senior Center and Woodland Sports Park to the south. In addition, the project site forms the north and east borders of the approximately two-acre Forrest property located at the northeast corner of

East Street and CR 24A. The Forrest property contains two single-family residences and is zoned and designated for GC (General Commercial) use. The property is currently not included as part of the proposed project.

According to the City of Woodland General Plan Land Use Diagram the project site is bordered by lands designated LDR (Low Density Residential), MLDR (Medium Low Density Residential), and Open Space (OS) to the west, LDR to the east, Public Service (PS) to the south, and GC (General Commercial) to the north.

### **Background:**

Since August of 2005, applications for residential use have been submitted for consideration on the subject site. A General Plan petition was submitted on August 18, 2005, with a formal application submitted by K. Hovnanian in April of 2006 for a 267 unit single-story senior housing development proposal for an attached and detached product as well as a club house and HOA (homeowners association) with a proposed density of 7 dwelling units per acre. K. Hovnanian withdrew its application due to economic and market concerns. A revised application was submitted by Yolo Residential Investors in August 2008 for a similar project, and work progressed on this application through August of 2010. At that time it was put on hold. On January 18, 2013, the same applicant submitted an amended application, which included an initial proposal for 204 units to be developed in two phases with Phase I proposing 86 lots with minimum lot widths of 60 feet, similar to a Spring Lake R-5 product, and Phase 2 proposing 118 lots with minimum lot widths of 45 feet, similar to a Spring Lake R-8 product. The final proposed project includes 183 units with an overall density of 5.36 units per acre. The number of units in the project was reduced in order to accommodate the City's request that a neighborhood park be provided within the development.

On September 13, 2006, project plans and an arborist report were reviewed by the Parks and Recreation Commission Urban Forest Subcommittee, and subsequently by the Parks and Recreation Commission. At that time it was determined that the walnut trees along East Street were in poor health and that none were Heritage, Specimen or Landmark trees. The trees were approved for removal subject to replacement planting requirements consistent with the City's Tree Preservation Ordinance and are so noted in the MMRP and Conditions of Approval. Submittal of a final tree planting plan and/or payment of in lieu fees will be required.

### **Project Proposal:**

The Yolo Residential Investors, LLC application proposes: 1) a General Plan Amendment to amend the Circulation Element and Land Use Designation; 2) a Spring Lake Specific Plan Amendment of the East Street Road Section; 3) a Rezone of the project site from C-2 to R-1/PD and adoption of Planned Development Standards; 4) a Conditional Use Permit for development within the PD Zone; 5) a proposed Tentative Subdivision Map #4856 for 183 single family lots and a 1.46 acre park site; and 6) a Development Agreement.

### **General Plan Amendment Request**

The applicant is requesting a General Plan Amendment of the project site from GC to LDR (**Attachment 3**). The LDR designation allows for residential densities ranging from 3.0 to 8.0 units per acre. The proposed development includes a density of 5.36 units per acre. Additionally, the General Plan Circulation Element would be amended to include a reduction in the width of East Street from four to two lanes. The proposal to amend the Circulation element is consistent with direction the City is moving to as part of the General Plan update as discussed in the December 15, 2015 City Council workshop on Circulation and Transportation, (as further discussed in the “Circulation” subsection “General Plan Consistency” below).

### **Spring Lake Specific Plan Amendment Request**

The SLSP would be amended with reference to the median on East Street as well as a proposed reduction from four to two lanes (**Attachment 4, Exhibit C1**). The SLSP currently includes a street cross section with a 45-foot median on East Street adjacent to the proposed property. This street section was originally designed to accommodate the trees on the east side of East Street adjacent to the proposed project site. The applicant is proposing to retain a median, but to reduce the width to 18 feet with one travel lane in each direction along with a Class II bike lane. On the east side of the East Street, adjacent to the proposed subdivision, there would be an additional 33 foot landscape corridor consisting on an 8-foot landscape strip, a 10-foot path, and an additional 15 feet of landscaping providing for an attractive improved streetscape.

### **Rezone Request**

The applicant is requesting a rezone of the project site from C-2 to R-1/PD with the adoption of Planned Development Standards. The purpose of the Planned Development (PD) overlay zone is to encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments not otherwise possible through strict application of zoning regulations. The proposed Development Standards are included in the Planned Development Exhibit provided in **Attachment 5**.

### **Conditional Use Permit Request**

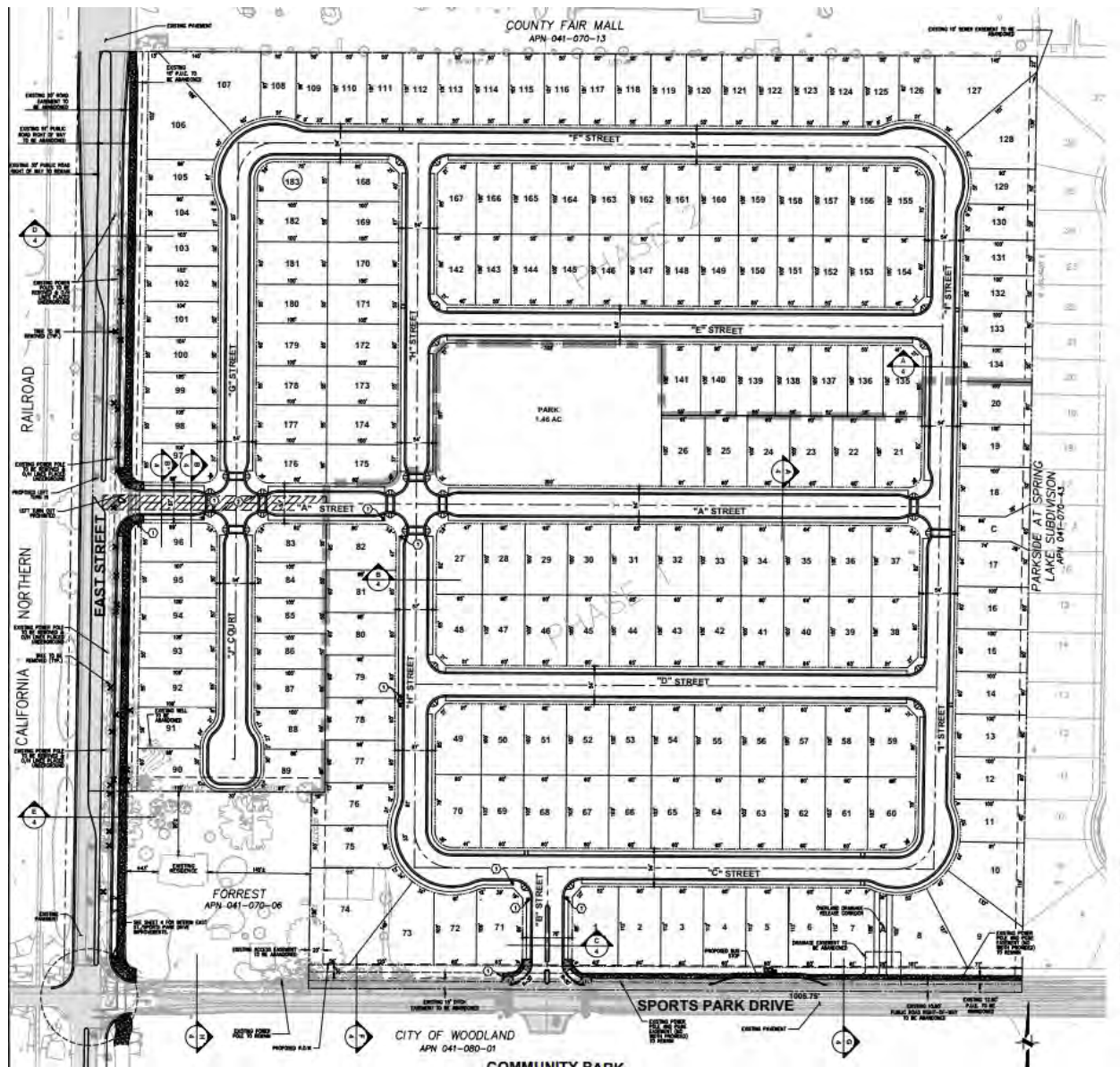
The applicant is requesting a Conditional Use Permit which is required for development within the PD overlay zone (**Attachments 5 & 6**). The Development Standards are adopted as part of the PD zoning designation. Specific designs for the homes have not been submitted and will be the subject of a future application for Planning Commission review.

### **Tentative Subdivision Map Request**

The applicant is requesting the approval of a Tentative Subdivision Map to allow the development of 183 detached single-family units on an approximately 38-acre site (**Attachment 6**). The proposed project would be developed in two phases. The first phase would include development of 82 units with minimum lot widths of 60 feet (similar to a Spring Lake R-5



product), the 1.46 acre park, and internal roadway improvements. The second phase would include development of the remaining 101 units with minimum lot widths of 45 feet (similar to a Spring Lake R-8 product) and internal roadway improvements. The average density overall would be 5.36 dwelling units per acre. The internal streets, street lighting, and underground utilities in the proposed development would be publicly-owned and maintained by the City of Woodland. All access to the site would be from East Street to the west and Sports Park Drive to the south.



The following off-site improvements are included as part of the proposed project:

1. Construction of East Street improvements between the project site and the East Street/Sports Park Drive intersection (along the Forrest property frontage) for a distance

of approximately 250 feet, including widening of the east side of the existing paved section.

2. Construction of improvements between East Street and Sports Park Drive (along the Woodland Sports Park property frontage) for a distance of approximately 270 feet, including widening of the east side of the existing paved section. Enhanced landscaping will be provided on the south side of Sports Park Drive.
3. Modifications to the signal at the East Street/Sports Park Drive intersection to accommodate left turn movements, minor adjustments to signal location, and reconstruction of curb and gutter. (See sheet 4 of TSM #4856, Attachment 6).

## **Development Agreement Request**

Resolution No. 3542, adopted on May 15, 1990, established procedures for the consideration of Development Agreements in Woodland. These procedures essentially parallel the requirements of Section 65864 *et.seq.* of the Government Code. Development agreements allow the City to negotiate the vesting of certain development rights for the applicant in exchange for benefits to the City that might not otherwise be required of a developer. Further, state law allows local agencies and developers to negotiate the payment of development fees in the context of a Development Agreement, regardless of whether the local agency has previously adopted a general ordinance imposing the same fee. Development Agreements, like adoption of City wide fee ordinances, are legislative acts that are approved by ordinance. See *Government Code* §65867.5(a). This requirement ensures that the fee agreement embodied in the Development Agreement is subject to public notice and hearing, along with the availability of referendum rights.

The proposed Development Agreement (**Attachment 7**) is valid for a term of 10 years with the option for two (2) 2-year extensions (14 years in total). The Development Agreement outlines park dedication and improvement requirements, requires 10 percent of the subdivision to contain single story homes, requires universal design features on all homes, and requires a minimum of 10 percent of the homes to provide solar with the remaining homes to be photovoltaic ready. In addition, the Development Agreement requires the developer to enter into an inclusionary housing agreement and to establish two Community Facility Districts (CFDs) to fund new services as a result of the project, including lighting and landscape maintenance, park maintenance and increased sports park maintenance. An attachment to the Development Agreement (**Attachment 7, Exhibit D**) outlines the project fees and public benefit contributions.

The following key provisions are contained in the Development Agreement:

### *Fees and Public Benefit Improvements:*

The project will be required to fund necessary fees and project improvements, the majority of which will provide for annual adjustments for inflation. The following is a summary of fees and funded improvements included within the Development Agreement:

- Development Impact Fees - \$26,031 per unit
- Road Improvement, Fire Operation and Maintenance, Public Transit Fees: \$1,918 per unit
- General Purpose Fee - \$12,700 per unit

- Hwy 113 Overcrossing Fee - \$1,100 per unit, or a one time payment of \$183,000
- Spring Lake Infrastructure Reimbursement \$1,266,591
- Reimbursement to Standard Pacific for utility improvements - \$309,282
- West Regional Pond Contribution - \$177,000
- Neighborhood Park dedication and improvement costs - \$699,000 estimated value
- Complete landscaping to the south side of Sports Park Drive - \$160,000 estimated value
- Signal improvements to the Gibson Rd/Matmor Rd intersection (TBD)

*Universal Design Requirement:*

The project has been conditioned to include Universal Design features in all homes. Universal Design, otherwise known as multi-generational housing, provides features that make homes accessible for the young, old, healthy and infirm. Improvements may include items such as wider doorways, wider hallways, roll-in showers, and reinforced towel bars, as example. **Attachment F** to the Development Agreement provides a list of the minimum requirements to be provided in the future homes.

*Public Art Requirement:*

The project has been conditioned to provide public art either on site within the neighborhood park, or through the payment of an in-lieu fee. The public art amount for the 38 acre site is \$15,000.

*Affordable Housing In-Lieu Fee:*

In accordance with the City's Affordable Housing Ordinance 6A, the applicant must provide ten (10) percent of the units as affordable to low income households. The applicant and City recommend allowance for the payment of fees in-lieu of providing actual constructed units to meet the affordability requirement. This is similar to the recent approvals in Spring Lake for the Spring Lake Central and Cal West projects. The proposed in-lieu fee amount is \$620,040 or \$3,388 per unit. The formula is based on a sliding scale that relates to density, the idea being that the higher density product inherently provides greater affordability and is typically less expensive. The project requires eight (8) R-5 affordable units (8 x \$40,000) and ten (10) R-8 units (10 x \$30,000). Discussion regarding the findings for the recommendation of an in-lieu fee is provided later in the report in the section on Affordable Housing Ordinance 6A.

*Community Facility Districts/Fiscal Deficit:*

Two Community Facilities Districts (CFDs), for the provision of public services, will be required for the project as outlined below:

- The Developer shall join the existing CFD for the operations and maintenance of the Sports Park.
- The City and Developer shall form a new CFD to address the project fiscal deficit to the general fund, as well as to cover the costs for maintenance for the neighborhood park, green spaces and landscaping, as well as to cover landscaping and lighting on the south side of Sports Park Drive and East Street.
- The project as proposed is estimated to have an annual net fiscal loss to the general fund of \$70,821, or \$387 per unit per year. The City and Developer shall form a new Community Facilities District ("CFD") to pay for additional services and service deficits that will result from the project, including but not limited to increased maintenance costs

for the new neighborhood park, new green spaces, and additional landscaping and lighting on the south side of Sports Park Drive and East Street. The CFD shall be in place prior to approval of the first final map for the project.

### **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. Three methods of public notice were used:

- Legal notice was published in the Woodland Daily Democrat on or before March 28, 2016.
- Notices were mailed to all property owners within the Spring Lake Standard Pacific Development area and within 300 feet of the project site.
- Copies of all notices and reports were provided electronically to Spring Lake neighborhood representatives for general distribution and posted on the Spring Lake Facebook page.

Copies of this staff report were made available April 1, 2016.

### **Applicable Laws, Codes & Ordinances**

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

- The California Environmental Quality Act (CEQA)
- The City of Woodland General Plan (including the Housing Element)
- The City of Woodland Zoning, Subdivision, Tree Preservation and Affordable Housing Ordinances
- Spring Lake Specific Plan (for the East Street right-of-way only)
- City of Woodland Community Design Standards

### **Review Agency Comments**

The application was circulated for review by agencies of jurisdiction. The comments from Development Engineering, Housing, Building, Fire, and Police, have been incorporated as Conditions of Approval and/or mitigation measures.

### **Staff Analysis**

Staff supports this project, subject to the recommended provisions in the Development Agreement and conditions of approval, and provides the following analysis:

### **General Plan Consistency**

#### **Land Use**

The current General Plan designation for the project site is General Commercial (GC), which includes retail, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses. The GC designation on the site was originally intended to serve as an expansion of the County Fair Mall. The applicant is requesting a General Plan Amendment of

the project site from GC to Low Density Residential (LDR). The LDR designation provides for single-family detached homes, with a density range of 3.0 – 8.0 units per acre. The proposed project would include an average density of 5.36 units per acre, which is consistent with the LDR designation. Two product types are proposed by phase with Phase I having a density of 4.86 units per acre, and Phase II having a density of 5.85 units per acre. In addition, the proposed project includes an amendment to the Circulation Element to reduce the number of lanes from four to two for the section of East Street that is adjacent to the project site from south of the County Fair Mall to Sports Park Drive/County Road 24A. The General Plan Amendment diagram is found in **Attachment 3, Exhibit B-2**.

The project would change a non-residential designation to a residential use. The change in General Plan designation would not create conflicts with the existing and planned residential uses to the east and west and would potentially reduce impacts to those uses as compared to development of the site under the GC General Plan designation.

Policy 1.G.4 states that *“The City shall promote the expansion of County Fair Mall to the south along East Street.”* However, due to market conditions and demographic factors, it does not appear that this policy would be achievable during the planning horizon of the General Plan. Strict adherence to this policy, and the resulting maintenance of a commercial designation for the site, would continue the status quo, of a vacant and underutilized parcel within the City. Adhering to the policy would also hinder the attainment of other goals of the General Plan. The Guiding Principles of the General Plan calls on the City to “promote the provision of adequate housing including a variety of housing types for all persons in the community regardless of income, age, gender, race, or ethnic background.” The proposed project would implement this principle by providing a variety of housing types that are located adjacent to the Community and Senior Center, the County Fair Mall, and a variety of other amenities.

In addition, Policy 1.E.1 states *“...The City shall strive to avoid creating an oversupply of commercially-designated land to prevent the dilution or deterioration of currently viable commercial areas.”*

The General Plan was designed to provide adequate land for commercial and residential development until the year 2020. The fiscal analysis conducted for the formerly proposed residential project showed that development of the project site for commercial use may not occur for over 20 years. Therefore, it is anticipated that an oversupply of commercially-designated land exists in the project area under the current market conditions. As a result, re-designation of the project site would be consistent with the economic and social needs of the community.

General Plan Policy 1.B.2 states, *The City shall require residential project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other factors. As a result, the maximum density specified by General Plan designations or zoning for a given parcel of land may not be realized.”*

In addition, multiple policies in the General Plan support infill development that is consistent with the needs of the community, reflective of existing neighborhood character, and consistent with efforts to maintain a positive fiscal balance for the City. These policies include the following:

*Policy 1.A.3 – The City shall designate land for development consistent with the needs of the community and consistent with its efforts to maintain a positive fiscal balance for the City.*

*Policy 1.A. 6 – The City shall promote infill development and reuse of underutilized parcels in a manner compatible with the character of the surrounding neighborhood.*

*Policy 1.B. 5 – The City shall require new and infill development to reflect existing neighborhood scale and character.*

The General Plan also has policies relating to infill density. However, rather than being mandated infill density is to be assessed on a case by case basis to determine whether it will assist in the reuse of a property. There have been various residential project proposals for this site since 2006. Until this latest proposal, project applicants were unable to develop a project that would succeed from a market perspective. Further, while single family uses create a net fiscal loss to the city, multi-family creates an even greater burden on general fund services. The project as proposed will create an annual net loss to the City's General Fund. The project Development Agreement includes provisions requiring a fiscal deficit fee be provided per unit through a Community Financing District (CFD) (**Attachment 7**).

*Policy 1.B.6 – The City shall continue to look for infill opportunities, including increased densities, if it will assist in appropriate reuse of properties.*

*Policy 1.B.7 – The City shall encourage multi-family housing to be located throughout the community, but especially near transportation corridors, Downtown, major commercial areas and neighborhood commercial centers.*

While the project is located adjacent to the Yolo Bus transit center, this use may not remain at this location over the long term. A more centrally located transit center for the city is desired. The project may attract a higher than typical occupancy by senior households due to its proximity to the Community and Senior Center and the incorporation of universal design features, as required in the Development Agreement.

#### 1996 General Plan Growth Management Policies:

The 1996 General Plan included a population limit for the 2020 horizon year. Due to the difficulty in tracking population, the growth management cap was modified in May of 2005 to allow 5,000 single family units in new planned neighborhoods by the year 2020 in anticipation of the build out of Spring Lake and the Master Planned Remainder area. Resolution No. 4636 set forth revised policy 1.A.7 but specifically exempted infill development by stating, "The intent is not to limit infill and multi-family development, including multi-family development approved in planned neighborhoods."

This subject property was annexed to the City in July 1999 along with the adjacent 40 acre parcel to the east, known as Parkside at Spring Lake (developed by Standard Pacific). While the General Plan does not include a definition for infill, Section 21061.3 of the CEQA statute contains a definition for infill as follows:

*“(a) (1) “ The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed, with qualified urban uses and the remaining 25 percent of the site adjoins parcels that have previously been qualified for urban uses.”*

Therefore, as a qualified infill site, this site is not subject to the City’s growth cap.

#### Housing Element Consistency

The site is not identified in the Housing Element on the inventory of available sites to provide high-density and/or affordable housing units. Therefore, the site was not included in the Housing Element. The development of the proposed project would not impede the City’s ability to provide affordable housing units outlined in the Housing Element. In addition, per the Development Agreement, the project is required to enter into an Inclusionary Housing Agreement in compliance with the City’s Affordable Housing Ordinance 6A. Therefore, the project is consistent with the Housing Element of the General Plan.

#### Voter Approved Urban Limit Line Initiative

The City of Woodland’s voters approved an initiative in June 2006 known as the “City of Woodland Voter Approved Urban Limit Line Act” (The Act). The initiative amended the City’s General Plan to create a permanent and complete urban limit line. The four purposes of the Act are stated as follows:

1. To amend the General Plan to create a permanent and complete urban limit line.
2. To preserve and protect agricultural, natural resource, and open space uses on lands outside the permanent urban limit line.
3. To allow Woodland to meet its housing needs for all economic segments of the population in an environmentally sound manner.
4. To allow Woodland to provide high quality and reliable public service and infrastructure for its citizens.

As part of the initiative, General Plan Policy 1.B.6 was amended to state (unless amended by a future vote), the following:

*Policy 1.B.6 – The City shall continually reevaluate residential land use densities, housing policies, and zoning to determine the potential for increased residential densities for both infill sites and underdeveloped land within the permanent urban limit line. The City shall continually review existing non-residential zoning to determine potential for conversion to higher density residential uses within the permanent urban limit line.*

In an effort to address this and other policy issues, the City has undertaken a General Plan update in which growth and density of development are evaluated on a citywide basis and in particular

in the Downtown and along key corridors. Policies to further encourage infill development of all types will be addressed. In addition, early planning has begun for a future planned community that will adjoin the Spring Lake Planning Area to the south and west. Consideration of higher density and mixed uses, as well as job generating uses near the interchange, is currently being evaluated as part of the specific planning process. Locating higher density residential adjacent to Business Park planned uses will hopefully create a desirable mixed use environment conducive to the research/technology sector and attractive to university related uses.

Further, the City continues to encourage and allow the proposed development of higher density residential in locations and in a manner that will facilitate high quality planning and ensure the best management of such properties. This is best evidenced by the recent up-zoning of 9.3 acres of land within the Spring Lake Central Village Center project and the Mercy Housing Project on Beamer and Cottonwood.

### Circulation

The proposal to amend the General Plan Circulation Element to include a reduction in the width of East Street from four to two lanes is consistent with the direction the City is moving to as part of the General Plan 2035 Update. The December 15, 2015 City Council workshop on Circulation and Transportation recommended that the General Plan Level of Service (LOS) standard be reduced from a LOS C to LOS D citywide. The purpose of this modification is to better utilize the existing transportation network and better accommodate alternative modes of transportation. Fewer lanes will enhance the bike and pedestrian experience as well as urban design.

The typical Level of Service (LOS) standard “C” is designed specifically to address ease of automobile movements and does not take into account alternative modes of transportation or other factors. Therefore, when looked at in isolation, LOS can lead to roadway expansions that reduce safety for bicycles and pedestrians. First, it focuses on a social impact (driver delay), rather than an environmental impact. Second, roadway widening is the typical mitigation for projects. However, wider roads can actually result in adverse environmental, public health, and fiscal impacts. Wider roads are more expensive to maintain and enable driving at faster speeds, which leads to more pollution, noise, and higher risks to bicyclists and pedestrians. These concerns, among others, have led some cities to accept low LOS ratings or to move away from level of service entirely as a measure of transportation impacts. In fact, recent state legislation (SB 743 [2013]) requires the State CEQA Guidelines to use alternative criteria rather than auto delay for assessing environmental impact. The future General Plan will use multiple criteria to measure environmental impacts, most important of which will be vehicle miles traveled (VMT). The transportation CEQA portion of the General Plan EIR will likely be evaluated differently once the General Plan is adopted.

The affected area, as shown in **Attachment 3, Exhibit B-1**, includes the road segment adjacent to the project on East Street from Sports Park Drive north to south boundary with the County Fair Mall. East Street along this segment will be improved to include an 18-foot median, with turn pockets, one travel lane in each direction with a Class II bike lane. The East side of the street will be improved to include an 8-foot landscape strip, a 10-foot path, and additional 15-feet of landscaping.



It should be noted that the current General Plan includes the following policy:

*The City shall develop and manage its roadway system to maintain LOS "C" or better on all roadways, except within one-half mile of state or federal highways and freeways and within the Downtown Specific Plan area. In these areas, the City shall strive to maintain LOS "D" or better. Exceptions to these levels of service standards may be allowed in infill areas where the City finds that the improvements or other measures required to achieve the LOS standards are unacceptable because of the right-of-way needs, the physical impacts on surrounding properties, and/or the visual aesthetics of the required improvement and its impact on community character.*

The project site is considered infill, which under this policy may allow an exception to the LOS standards. However, because the General Plan 2035 Update has not yet been adopted which would provide certainty on this matter, the project environmental review in the Draft EIR utilized a conservative approach, rather than taking the possible infill exemption as stated in the policy, which resulted in the project impacts being significant and unavoidable. The purpose for this was to provide full disclosure. Staff believes that the impacts will be negligible and that the project infrastructure improvements will significantly improve this portion of East Street now and in the long term. Pedestrian access will be improved and bike lanes will provide multi-modal access to a future planned bike overcrossing in this immediate area.

#### Processing Projects During A General Plan Update

The City is not restricted from processing General Plan Amendments during the process of updating the General Plan. The City Council has not imposed a moratorium on development applications and has in fact taken action on General Plan Amendments during the course of the update.

*The determination of General Plan consistency ultimately rests with the City Council. Therefore, upon the approval of the General Plan Amendment, the proposed project would be consistent with the City's General Plan.*

#### **Tentative Map Review**

The subject property is comprised of 183 detached single-family units and a 1.46-acre park on an approximately 38-acre site (**Attachment 6**).

Because the proposed project is requesting a Planned Development overlay, the standard zoning requirements do not apply. In addition, the site is not located within the SLSP, so the SLSP development standards do not apply to the site. Staff has, however, provided a comparison to some of the SLSP development standards below.

Lot Width – SLSP Development Regulation 2.35.5 states that lot widths along a block shall be varied. The Planned Development Standards include a minimum of 41 feet and a maximum of 70 feet in width for Phase 1 (61-foot average). Phase 2 identifies a minimum of 49 feet and maximum of 60 feet in width (53 foot average). Significant variation in lot widths on each block

do not occur. Staff has included a condition of approval (COA #21), which states that where there are groupings of lots where lot width do not vary (5 lots in a row of the same width), then enhanced variability in unit design and setbacks shall be provided. This will be evaluated at the time of architectural design review.

Block length – SLSP Development Regulation 2.34 and Table 2.4 lists the block length in the R-4 zone as 400 to 600 feet desirable with a maximum of 910 feet; the R-5 zone as 400 to 600 feet desirable with a maximum of 840 feet; R-8 zone as 400 feet desirable with a maximum of 600 feet. The goal is to not exceed 10 homes on one side of the block. The proposed Planned Development Standards do not include any restriction on block length.

Staff has provided a condition (COA #34) that requires the applicant to provide further design enhancements to reduce the visual appearance of a long unbroken residential block. Significant variation in home front design, landscaping and hardscape shall be provided to help create variety and interest on these longer segments (more than 10 homes). This will be evaluated at the time of architectural design review. In addition, traffic calming features have been conditioned on the longer blocks.

Back-on Lots – SLSP Development Regulation 2.35.2 provides that *Residential lots shall avoid, to the greatest feasible extent, backing on to greenbelts*. The proposed lot layout does not result in any lots backing-on to parks or greenbelts.

Cul-de-Sac Calculation – SLSP Development Regulation 4.8 states that a grid system is encouraged, although a modified grid is acceptable with the goal of not more than 50 percent cul-de-sacs in a subdivision. The proposed subdivision provides only one cul-de-sac in the subdivision.

Bicycle / Pedestrian Access – SLSP Development Regulation 2.24 requires access connections for bicycles and pedestrians to open space, parks, and subdivision trails. The map provides a connection to the adjacent Parkside at Spring Lake subdivision via Lot C. Access to surrounding areas is provided via the main access road on East Street and Sports Park Drive. (COA #27)

Energy Efficiency – SLSP Development Standard 2.25 requires five percent (5%) of all units to have roof photovoltaic energy systems or other alternative energy systems. Staff is recommending a condition (COA #22) to require that 10% of homes have photovoltaic (1.5 kW system) or other alternative energy systems. In addition, all homes shall be photovoltaic ready and have outlets on a dedicated circuit for electric vehicles in every garage.

Water Conservation Ordinance – The project shall comply with the City's Water Conservation Ordinance and any applicable state water conservation requirements. (COA #8)

Street Lights – Street lights proposed for the interior of the project will have a unique design separate from Spring Lake and will be LED with upper dark sky compliant shielding. (COA #14)

### Fencing –

Privacy Perimeter Walls along Sports Park Drive and East Street Frontage: The walls along the East Street and Sports Park Drive Frontage shall be a masonry material designed and constructed consistent with the existing adjacent project walls along Sports Park Drive to the east. The design of the walls shall be submitted to the Community Development Department for approval prior to issuance of the first building permit. (COAs #16, 17,19, 23, 24, 25 and 26)

Privacy Fencing along the Forrest Property: The fencing adjacent to the Forrest property shall be of a masonry material and shall be submitted to the Community Development Department for approval prior to issuance of the first building permit.

Eastern Boundary Fencing: The eastern boundary of the subdivision, where it intersects with the existing Parkside at Spring Lake subdivision, shall have a masonry block retaining wall with a 6-foot privacy fence on top of the wall. Double fences will not be permitted, so the developer shall work with the adjacent property owners. The design shall be reviewed and approved prior to the issuance of grading permits.

Greenbelt Lot “A” and “C” Fencing. Fencing adjacent to lot “A” and “C” greenbelt paths shall be masonry, consistent in design with the adjoining privacy walls. The walls shall step down to three feet in height at the front setback.

*The proposed project as conditioned is consistent with the City’s development standards.*

### **Mitigation Monitoring and Reporting Plan (MMRP)**

The proposed project includes the adoption of the MMRP (Chapter 4 of the Prudler Tentative Subdivision Map Project Final EIR). As conditioned, the subject project will be consistent with all requirements of the MMRP. (**Attachment 2, Exhibit A-2**)

### **Consistency with Other Land Use Plans**

The project site does not fall within the planning area of any other relevant specific plans, area plans, redevelopment plans, airport land use plans, or other such adopted land use plans of the City.

### **Zoning Ordinance Consistency**

The current zoning designation for the site is General Commercial (C-2). Because the proposed project would be inconsistent with the C-2 designation, the applicant is requesting a rezone of the project site to R-1/PD, (**Attachment 5**). Permitted uses in the PD Zone includes any use or combination of uses and densities shown on the approved development plan that are arranged and designed to provide a development that is in conformity with the General Plan. The proposed Planned Development Standards establish the requirements for the proposed project.

*The determination of Zoning Ordinance consistency ultimately rests with the City Council. Therefore, upon the approval of the rezone, the proposed project would be consistent with the City's Zoning Ordinance.*

### **Planned Development and Conditional Use Permit**

The proposed project includes the adoption of Planned Development (PD) Standards, which would be adopted as part of the PD zoning designation. The Planned Development Standards have been created with the intent to be more aligned with the SLSP Planned Development Standards. Staff has included **Attachment 5, Exhibit D-2**, which provides a map and listing of the proposed standards.

The purpose of the Planned Development Overlay Zone is to encourage a creative and efficient approach to the use of land, and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of the zoning regulations. Permitted uses in the PD Zone include any use or combination of uses and densities shown on the approved development plan that are arranged and designed to provide a development that is in conformity with the General Plan. Development in the PD overlay requires approval of a Conditional Use Permit.

### **Subdivision Ordinance Consistency**

#### Local builder requirements

Consistent with Section 21-15-1 of the City's Subdivision Ordinance to provide for the sale of lots to local building contractors, the project will be conditioned to include lots available to local builders. The intent of this regulation was to provide the opportunity for the local building community to participate in development in the City. The regulation provides for a process to allow the lots to be offered for a limited time (45-days) to local builders and have to be offered at a fair market price.

#### Dedication of Parkland and Facilities

Section 21-12-1 of the City's Subdivision Ordinance requires that a developer of residential land dedicate land to the City for parks and recreational purposes, pay to the City a fee in lieu thereof, or a combination of both, at the option of the City. Based on the formula provided in Section 21-12-2, this project would be required to either dedicate or pay fees for the equivalent of 2.75 acres of land. Since the site is adjacent to the Community Center, which does not provide for neighborhood active play space, the City requested that the applicant both provide and improve a neighborhood park space. A 1.46 acre local neighborhood park is proposed. Based on an estimated cost per acre of \$200,000 and estimated costs for the park improvements, as set forth in the Development Agreement, the cost to the project will be \$669,000 for the park land and improvements, which exceeds the estimated land cost of \$550,000.

*The project as conditioned is consistent with the City's Subdivision Ordinance.*

### **Affordable Housing Ordinance 6A Consistency**

It is Staff's recommendation that the best means by which to meet City affordability requirements is through the payment of the in-lieu fees for the following reasons:

- The payment of in-lieu fees provides greater certainty to the City and Applicant in defining the affordable housing obligation.
- Allows the City to focus resources on individuals and households with the greatest need and to target areas of greatest unmet need including the development of new low and very low income rental units, the preservation of existing affordable multi-family projects, the rehabilitation of existing low and very low income single family homes, and first-time homebuyer assistance citywide.
- Allows the City the ability to develop an independent fund source in order to support housing needs independent of State and Federal subsidies and to reduce program administration burdens associated with those programs.
- Allows the City the ability to target and support those projects that best meet infill, sustainability, compact development goals, that use land use resources most efficiently, and those sites that are located close to transit and infrastructure and amenities.

Fees collected in-lieu of providing the required ten (10) percent low income single family units may be utilized city-wide as determined by the City Council.

### **Fees, Reimbursements and Infrastructure Requirements**

The project Development Agreement and Conditions of Approval set forth the various fees, reimbursements and infrastructure requirements for the project. The project site is not located within the boundaries of the Spring Lake Specific Plan and as such is not subject to the payment of fees under the Spring Lake Capital Improvement Program (CIP), except as required to contribute to the Project's fair share contribution for downstream wastewater and drainage facilities impacts. This contribution amount is \$1,266,591. The subject fees are outlined in Exhibit D to the Development Agreement (**Attachment 7**). Other reimbursements include payments owed to the adjacent Standard Pacific project for utility improvements and a fair share contribution to the West Regional Pond, both totaling \$486,282. The project is subject to the citywide Development Impact Fees, including citywide park fees totaling \$26,032 per unit. Additionally the City and Developer have negotiated terms of a development agreement that includes payment of additional fees specific to the project. These project specific fees are outlined in Section B to Exhibit D and include a road improvement fee, fire operations and maintenance, public transit as well as an in-lieu fee for an affordable housing contribution. Additional fees levied on the project that are categorized as Project Public Benefit fees and include the following:

|                                                  |                                |                                                                                                                                        |
|--------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| General Purpose Fee                              | \$12,700 per unit              | General Purpose Fee to City of Woodland for unrestricted use, to fund public improvements                                              |
| Highway 113 Bicycle/ Pedestrian Overcrossing Fee | \$1,100 per unit               | Fee for bicycle and pedestrian connectivity and enhancement projects such as a Highway 113 bicycle/ pedestrian overcrossing.           |
| Public Art                                       | \$82 per unit (\$15,000 value) | Obligation may be met either by installation of public art within on-site park, or through payment of in lieu fee of \$82.00 per unit. |
| Improvements to Gibson                           | TBD based                      | Developer shall complete construction of improvements to the                                                                           |

|                                                             |                                |                                                                                                                                                                                                          |
|-------------------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Road / Matmor Road Intersection                             | upon construction cost         | intersection of Gibson Road / Matmor Road, converting the current five-phase signal to an eight-phase signal. Developer shall receive credit against the Road Development Impact Fee.                    |
| Landscaping Improvements to South Side of Sports Park Drive | \$160,000 in improvement costs | Developer shall improve the south side of Sports Park Drive between East Street and east property line, through the installation of landscaping and irrigation within an area 20 feet south of the path. |

The General Purpose fee and Pedestrian overcrossing fee include payments totaling \$13,800 per unit which may be allocated to fund needed public improvements such as land acquisition and development of a fire station as well as a contribution to bike/pedestrian improvements.

The project as conditioned will provide improvements to East Street to include two lanes with adjacent class II bike paths on each side and a 10 foot wide walking path on the east side of the street with an additional landscaping. Further, the project will be required to widen and complete improvements along the north side of Sports Park Drive and to provide landscaping along the south side of Sports Park Drive and to complete necessary improvements across the adjacent Forrest property as described below.

#### Forrest Property

The project site forms the north and east borders of the approximately two-acre Forrest property located at the northeast corner of East Street and CR 24A. The Forrest property contains two single-family residences and is zoned and designated for GC use. The Forrest property does not include a zone change and is not included as part of the proposed project. The proposed project includes masonry privacy fencing along the Forrest property to provide a buffer. It should be noted that past conceptual design work has shown that the Forrest property could be developed with either commercial or residential uses at a future date.

The design of the East Street improvements, along the Forrest property west frontage, has been modified to accommodate the Forrest property. Depending on the alignment of the right-of-way for Sports Park Drive, additional trees may need to be removed along the Forrest property south frontage.

#### **Environmental Review:**

The City of Woodland prepared a Notice of Preparation (NOP) for the proposed project, which was released on December 17, 2014, for a minimum 30-day review, which ended on February 2, 2015.

The Initial Study for the proposed project concluded that the following environmental issues would have less-than-significant impacts without mitigation:

- Agricultural and Forest Resources;
- Hazards and Hazardous Materials;
- Land Use and Planning;
- Mineral Resources; and

- Population and Housing.

The Initial Study for the proposed project concluded that the following environmental issues would have less-than-significant impacts with mitigation:

- Aesthetics;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Hydrology and Water Quality;
- Noise;
- Public Services;
- Recreation; and
- Utilities and Service Systems.

Additionally, the Initial Study identified the following environmental issues for study in the Draft EIR:

- Air Quality and Greenhouse Gas Emissions (including Energy); and
- Transportation and Circulation.

Based upon the conclusions of the Initial Study, the Draft EIR included analyses of Air Quality and Greenhouse Gas Emissions, as well as Transportation and Circulation.

The Draft EIR concludes that all impacts are less than significant or reduced to less than significant with the implementation of mitigation measures with the exception of the following traffic impacts, which remain significant and unavoidable:

- Matmor Road and Gibson Road intersection (LOS E in the AM peak hour and LOS F in the AM and PM peak hour in the Cumulative Plus Project Conditions).
  - *Widening is not feasible due to lack of available right of way, however improvements to the signal will be provided.*
- East Street and Gibson Road intersection (LOS E in the AM and PM peak Cumulative Plus Project Condition)
  - *Mitigation is not feasible due to lack of available right of way.*
- Southbound East Street segment (from Gibson to Sports Park Drive) (LOS D in AM and PM peak hour in the Cumulative Plus Project Condition)
  - *Mitigation not feasible due to right of way constraints.*
- Northbound East Street segment (from Sports Park Drive to Gibson) at LOS E in the AM peak hour and at LOS D in the PM peak hour (Cumulative Plus Project Conditions).
  - *Mitigation not feasible due to right of way constraints.*

With respect to a project for which significant impacts are not mitigated to a less-than-significant level, a public agency, after adopting proper findings, may nevertheless approve the project if the

agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." A summary of the project "benefits" or "overriding considerations" is provided in Exhibit A-1 to the CEQA Resolution, **Attachment 2**. The findings summarize a variety of goals that benefit both the City and region, including providing needed housing units, needed infrastructure improvements, attractive lifestyle choices, and fiscal and economic benefits to the City.

A Notice of Completion was filed with the Office of Planning and Research (OPR) on September 4, 2015, and the public notice was published to inform interested parties that the EIR was available for agency and/or public review. The EIR was circulated for a period of 45 days for public review and comment from September 8, 2015 through October 23, 2015.

The City of Woodland Planning Commission held a public hearing on October 1, 2015 to receive comments on the Draft EIR, in order to encourage public comment on the adequacy of the Draft EIR. All comments that addressed the adequacy of the environmental review that were received have been responded to in the Final EIR, which is being brought before the Planning Commission along with the review of the project for a recommendation to City Council. At the October 1, 2015 meeting, the Planning Commission expressed concern with regard to the proposal to reduce the number of lanes from four to two on the East Street segment, which is discussed in this report under General Plan Consistency.

#### Comments on the Draft EIR and Response to Comments

Four comment letters were received regarding the Draft EIR – one from Legal Services of Northern California, one from the Pioneer Law Group, and two from Bobby Harris. The commenters discussed, among other things, consistency with the City's Housing Element and Urban Limit Line Ordinance, effects upon build-out of the Spring Lake Specific Plan, paying a fair share of infrastructure costs, analysis of an increased density alternative, the approach to traffic in the alternatives, the project objectives, processing the project during a General Plan Update, and provision of adequate park area. A Final EIR was prepared that individually addressed all of the comments raised in the four comment letters.

The Draft EIR and Final EIR documents may be viewed at the following link:

[http://www.cityofwoodland.org/gov/depts/cd/divisions/planning/environmental\\_review\\_documents.asp](http://www.cityofwoodland.org/gov/depts/cd/divisions/planning/environmental_review_documents.asp).

However, several of the comments made did not relate to environmental effects of the proposed project, such as fair share costs, parkland dedication/Quimby fees, consistency with the voter approved Urban Limit Line, citywide achievement of affordable housing objectives, and processing amendments during a General Plan Update. These comments raise policy questions and social concerns rather than project specific effects on the environment. A summary of the key elements raised by commenters is provided below:

*Affordable Housing:* Commenters raised concern about the project not providing adequate affordable housing, specifically not enough high density multi-family units. While neither the Housing Element nor General Plan compels the development of high density multi-family units at this site, the project shall be subject to the City's inclusionary housing ordinance 6A. That ordinance requires that 10% of the single family units provided be made available to low income



households. The project has conditions included to require compliance. The FEIR also addresses this issue on page 2-6)

*Fair Share Infrastructure Costs:* One commenter provided an opinion that the project would require Spring Lake homeowners to provide infrastructure to the project. However, as discussed in the FEIR on page 2-252, the project's mitigation measures require the applicant to contribute the project's fair share of costs. Additionally, the Development Agreement further addresses additional required contributions. Additional discussion about this issue is provided in the report under the section on Fees, Reimbursement and Infrastructure Requirements.

*Increased Density Alternative:* An increased density alternative, which was recommended by commenters, was further studied. That analysis concluded that such an alternative would result in increased vehicle trips and increase impacts related to traffic, air quality, climate change, and noise. Also, the City currently uses Level of Service (LOS) standards in order to determine traffic impacts, rather than VMT as suggested by the comments. These issues are also discussed in the FEIR pages 2-253-255, & 258-259.

A letter from Victor Rodriguez, General Manager of the County Fair Fashion Mall, was received on February 3, 2016, after the comment period (**Attachment 9**). This letter indicates a preference for increased densities on the site and inclusion of a higher density alternative analysis.

*Project Objectives:* Commenters raised questions concerning the proposed project objectives provided in the Draft EIR. CEQA does not set forth requirements for a statement of project objectives. They are not ends in themselves, but rather a means to assist in providing information for development of alternatives that will reduce environmental impacts. The statement of project objectives on pages 3-4 of the Draft EIR adequately frames the purpose of the project and does not unduly restrict the ability of the DEIR to evaluate a reasonable range of alternatives. The City, as lead agency, will apply its independent judgement in deciding whether to certify the FEIR and separately whether to approve the project. Responses to these comments are provided in the FEIR at pages 2-252-253 and 2-255)

*Processing Projects During a General Plan Update:* The City received comments questioning whether the City should process General Plan Amendments while in the process of updating the General Plan. The City Council has not imposed a moratorium on development applications and has in fact taken action on General Plan Amendments during the course of the update. This issue is also discussed in the FEIR at page 2-268 (Response to Comment 3-8).

*Parkland/Quimby Fees:* The comments question the amount and size of the proposed neighborhood park. Section 21-12-1 of the City's Subdivision Ordinance requires that a developer of residential land shall dedicate land to the City for parks and recreational purposes, pay to the City a fee in lieu thereof, or both. The project will provide a park and the improvements for an equivalent value. This issue is discussed in the FEIR at page 2-268 (Response to Comment 3-10).

## **Appeals**

The Subdivider, or any party adversely affected by the decision, the City Council, an individual City Council member, or the City Manager, may appeal any action of the Planning Commission with respect to a tentative map to the City Council **within ten days** after the action of the Planning Commission. 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 such appeal shall be filed with the City Clerk and, except an appeal by the City Council, a City Council member, or the City Manager, shall be accompanied by a filing fee as prescribed by City Council resolution. Upon the filing of an appeal, the City Clerk shall set the matter for hearing. Such hearing shall be held within thirty days after the date of filing the appeal. Within ten days, or at its next regular meeting following the conclusion of the hearing, the City Council shall render its decision on the appeal.

### **Recommendation:**

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

1. Receive the staff report;
2. Conduct the public hearing; and
3. Adopt Resolution No. PC16-\_\_\_\_\_ recommending to the City Council certification of the EIR and adoption of the Mitigation Monitoring and Reporting Plan (MMRP), approval of amendments to the General Plan and Spring Lake Specific Plan, the rezone of the site and adoption of Planned Development Designation, a Conditional Use Permit for development criteria within the Planned Development, a Development Agreement and approval of the Tentative Subdivision Map No. 4856 to subdivide the 38-acre site into 183 residential lots and a park site, based upon the Findings of Fact and subject to Conditions of Approval.

### **ATTACHMENTS:**

- 1 – Planning Commission Resolution for the Prudler Tentative Map Project**
- 2 - Exhibit A** to PC Resolution – City Council CEQA EIR Findings of Fact, Statement of Overriding Considerations, Mitigation Monitoring & Reporting Program Resolution
- 2 – Exhibit A-1** – Findings of Fact and Statement of Overriding Considerations
- 2 - Exhibit A-2** – Mitigation Monitoring & Reporting Plan
- 3 - Exhibit B** to PC Resolution – City Council General Plan Amendment Resolution
- 3 - Exhibit B-1** – General Plan Circulation Element Amendment Exhibit
- 3 – Exhibit B-2** – General Plan Land Use Amendment Exhibit
- 4 - Exhibit C** to PC Resolution – City Council Spring Lake Specific Plan Amendment Resolution
- 4 - Exhibit C-1** – Spring Lake Specific Plan Amendment Exhibit
- 5 -Exhibit D** to PC Resolution – City Council Rezone and adopt PD Standards Ordinance
- 5 – Exhibit D-1** – Rezone Exhibit
- 5 – Exhibit D-2** – Planned Development Exhibit and Standards
- 6 -Exhibit E** to PC Resolution – City Council Tentative Map and CUP Resolution
- 6 – Exhibit E-1** – Tentative Subdivision Map # 4856 (4 sheets)
- 6 – Exhibit E-2** – Lot Matrix

- 6 – **Exhibit E-3** – Landscape Plans and Tree Removal Plan (2006)
- 7 - **Exhibit F** to PC Resolution – City Council Development Agreement Ordinance
- 7 - **Exhibit F-1** – Development Agreement
- 8 - **Exhibit G** to PC Resolution (Exhibit C to DA) – Conditions of Approval
- 9 – Letter from Victor Rodriguez, General Manager County Fair Fashion Mall (2.3.16)
- 10 -**Draft EIR and Final EIR and Response to Comments**, via electronic view only at the following link:  
[http://www.cityofwoodland.org/gov/depts/cd/divisions/planning/environmental\\_review\\_documents.asp](http://www.cityofwoodland.org/gov/depts/cd/divisions/planning/environmental_review_documents.asp).



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April 6, 2016

Chairperson Kirby Wells  
Vice Chairperson Chris Holt  
Commissioner Marco C. Lizarraga  
Commissioner Fred Lopez  
Commissioner John Murphy  
Commissioner Elodia Ortega-Lampkin  
Commissioner Steve Harris  
City of Woodland Planning Commission  
c/o Community Development Department  
300 First Street  
Woodland, CA 95695

RE: April 7, 2016 Agenda Item 16-429, Prudler Tentative Subdivision Map Project

Dear Chairperson Wells, Vice Chairperson Holt, and Commissioners,

We write on behalf of the Sacramento Housing Alliance to comment under the California Environmental Quality Act ("CEQA"), Planning and Zoning Law, and fair housing laws regarding the Proposed Prudler Tentative Subdivision Map project ("Project") and Final Environmental Impact Report ("FEIR") for the Project. The Sacramento Housing Alliance is a nonprofit coalition that works to ensure that all people in the greater Sacramento region have safe, decent, accessible and affordable housing in healthy neighborhoods supported by equitable public policies and practices. Consistent with our earlier comments and position when we met with City staff, we urge the Planning Commission to reject certification of the FEIR and to withhold approval of the Project unless specific mitigation measures are incorporated to ensure the Project is consistent with the City's General Plan, while affirmatively furthering fair housing.

**1. The Proposed Project Has a Significant Impact on Land Use and Planning**

CEQA requires that the FEIR provide a legally adequate statement of reasons why the Project would not be a significant impact. (Public Resources Code Sec. 21100(c)). The EIR must "discuss any inconsistencies between the proposed project and applicable general plans and regional plans," including "regional housing allocation plans..." CEQA Guidelines, Sec. 15125(d). Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. However, to comply with CEQA, an agency's significance determinations must be supported by

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Planning Commission  
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credible analysis and substantial evidence. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692)

The FEIR erroneously concludes that the proposed Project is compatible with existing land uses and would not physically divide an established community, resulting in a less-than-significant impact on land use and planning. (FEIR, Chapter 4, page 4) The FEIR does not provide a legally adequate statement of reasons why the Project would not be a significant impact on the Housing Element of the General Plan, nor does it address the inconsistency with the adequate sites requirement of housing element law and the City's own Housing Element program. In our letter of September 30, 2015, Legal Services of Northern California ("LSNC") addressed the conflict between the proposed Project and the Housing Element of the General Plan, noting that the Housing Element requires the City to rezone at least 15 acres to R-25 (20-25 units per acre) *in addition to lands currently containing this zoning designation* to accommodate the City's Regional Housing Needs Allocation of 664 units affordable to households earning 80% or less of the Yolo County median household income by October 15, 2015. (See Housing Element, page 4, attached as Exhibit A) LSNC also established that the proposed Project conflicts with the Housing Element program by adding to the 1,164 surplus of sites identified for above-moderate income units, while not addressing the potential to accommodate the deficit of sites for low and very low income units. Instead, the EIR Initial Study simply concludes that the change in General Plan designation from General Commercial to low density residential would not create conflicts with the existing and planned residential uses to the east and west without discussing the impact on the Housing Element of the General Plan or the inconsistency with the regional housing allocation plan. "[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570) Simply stating that the proposed Project's impact on land use and planning is less than significant, without a statement of reasons to support the Lead Agency's conclusions, is insufficient as a matter of law. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App.4th 1099) Failure to identify any inconsistencies between the project and the General Plan is a violation of CEQA. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 356 (citing CEQA Guidelines, Sec. 15125(d).)

Moreover, the Initial Study incorrectly concludes that the proposed Project would implement the principle of "promoting the provision of adequate housing including a variety of housing types for all persons in the community regardless of income, age, gender, race, or ethnic background." (Initial Study, December 2014, Page 39.) The proposed Project would provide housing for one or possibly two economic segments of the community—above moderate and possibly moderate income households—for which the City has already over-planned in its Housing Element by 1,164 and 256 units respectively.

The proposed Project also provides only one type of housing, single family homes, and the City's own data in its Housing Element demonstrates that single-family detached housing already accounts for 63 percent of all units in the City, a larger proportion of the total in the State overall and *not a needed housing type* under the General Plan or the Consolidated Plan. (Housing Element, Page 30, attached as Exhibit A; see also City of Woodland Consolidated Plan 2015-2019, Housing Needs Assessment, page 20, "The Market Conditions and Housing Needs analysis indicates there is a continued need in the City of Woodland to support opportunities for low- and moderate-income housing and the preservation of housing, as well as to support housing opportunities for homeless and special needs populations.") Instead of promoting the provision of adequate housing for all persons in the community, the proposed Project would omit large segments of the community, including households with disabilities, senior renters, farmworkers, female-headed households, and people of color, according to census information contained in the City's Housing Element analysis. The City's Housing Element concludes that there is a need in Woodland for additional *affordable housing* for the estimated 6,157 Woodland residents over age 5 with disabilities (7 of 10 can pay only \$500 or less for rent), 1,083 senior renters, 6,786 large households who rent the limited supply of 439 rental units with 4 or more bedrooms, and the 3,953 farm workers whose supply of farm worker housing remains inadequate in Woodland. (Housing Element, pages 31-38, attached as Exhibit A) Of the 19,845 housing units in Woodland, there are only 1,667 assisted rental units, equal to 8.4 percent of all housing units in the City. (Housing Element, page 22; 44-46) The demand for affordable housing far exceeds the supply, as 40.7 percent of households are paying more than 30 percent of their income for housing and 11.7 percent pay 50 percent or greater of their income for housing. (City of Woodland Consolidated Plan 2015-2019, page 20) The claim that the proposed Project promotes adequate housing is neither credible nor supported by substantial evidence, especially since it directly conflicts with the analysis in the Housing Element and Consolidated Plan. Therefore, the FEIR is inadequate because it fails to address the planning inconsistency and conflict with the Housing Element of the General Plan, Consolidated Plan, and regional housing allocation plan.

## 2. The FEIR Fails to Adequately Consider Alternatives

The EIR must describe a reasonable range of alternatives to the Project that could feasibly attain most of the basic objectives of the Project while avoiding or substantially lessening any of the significant effects of the Project. (CEQA Guidelines Sec. 15126.6(a) and (f)) "An adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible." (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal. App.4<sup>th</sup> 1019, 1029.) Among the factors taken into account when addressing the feasibility of

alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) “One of [an EIR’s] major functions...is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565) “[I]n assessing the claim that exclusion of ... alternatives renders the EIR defective, the question is whether the range of alternatives ‘is unreasonable in the absence of the omitted alternatives.’ ” (*Cal. Native Plant Soc.*, 177 Cal.App.4th at 992 (quoting *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act* § 15.17, at 747 (Cont. Ed. Bar.2d ed.2009))).

Here, the alternatives considered do not include the requisite “range of reasonable alternatives” to the Project, as required by law. Instead, the FEIR uses “all or nothing” analyses without considering alternatives that would feasibly attain most of the basic objectives of the Project while avoiding any of the significant effects of the project. The Draft EIR dismissed an off-site alternative and existing zoning alternative and considered three alternatives to the Project: “no project,” reduced intensity at 120 single-family housing units, and mixed use. None of the alternatives were determined to be superior to the Project. In response to comments by the public, an increased density alternative of R-20 (e.g. rezoning all 38 acres to a density of 20 units per acre), resulting in 760 dwelling units, was analyzed. The conclusion was that there would be impacts related to air quality, climate change, noise, increase in the demand for public services, and increased demand for utilities. The response also concludes that a general plan amendment would be required along with a rezone. Dismissal of any form of high density alternative merely because it requires a zoning amendment or conditional use permit is inappropriate. (See *Citizens of Goleta Valley v. Board of Supervisors*, *supra* 52 Cal.3d at 573: “[I]t may not be appropriate, for example, to disregard an otherwise reasonable alternative which requires some form of implementing legislation (*Residents Ad Hoc Stadium Com. v. Board of Trustees*, *supra*, 89 Cal. App.3d at pp. 286-287) such as a zoning amendment or conditional-use permit.”)

Moreover, public comments have not suggested that the entire 38 acres be rezoned to multi-family as an alternative to the Project. In fact, such a rezone would be inconsistent with providing affordable housing, as affordable projects require an economy of scale to garner public and private financing. Instead, in meetings with City staff on October 20, 2015 and on April 4, 2016, LSNC suggested that a reasonable alternative to the proposed Project is to set aside two to three acres of the 38 acre parcel for multi-family housing, which could be used to meet the developer’s affordable housing obligation under the inclusionary housing ordinance. Rezoning a mere 7 percent of the 38 acre parcel to high density



would accomplish all of the Project's objectives while ensuring consistency with the Housing Element of the General Plan. City staff reported that the developer is not interested in rezoning any of the parcel to high density. CEQA requires that the City, as the Lead Agency, determine whether alternatives are feasible, not the applicant. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692, 736) "The lead agency must independently participate, review, analyze and discuss the alternatives in good faith." (*Kings County Farm Bureau v. City of Hanford, supra* 221 Cal. App.3d at 736) An agency cannot avoid an objective consideration of alternatives simply because an applicant made a substantial investment prior to the commencement of the environmental review in the hope of gaining approval for a particular alternative. (*Kings County Farm Bureau v. City of Hanford, supra* 221 Cal. App.3d at 736) Failure to consider and discuss a reasonable alternative that would meet project objectives, is feasible, and would substantially reduce at least one of the more significant impacts of the Project renders the FEIR inadequate.

### **3. The FEIR Fails to Provide a Good Faith Reasoned Analysis to Public Comments**

The evaluation and response to public comments addressing the significant impact on the General Plan and regional housing needs is deficient because it contains merely conclusory statements unsupported by factual information. (See CEQA Guidelines, Sec 15088(c)) The response mentions that the current zoning designation allow for multi-family housing with a Conditional Use Permit, but dismisses the conflict with the General Plan and regional housing needs for low and very low income households. The response concludes that there is no conflict or significant impact because the site was not included in the Housing Element and therefore inclusionary housing units are not required at the site. The response also concludes that the proposed project would not impede the City's ability to provide affordable housing units outlined in the Housing Element. The response misses the point; the City has an obligation to rezone at least 15 total acres to R-25 because it already failed to meet its obligation to identify adequate sites for low and very low income units in the Housing Element. The fact that the site at issue was not mentioned in the Housing Element is irrelevant; the City did not identify adequate sites in its Housing Element for low and very low income housing, and therefore the City was required by the State Housing and Community Development Department to implement a program to rezone at least 15 acres to meet its obligation to provide adequate sites for low and very low income housing. As LSNC pointed out in its comments letter of September 30, 2015, the City is already six months behind on its obligation to rezone at least 15 total acres to R-25 (20-25 units per acre) *in addition to lands currently containing this zoning designation* to accommodate 664 units affordable to households earning 80% or less of the Yolo County median household income. The FEIR is deficient because it did not discuss in detail the significant impact on land use and planning, nor is there a good faith, reasoned analysis in the response to comments.



**4. Approving the Project Would Result in Racial and Economic Segregation and Disparately Impact People of Color**

As a recipient of state and federal funds, the City is required to affirmatively further fair housing by reviewing patterns of economic and racial segregation. Further, the City must establish goals and priorities to address fair housing barriers. The Fair Housing Act specifically requires HUD program participants, including the City of Woodland, to take “significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination.” (24 C.F.R. 5.150) As proposed, the Project will further exacerbate racially and ethnically concentrated areas of poverty in southern Woodland. The area where the Project is proposed is bordered by single-family homes occupied mostly by white households, according to mapping data available on the Housing and Urban Development web site. (See HUD map, attached as Exhibit B) Moreover, the area surrounding the Project site, and most of southern Woodland, contains very few affordable housing units. (See Exhibit B) In contrast, the north side of Woodland has a large concentration of assisted housing units and significantly more people of color. (See Exhibit B) Here, it is clear from the maps that siting a 183 unit single-family home subdivision in the area proposed will further divide people based on race and income.

In addition to its duty to affirmatively further fair housing, the federal Fair Housing Act, the California Fair Employment and Housing Act, and the California Planning and Zoning Law impose fair housing duties on the City. (42 U.S.C. Section 3604(a), (f); California Government Code Sections 11135, 12955(l) and 65008(a)) These laws forbid cities from enacting or enforcing land-use laws that operate to make housing unavailable to classes of persons listed in the statutes. “A plaintiff establishes a prima facie case of discrimination if the defendant’s facially neutral practice causes a disproportionate adverse impact on a protected class; (2) to rebut, the defendant must justify the challenged practice; and (3) if the defendant meets its rebuttal burden, the plaintiff may still prevail by establishing a less discriminatory alternative.” (*Darensburg v. Metro. Transp. Comm’n*, 636 F.3d 511, 519 (9th Cir.2011) (citing *City & Cnty. of San Francisco v. Fair Emp’t & Hous. Comm’n*, 191 Cal.App.3d 976, 986 (1987)). Under the first step, the plaintiff’s prima facie case, “‘[t]he basis for a successful disparate impact claim involves a comparison between two groups—those affected and those unaffected by the facially neutral policy.’” (*Darensburg*, 636 F.3d at 519–20 (quoting *Tsombanidis v. W. Haven Fire Dep’t*, 352 F.3d 565, 575 (2d Cir.2003)). “An appropriate statistical measure must therefore take into account the correct population base and its racial makeup.” (*Darensburg*, 636 F.3d at 520 (citing *Robinson v. Adams*, 847 F.2d 1315, 1318 (9th Cir.1987)).

22 C.C.R. § 98101(j) “mak[es] clear that the selection of sites may support a section 11135 cause of

action.” (*Comunidad en Accion v. Los Angeles City Council* (2013) 219 Cal.App.4th 1116, 1126; *see* 22 C.C.R. § 98101(j)(1) (“It is a discriminatory practice for a recipient, in carrying out any program or activity directly, or through contractual, licensing or other arrangements, on the basis of ethnic group identification, religion, age, sex, color, or a physical or mental disability ... (j) to make or permit selections of sites or locations of facilities: (1) that have the purpose or effect of excluding persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity[.]”).

The Project, as proposed, would add 183 above-moderate and potentially moderate single-family homes to an area where racial and economic segregation already exists. Very low and low income households will not be able to secure housing in the 38 acre parcel. According to census data, racial minorities disproportionately represent very low and low income households in Woodland. Only 12 percent of white people in Woodland had income below the poverty level in the last twelve months (includes those who identify as white and Hispanic/Latino), compared to 56.8 percent of African American people, 19.6 percent of people identifying as American Indian and Alaska Natives, and 14.5 percent of people of two or more races during the same time frame. (See Exhibit C, Data from HealthyCity.org for the City of Woodland) 16.4 percent of Hispanic or Latino people had income below the poverty level during the last twelve months, while only 8.4 percent of people identifying as white and not Hispanic or Latino had income below the poverty level during this time frame. (See Exhibit C) Thus, approval of the Project as proposed would have a disproportionate adverse impact on people of color in violation of fair housing and planning and zoning laws.

**5. The Prudler Project Is Not Consistent with the General Plan and Should Therefore Not Be Approved as Proposed.**

The City’s General Plan outlines the long-term vision for land use and development in Woodland. But the General Plan is more than a vision of possibilities or a mere suggestion. California law establishes the general plan as the “constitution” for future development in the community. (*See e.g. Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777.) General plans are basic land use charters governing the direction of all future land use in the jurisdiction. (*See e.g. deBottari v. City Council* (1985) 171 Cal.App.3d 1204.) To that end, the legality of virtually any local land use decision affecting land use and development requires consistency with all elements of the general plan. (*See* Cal. Gov’t Code §§ 664473.5, 66474, 65860; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807; *Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174.) This is known as the “consistency doctrine,” and it imbues the general plan with the force of law. (*See Leshner*

*Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531; *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553.) No local agency can approve a tentative map or zoning ordinance unless the proposed subdivision or ordinance is consistent with the general plan. (See Cal. Gov't Code §§ 664473.5, 66474, 65860.)

A project is "consistent" with the general plan when, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. (*California Native Plant, supra*, 172 Cal.App.4th 603 (citing Gov't Code § 66473.5); *Friends of Lagoon Valley, supra*, 154 Cal.App.4th 807; *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868.) The project need not align perfectly with each and every general plan policy; rather, the question is whether the project is compatible with, and does not frustrate, the general plan's goals and policies. (*California Native Plant, supra*, 172 Cal.App.4th 603; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342.) A project is inconsistent with a general plan, however, if it conflicts with a general plan policy that is fundamental, mandatory, and clear. (*Endangered Habitats, supra*, 131 Cal.App.4th 777.) Therefore, to ensure a project is in conformity with the general plan and the law, city officials must examine the specifics of a proposed project to determine whether it would be in harmony with the policies stated in the plan.

Here, the Prudler project is not consistent with several goals, policies, and programs in the General Plan's Land Use and Housing elements. The General Plan's Guiding Principles provide the foundation for the goals, policies and programs of the Plan. Principle number six is to "promote the provision of adequate housing including a variety of housing sizes and types for all persons in the community regardless of income, age, gender, race, or ethnic background." This principle underlies the goals, policies, and programs that follow in the Plan, including the following:

- Housing goal 2.A: 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.
- Housing policy 2.A.3: ensure sufficient land zoned for a variety of housing types, residential densities, and housing prices.
- Housing program 2.A.2: City shall rezone at least 15 acres to R-25 (20-25 units per acre) or the equivalent zone with a minimum density of 20 units per acre. This rezone is in addition to lands currently zoned R-25 and is intended to accommodate a deficit of 664 units affordable to low and very low income households (earning 80% or less of the area median income).
- Land Use goal 1.A: to grow in an orderly pattern consistent with the economic, social and environmental needs of the community.

- Land Use policy 1.A.3: City shall designate land for development consistent with the needs of the community and consistent with its efforts to maintain a positive fiscal balance for the city.
- Land Use goal 1.B: to provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Woodland.
- Land Use policy 1.B.1: City shall support residential development at a manageable pace to achieve its fair share of regional housing needs.

It is undeniable from these goals, policies, and programs, and the guiding principle underlying them, that the City is committed to meeting the housing needs of its people. The pertinent question becomes, what is the current need of this community? According to the City's Housing Element, to date, there is a *deficit of sites to accommodate* low and very low income households (Housing Element, page 4, Program 2.A.2), and a *surplus of 1,420* units affordable to moderate and above-moderate incomes. (Housing Element, page 41, Table 2-39.) It is clear from this data that the community's current dire need is for low and very-low income housing, not moderate or above-moderate housing.

The Project will not further these principles, goals, policies and programs, and will instead obstruct their attainment thereby creating an inconsistency between the General Plan and the Project. The Project will develop 183 single-family homes for moderate or above-moderate incomes. The Project seeks to meet the affordability requirement in the City's Affordable Housing Ordinance by paying in-lieu fees for 18 low-income units.<sup>1</sup> (Development Agreement section 2.3.6.) Therefore, the project will not develop any low or very-low income housing, and will instead only increase the supply of moderate or above-moderate units. In order to achieve this end, the developer asks the City to certify the FEIR, which, as discussed above is defective, rezone to Single-Family Residential/Planned Development (R-1/PD), approve a Development Agreement, and approve a Tentative Subdivision Map that subdivides the 38-acre site into 183 single-family residential lots. Because not enough sites have been rezoned to meet the needs of the community, this site is potentially crucial to the City's fulfillment of meeting the community needs and closing the gap in sites identified for housing for low and very-low income households. This Project simply does not further the principles, goals, policies and programs of the General Plan to "rezone at least 15 acres to R-25" by October 2015, "to designate land for development

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<sup>1</sup> The project fails to meet the affordability requirement. The Affordable Housing Ordinance requires ten percent of new for-sale units be affordable to low-income households. Woodland Mun. Code § 6A-3-20(a)(1). Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit. Woodland Mun. Code § 6A-3-20(a)(2). Therefore, in order to meet the affordability requirement, the project must either develop or pay in-lieu fees for 19 units (ten percent of 183 is 18.3). The developer, however, offers in-lieu fees for only 18 units.

consistent with the needs of the community” and to “provide adequate land in a range of residential densities to accommodate the housing needs of all income groups.” Instead, this Project will obstruct the attainment of these goals, policies and programs. Because the Project is not consistent with the General Plan, it should not be approved by the City as proposed.

**6. The City Has Failed to Implement the Housing Element.**

The City has failed to implement the Housing Element because it has not rezoned sufficient land to accommodate low-income and very-low income households by the deadline stated in Program 2.A.2 of the Housing Element. The adoption of a housing element creates a mandatory duty to take the actions mandated in the element. If the element obligates the community to take a particular action, failure to implement that aspect of the housing element breaches the mandatory duty created by the element and, therefore, constitutes an act inconsistent with the element. (Cal. Gov’t Code §§ 65583(c)(1), (2), and (3).) An action may be brought to compel a City to comply with the timelines established in its housing element. (Cal. Gov’t Code § 65583(h).)

As stated above, the Housing Element indicates a deficit of 230 units affordable to low-income and very-low income households. The City sought to remedy the deficit of low and very low-income housing by rezoning *at least* 15 acres to R-25 within 12 months following adoption of the 2035 General Plan or within two years of the adoption of the 2013 Housing Element, whichever comes first. (Housing Element, page 4, Program 2.A.2.) The 2035 General Plan has yet to be adopted, so the deadline for rezoning was within two years of the adoption of the 2013 Housing Element, or by October 15, 2015. This date has come and gone, and 15 acres have yet to be rezoned to meet the needs of the community. Although the City claims it has made progress by rezoning 9.3 acres to high density residential, this progress does not substantially comply with the Housing Element’s program and does not remedy the extreme housing shortage for low-income and very-low income households.

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**Conclusion**

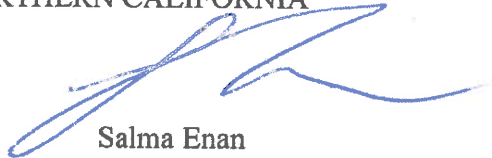
Thank you for your time and attention to this important matter. We remain hopeful that the City will make the necessary changes to the proposed Project outlined above and recirculate the EIR. However, if the EIR is certified and the project is approved as proposed, we will advise our clients of all available remedies.

Very truly yours,

LEGAL SERVICES OF NORTHERN CALIFORNIA



Alysa Meyer



Salma Enan

cc: Ken Hiatt, Community Development Director  
Paul Navazzio, City Manager  
Kara Ueda, City Attorney  
Cindy Norris, Principal Planner

Enclosures

# EXHIBIT A

**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** As a part of the comprehensive General Plan update, the City will identify lands for housing that can be developed by 2021 and that accommodate Woodland's share of the regional housing needs by income category. The City shall rezone at least 15 acres to R-25 (20-25 units per acre) or equivalent zone that has a minimum density of 20 units per acre and meets the requirements of California Government Code Section 65583.2, paragraphs "h" and "i." This rezone will be in addition to lands currently zoned R-25 and is intended to accommodate the City's Regional Housing Need Allocation (RHNA) of 664 units affordable to households earning 80% or less of the Yolo County median household income.

The City has identified several properties with a total land area of more than 39 acres within the Spring Lake Specific Plan Area that will be considered for re-designation, consistent with the requirements of this program. In addition, there are various vacant and underutilized properties within the Downtown Specific Plan Area and East Street Corridor Specific Plan Area (see Appendix A.1 and Figure 1) that may be appropriate for re-designation and re-zoning to allow higher-density housing development, consistent with this program. Sites shall be a minimum of two acres in land area (or, in infill contexts, adjacent sites that together comprise at least two acres). The areas considered by the City for re-designation and re-zoning for Housing Element purposes within the General Plan update process are within existing City limits, near infrastructure, and without substantial environmental constraints.

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.

**Primary Responsibility:** Community Development Department  
**Time Frame:** Within 12 months following adoption of the 2035 General Plan or within two years of the adoption of the 2013 Housing Element, whichever comes first.



**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

**Table 2-21 Sale Price Distribution**

| <i>Sale Price Range</i> | <i>Number of Units Sold</i> | <i>Percent of Total</i> |
|-------------------------|-----------------------------|-------------------------|
| 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                     |
| <b>Total</b>            | <b>290</b>                  | <b>100</b>              |

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.

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 number of people with developmental disabilities is increasing in California, the population is getting younger, and the number of people desiring to live in their own home in the community is increasing. According to the Association of Regional Center Agencies, housing needs for persons with developmental disabilities include universal design concepts; individual rooms for each tenant in community care homes; a range of housing types, size, and locations; and the open opportunity for tenants of a residential facility to obtain services from other, unrelated providers.

**Table 2-22 Residents with Disabilities**

|          | <i>Total Civilian non-institutionalized<br/>population aged 5 and over</i> | <i>With a Disability<br/>(number of persons)</i> | <i>Percent</i> |
|----------|----------------------------------------------------------------------------|--------------------------------------------------|----------------|
| Woodland | 54,648                                                                     | 6,157                                            | 11.3%          |

Source: SACOG Housing Element Data Profile Dec 2012 (Table 24)

**Table 2-23 Disability Types and Employment**

|                               | <b>Total Population: 33,730</b><br><b>Population In labor Force: 26,800</b><br><i>Employed: 24,254    Unemployed: 2,546    Not in Labor Force: 6,930</i> |       |       |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| 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 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).

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 2-24 Senior Population and Percentage Change**

|                                        | Total Pop<br>65+ | 65-69 | 70-74 | 75-<br>79 | 80-<br>84 | 85-89 | 90-94 | 95-<br>99 | 100-<br>104 | 105-<br>109 | 100+ |
|----------------------------------------|------------------|-------|-------|-----------|-----------|-------|-------|-----------|-------------|-------------|------|
| Number of Persons                      | 6,024            | 1,793 | 1,290 | 1,055     | 833       | 694   | 272   | 74        | 13          | 0           | 0    |
| Percentage Change between<br>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**

| <i>Total</i>    |            | <i>Below Poverty</i> |      |            |       |
|-----------------|------------|----------------------|------|------------|-------|
| <i>65 to 74</i> | <i>75+</i> | <i>65 to 74</i>      |      | <i>75+</i> |       |
| 2,876           | 3,380      | 210                  | 7.3% | 489        | 14.5% |

SACOG Housing Element Data Profile Dec 2012 (Table 27)

**Table 2-26 Housing Tenure of Woodland's Senior and Non-Senior Households**

| <i>Household Type and Tenure</i>                            | <i>Number</i> | <i>Percent</i> |
|-------------------------------------------------------------|---------------|----------------|
| <b>Senior-Headed Households<sup>1</sup></b>                 | <b>3,678</b>  | <b>100%</b>    |
| Renter                                                      | 1083          | 29.4%          |
| Owner                                                       | 2595          | 70.6%          |
| <b>Households Headed by a Non-Senior Person<sup>1</sup></b> | <b>15,043</b> | <b>100%</b>    |
| Renter                                                      | 7,166         | 47.6%          |
| Owner                                                       | 7,877         | 52.4%          |

<sup>1</sup> 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).

**Table 2-27 Tenure for Large Households**

|                 | <i>1-4 person<br/>household:</i> | <i>Percent</i> | <i>5-or-more person<br/>household</i> | <i>Percent</i> | <i>Total</i>  | <i>Percent</i> |
|-----------------|----------------------------------|----------------|---------------------------------------|----------------|---------------|----------------|
| <b>Total</b>    | <b>15, 735</b>                   | <b>83.5</b>    | <b>3,086</b>                          | <b>16.5</b>    | <b>18,821</b> | <b>100.0</b>   |
| 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

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.

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**

|                                                                               | <i>Farm Workers</i> | <i>Farms</i> |
|-------------------------------------------------------------------------------|---------------------|--------------|
| <b>Farm operations with fewer than 10 employees</b>                           |                     |              |
| Permanent                                                                     | 875                 | 269          |
| Seasonal (e.g., fewer than 150 days)                                          | 650                 | 218          |
| <b>Total</b>                                                                  | <b>1,525</b>        | <b>487</b>   |
| <b>Farm operations with 10 or more employees</b>                              |                     |              |
| Permanent                                                                     | 3,078               | 99           |
| Seasonal (e.g., fewer than 150 days)                                          | 1,278               | 50           |
| <b>Total</b>                                                                  | <b>4,356</b>        | <b>149</b>   |
| <b>Grand Total Permanent Farms (fewer than 10 and more than 10 employees)</b> | <b>3,953</b>        | <b>368</b>   |

Source: USDA 2007 Census of Farm Workers Volume 1, Chapter 2: County Level Data.

**Table 2-29 Yolo County Farms and Farm Labor Workers**

|             | <i>Farms</i> | <i>Total Workers</i> | <i>Workers &gt;150 days</i> | <i>Workers &lt;150 days</i> |
|-------------|--------------|----------------------|-----------------------------|-----------------------------|
| 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**

| <i>Facility Name</i>          | <i>Location</i> | <i>Number of Units</i> |
|-------------------------------|-----------------|------------------------|
| Casa Del Sol Mobile Home Park | Woodland        | 156                    |
| Dixon Center                  | Dixon           | 85                     |
| Madison Migrant Center        | Madison         | 90                     |
| Davis Center                  | Davis           | 64                     |
| <b>Total Units</b>            |                 | <b>308</b>             |

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.

**Table 2-31 Female-Headed Households**

| <i>Householder Type</i>                                                 | <i>Number</i> | <i>Percent</i>                  | <i>Percent Change<br/>from 2000-2010</i> |
|-------------------------------------------------------------------------|---------------|---------------------------------|------------------------------------------|
| <b>Total Households</b>                                                 | <b>13,548</b> | <b>100%</b>                     | <b>10.3%</b>                             |
| 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 families | 34.9%                                    |
| 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 Data Profiles Dec 2012 (Tables 32 and 33)

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 subsidy pays the difference between 30% - 40% of income at initial move-in.

YCH owns and operates three affordable housing developments in Woodland: Yolano Village (60 units) Donnelly Circle (72 units), Cottonwood Meadows (48 units), and Crosswood Apartments (47 units). YCH also owns and operates 4 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**

|                   | <i>Sheltered</i> | <i>Unsheltered</i> | <i>Total</i> | <i>Chronic Homeless</i> | <i>Veterans</i> | <i>Persons in Households with children</i> |
|-------------------|------------------|--------------------|--------------|-------------------------|-----------------|--------------------------------------------|
| 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.

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 these two zones alone (Areas E and C), there are six vacant parcels and 10 vacant and substantially underutilized parcels (where at least 80% of the site, or two acres, is undeveloped). There is more than seven acres of vacant land available in these Specific Plan zones (7.017 acres) and almost 13 acres of substantially underutilized land (12.88 acres). In addition, the City amended its zoning code to include emergency shelters as a conditional use in the Multiple Family Residential (R-M) Zone. These

parcels have no significant environmental or infrastructure constraints that would impede their use for homeless shelters and supportive service facilities.

Based on the estimated number of homeless persons in Woodland (see Table 2-32, previous page), the acreage available to accommodate homeless facilities is more than adequate to meet the City's unsheltered homeless needs.

City of Woodland's programs for homeless services include the following:

Yolo Wayfarer Center (Cold weather shelter services): 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<br>(ELI)* | Very Low*<br>(VLI) | Low (LI) | Moderate | Above<br>Moderate | Combined Lower Income<br>(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).

**Table 2-34 Assisted Housing***Assisted Rental Units*

| <i>Project Name</i>               | <i>Address</i>           | <i>Owner/Contact</i>               | <i>Total Units</i> | <i>Total Assisted Units</i> | <i>Type</i>               | <i>Expiration Date- Restrictive Clause Expiration Date</i> | <i>Sub:</i> |
|-----------------------------------|--------------------------|------------------------------------|--------------------|-----------------------------|---------------------------|------------------------------------------------------------|-------------|
| Woodmark Apartments               | 7000 Kincheloe Court     | --                                 | 173                | 171                         | Family                    | --                                                         | Tax         |
| 925 North Street                  | 925 North Street         | Development Assistance Corp. (DAC) | 7                  | 7                           | Family                    | --                                                         | CD Tax Exe  |
| Summertree Apartments             | 555 Community Lane       | --                                 | 93                 | 91                          | Disabled                  | 2011                                                       | SEC         |
| Fair Plaza East Senior Apartments | 35 West Clover Street    | USA Properties                     | 68                 | 67                          | Senior                    | --                                                         | CAI Bon Tax |
| Lincoln Gardens                   | 800 West Lincoln Avenue  | PCC Properties                     | 86                 | 32                          | Senior                    | 2012                                                       | Tax Bon Bon |
| Cottonwood Meadows                | 120 N. Cottonwood Street | New Hope CDC (YCH)                 | 47                 | 14                          | Senior                    | --                                                         | Stat        |
| Courtside Towers/Village          | 320 West Court Street    | --                                 | 102                | 102                         | Senior (Section 8)        | --                                                         | Der         |
| Acacia Glen Senior Apartments     | 615 Acacia Way           | --                                 | 41                 | 8                           | Senior                    | --                                                         | --          |
| Fowler Commons                    | 135 Third Street         | --                                 | 5                  | 5                           | Senior                    | --                                                         | In p        |
| Summer House Inc. Project         |                          | --                                 | 3                  | 3                           | Persons with Disabilities | --                                                         | CD          |

**Table 2-34 Assisted Housing***Assisted Rental Units*

| <i>Project Name</i>                               | <i>Address</i>        | <i>Owner/Contact</i>  | <i>Total Units</i> | <i>Total Assisted Units</i> | <i>Type</i>               | <i>Expiration Date- Restrictive Clause Expiration Date</i> | <i>Sub.</i>                                  |
|---------------------------------------------------|-----------------------|-----------------------|--------------------|-----------------------------|---------------------------|------------------------------------------------------------|----------------------------------------------|
| New Dimensions                                    | 580 Kentucky Avenue   | --                    | 15                 | 15                          | Persons with Disabilities | 10/31/2012 <sup>3</sup>                                    | PR/                                          |
| Stella Senior Apartments – 25 West Lincoln Avenue | --                    | --                    | 24                 | 24                          | Senior                    | --                                                         | --                                           |
| Leisureville Mobile Home Park                     | 1313 E Gibson Road    | Resident-owned        | 150                | 76                          | Senior                    | --                                                         | CD                                           |
| Casa Del Sol Mobilehome Park                      | 709 East Street       | CHOC                  | 156                | 156                         | Family                    | --                                                         | HC<br>HEL<br>Exe<br>Call<br>Call<br>AW<br>CD |
| Rochdale Grange                                   | 2090 Heritage Parkway | Rochdale Grange, L.P. | 44                 | 43<br>(7 Accessible Units)  | Family                    | 2065                                                       | LIT<br>AHI                                   |
| Yolano Village                                    | 0 Lemen Ave           | Yolo County Housing   | 60                 | 60                          | Family                    |                                                            | Pub                                          |
| Donnelly Circle                                   | 0 Lemen Ave           | Yolo County Housing   | 72                 | 72                          | Family                    |                                                            | Pub                                          |

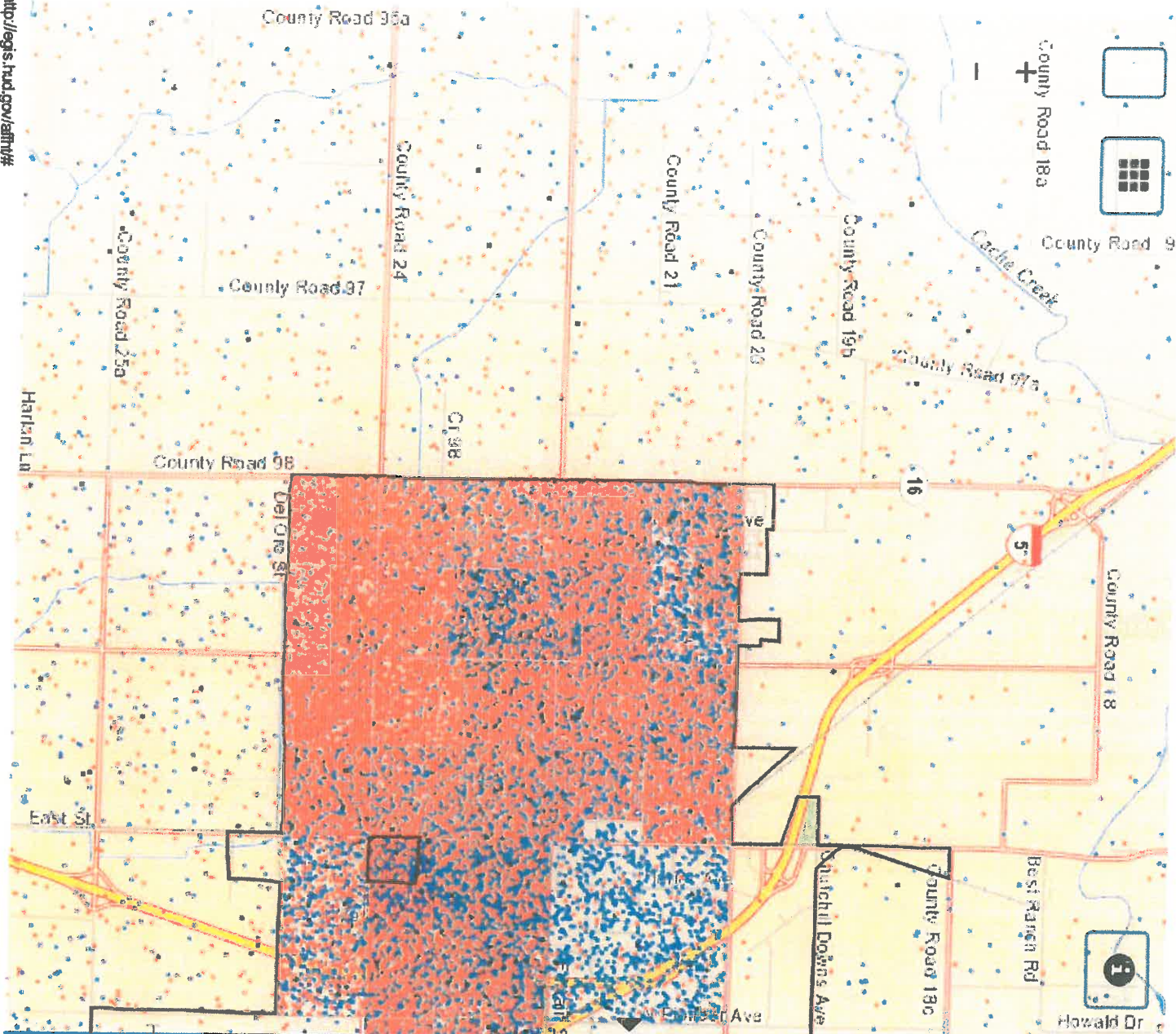
Source: <sup>1</sup> Conversation with YCH, specific data was not yet available or was unattainable.

<sup>2</sup> YCH is new owner

<sup>3</sup> SACOG January 18, 2013 Data on SACOG Region-Preservation Units lists a Low Risk Level

# EXHIBIT B





### Map Information

Woodland (CDBG)

Name: Map 1 - Race/Ethnicity

Description: Current race/ethnicity dot density map  
for Jurisdiction and Region with  
R/ECAPs

Jurisdiction: Woodland (CDBG)

Region: Sacramento-Roseville-Arden-  
Arcade, CA

### Map Layers

Legend TOC

Dot Value: 1 dot = 1

### Demographics 2010

1 Dot = 1 People

White, Non-Hispanic

Black, Non-Hispanic

Native American, Non-Hispanic

Asian/Pacific Islander, Non-Hispanic

Hispanic

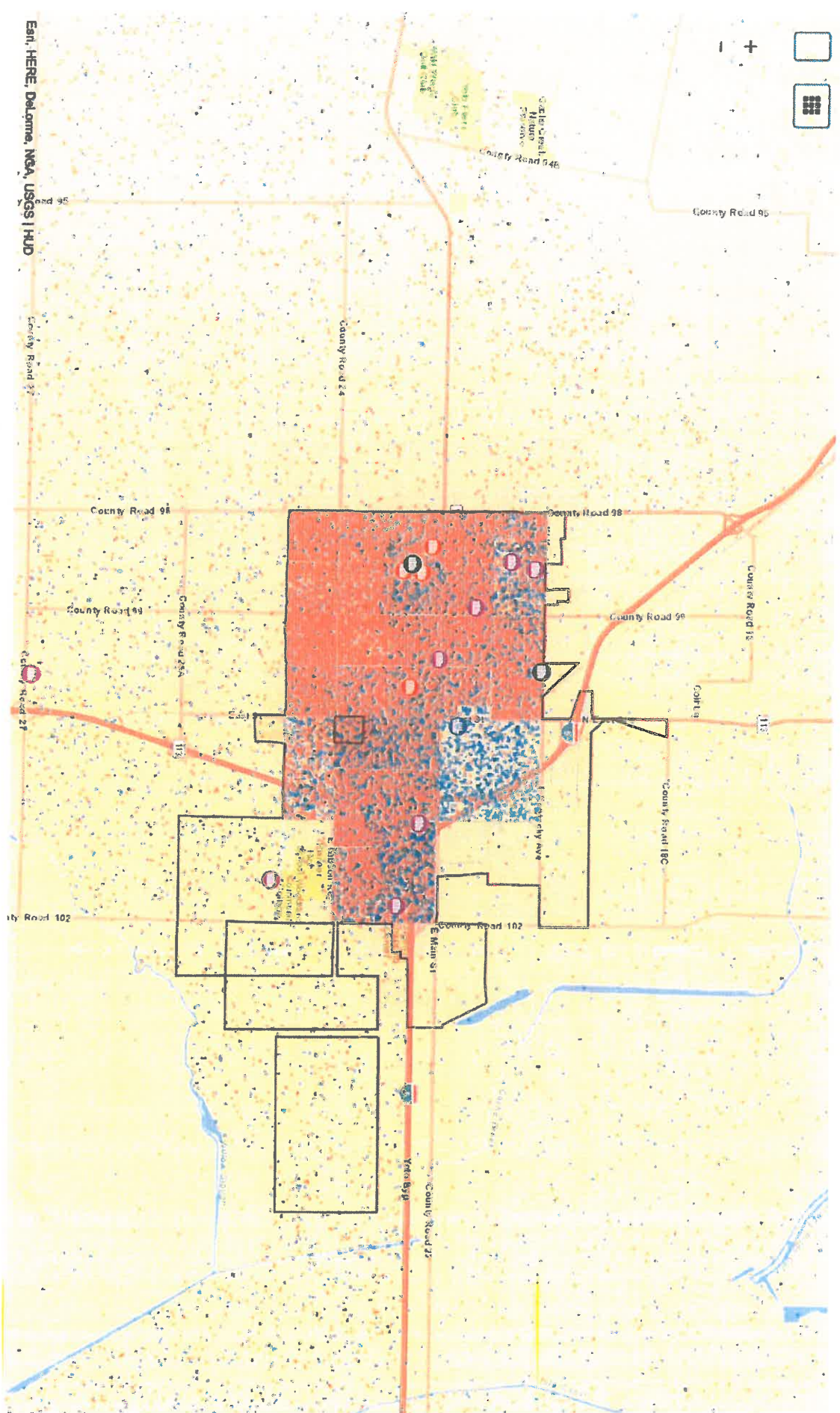
Other, Non-Hispanic

### TRACT

R/ECAP







# EXHIBIT C

## Below Poverty by Race

### Income & Poverty » People Living in Poverty By Race & Age

|                                                                                           |  | City / Place (2010):<br>Woodland                          |
|-------------------------------------------------------------------------------------------|--|-----------------------------------------------------------|
|                                                                                           |  | 2009 - 2013                                               |
| <span style="color: blue;">■</span> <b>Below Poverty - Hispanic or Latino</b>             |  |                                                           |
| People whose income in the past 12 months is below the poverty level - Hispanic or Latino |  | 4,341<br>(3,391 ~ 5,291)<br><b>16.4%</b><br>(12.9 ~ 19.9) |

- (Hyphen) Indicates that data for this geographic area is not available, cannot be displayed because the number of participants, or sample cases is too small.

**Universe:** All people except institutionalized people, people in military group quarters, people in college dormitories, and unrelated individuals under 15 years old

**Table Metadata:** Note: these counts and percentages of persons in poverty include ethnic Hispanics or Latinos of all races, including White, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and other, or two or more races.

**Data Source:** American Community Survey 5-Year Estimates

**Data Year:** 2009 - 2013

|                                                                                                      |  | City / Place (2010):<br>Woodland                        |
|------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------|
|                                                                                                      |  | 2009 - 2013                                             |
| <span style="color: blue;">■</span> <b>Below Poverty - White, not Hispanic or Latino</b>             |  |                                                         |
| People whose income in the past 12 months is below the poverty level - White, Non-Hispanic or Latino |  | 1,971<br>(1,549 ~ 2,393)<br><b>8.4%</b><br>(6.7 ~ 10.1) |

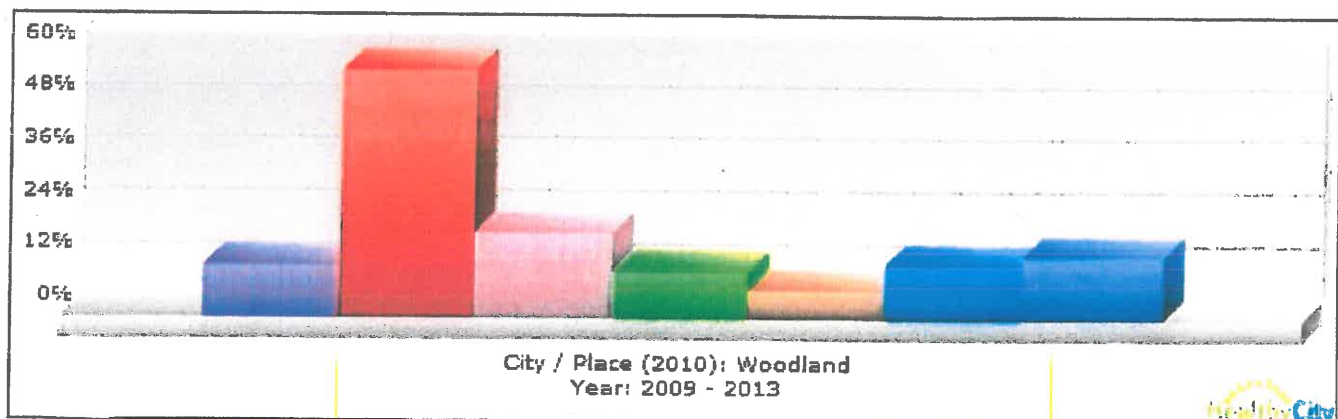
- (Hyphen) Indicates that data for this geographic area is not available, cannot be displayed because the number of participants, or sample cases is too small.

**Universe:** All people except institutionalized people, people in military group quarters, people in college dormitories, and unrelated individuals under 15 years old

**Table Metadata:** Note: these counts and percentages of persons in poverty do not include Hispanics or Latinos.

**Data Source:** American Community Survey 5-Year Estimates

**Data Year:** 2009 - 2013



| City / Place (2010):<br>Woodland |
|----------------------------------|
| 2009 - 2013                      |

|                                                                                                                                                                          |                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>Below Poverty - White</b><br>People whose income in the past 12 months is below the poverty level - White                                                             | <b>4,729</b><br>(3,803 ~ 5,655)<br><b>12.0%</b><br>(9.7 ~ 14.3) |
| <b>Below Poverty - Black or African American</b><br>People whose income in the past 12 months is below the poverty level - Black or African American                     | <b>383</b><br>(0 ~ 788)<br><b>56.3%</b><br>(25.9 ~ 87.7)        |
| <b>Below Poverty - American Indian and Alaska Native</b><br>People whose income in the past 12 months is below the poverty level - American Indian and Alaska Native     | <b>176</b><br>(72 ~ 280)<br><b>19.6%</b><br>(9.4 ~ 29.8)        |
| <b>Below Poverty - Asian</b><br>People whose income in the past 12 months is below the poverty level - Asian                                                             | <b>351</b><br>(96 ~ 606)<br><b>10.8%</b><br>(3.4 ~ 18.2)        |
| <b>Below Poverty - Native Hawaiian or Pacific Islander</b><br>People whose income in the past 12 months is below the poverty level - Native Hawaiian or Pacific Islander | <b>9</b><br>(0 ~ 26)<br><b>6.7%</b><br>(0.0 ~ 19.9)             |
| <b>Below Poverty - Other</b><br>People whose income in the past 12 months is below the poverty level - Other                                                             | <b>1,050</b><br>(527 ~ 1,573)<br><b>12.4%</b><br>(6.7 ~ 18.1)   |
| <b>Below Poverty - Two or More Races</b><br>People whose income in the past 12 months is below the poverty level - Two or More Races                                     | <b>295</b><br>(160 ~ 430)<br><b>14.5%</b><br>(8.1 ~ 20.9)       |

- (Hyphen) Indicates that data for this geographic area is not available, cannot be displayed because the number of participants, or sample cases is too small.

**Universe:** All people except institutionalized people, people in military group quarters, people in college dormitories, and unrelated individuals under 15 years old

**Table Metadata:** Note: the percentages of poverty by racial/ethnic group reported in this table are the percentages of persons in poverty in a racial/ethnic group among all persons of that racial/ethnic group. So, a 10% rate of poverty for people of Two or More Races in an area should be read to mean that 10% of people of Two or More Races earned below poverty incomes in a given year.

**Data Source:** American Community Survey 5-Year Estimates

**Data Year:** 2009 - 2013



1910 West Sunset Blvd. Suite 500, Los Angeles, CA 90026

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**Memorandum**

**To:** Ken Hiatt, City of Woodland Community Development Director  
Cindy Norris, City of Woodland Principal Planner

**From:** Kara K. Ueda and Ethan J. Walsh, City Attorney

**Date:** June 15, 2016

**Re:** Prudler Subdivision Project--Letter from Legal Services of Northern California

On April 6, 2016, Legal Services of Northern California (“LSNC”) submitted a letter to the City of Woodland Planning Commission (“Planning Commission”) making certain objections to the proposed Prudler Tentative Subdivision Map Project (PLNG 14-00090) (the “Project”). You requested that the City Attorney’s office review and respond to the objections made in LSNC’s letter. This memorandum addresses each of the legal issues raised by LSNC. Further, we have reviewed the letter submitted to the City from the applicant’s representative, Phillips Land Law, Inc., and agree with its response to LSNC’s letter.

***1. The Proposed Project Does Not Have a Significant Impact on Land Use and Planning***

LSNC asserts that the Project will have a significant impact on land use and planning, arguing that the Project is inconsistent with the City’s adopted Housing Element, and that the impact has not been mitigated as required by the California Environmental Quality Act (“CEQA”) (Public Resources Code §§ 21000 *et seq.*). LSNC argues that the Housing Element requires the City to rezone at least 15 acres within the City to R-25 zoning (accommodating 20-25 units per acre). And because the Project is a single family residential project and does not rezone any property to R-25 zoning, LSNC argues the Project is inconsistent with the City’s Housing Element. LSNC further argues that the Initial Study for the Project (prepared as a part of the CEQA process) incorrectly concludes that the Project would implement the principle of “promising the provision of adequate housing including a variety of housing types for all persons in the community regardless of income, age, gender, race or ethnic background” because the Project will only include single family housing and not multifamily housing. (LSNC April 6, 2016 letter, p.2.)

LSNC’s first allegation regarding the implementation of the City’s Housing Element is not directly relevant to the Council’s consideration of this Project. The Housing Element Law (Gov’t Code §§ 65580 *et seq.*) requires the City to provide adequate sites for the development of its fair share of the regional housing needs for all income levels. (*Id.* § 65583.) The City’s fair share obligations for very low, low, moderate and above-moderate income households are determined by the Sacramento Area Council of Governments (“SACOG”) and

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provided to the City for use in developing its Housing Element. At the time the City prepared its 2013 Housing Element, the City's share of the regional housing need included 390 very low income units and 274 low income units. At that time, the City only had capacity for 217 very low income units and 217 low income units, and as a result needed to develop a plan to generate capacity for an additional 173 very low income units and 57 low income units (or a total of 230 units). (City of Woodland Housing Element, p. 57, Table 2-39.) In order to generate that additional capacity, the Housing Element provides that the City would rezone at least 15 acres to R-25 zoning to ensure that there were adequate sites to accommodate dense, multifamily housing that is assumed to accommodate low and very low income households. In the Housing Element, the City identified over 39 acres within the Spring Lake Specific Plan ("SLSP") Area to be considered for redesignation to R-25 zoning, as well as vacant and underutilized properties within the Downtown Specific Plan Area and the East Street Corridor Specific Plan Area that may be appropriate for rezoning to higher densities. (City of Woodland Housing Element, p. 4-5, Figure 1.)

The Housing Element declared that the City would consider the identified sites for redesignation and rezoning in order to accommodate the City's fair share of the regional housing need. The site of the proposed Project was not one of the sites identified in the Housing Element as a potential site to be rezoned and redesignated for multifamily housing. (City of Woodland Housing Element, Table 1.) The Housing Element did not state that it would consider every site in the City for rezoning to multifamily housing, nor did it state that it would obligate all future residential development to accommodate multifamily housing until the City's fair share obligations are met.

Instead, the City set forth a program to meet its share of the regional housing needs and designated specific properties that could be redesignated and rezoned to meet those needs. The fact that the City considers a separate residential project that was not contemplated as part of the City's program for meeting its fair share obligations for low and very low income households is not at all inconsistent with the City's Housing Element. Consideration of the Project and the implementation of the Housing Element are two separate issues, and the City's progress on obtaining capacity to meet its fair share requirements has no direct bearing on the City's consideration of this Project. Even if merited, LSNC's concerns regarding implementation of the Housing Element and the rezoning of identified sites do not result in this Project being inconsistent with the Housing Element and certainly do not result in a significant impact to the environment that has to be mitigated under CEQA.

Secondly, the LSNC letter ignores the actual progress that the City has made in securing sufficient capacity for its fair share of very low and low income units. First, in 2015, the City rezoned 9.3 acres within the Spring Lake Specific Plan area to R-25 zoning, in furtherance of the Housing Element. At densities of 20-25 units/acre, this property alone will accommodate

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149-186 units.<sup>1</sup> Additionally, in March 2016, the City approved an actual project to be developed by Mercy Housing and New Hope Community Development Corporation at the site of the former Yolo General Hospital on West Beamer and North Cottonwood Streets, which will consist of 79 low and very-low income units (the “Mercy Housing Site”). These two properties will accommodate between 228 and 265 multifamily units.

The Housing Element law requires each City to identify adequate sites to accommodate the housing needs in each income category. (Gov’t Code §65583(c)(1).) The City met that requirement through the rezoning of land within the SLSP area and the Mercy Housing Site. While the rezoning of the Mercy Housing Site was not expressly contemplated as a site for low and very-low income housing in the Housing Element, this rezoning helped the City reach its ultimate goal of identifying adequate sites to meet its regional housing need. At worst, the City is two units shy from meeting its fair share requirements for low and very-low income households based on the City’s conservative assumptions, and the City is continuing to look at additional potential sites through the General Plan update process. While the status of implementation of the City’s Housing Element is not directly relevant to consideration of the Project, the City has already identified, rezoned, and redesignated sufficient sites to meet its fair share requirements; and it has met the requirements of the Housing Element Law in identifying adequate sites to meet its fair share requirements.

Lastly, LSNC also asserts that this Project is inconsistent with the Housing Element because it does not satisfy the City’s overarching policy goal of “promoting the provision of adequate housing including a variety of housing types for all persons in the community regardless of income, age, gender, race or ethnic background.” It is important to note that the language quoted above constitutes an overall policy of the City for its housing stock generally. Not every project considered has to meet every housing need of the City, nor does every project have to satisfy every policy of the General Plan. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1994) 23 Cal.App.4th 704, 719.)

Nevertheless, while the Project does not provide for multifamily units on the Project site, the developer has committed to pay to the City \$620,000 in affordable housing in-lieu fees, which the City can use to produce actual affordable housing within the City of Woodland. In its letter, LSNC emphasizes the need for additional affordable housing assisted rental units in the City. Affordable housing is very rarely, if ever, generated through zoning alone. It is nearly always developed with local, state and federal governmental assistance. With the elimination of the Woodland Redevelopment Agency, the City has very limited means to provide the type of financial assistance needed to actually generate affordable housing in the City. The in-lieu fees to be paid by the developer will provide the City with a much needed resource to assist affordable housing developers in actually producing the needed affordable

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<sup>1</sup> The 9.3 acre property, if developed at full capacity, would actually accommodate 186-232 units. However, the City conservatively assumes that only 80% of the property would be developed. Based on that conservative assumption, the City has assumed that the 9.3 acres will accommodate 149-186 units of multifamily housing.



units and will therefore promote the provision of affordable housing, consistent with the policy cited by LSNC.

**2.     *The City Did Consider an Adequate Range of Alternatives in the EIR***

LSNC argues that the EIR does not include a “reasonable range of alternatives” to the Project, as required by CEQA, and instead uses an “all or nothing” analysis that does not take into account achieving most of the basic objectives of the Project while avoiding the significant effects of the Project. The Draft EIR considered but dismissed an off-site alternative and an existing zoning alternative and considered in detail a no project alternative, reduced intensity alternative, and a mixed use alternative. (Draft EIR, p. 6-4, 6-6.) LSNC submitted comments on the Draft EIR claiming that the Draft EIR lacked a sufficient alternatives analysis, specifically that a higher density alternative was not considered. In response to comments submitted, the City addressed its decision regarding the selected alternatives and also considered a higher density alternative. (Final EIR, p. 2-257-2-259.)

However, LSNC asserts that the City should have considered LSNC’s proposed alternative, which was to rezone two to three acres for multifamily development and dedicate that land as a means of helping to meet the developer’s affordable housing obligations. CEQA requires the City in its EIR to describe a range of reasonable alternatives that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. (CEQA Guidelines §15126.6(a); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.) But the City is not required to consider every conceivable alternative to the Project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988.) LSNC clearly believes that its proposed alternative offers the best policy option to provide affordable housing on the Project site, but it offers no explanation why its proposed alternative would avoid or substantially lessen the potential environmental effects of the Project. The City is not required to consider LSNC’s desired alternative just because it furthers LSNC’s preferred policy outcome, and LSNC’s alternative will not further the City’s environmental analysis. CEQA, therefore, does not require the City to consider LSNC’s proposed alternative.

**3.     *The Final EIR Provides a Good Faith Reasoned Analysis in Response to LSNC’s Comments***

LSNC argues that the City did not respond to its comments with a good faith reasoned analysis in the Final EIR. The Final EIR did respond to LSNC’s comments and clearly explained why LSNC’s comments did not demonstrate a significant environmental impact that must be mitigated. (Final EIR, p. 2-4-2-5.) In its comment letter on the Draft EIR, LSNC made similar comments to those made in LSNC’s April 6 letter, arguing that the City has an obligation to rezone properties to R-25. The Final EIR explains in detail that the Project site is not one of the properties that the City listed as a potential site to be redesignated and rezoned to R-25 zoning, and in any event the City has provided for the needed capacity for low and very low

income units through the rezoning of 9.3 acres in the SLSP area and the rezoning of the Mercy Housing Site; and the City continues to work to locate additional sites that would be suitable for high density housing through the General Plan update process. (*Id.*) As explained above, the City's compliance with implementation of its Housing Element is a separate issue from the consideration of the Project, and notwithstanding that fact, the City has been able to identify sufficient sites to meet its regional housing need and is continuing to locate additional sites.

**4. LSNC Does Not Provide Evidence that the Project Would Result in Racial and Economic Segregation and Disparately Impact People of Color**

LSNC next argues that the Project as proposed would have a disproportionate adverse impact on people of color in violation of fair housing and planning and zoning laws. Neither the cases cited by LSNC nor the statistical information provided supports its claim. First, LSNC argues that it may bring an action under Government Code section 11135, which prohibits discrimination in any program or activity that is funded directly by the State or receives any financial assistance from the State. LSNC cites to *Comunidad en Accion v. Los Angeles City Council* (2013) 219 Cal.App.4th 1116 to support this argument. However, the *Comunidad en Accion* case explicitly holds that the plaintiff could not bring an action under Government Code section 11135 based on the City's review of a planning application, because the City's land use approval process is not state funded. (*Id.* at 1129.) In this case, the City's only action is to consider the applicant's application for development of the Project. This process does not require or use any state funding, and therefore does not give rise to a claim under Government Code section 11135.

Second, LSNC provided statistics in support of its argument that the Project would have a disparate impact on people of color. LSNC provided mapping data from the HUD website that, according to LSNC, shows that the single family homes bordering the Project are occupied mostly by white households. LSNC also recited statistics regarding the ethnicities of people currently living in Woodland that live below the poverty level and declared that a higher percentage of people of color living in Woodland live under the poverty line, as compared to the percentage of white people living under the poverty line.

In order to have a successful disparate impact claim, the analysis involves a comparison between two groups: those affected and those unaffected by the facially neutral policy, and statistical information must demonstrate that a disproportionate number of those affected belong to a protected class. (*Darensburg v. Metropolitan Transportation Commission* (9th Cir. 2011) 636 F.3d 511, 519-20 [citing *Tsombanidis v. W. Haven Fire Dep't* (2d Cir. 2003) 352 F.3d 565, 575].) Therefore, the disparate impact claim must take into account the population base actually impacted by the action and its racial makeup. (*Id.*) Here, LSNC makes allegations regarding the racial makeup of those residents currently living near the Project site and people living in the City generally. This information bears no relation to the people that will actually purchase homes in the Project—the homes in the Project will not only be offered to people who

currently live in Woodland but to all potential buyers. In fact, current Woodland residents are not as likely to move into the Project since they already live in Woodland.

The *Darensburg* case is instructive in this regard. The plaintiffs in the *Darensburg* case alleged that the Metropolitan Transportation Commission's decision to spend a greater amount of its funds on rail transit and less funds on bus service had a disparate impact on racial minorities because a greater percentage of bus riders were racial minorities. The Court refused to find that the statistics provided by the plaintiffs demonstrated a disparate impact, declaring that the statistics regarding current ridership said nothing about the ridership of future expansion projects. (*Id.* at 520.)

Here, LSNC's statistics bear an even more tenuous relationship to the group of people potentially affected by the Project. LSNC declares that a disproportionate number of people living near the Project are white (although they give no specific statistics), and that a larger percentage of people of color currently living in the City live under the poverty line, as compared to the percentage of white people living under the poverty line. Therefore the Project, LSNC claims, will have a disparate impact on people of color. The statistics provided by LSNC provide no information on the pool of people who would be able and interested in purchasing a home in the Project. The statistics, therefore, do not demonstrate a prima facie case for a disparate impact.

This Project is much different from a case like *Comunidad en Accion*, where the plaintiffs alleged that the City's decision to site a solid waste facility in a predominantly Latino community had a disparate impact on racial minorities. While that case was also dismissed, a governmental decision to place an undesirable public facility in a neighborhood that is predominantly comprised of racial or ethnic minorities could give rise to a disparate impact claim. In this case, however, nothing in the proposed approvals would make the housing in the Project unavailable to racial or ethnic minorities, and the statistical information provided by LSNC does not make a case to the contrary. There is no indication that the Project, as proposed, would have a disparate impact on people of color.

#### **5.     *The Project is Consistent with the General Plan***

LSNC additionally argues that the Project is inconsistent with the City's General Plan, citing a range of General Plan policies declaring that the City will promote the provision of adequate housing for all persons in the City; ensure sufficient land zoned for a variety of housing types, densities and prices; ensure an orderly pattern of development; designate land for development consistent with the needs of the community and consistent with its efforts to maintain a positive fiscal balance for the City; to provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in the City; and to support residential development at a manageable pace to achieve its fair share of regional housing needs.

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Each of the policies noted by LSNC are general policies that the City seeks to implement in the City as a whole. Every development that comes before the City Council, standing alone, is not required to satisfy each of these policies on its own. “A general plan must try to accommodate a wide range of competing interests—including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city provided services—and to present a clear and comprehensive set of principles to guide development decisions.” (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) The project need not align perfectly with each and every general plan policy. It is only required to be in agreement or harmony with the terms of the general plan, not in rigid conformity with every detail thereof. The question is whether the project is compatible with and does not frustrate the general plan’s goals and policies. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 760; *Sequoyah Hills, supra*, 23 Cal.App.4th at 718.)

The City noted in the staff report to the Planning Commission that the Project is an infill property and the proposed Project is consistent with the surrounding neighborhood scale and character, consistent with General Plan Land Use Policies 1.B.5 and 1.B.6. The Project site is currently designated for commercial development, but the staff report notes that there is an oversupply of commercially designated land in the City, based on current market conditions. While the Project would create a net fiscal loss to the City, that loss could be offset through a fiscal deficit fee. In contrast, rezoning the Project site for multifamily housing would create a greater burden on general fund services. The Project, therefore, would designate land for development consistent with the needs of the community and consistent with its efforts to maintain a positive fiscal balance for the City, in accordance with General Plan Land Use Policy 1.A.3. Further, while the Project itself only includes single family housing, the affordable housing in-lieu fees paid by the developer will support the development of units needed to meet the City’s share of regional housing needs of low and very low income households, consistent with General Plan Land Use Policy 1.B.1.

LSNC argues that the Project is inconsistent with the Project because there is a “deficit” of sites zoned and designated for very low and low income households, and a “surplus” of moderate and above moderate income units. First, as discussed above, the City has taken steps to rezone and redesignate land to accommodate the City’s regional share of very low and low housing. Second, there is no requirement in the Housing Element Law that the City zone land for residential property at percentages proportionate to its regional housing needs obligation. The City is not required to reduce its “surplus” of moderate and above moderate units, nor is it required to increase the properties zoned for multifamily housing so there is an equivalent surplus of land for very low and low income units. The City is simply required to provide for an inventory of land that can meet its regional fair share obligations. The City has done that in its Housing Element. The City is in compliance with its General Plan, and the Project is consistent with the General Plan.



**6. *The City Has Not Failed to Implement the Housing Element***

As the final point in its letter, LSNC again argues that the City has failed to implement its Housing Element. As discussed in this memo in response to LSNC's first point, the City has implemented the Housing Element by rezoning and redesignating properties as needed to meet the City's fair share requirements for low and very low income households, and is considering the redesignation of additional land through the General Plan Update process. Further, this allegation has no bearing on the Prudler Project. The Prudler site was not identified as a potential site to accommodate multifamily housing to accommodate the needs of low and very low income households, and the Housing Element does not require the City to redesignate this site accordingly. If LSNC wants to address this issue separately it may do so, but these comments have no bearing on the City's consideration of the Prudler project.

**Exhibit A**

**CEQA FINDINGS OF FACT  
and  
STATEMENT OF OVERRIDING  
CONSIDERATIONS  
OF THE CITY OF WOODLAND  
for the  
PRUDLER TENTATIVE SUBDIVISION MAP PROJECT**

## **I. INTRODUCTION**

The Environmental Impact Report (EIR) prepared for the Prudler Tentative Subdivision Map Project (Project) addresses the potential environmental effects associated with constructing and operating the Project. These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). These findings refer to the Notice of Preparation (NOP) or Final EIR where the material appears in either of those documents. Otherwise, references are to the Draft EIR.

CEQA generally requires that a lead agency must take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project. In order to effectively evaluate any potentially significant environmental impacts of a proposed project, an EIR must be prepared. The EIR is an informational document that serves to inform the agency decision-making body and the public in general of any potentially significant environmental impacts. The preparation of an EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

The EIR for this Project was prepared by the City of Woodland (City) as the “lead agency” in accordance with CEQA and has been prepared to identify and assess the anticipated effects of the Project. The City, as the lead agency, has the principal responsibility for approval of the Project.

## **II. TERMINOLOGY OF FINDINGS**

CEQA and the CEQA Guidelines require that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of the three allowable conclusions:

1. Changes or alterations which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Draft EIR.

(Pub. Resources Code, § 21081, subds. (a)(1)-(3); CEQA Guidelines, § 15091, subds. (a)(1)-(3).)

For purposes of these findings, the terms listed below will have the following definitions:

- “Mitigation measures” shall constitute the “changes or alterations” discussed above.
- “Avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level.
- “Substantially lessen” refers to the effectiveness of one or more mitigation measures to lessen a significant effect, but not necessarily below the level of significance.
- “Feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

### **III. DEFINITIONS AND ACRONYMS**

Unless otherwise stated herein, these findings use the same definitions and acronyms set forth in the EIR.

### **IV. PROJECT DESCRIPTION**

#### **A. THE PROJECT**

The applicant is requesting a General Plan Amendment of the project site from GC to LDR. The LDR designation allows for the residential densities ranging from 3.0 to 8.0 units per acre. In addition, the applicant is requesting a Rezone of the project site from C-2 to Single-Family Residential with the adoption of Planned Development Standards (R-1/PD). The purpose of the Planned Development (PD) overlay zone is to encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments not otherwise possible through strict application of zoning regulations. Furthermore, the applicant is requesting a Conditional Use Permit for development within the PD overlay zone.

Additionally, an amendment would be made to the General Plan Circulation Element and Spring Lake Specific Plan with reference to the median and the walnut trees on East Street as well as a reduction from four to two lanes. The Spring Lake Specific Plan includes a 45-foot median on East Street adjacent to the proposed property for the segment of East Street south of the County Fair Mall to Sports Park Drive/CR 24A in order to accommodate the existing walnut trees which are currently adjacent to the east side of East Street, adjacent to the proposed Project site. The Project includes a request for an amendment to the General Plan Circulation Element and Spring Lake Specific Plan to reduce the median width and reduce the number of lanes from four to two.

The applicant is requesting the approval of a Tentative Subdivision Map to allow the development of 183 detached single-family units, in two phases, on an approximately 38-acre site in the City of Woodland. The average density would be 5.46 dwelling units per acre. In addition, the Project would include a 1.46 acre park in the northwestern portion of the Project site.



## **B. PROJECT SITE**

The Project is located in the City of Woodland at the northeast corner of East Street and Sports Park Drive/County Road (CR) 24A. In addition, the project site forms the north and east borders of the approximately two-acre Forrest property located at the northeast corner of East Street and CR 24A. The Forrest property contains two single-family residences and is zoned and designated for General Commercial (GC) use. The property is currently not included as part of the proposed project. The approximately 38-acre Project site is identified by the Yolo County Assessor as Assessor's Parcel Number (APN) 041-070-042-0000.

## **C. EXISTING LAND USE DESIGNATIONS AND ZONING**

The Project site is currently designated General Commercial (GC) in the City of Woodland General Plan. The GC land use designation includes retail, services, restaurants, professional and administrative offices, and hotels. The applicant is requesting a General Plan Amendment of the project site to Low Density Residential (LDR). The LDR designation provides for single-family detached homes, with a density range of 3.0 – 8.0 units per acre. The Project would include an average density of 5.46 units per acre, which is consistent with the LDR designation. In addition, the Project includes an amendment to the General Plan Circulation Element and Spring Lake Specific Plan to reduce the median from 45 feet to 16 feet and reduce the number of lanes from four to two for the section of East Street that is adjacent to the Project site from south of the County Fair Mall to Sports Park Drive/County Road 24A.

The current zoning designation for the site is General Commercial Zone (C-2). The applicant is requesting a Rezone of the Project site to Single-Family Residential/Planned Development (R-1/PD). The purpose of the Planned Development Overlay Zone is to encourage a creative and efficient approach to the use of land, and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of the zoning regulations. Permitted uses in the PD Zone include any use or combination of uses and densities shown on the approved development plan that are arranged and designed to provide a development that is in conformity with the General Plan. Development in the PD overlay requires approval of a Conditional Use Permit which is being requested by the applicant for development of the Project.

## **D. ADJACENT USES**

State Route 113 (SR 113), located east of the project site, is a four-lane freeway that runs between Interstate 5 and Interstate 80 and connects the City of Woodland with the City of Davis. SR 113 is a north-south freeway that provides regional access to the proposed project site with interchanges at Gibson Road and CR 25A.

The site is bordered by County Fair Mall to the north, single-family residential existing and currently under construction to the east, multi-family residential, single-family residential, and a park on the other side of East Street to the west, and Sports Park Drive/CR 24A and the Woodland Community and Senior Center and Woodland Sports Park to the south. In addition, the project site forms the north and east borders of the approximately two-acre Forrest property

located at the northeast corner of East Street and CR 24A. The Forrest property contains two single-family residences and is zoned and designated for GC use. The property is currently not included as part of the proposed project.

## **E. PROJECT OBJECTIVES**

The following are the intended objectives for the project:

1. Develop a single-family residential project to contribute to the City's overall housing stock and respond to the regional demand for residential uses.
2. Develop the site with land uses that do not compete with Woodland's existing commercial uses at the adjacent County Fair Mall and in the surrounding area.
3. Develop the infill site with land uses that are compatible with adjacent uses including residential uses, commercial uses and Woodland Sports Park.
4. Develop the site with a land use pattern that does not restrict existing and future uses on the Forrest property.
5. Provide residential uses at a minimum of 5.0 per acre to maximum efficiency of site and to support infrastructure and services to serve the project.

## **F. REQUIRED DISCRETIONARY ACTIONS**

The City of Woodland is the lead agency for the proposed Project. As required by Section 15124(d)(1)(B) of the CEQA Guidelines, the EIR must contain a list of permits and other approvals required to implement the Project. In addition to these requirements, environmental review and consultation requirements related to federal, state, or other local laws or guidance applicable to individual resources are described in the Regulatory Context subsections provided in Chapter 4 of the EIR. The EIR for the proposed Project addresses the approvals and entitlements required by the City.

The following discretionary approvals and permits are required by the City of Woodland for implementation of the proposed Project:

- Certification of the Environmental Impact Report (EIR) and adoption of the Mitigation Monitoring and Reporting Plan (MMRP);
- Adoption of Findings of Fact and Statement of Overriding Considerations;
- General Plan Amendment to the Circulation Element to reduce the segment of East Street south of the County Fair Mall to CR 24A from four lanes to two lanes;
- General Plan Amendment to re-designate the site from General Commercial (GC) to Low Density Residential (LDR);
- Spring Lake Specific Plan (SLSP) Amendment to modify the East Street cross-section for the segment south of the County Fair Mall to CR 24A;
- Rezone from General Commercial (C-2) to Single Family (R-1)/PD and adoption of Planned Development Standards;
- Tentative Subdivision Map to subdivide the 38-acre site into 183 residential lots and a park site;
- Conditional Use Permit for development within the PD Zone; and

- Approval of Development Agreement.

These discretionary actions, which must be preceded by certain steps required by CEQA (Final EIR certification, CEQA Findings, and MMRP), are all part of the “project” that was analyzed in the Draft and Final EIR. The Planning Commission will make a recommendation and the City Council will take action on each of the requested discretionary entitlements when it considers the Prudler Tentative Subdivision Map Project.

## **V. ENVIRONMENTAL REVIEW PROCESS**

In accordance with CEQA, the City released a Notice of Preparation (NOP) on December 17, 2014. The purpose of the NOP was to provide notification that an EIR for the Project was being prepared and to solicit guidance on the scope and content of the document. During the circulation of the NOP, a public scoping meeting was held on January 8, 2015 for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the proposed Project. The Draft EIR was circulated for public review and comment period for a period of 45 days from September 8, 2015 to October 23, 2015. This period satisfied the requirement for the public review period as set forth in Section 15105 of the CEQA Guidelines. In addition, a public meeting was held before the Planning Commission on October 1, 2015 in order to receive verbal comments on the Draft EIR.

A list of public agencies and individuals commenting on the Draft EIR is included in Chapter 1 in the Final EIR. A total of four comment letters were received.

On December 7, 2015, the City published the Final EIR for the Project. The Final EIR includes comments received on the Draft EIR, responses to significant environmental issues raised in the comments, revisions to the text of the Draft EIR, and the Mitigation Monitoring and Reporting Program. The comments in the Final EIR and Draft EIR as revised by the Final EIR constitute the EIR for the Project.

## **VI. RECORD OF PROCEEDINGS**

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code, section 21167.6(e). The record of proceedings for the City’s decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project and all documents relied upon or incorporated by reference;
- All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
- All comments and correspondence submitted to the City during the public comment period on the Draft EIR, in addition to all other timely comments on the Draft EIR;

- The Final EIR for the Project, including the staff reports, minutes of the public hearings; comments received on the Draft EIR; the City’s responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;
- The mitigation monitoring and reporting program (MMRP) for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the final public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- The City’s General Plan and applicable Specific Plans and all updates and related environmental analyses;
- Relevant sections of the City’s Zoning Code;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code, section 21167.6(e).

Pursuant to CEQA Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the City’s Community Development Department at 300 First Street, Woodland, CA 95695.

The City Council has relied on all of the documents listed above in reaching its decisions on the proposed Project. Without exception, any of the documents set forth above not found in the Project files fall into one of two categories: (1) prior planning or legislative decisions, or (2) other documents that influenced the expert advice provided to City Staff or consultants. Many of them reflect prior planning or legislative decisions with which the City Council was aware in approving the Project. Other documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City Council as final decisionmakers. For that reason, such documents form part of the underlying factual basis for the City Council’s decisions relating to approval of the Project.

## **VII. FINDINGS REQUIRED UNDER CEQA**

Public Resources Code, section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible

alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code, section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (CEQA Guidelines, § 15091.) Public Resources Code, section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.”

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (CNPS) [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”] (quoting 1 Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009], § 17.30, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 [“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar*, *supra*, 133 Cal.App.3d at p. 417; see also CNPS, *supra*, 177 Cal.App.4th at p. 1001 [“an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible”] [quoting 2 Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act*, *supra*, § 17.29, p. 824]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether or not the effect in question has been “avoided” (i.e., reduced to a less than significant level).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency.

With respect to a project for which significant impacts are not mitigated to a less-than-significant level, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.) The EIR for the Prudler Tentative Subdivision Project concluded the Project would create significant and unavoidable impacts to transportation and circulation; thus a Statement of Overriding Considerations is required.

## **VIII. LEGAL EFFECT OF FINDINGS**

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

## **IX. MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project, and is being approved by the City Council by the same Resolution that has adopted these findings. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the environmental document approval resolution and is approved in conjunction with the certification of the EIR and adoption of these Findings of Fact.

## **X. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Draft EIR identified a number of significant environmental effects (or impacts) that the Project will cause or contribute to. Nearly all of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Two effects, Impacts 4.2-2 and 4.2-5, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. For reasons set forth in Section XV, however, the City Council has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effect of the Project.

With respect to the entitlements over which the City Council has final approval authority and in support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives of the Project identified in the EIR pursuant to Section 15091 of the *CEQA Guidelines*:

#### Significant Impacts Mitigated to a Less-Than-Significant Level

The following significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less-than-significant level and are set out below. Pursuant to section 21081(a)(1) of CEQA and Section 15091(a)(1) of the *CEQA Guidelines*, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

- **Impact 4.2-3 Alternative transportation facilities.** The Project would generate additional ridership on the Yolo County Transportation District (YCTD) transit system. Additional funding to serve the site is required. Therefore, Mitigation Measure 4.2-3 requires the contribution of a fair share fee toward providing transit service to the project site. Implementation of Mitigation Measure 4.2-3 would ensure that the impact is less than significant.
- **Impact 4.2-6: Alternative transportation facilities under cumulative conditions.** Similar to Impact 4.2-3, the Project would generate additional ridership on the YCTD transit system in the cumulative scenario. Therefore Mitigation Measure 4.2-6 requires implementation of Mitigation Measure 4.2-3 which requires a contribution of a fair share fee toward providing transit service to the project site. Implementation of Mitigation Measure 4.2-3 would ensure that the impact is less than significant.
- **Impact I-d: Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.** The Project would generate residential sources of light and glare where none currently exist. Therefore Mitigation Measure I-1 requires a lighting plan to ensure all on-site lighting is directed within the project site and does not illuminate adjacent properties. Implementation of Mitigation Measure I-1 would ensure that the impact is less than significant.
- **Impact IV-a,b: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? Have a**

**substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.** The Project site could provide potential nesting habitat for special-status species of various raptors and other migratory birds. Therefore, Mitigation Measure IV-1 requires a pre-construction survey to determine if active raptor nests are present and if found, construction cannot occur within 500 feet of active raptor nests until the young have fledged. Implementation of Mitigation Measure IV-1 would ensure that the impact is less than significant.

- **Impact IV-e: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.** The proposed Project includes the removal of trees along the western property boundary in the future right-of-way for East Street. Therefore, Mitigation Measures IV-2, IV-3, and IV-4 are required. The mitigation measures require a tree mitigation plan, compliance with the Tree Plan approved by the Parks and Recreation Commission and the Urban Forestry Subcommittee, and compliance with the Woodland City Code 20A. Implementation of Mitigation Measures IV-2, IV-3, and IV-4 would ensure that the impact related to removal of trees is less than significant.
- **Impact V-b-d: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? Disturb any human remains, including those interred outside of formal cemeteries.** Although surface cultural resources are not likely on-site, the possibility exists that during construction activities, unidentified archaeological resources, paleontological resources, or human remains may be uncovered. Therefore, Mitigation Measures V-1(a) and V-1(b) are required to ensure that if remains are discovered during construction, work is halted and an archaeologist is retained or the County Coroner is notified if human remains are discovered. Implementation of Mitigation Measures V-1(a) and V-1(b) would ensure that the impact related to removal of trees is less than significant.
- **Impact VI-ai-iii, c, d: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Strong seismic ground shaking? Seismic-related ground failure, including liquefaction? Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.** Despite Woodland being within the low severity zone with respect to earthquake intensity, and liquefaction potential is considered low, structural damage could occur as a result of these processes. Therefore, Mitigation Measure VI-1 is required to ensure that the recommendations in the geotechnical study and UBC standards are implemented. Implementation of Mitigation Measure VI-1 would ensure the impact is less than significant.
- **Impact VI-b: Result in substantial soil erosion or the loss of topsoil.** Soil erosion or



the loss of topsoil could result from grading and excavation of the Project site. Therefore, Mitigation Measure VI-2 is required to ensure an erosion control plan is prepared that will identify construction practices to limit the erosion effects during construction. Implementation of Mitigation Measure VI-2 would ensure the impact is less than significant.

- **Impact IX-a, f: Violate any water quality standards or waste discharge requirements? Otherwise substantially degrade water quality.** The proposed Project has the potential to degrade downstream water quality due to construction as well as operational increases in pollutants in urban stormwater runoff. Therefore, Mitigation Measure IX-1 is required to ensure compliance with State and local regulations. Implementation of Mitigation Measure IX-1 would ensure the impact is less than significant.
- **Impact IX-c-e: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to control.** Development of the Project would create impervious surfaces on the site which may increase stormwater runoff in the area. Therefore, Mitigation Measure IX-2 is required to ensure that the discharge of peak flow from the site will not increase predevelopment downstream flows. Implementation of Mitigation Measure IX-2 would ensure the impact is less than significant.
- **Impact XII-b: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.** Construction of the proposed Project could result in construction vibrations that exceed safe thresholds at adjacent sensitive receptors. Therefore, Mitigation Measures XII-1, XII-2, and XII-3 are required to establish a disturbance coordinator, evaluate before and after building conditions to identify and repair any damage due to construction. Implementation of Mitigation Measures XII-1, XII-2, and XII-3 would ensure the impact is less than significant.
- **Impact XII-d: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.** Construction activities could result in periods of elevated noise levels for existing sensitive receptors. Therefore, Mitigation Measure XII-4 is required to limit the hours of construction and require muffling of internal combustion engines in compliance with City requirements. Implementation of Mitigation Measure XII-4 would ensure the impact is less than significant.
- **Impact XIV-d: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks.** The proposed Project does not provide on-site park land to meet the General Plan and Quimby requirements. Therefore, Mitigation Measure XIV-1 requires the developer to either dedicate the required acreage or pay the appropriate in-lieu fee.

Implementation of Mitigation Measure XIV-1 would ensure the impact is less than significant.

- **Impact XV-a,b:** Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Similar to Impact XIV-3, the Project does not include adequate parkland on-site and could impact the use of other facilities. Therefore, Mitigation Measure XIV-1 requires the developer to either dedicate the required acreage or pay the appropriate in-lieu fee. Implementation of Mitigation Measure XIV-1 would ensure the impact is less than significant.
- **Impact XVII-a,e:** Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Development of the proposed Project would result in an increase in wastewater discharge from the site which could affect downstream facilities and the capacity of the wastewater treatment plant. Therefore, Mitigation Measures XVII-1 and XVII-2 are required to ensure the applicant pay the Project's fair share contribution toward downstream wastewater facilities and pay the City-wide wastewater impact fee. Implementation of Mitigation Measures XVII-1 and XVII-2 would ensure the impact is less than significant.
- **Impact XVII-b,d:** Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed. The proposed Project would contribute to the increased demand for water services in the City of Woodland. Therefore, Mitigation Measure XVII-3 is required to ensure that the development fund its fair share towards the installation of additional water supply and delivery infrastructure. Implementation of Mitigation Measure XVII-3 would ensure the impact is less than significant.
- **Impact XVII-c:** Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The proposed Project is creating impervious surfaces that may cause increases in runoff volume for the area. Therefore, Mitigation Measures XVII-4 and XVII-5 are required to ensure that adequate storm drain retention is provided on site or the applicant pay the appropriate fees for the use of existing facilities. Implementation of Mitigation Measures XVII-4 and XVII-5 would ensure the impact is less than significant.

#### Significant Impacts Which Could Not Be Fully Mitigated to a Less-Than-Significant Level

Mitigation measures to mitigate, avoid, or substantially lessen the following significant environmental impacts of the Project, including cumulative impacts, have been identified. However, pursuant to Section 21081(a)(3) of CEQA and Section 15091(a)(3) of the *CEQA Guidelines*, as to each such impact and mitigation measure, the City Council, based on the

evidence in the record before it, specifically finds that the mitigation measures are infeasible. Each impact and mitigation measure and the facts supporting the finding of infeasibility of each mitigation measure are set forth below. Notwithstanding the disclosure of these impacts and the finding of infeasibility, the City Council elects to approve the Project due to the overriding considerations set forth below in Section XV, Statement of Overriding Considerations.

- **Impact 4.2-2: Study roadway intersections and roadway segments under EPAP Plus Project conditions.** The proposed Project would exacerbate congestion at the Matmor Road and Gibson Road intersection under the Existing Plus Approved Projects (EPAP) Plus Project Conditions, resulting in an unacceptable LOS E in the AM peak hour. Mitigation which may reduce the impact to a less-than-significant level is not feasible as described below:

*Matmor Road / Gibson Road*

The lanes at the Matmor Road and Gibson Road intersection could be reconfigured to include the following lanes:

- Northbound leg: Provide exclusive left-turn, through, and right-turn lanes in place of the single shared lane;
- Southbound leg: Provide two exclusive left-turn lanes and a shared through and right-turn lane in place of the single shared lane;
- Eastbound leg: Provide an exclusive left-turn lane in addition to the one already present; and
- Westbound leg: Provide an exclusive left-turn lane in addition to the one already present.

However, the widening of Matmor Road and Gibson Road are not feasible mitigation measures due to the lack of available right of way. It should be noted that the City has planned improvements to modify the intersection to include a northbound left-turn lane and a northbound through/right-lane. The southbound lanes will be modified to include a left-turn lane and a through/right-lane. Other feasible mitigation measures at the Matmor Road and Gibson Road intersection do not exist.

Therefore, feasible mitigation does not exist, and the above impact would remain significant and unavoidable.

- **Impact 4.2-5: Study roadway intersections and roadway segments under Cumulative Plus Project conditions.** In the cumulative condition, implementation of the proposed Project would result in the signalized intersections of Matmor Road/Gibson Road and East Street/Gibson Road operating at unacceptable levels according to the current City of Woodland standards. In addition, the East Street study segment was found to be operating at unacceptable levels of service in both directions for the AM and PM peak hours. As discussed above, mitigation which may reduce the impact to a less-than-significant level is not feasible for the intersection of Matmor Road/Gibson Road due to the lack of right of way. Additionally, mitigation which may reduce the impact to a less-

than-significant level is not feasible for the East Street/Gibson Road nor the East Street study segment, as described below:

#### *East Street and Gibson Road*

The East Street and Gibson Road intersection could be reconfigured to include the following lanes:

- Northbound leg: Provide an additional exclusive left-turn lane, and provide an exclusive right-turn lane;
- Southbound leg: Provide an exclusive right-turn lane in addition to the current lanes;
- Eastbound leg: Provide an additional exclusive left-turn lane and an exclusive right-turn lane; and
- Westbound leg: Provide an additional exclusive left-turn lane in addition to the one already present.

However, the widening of East Street and Gibson Road are not feasible mitigation measures due to the lack of available right of way. The East Street and Gibson Road intersection is adjacent to an existing railroad to the west, County Fairgrounds to the northeast (State Property), and a commercial site to the southeast.

#### *East Street*

East Street could be widened from two lanes to four lanes along the project frontage. However, widening of East Street does not appear to be feasible given Right of Way constraints. There is an existing residence on the east side of East Street north of Sports Park Drive and an existing railroad on the west side of East Street.

Therefore, feasible mitigation does not exist, and the above impact would remain significant and unavoidable.

## **XI. GROWTH INDUCEMENT**

CEQA requires a discussion of the ways in which a project could be growth inducing. Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, the stimulation of economic activity within the region, or the establishment of policies or other precedents that directly or indirectly encourage additional growth. Under CEQA, this growth is not considered necessarily detrimental, beneficial, or of significant consequence. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth, directly or indirectly, significantly affects the environment.

In general, a project could foster spatial, economic, or population growth in a geographic area if the project removes an impediment to growth (e.g., the establishment of an essential public service, the provision of new access to an area, or a change in zoning or General Plan amendment approval), or economic expansion or growth occurs in an area in response to the project (e.g., changes in revenue base, employment expansion).

As discussed in the Draft EIR, growth-inducing impacts associated with the Project would be considered to be any effects of the Project allowing for additional growth or increases beyond that proposed by the Project or anticipated in the City of Woodland General Plan. The aforementioned planning documents established and previously analyzed the population growth patterns in the area and, thus, are appropriate standards to evaluate the impacts of the proposed Project on population growth.

Although the intensity and type of land uses proposed as part of the project are not necessarily consistent with what has been anticipated for the site by the City, the site has been anticipated for urban development. Existing development surrounds the site; thus, the proposed project is considered infill development and would likely have been developed in the future. Development of the proposed project would assist the City in meeting the Regional Housing Needs Allocation by contributing 183 single-family housing units to the housing supply within the City limits. The proposed project would be required to comply with the City's Affordable Housing Ordinance. For example, Section 6A-3-20 of Chapter 6A, Affordable Housing, of the City's Ordinance Code requires that 10 percent of new for-sale units be affordable to low income households. The project applicant and the City of Woodland would enter into a written inclusionary housing agreement that specifically sets out the manner in which affordable housing obligations would be met. Other possible alternatives to on-site construction of affordable for-sale housing units could include sale or dedication of land to affordable housing developers, land dedication within the City, or in-lieu fees.

The primary infrastructure systems installed as part of the proposed project, including roadways and wastewater, water, and storm drain systems, would be sized to meet demands created by the proposed project. The infrastructure improvements would be consistent with the previously-approved City infrastructure plans in order to accommodate planned future growth in the area. It should be noted that existing utility lines currently exist in the project vicinity, and the proposed project would include connection to the existing lines. The internal streets, street lighting, and underground utilities in the proposed development would be publically-owned and maintained by the City of Woodland.

Therefore, because the growth associated with the proposed project would not allow or facilitate for additional increases in population beyond that proposed by the project or anticipated by the City, involve a lack of public service infrastructure, or eliminate or change a regulatory obstacle, the proposed project would be expected to result in less-than-significant growth-inducing impacts.

## **XII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS**

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental change that would be caused by the proposed Project. Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses (such as a highway improvement that provides access to a previously inaccessible area);
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

Implementation of the proposed Project would result in the long-term commitment of resources of the Project site to urban land use. The development of the proposed Project would likely result in or contribute to the following irreversible environmental changes:

- Conversion of currently undeveloped land to urban land uses;
- Placement and/or extension of roadways in areas providing access to the proposed project and connecting to adjacent developments;
- Irreversible consumption of goods and services associated with the future population; and
- Irreversible consumption of energy and natural resources associated with the future population.

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by environmental accidents associated with the Project. Residential projects do not typically result in the use, transport, storage, and disposal of hazardous materials. The Project itself does not include any uniquely hazardous uses that would require any special handling or storage. Further, the Project does not contain any industrial uses that would use or store acutely hazardous materials.

Implementation of the proposed Project would result in the long-term commitment of resources to urban development. The most notable significant irreversible impacts include the use of non-renewable and/or slowly renewable natural and energy sources, such as lumber and other forest products and water resources construction activities. Operations associated with future uses would also consume natural gas and electricity. These irreversible impacts, which are unavoidable consequences of urban growth, are described in detail in the appropriate sections of the Draft EIR.

### **XIII. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR**

The City Council adopts the following findings with respect to whether to recirculate the Draft EIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to

implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
  - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
  - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
  - (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

The City Council recognizes that the Final EIR contains additions, clarifications, modifications, and other changes to the Draft EIR. As noted above, a few comments on the Draft EIR resulted in minor modification to the language in the Draft EIR. As explained in the Final EIR (Text Revisions), some of the suggestions were found to be appropriate and feasible and were adopted in the Final EIR. Where changes have been made, these changes do not change the significance of any conclusions presented in the Draft EIR.

CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737 (*Kings County Farm Bureau*); see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) “CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes made to the Draft EIR are exactly the kind of project improvements that the case law recognizes as legitimate and proper.

The changes to the Draft EIR text described in Chapter 2 of the Final EIR supplement or clarify the existing language. Thus, none of these changes involves “significant new information” triggering recirculation because the changes to the Draft EIR did not result in any new significant environmental effects or any substantial increase in the severity of any previously identified

significant effects, and did not otherwise trigger recirculation. Instead, the modifications were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. Under such circumstances, the City finds that recirculation of the EIR is not required.

#### **XIV. PROJECT ALTERNATIVES**

##### **A. BASIS FOR ALTERNATIVES**

Public Resources Code, section 21002, a key provision of CEQA, provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Feasible mitigation measures that can substantially lessen impacts in connection with the Project are not available, therefore resulting in the following significant and unavoidable impacts:

- **Impact 4.2-2: Study roadway intersections and roadway segments under EPAP Plus Project conditions.** The proposed Project would exacerbate congestion at the Matmor Road and Gibson Road intersection under the EPAP Plus Project Conditions, resulting in an unacceptable LOS E in the AM peak hour. Mitigation which may reduce the impact to a less-than-significant level is not feasible. Therefore, the impact would remain significant and unavoidable.
- **Impact 4.2-5: Study roadway intersections and roadway segments under Cumulative Plus Project conditions.** In the cumulative condition, implementation of the Proposed Project would result in the signalized intersections of East Street/Gibson Road and Matmor Road/Gibson Road operating at unacceptable levels according to the current City of Woodland standards. In addition, the East Street study segment was found to be operating at unacceptable levels of service in both directions for the AM and PM peak hours. Mitigation which may reduce the impact to a less-than-significant level is not feasible. Therefore, the impact would remain significant and unavoidable.

Under CEQA, where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if an alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 (*Laurel Hills*); see also *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Specifically, the CEQA Guidelines provide that “[t]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impeded to some degree the attainment of the project objectives, or would be



more costly.” (CEQA Guidelines, § 15126.6, subd. (b).) When a lead agency has determined that certain effects on the environment of a project are not significant, the lead agency does not need to discuss those impacts in detail within the environmental impact report. (Pub. Resources Code, § 21100.) Therefore, like mitigation measures, a lead agency is not required to consider the feasibility of implementing an alternative to a project unless the alternative will avoid or substantially lessen a significant impact. (CEQA Guidelines, § 15126.4, subd. (a)(3) [mitigation measures are not required for effects which are not found to be significant]; CEQA Guidelines, § 15126.6, subd. (a) [alternatives must focus on significant impacts of the project and the ability of the alternative to avoid or substantially lessen such impacts].)

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid*; see also *CNPS, supra*, 177 Cal.App.4th at p. 998.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” Based on the requirements of CEQA Guidelines section 15126.6 and the Project’s objectives, the following alternatives to the Project were identified:

- No Project (No Build) Alternative;
- Reduced Intensity Alternative; and
- Mixed-Use Alternative.

The City Council finds that that a good faith effort was made to evaluate all potentially feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The City Council also finds that all reasonable alternatives were reviewed, analyzed and discussed in developing the EIR.

As is evident from the text of the EIR and the above discussion of the proposed Project’s environmental impacts, every significant effect of the proposed Project, with the exception of Impacts 4.2-2 (Project-level impacts to study roadway intersections and roadway segments under EPAP Plus Project conditions) and 4.2-5 (cumulative impacts to study roadway intersections and roadway segments under Cumulative Plus Project conditions), has been reduced to a less-than-

significant level, if not fully avoided, by the adoption of feasible mitigation measures. Thus, as a legal matter, except to the extent that proposed alternatives substantially reduce transportation, traffic, and circulation impacts, the City Council need not consider, in these findings, the feasibility of the various alternatives described in the Draft EIR. The City Council has chosen to address alternatives to the proposed Project in detail within these findings in the interest of full disclosure and to demonstrate it has fully considered whether any of the alternatives is indeed feasible or more desirable from a policy standpoint. As explained below, the City Council is unable to identify any alternative that is both feasible and environmentally superior to the proposed Project with respect to its only remaining significant unavoidable effects.

## **B. ALTERNATIVES CONSIDERED AND DISMISSED FROM FUTURE CONSIDERATION**

As noted previously, the purpose of an alternatives analysis is to develop alternatives to a proposed project that substantially lessen at least one of the significant environmental effects identified as a result of the project, while still meeting most, if not all, of the basic project objectives. The Project results in two significant and unavoidable impacts (Impacts 4.2-2 and 4.2-5). In addition, the Project results in impacts that, in the absence of mitigation, would be significant. Project alternatives that would reduce the size of development on the site or change the mix of uses that would lessen the severity of impacts identified under the Project are addressed in the EIR and summarized below.

Consistent with CEQA, primary consideration was given to alternatives that could reduce significant impacts, while still meeting most of the basic project objectives. Any alternative that would have impacts identical to or more severe than the proposed Project, and/or that would not meet any or most of the project objectives were dismissed from further consideration. The alternatives considered but dismissed from further analysis in the Draft EIR are discussed below.

Two alternatives, the Off-Site Alternative and the Existing Zoning Alternative, were considered but dismissed. The major characteristics of the Off-Site Alternative and the Existing Zoning Alternative are summarized below.

### Off-Site Alternative

Section 15126.6(f)(2)(B) of the CEQA Guidelines states, “If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reason in the EIR.” A feasible location for the proposed project that would result in substantially reduced impacts does not exist.

The CEQA Guidelines Section 15126.6(b) requires that only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. The Off-Site Alternative would involve the construction of the proposed project on an alternative location. The Off-Site Alternative would locate the proposed project on other lands located within the vicinity of the proposed project site. However, other sites in the vicinity would likely have equal or greater impacts compared to the proposed project site. For example, the proposed project site is surrounded by existing development on all sides and was previously

farmed and disturbed on an annual basis. In addition, the project site does not contain any aquatic resources or sensitive habitat. A comparable off-site property could contain water resources, vegetation, or other habitat types, thereby resulting in potentially greater impacts to biological resources.

In addition, the CEQA Guidelines state that, by definition, an alternative should avoid or substantially lessen one or more of the environmental effects of the project. Development of the project on another similar site would result in an equal area being graded and, therefore, similar physical environmental impacts would occur related to land disturbance activities. In addition, the development of the same number of residential units would result in traffic, air quality, and noise impacts that would likely be very similar, or even potentially worse than the proposed project, depending on site accessibility. Therefore, development of the project at an alternative location in the City of Woodland would be expected to result in the same impacts, or worse, when compared to the proposed project. As a result, an environmentally feasible off-site location that would meet the requirements of CEQA, as well as meet the basic objectives of the project, does not exist.

#### Existing Zoning Alternative

The Existing Zoning Alternative would develop the project site per the existing General Plan land use and zoning designation of General Commercial. The General Commercial land use designation allows for retail, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses. Per the Woodland General Plan, the floor-area ratio for General Commercial land uses shall not exceed 0.8. Per the Woodland Municipal Code, Section 25-15-20, buildings in the General Commercial zone shall not exceed 65 feet in height. Although the maximum allowable square footage for the site would be 1.3 million square feet (sf) per the existing zoning, due to the surrounding uses and the presence of the County Fair Mall to the north of the site, two commercial buildings totaling 400,000 square feet (sf) is assumed for the following analysis.

Due to the wide range of acceptable uses allowed by the General Commercial zoning code, the potential environmental impacts resulting from the Existing Zoning Alternative would vary depending on the proposed use. For example, the number of vehicle trips resulting from the Existing Zoning Alternative could range from approximately 17,728 vehicle trips per day to over 30,000 vehicle trips per day.

When utilizing the Institute of Transportation Engineers (ITE), 9<sup>th</sup> Edition, trip generation rate for Specialty Retail Center (Land Use Code 826), the Existing Zoning Alternative would result in approximately 17,728 daily trips, 2,736 AM peak hour trips, and 1,084 PM peak hour trips (44.32 daily trips per thousand sf [KSF]  $\times$  400 KSF = 17,728 daily trips). Alternatively, when utilizing the ITE trip generation rate for Movie Theatre Without Matinee (Land Use Code 443), the Existing Zoning Alternative would result in approximately 31,224 daily trips, 88 AM peak hour trips, and 2,464 PM peak hour trips (78.06 daily trips per KSF  $\times$  400 KSF = 31,224 daily trips). Furthermore, when utilizing the ITE trip generation rate for Office Park (Land Use Code 750), the Existing Zoning Alternative would result in approximately 4,568 daily trips, 684 AM

peak hour trips, and 592 PM peak hour trips (11.42 daily trips per KSF × 400 KSF = 4,568 daily trips).

The proposed project would result in approximately 2,024 daily trips, 153 AM peak hour trips, and 200 PM peak hour trips. As such, all of the aforementioned uses (retail center, movie theatre, and office park) would result in substantially greater impacts related to transportation and circulation. Specifically, the impacts to the Matmor Road and Gibson Road intersection would be further exacerbated by the Existing Zoning Alternative. In addition, the intersections which would be impacted by implementation of the Existing Zoning Alternative may differ from those impacted by the proposed project. Due to the substantially higher number of vehicle trips generated by the Existing Zoning Alternative, the mobile air pollutant emissions would also increase. Therefore, impacts related to air quality, climate change, and noise would be greater than anticipated for the proposed project.

Depending on the proposed use of the commercial building, the Existing Zoning Alternative could increase the demand for public services and utilities. For example, the two commercial buildings totaling 400,000 sf could be used for hotel or motel uses, which would likely increase demand for water, wastewater, and other utilities as compared to the proposed project. Therefore, development of the Existing Zoning Alternative would be expected to result in the same impacts, or worse, when compared to the proposed project.

### **C. ALTERNATIVES CONSIDERED IN THE EIR**

The Project alternatives identified in the Draft EIR address the significant impacts (before mitigation) identified for the Project, including transportation and circulation associated with Project operation. In many instances, the impacts are virtually identical to those of the proposed Project.

The alternatives analyzed in the Draft EIR are briefly described below.

- **Alternative 1: No Project (No Build) Alternative.** This alternative assumes no development would occur and the site would remain in its current undeveloped condition.
- **Alternative 2: Reduced Intensity Alternative.** This alternative assumes that the 38-acre project site would ultimately be developed with 120 units with 1.8 acres of parkland. The Reduced Intensity Alternative would reduce the overall density to 3.31 dwelling units per acre (du/ac) and increase the lot size for each residential unit.
- **Alternative 3: Mixed-Use Alternative.** This alternative assumes development of 120 units on the eastern half of the project site with 1.6 acres of parkland. On the western half of the project site, the Mixed-Use Alternative would develop two 100,000 sf commercial buildings (200,000 sf total). The commercial buildings could contain a variety of uses, including, but not limited to, the following: pharmacy/drug store, drive-in bank, general office space, quality restaurant, coffee/donut shop, sit down restaurant, or discount supermarket.

Each of the alternatives is described in more detail, below, followed by an assessment of the alternative's impacts relative to the Project.

## **ALTERNATIVE 1: NO PROJECT (NO BUILD)**

### **Description**

The No Project (No Build) Alternative considers the effects of forgoing the Project entirely, and leaving the Project site in its current, vacant condition. The No Project (No Build) Alternative thus allows decision-makers to compare the impacts of the proposed Project to retaining the existing condition of the site. The No Project (No Build) Alternative describes the environmental conditions that exist at the time that the environmental analysis commences. (CEQA Guidelines, § 15126.6, subd. (e)(2).)

### **Comparative Analysis of Environmental Effects**

The No Project (No Build) Alternative would produce no changes on the Project site, because the site would remain in its current condition, effectively preventing those Project impacts discussed in the Draft EIR. Air emissions associated with Project construction and operation or cumulative contribution to global climate change would not occur. A change in the visual environment would not occur and an increase in the number of vehicles accessing the site and on area roadways and intersections, or increase in demand for public services or utilities, would not occur. Operational impacts on the surrounding roadway network, or associated changes in ambient noise levels, would also not occur.

### **Relationship to Proposed Project Objectives**

The No Project (No Build) Alternative would not meet any of the project objectives because the site would not be developed with single-family residential uses.

### **Feasibility of the No Project (No Build) Alternative**

Pursuant to CEQA, a lead agency should adopt a feasible project alternative that substantially lessens or avoids significant environmental effects of the proposed project. (Pub. Resources Code, § 21002; *Stockton Citizens, supra*, 48 Cal.4th at p. 498 [“[An] agency may not . . . approve the project as proposed if there are feasible alternatives . . . that would avoid or substantially lessen the adverse environmental effects.”]; *Cherry Valley, supra*, 190 Cal.App.4th at p. 348 [“‘in the event specific economic, social, or other conditions make infeasible project alternatives [that would otherwise substantially lessen or avoid the project’s significant environmental impacts],’ the project may be approved despite its significant environmental impacts”].)

As noted in Section X, the proposed project would result in significant and unavoidable impacts to study roadway intersections under EPAP Plus Project and the Cumulative Plus Project Conditions. Under the No Project (No Build) Alternative, transportation and circulation in the project vicinity would not be modified; thus, all associated impacts, such as increased vehicle

traffic on area roadways, would not occur. Therefore, the No Project (No Build) Alternative would reduce the significant and unavoidable impacts resulting from the proposed project. In addition, as noted above, the No Project (No Build) Alternative would not meet any of the project objectives because the site would not be developed with single-family residential uses. Therefore, although the No Project (No Build) Alternative would substantially lessen or avoid significant environmental effects of the proposed project, the alternative should not be adopted by the City Council.

## **ALTERNATIVE 2: REDUCED INTENSITY**

### **Description**

The Reduced Intensity Alternative includes the development of 120 units on the 38-acre project site. The park parcel would be increased from 1.38 acres to approximately 1.8 acres in order to meet the requirements of Woodland Municipal Code, Section 21-12-02. The Reduced Intensity Alternative would reduce the overall density to 3.31 du/ac and increase the lot size for each residential unit. The parcels and streets would be laid out in a grid with three north-south streets and four east-west streets. Overall, the Reduced Intensity Alternative would increase the amount of parkland and decrease the total number of residential units under the proposed project from 186 to 120 units.

### **Comparative Analysis of Environmental Effects**

Impacts under the Reduced Intensity Alternative would be similar to those of the Project, but less intense because the alternative would generate a decrease in average daily vehicle trips compared to the proposed Project. As provided in Chapter 6 of the Draft EIR, Alternative 2 would result in 1,142 average daily trips (9.52 daily trips per dwelling unit  $\times$  106 units = 1,142 daily trips), which is approximately 882 less trips than the proposed project.

#### Impacts Identified as Being the Same or Similar to those of the Project

Similar to the proposed project, development of the Reduced Intensity Alternative would introduce new sources of light and glare to the area. Therefore, the Reduced Intensity Alternative would result in equal impacts compared to the proposed project related to aesthetics. Because the Reduced Intensity Alternative would be developed on the same site as the proposed project, an equal potential exists to impact Swainson's hawk, white-tailed kite, and other raptors and migratory birds which are known to occur in the area. Similarly, an equal potential exists to impact previously unknown cultural resources. Therefore, the Reduced Intensity Alternative would result in equal impacts compared to the proposed project related to biological and cultural resources. In addition, although the Reduced Intensity Alternative would result in slightly more permeable surfaces than the proposed project, a similar potential exists for the project to result in the loss of topsoil during construction. Similarly, an equal potential exists to alter the existing drainage pattern of the site. Therefore, the Reduced Intensity Alternative would result in equal impacts compared to the proposed project related to geology and soils and hydrology and water quality.

Because development of the Reduced Intensity Alternative would occur on the same site as the proposed project, similar noise and vibration disturbance would occur. Therefore, the Reduced Intensity Alternative would result in equal impacts compared to the proposed project related to noise. Under the Reduced Intensity Alternative, the 1.38-acre park parcel would be increased to 1.8 acres and 120 single-family units would be developed. Based on a population factor of 3.0 persons per household, the Reduced Intensity Alternative would result in 360 residents to the City. Using the Quimby Ordinance requirement of five acres per 1,000 residents, the Reduced Intensity Alternative would require 1.79 acres of parkland. Therefore, the Reduced Intensity Alternative would result in fewer impacts compared to the proposed project related to public services and recreation. In addition, as noted on page 67 of the Initial Study, the projected peak flow from the project site using the current land use of "Other Commercial" would be 0.22 millions of gallons per day (mgd). Rezoning the project site to a low density residential use would result in peak flows of 0.14 mgd. Although the peak flows for the Reduced Intensity Alternative would reduce the peak flows, the Alternative would also be required to pay fair-share fees towards wastewater improvements. Therefore, the Reduced Intensity Alternative would result in equal impacts compared to the proposed project related to utilities and services systems.

#### Impacts Identified as Being Less Severe than those of the Proposed Project

Development of the Reduced Intensity Alternative would result in buildout of fewer dwelling units as compared to the proposed project, ultimately reducing the intensity of traffic-related impacts. It should be noted, however, that the Reduced Intensity Alternative would still increase traffic on surrounding intersections and roadways and would not eliminate any significant and unavoidable impacts identified for the proposed project. Furthermore, the Reduced Intensity Alternative would also contribute to a significant and unavoidable impact to Matmor Road and Gibson Road as this intersection is currently operating at an unacceptable level.

The unmitigated construction-related emissions of reactive organic gasses (ROG) and nitrous oxides (NO<sub>x</sub>) associated with the Reduced Intensity Alternative would be lower than those of the proposed project, and the emissions of PM<sub>10</sub> would be equal. Thus, construction-related air quality impacts would be similar under the Reduced Intensity Alternative as compared to the proposed project.

In addition, the unmitigated operational emissions of NO<sub>x</sub> and respirable particulate matter (PM<sub>10</sub>) associated with the Reduced Intensity Alternative would be lower than those of the proposed project, and the emissions of ROG would be greater. In addition, the operational GHG emissions would be lower than those of the proposed project. The Reduced Intensity Alternative would result in fewer overall operational emissions, including daily and annual criteria air pollutant emissions.

The total GHG emissions were estimated to be lower than that of the proposed project. Therefore, impacts related to GHG emissions would be slightly fewer under the Reduced Intensity Alternative than the proposed project. It should be noted that impacts related to GHG emissions as a result of implementation of the proposed project were determined to be less than significant.

Because the Reduced Intensity Alternative would result in fewer trips than the proposed project, the alternative would result in less traffic on area roadways and, thus, a reduced contribution to localized carbon monoxide (CO) concentrations at surrounding intersections. As the Reduced Intensity Alternative would consist of buildout on the same site in the same location as the proposed project with the same land uses, the effects of the project, as well as on the project from nearby sources of Toxic Air Contaminants (TACs), would be similar to that of the proposed project.

#### Impacts Identified as Being More Severe than those of the Proposed Project

Under this alternative, none of the impacts would be more severe than those of the proposed Project.

#### **Relationship to Project Objectives**

Although the Reduced Intensity Alternative would include 66 fewer units than the proposed project, the Alternative would not achieve all of the proposed project's objectives except for objective five. Under objective five, the proposed project would provide residential uses at a minimum of 5.0 units per acre to maximize efficiency of the site and support infrastructure and services to serve the project.

#### **Feasibility of the Reduced Intensity Alternative**

Pursuant to CEQA, a lead agency should adopt a feasible project alternative that substantially lessens or avoids significant environmental effects of the proposed project. (Pub. Resources Code, § 21002; *Stockton Citizens*, *supra*, 48 Cal.4th at p. 498 [“[An] agency may not . . . approve the project as proposed if there are feasible alternatives . . . that would avoid or substantially lessen the adverse environmental effects.”]; *Cherry Valley*, *supra*, 190 Cal.App.4th at p. 348 [“‘in the event specific economic, social, or other conditions make infeasible project alternatives [that would otherwise substantially lessen or avoid the project’s significant environmental impacts],’ the project may be approved despite its significant environmental impacts”].)

As noted in Section X, the proposed project would result in significant and unavoidable impacts to study roadway intersections under EPAP Plus Project and the Cumulative Plus Project Conditions. Under the Reduced Intensity Alternative, a reduction in average daily trips as compared to the proposed project would occur. However, the Reduced Intensity Alternative would still increase traffic on surrounding intersections and roadways and would not eliminate any significant and unavoidable impacts identified for the proposed project. Furthermore, the Reduced Intensity Alternative would also contribute to a significant and unavoidable impact to Matmor Road and Gibson Road as this intersection is currently operating at an unacceptable level. Therefore, the Reduced Intensity Alternative would not reduce the significant and unavoidable impacts resulting from the proposed project. In addition, as noted above, the Reduced Intensity Alternative would achieve most of the proposed project's objectives except for objective five. Under objective five, the proposed project would provide residential uses at a minimum of 5.0 units per acre to maximize efficiency of the site and support infrastructure and



services to serve the project. While the Reduced Intensity Alternative does meet most of the project objectives, the Alternative would not substantially lessen or avoid significant environmental effects; thus, the alternative should not be adopted by the City Council.

### **ALTERNATIVE 3: MIXED-USE**

#### **Description**

The Mixed-Use Alternative would reduce the amount of single-family units on the eastern half of the project site from 186 to 106 units on approximately 14 acres resulting in a density of 7.6 du/ac. In addition, the park parcel would be increased from 1.38 acres to approximately 1.6 acres in order to meet the requirements of Woodland Municipal Code, Section 21-12-02. A pedestrian and bicycle path would meander through the center of the project site in a north-south direction and would connect to the park parcel. On the western half of the project site, the Mixed-Use Alternative would develop two 100,000 sf commercial buildings (200,000 sf total). The commercial buildings could contain a variety of uses, including, but not limited to, the following: pharmacy/drug store, drive-in bank, general office space, quality restaurant, coffee/donut shop, sit down restaurant, or discount supermarket. The commercial buildings would function as ancillary uses for the Community/Senior Center and the Sports Complex south of the project site.

Overall, the Mixed-Use Alternative would reduce the total number of residential units from 186 under the proposed project to 106 units, increase the amount of parkland and trails, and introduce 200,000 sf of commercial development to the western half of the project site. The Mixed-Use Alternative would maintain an average single-family lot size of 5,000 sf.

#### **Comparative Analysis of Environmental Effects**

Impacts under the Mixed-Use Alternative would be similar to those of the Project, but more intense because the alternative would generate an increase in average daily vehicle trips compared to the proposed Project. As provided in Chapter 6 of the Draft EIR, Alternative 3 would result in 9,873 average daily trips ( $[44.32 \text{ daily trips per KSF} \times 200 \text{ KSF}] + [9.52 \text{ daily trips per dwelling unit} \times 106 \text{ units}] = 9,873 \text{ daily trips}$ ), which is approximately 7,849 more trips than the proposed project.

#### **Impacts Identified as Being the Same or Similar to those of the Project**

Similar to the proposed project, development of the Mixed-Use Alternative would introduce new sources of light and glare to the area. Therefore, the Mixed-Use Alternative would result in equal impacts compared to the proposed project related to aesthetics. Because the Mixed-Use Alternative would be developed on the same site as the proposed project, an equal potential exists to impact Swainson's hawk, white-tailed kite, and other raptors and migratory birds which are known to occur in the area. Similarly, an equal potential exists to impact previously unknown cultural resources. Therefore, the Mixed-Use Alternative would result in equal impacts compared to the proposed project related to biological and cultural resources. In addition, although the Mixed-Use Alternative would result in slightly more permeable surfaces than the proposed project, a similar potential exists for the project to result in the loss of topsoil during

construction. Similarly, an equal potential exists to alter the existing drainage pattern of the site. Therefore, the Mixed-Use Alternative would result in equal impacts compared to the proposed project related to geology and soils and hydrology and water quality.

Similar to the proposed Project, the Alternative would also be required to pay fair-share fees towards wastewater improvements based on buildout of the Spring Lake Specific Plan. Therefore, the Mixed-Use Alternative would result in equal impacts compared to the proposed project related to utilities and services systems.

#### Impacts Identified as Being Less Severe than those of the Project

Under the Mixed-Use Alternative, the 1.38-acre park parcel would be increased to 1.6 acres and 106 single-family units would be developed. Based on a population factor of 3.0 person per household, the Mixed-Use Alternative would result in 318 residents to the City. Using the Quimby Ordinance requirement of five acres per 1,000 residents, the Mixed-Use Alternative would require 1.59 acres of parkland. Therefore, the Mixed-Use Alternative would result in fewer impacts compared to the proposed project related to public services and recreation.

#### Impacts Identified as Being More Severe than those of the Project

The unmitigated construction-related emissions of ROG associated with the Mixed-Use Alternative would be higher than those of the proposed project, and the emissions of NO<sub>x</sub> and PM<sub>10</sub> would be lower than the proposed project. In addition, the construction-related GHG emissions would be higher than those of the proposed project. Thus, overall, construction-related air quality impacts would be greater under the Mixed-Use Alternative than the proposed project.

The unmitigated operational emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> associated with the Mixed-Use Alternative would be higher than those of the proposed project. In addition, the operational GHG emissions would be significantly higher than those of the proposed project. The Mixed-Use Alternative would result in significantly greater overall operational emissions, including daily and annual criteria air pollutant emissions. The total GHG emissions were estimated to be significantly higher than that of the proposed project. Therefore, impacts related to GHG emissions would be greater under the Mixed-Use Alternative than the proposed project.

Because the Mixed-Use Alternative would result in greater trips than the proposed project, the alternative would result in greater traffic on area roadways and, thus, an increased contribution to localized CO concentrations at surrounding intersections. As the Mixed-Use Alternative would consist of buildout on the same site in the same location as the proposed project with the same land uses, the effects of the project, as well as on the project from nearby sources of TACs, would be similar to that of the proposed project.

Because development of the Mixed-Use Alternative would occur on the same site as the proposed project, similar noise and vibration disturbance would occur. However, because the Mixed-Use Alternative would generate approximately 7,849 more trips than the proposed project, traffic noise would be greater than the proposed project. Therefore, the Mixed-Use Alternative would result in greater impacts compared to the proposed project related to noise.

Because more vehicle trips would be generated by the Mixed-Use Alternative, the intensity of traffic-related impacts would be increased, as compared to the proposed project. The Mixed-Use Alternative would still increase traffic on surrounding intersections and roadways. Specifically, the impacts to the Matmor Road and Gibson Road intersection would be further exacerbated by the Mixed-Use Alternative. The Mixed-Use Alternative would contribute to a significant and unavoidable impact to Matmor Road and Gibson Road as this intersection is currently operating at an unacceptable level. Overall, the Mixed-Use Alternative would result in greater impacts compared to the proposed project related to transportation and circulation.

### **Relationship to Project Objectives**

The Mixed-Use Alternative would fail to meet all objectives except for objective one, by providing housing stock to respond to the regional demand.

### **Feasibility of the Reduced Intensity Alternative**

Pursuant to CEQA, a lead agency should adopt a feasible project alternative that substantially lessens or avoids significant environmental effects of the proposed project. (Pub. Resources Code, § 21002; *Stockton Citizens, supra*, 48 Cal.4th at p. 498 [“[An] agency may not . . . approve the project as proposed if there are feasible alternatives . . . that would avoid or substantially lessen the adverse environmental effects.”]; *Cherry Valley, supra*, 190 Cal.App.4th at p. 348 [“‘in the event specific economic, social, or other conditions make infeasible project alternatives [that would otherwise substantially lessen or avoid the project’s significant environmental impacts],’ the project may be approved despite its significant environmental impacts”].)

As noted in Section X, the proposed project would result in significant and unavoidable impacts to study roadway intersections under EPAP Plus Project and the Cumulative Plus Project Conditions. Under the Mixed-Use Alternative, an increase in average daily trips as compared to the proposed project would occur. The Mixed-Use Alternative would still increase traffic on surrounding intersections and roadways. Specifically, the impacts to the Matmor Road and Gibson Road intersection would be further exacerbated by the Mixed-Use Alternative. The Mixed-Use Alternative would contribute to a significant and unavoidable impact to Matmor Road and Gibson Road as this intersection is currently operating at an unacceptable level. Therefore, the Mixed-Use Alternative would not reduce the significant and unavoidable impacts resulting from the proposed project. In addition, as noted above, the Mixed-Use Alternative would fail to meet all objectives except for objective one, by contributing to the City’s overall housing stock and responding to the regional demand for residential uses. While the Mixed-Use Alternative does meet most of the project objectives, the Alternative would not substantially lessen or avoid significant environmental effects of the proposed project; thus, the alternative should not be adopted by the City Council.

## **D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states that if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

From the alternatives evaluated for the Project, shown in Table 6-3 of the Draft EIR, the environmentally superior alternative would be Alternative 2, the Reduced Intensity Alternative. Aside from the No Project (No Build) Alternative, the development alternatives would meet some of the proposed project’s objectives. The Reduced Intensity Alternative would include 66 fewer units than the proposed project and would achieve most of the proposed project’s objectives, except for objective five. Under objective five, the proposed project would provide residential uses at a minimum of 5.0 units per acre to maximize efficiency of the site and support infrastructure and services to serve the project. The Mixed-Use Alternative would fail to meet all objectives except for objective one, by providing housing stock to respond to the regional demand. However, the Mixed-Use Alternative would include commercial uses that would compete with the existing commercial uses adjacent to the County Fair Mall. Generally, the alternatives would meet some of the objectives; however, it should be noted that the objectives would likely be satisfied to a lesser extent than with the proposed project. As shown in the table, the Reduced Intensity Alternative would result in fewer impacts than the proposed project in two resource areas. The Mixed-Use Alternative would result in greater impacts in three resource areas. Therefore, the Reduced Intensity Alternative would be considered the environmentally superior alternative.

## **XV. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, the City of Woodland’s approval of the proposed Project will result in four significant adverse operational environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures; and there are no feasible Project alternatives that would mitigate or substantially lessen this impact. Despite the occurrence of this effect, however, City Council, in accordance with CEQA Guidelines section 15093, chooses to approve the proposed Project because, in the City Council’s view, the economic, social, and other benefits that the Project will produce will render this significant temporary effect acceptable.

### **A. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

As discussed in Section XV.A, *supra*, the proposed Project will result in the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation measures:

- **Impact 4.2-2: Study roadway intersections and roadway segments under EPAP Plus Project conditions.** The proposed Project would exacerbate congestion at the Matmor Road and Gibson Road intersection under the EPAP Plus Project Conditions, resulting in an unacceptable LOS E in the AM peak hour. Mitigation which may reduce the impact

to a less-than-significant level is not feasible. Therefore, the impact would remain significant and unavoidable.

- **Impact 4.2-5: Study roadway intersections and roadway segments under Cumulative Plus Project conditions.** In the cumulative condition, implementation of the Proposed Project would result in the signalized intersections of East Street/Gibson Road and Matmor Road/Gibson Road operating at unacceptable levels according to the current City of Woodland standards. In addition, the East Street study segment was found to be operating at unacceptable levels of service in both directions for the AM and PM peak hours. Mitigation which may reduce the impact to a less-than-significant level is not feasible. Therefore, the impact would remain significant and unavoidable.

## **B. OVERRIDING CONSIDERATIONS**

In the City Council's judgment, the proposed Project and its benefits outweigh its unavoidable significant transportation, traffic, and circulation effects. The following statement identifies the specific reasons why, in the City Council's judgment, the benefits of the proposed Project as approved outweigh its unavoidable significant effects. It is the City Council's judgment that any one of these reasons is sufficient to justify approval of the proposed Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section VI above.

The proposed Project provides an opportunity for the City of Woodland to achieve a variety of important goals that will benefit both the City and the region. The Project will provide needed housing units within the City and will also provide significant fiscal and economic benefits to the City of Woodland.

- The project would help stabilize the community's housing market by providing housing types and densities that meet the housing needs of existing and future Woodland residents.
- The project would comply with the City's affordable housing ordinance to ensure adequate affordable housing is available throughout the City.
- The project would create an inviting aesthetic streetscape comprised of a distinct neighborhood and 1.46 acre centrally located park, which would provide an attractive lifestyle choice for residents.
- The project will provide land uses that are economically beneficial to the City through property tax revenue and development impact fee revenue for public facilities, including:
  - Law enforcement and fire protection: Under the current fee schedule, single-family developments such as the proposed project pay \$1,110 per unit for fire protection and \$950 per unit for police. The proposed project would contribute approximately \$420,240 for fire protection and police facilities and equipment.

- o Schools: The project applicant is required to pay school impact fees per Senate Bill 50 (SB 50). SB 50 charges residential establishments per square foot to utilize the local school district.
  - o Parks: The proposed project includes 1.38 acres for park facilities. In order to meet the City's parkland dedication requirement, the project applicant would be required to dedicate the required acreage of parkland or pay the appropriate Quimby Act fee [see Mitigation Measure XIV-1].
- The project will provide necessary on-site infrastructure and contribute fair share funding to upgrade the City's infrastructure, including:
  - o Water utilities [see Mitigation Measure XVII-3];
  - o Wastewater utilities [see Mitigation Measures XVII-1 and XVII-2]; and
  - o Storm drainage [see Mitigation Measures XVII-4 and XVII-5].
- The project includes key roadway segment improvements to East Street, including the following:
  - o Construction of East Street improvements between the project site and the East Street/Sports Park Drive intersection (along the Forrest property frontage) for a distance of approximately 250 feet, including widening of the east side of the existing paved section.
  - o Construction of East Street improvements between East Street and Sports Park Drive (along the Woodland Sports Park property frontage) for a distance of approximately 270 feet, including widening of the east side of the existing paved section.
  - o Modifications to the signal at the East Street/Sports Park Drive intersection to accommodate left turn movements, minor adjustments to signal location, and reconstruction of curb and gutter.

In addition, the project would contribute the fair share fee towards providing transit service to the project site [see Mitigation Measures 42-3].

## **C. CONCLUSION**

As explained above, the City Council has concluded that the significant and unavoidable environmental effects of the transportation and circulation impacts are outweighed by the benefits. The City Council believes the proposed Project benefits to the City of Woodland community and economy override the two significant and unavoidable environmental impacts associated with the proposed Project.

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June 14, 2016

Mr. Ken Hiatt  
Director of Community Development  
City of Woodland  
300 First Street  
Woodland, CA 95695

**Re: Prudler Subdivision – Response to Letter from Legal Services of  
Northern California dated April 6, 2016**

Dear Mr. Hiatt:

We represent Yolo Residential Investors, LLC, the project applicant for the Prudler Subdivision project (the “Project”). On April 6, 2016, Legal Services of Northern California submitted a letter to the Planning Commission that contained a series of incorrect assertions regarding the City’s status of compliance with General Plan policies for provision of opportunity sites for high density housing and the Project’s compliance with the requirements of the California Environmental Quality Act (CEQA). We submit this letter in an effort to respond to these incorrect assertions. As stated below, we are confident that the City is in compliance with its General Plan requirements for affordable housing, as the City has taken (and continues to take) zoning actions to facilitate development of high density residential projects. Moreover, the Environmental Impact Report (EIR) prepared by the City for the Prudler Subdivision fully complies with CEQA.

**1. The Prudler Subdivision Will Not Have a Significant Impact on Land Use and Planning**

Legal Services has asserted that the Prudler Subdivision would have a significant impact on land use, claiming that the project is incompatible with surrounding land uses and would “physically divide” the established community of Woodland. As described in the Final EIR, however, the site of the Prudler Subdivision is surrounded on all four sides by urban land uses, including single-family residences to the west (Parkside at Spring Lake), the County Fair Mall to the north, and the Community Senior Center / Sports Park to the south. Moreover, the development of a residential subdivision has no potential to “physically divide” the community, inasmuch as it is the development of an infill site within the City and not a railroad corridor or a freeway.

Legal Services confuses its arguments regarding implementation of the City's Housing Element with project-specific land use impacts, substituting one issue for the other. The only present "inconsistency" between the proposed project and the existing General Plan is the currently applied General Commercial land use designation of the site. The project includes a proposed General Plan Amendment that would redesignate the site to Low Density Residential, resolving any "inconsistency" in designation that presently exists. This change in General Plan designation does not create conflicts with existing land uses and would potentially reduce impacts to those uses and compared to the designation of the site under the current commercial designation.

The CEQA Guidelines require that EIRs "discuss" any inconsistencies with applicable plans, but they do not explicitly require that an EIR reach a conclusion on whether a conflict exists. Neither CEQA nor the Guidelines set forth any standard for determining when a project is inconsistent with an applicable plan, but the final determination that a project is consistent with an applicable plan is made by the City Council, not the EIR document. Courts will defer to the City's decision on consistency with its own plans unless, based on the evidence before the decision-making body, a "reasonable person" could not have found the project to be consistent. See *No Oil, Inc. v City of Los Angeles* (1987) 196 Cal.App.3d 223, (consistency of zoning ordinance with general plan); *Mitchell v County of Orange* (1985) 165 Cal. App.3d 1185 (consistency of specific plan with general plan).

Strict consistency with all aspects of a plan is not usually required. For example, a proposed project should be considered to be consistent with the local general plan if it furthers one or more policies and does not obstruct other policies. *OPR, State of California General Plan Guidelines* (2003). Generally, given that land use plans reflect a range of competing interests, a project must be consistent with the plan overall. See *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App.4<sup>th</sup> 807 (upholding overall consistency finding even though project deviated from some particular planning provisions). Under the Subdivision Map Act (*Government Code* §§66410-66499.37) subdivisions need be only in overall agreement or harmony with the General Plan. See also *Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391; *Sequoiah Hills Homeowners Ass'n v City of Oakland* (1993) 23 Cal.App.4<sup>th</sup> 704 (project need not completely satisfy General Plan policies that allow discretion in interpretation and application).

Legal Services' arguments regarding Citywide implementation of General Plan goals for affordable housing do not equate to a "substantial impact" on land use associated with the Prudler Subdivision. *CEQA Guidelines* § 15382 states, in pertinent part, a "significant effect on the environment" means a substantial, or potentially substantial, adverse change *in any of the physical conditions* within the area affected by the project including land, air, water, minerals, flora, fauna .... An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. See *Goleta Union School Dist. v. Regents of University of California* (1995) 37 Cal.App.4<sup>th</sup> 1025, 1030-1031; see also *Public Resources Code* 21080(e) ["substantial



evidence [of an environmental impact] is not ... evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment"]. See also *Public Resources Code* §21082.2(c); *CEQA Guidelines*, §§ 15002(g), 15064 (e) & (f)(6), 15131, 15358, 15382.)

Legal Services' claim that the EIR's alleged failure to address the Citywide need for affordable housing (and their policy and planning preferences to meet this need) does not implicate a violation of CEQA. These issues, standing alone, constitute social and economic effects not subject to CEQA. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal. App. 3d 1502 [project specific demands for additional downtown housing implicate social and economic, not environmental, concerns and, thus, are outside the CEQA purview]. The purpose and scope of the Final EIR is to address the environmental impacts associated with the Prudler Subdivision, not to analyze policy issues associated with affordable housing provision City-wide.

## **2. The Final EIR Describes a Reasonable Range of Project Alternatives, as Required by CEQA**

Chapter 6 of the Draft EIR provides a comprehensive analysis of the merits of various alternatives to the proposed project pursuant to Section 15126.6 of the *CEQA Guidelines*. Section 15126.6(a) requires that: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. An agency's selection of alternatives to consider "will be upheld, unless the challenger demonstrates "that the alternatives are manifestly unreasonable and that they do not contribute to a reasonable range of alternatives." *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362.

Following this directive, a number of alternatives were analyzed in the Draft EIR. They include: Alternative 1, the No Project (No Build) Alternative; Alternative 2, the Reduced Density Alternative, and Alternative 3, The Mixed-Use Alternative. At the same time, the Draft EIR expressly excluded analysis of an Existing Zoning Scenario, in light of the fact that development of a large (400,000 s.f.) commercial center on the site would not reduce significant environmental impacts compared to the proposed project. The Draft EIR further concluded that analysis of an off-site alternative was not required because a similar project at an alternative location within the City would not reduce any significant impacts associated with the project. Legal Services asserts that these two additional alternatives should have been analyzed, but offers no facts or arguments to

overcome the criteria for rejection of alternatives expressed in *CEQA Guidelines* §15126.6.

It is important to recognize that feasibility of alternatives is considered at two separate stages in the CEQA process and differing factors come into play at each stage. When selecting alternatives for an EIR, the City's task (through its retained consultants) is to identify a range of alternatives that will satisfy at least some basic project objectives while reducing significant impacts. Alternatives that are not at least potentially feasible are excluded at this stage because there is no point in studying alternatives that cannot be implemented, will not succeed, or that do not reduce significant impacts. *CEQA Guidelines* § 15126.6(a). By contrast, at the project approval stage, it is up to the City's decision-makers to weigh the relative advantages and disadvantages of the project and the alternatives examined in the EIR. The result is a decision either to approve the Project or adopt one of the alternatives. The City will make this decision after weighing environmental factors together with the entire range of legal and policy considerations relevant to its action on the project. *Public Resources Code* §21081(a)(3); *CEQA Guidelines* §15091; *City of Del Mar v. City of San Diego* (1982) 133 Cal. App. 3d 401.

The statements in the Draft EIR about the feasibility of those alternatives that were analyzed are included there to further public disclosure and public comment. The Draft EIR is providing some of the information that will be considered by the City in evaluating the Prudler Subdivision project and the alternatives. The ultimate determination of feasibility will be made, however, by the City Council based on the environmental factors analyzed in the Draft EIR and economic and other factors evaluated in the record as a whole. Among the factors that may be taken into account are site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, satisfaction of Project objectives and whether the proponent can reasonably acquire, control or otherwise have access to an alternate site. *CEQA Guidelines* § 15126.6(f)(1).

In response to comments received on the Draft EIR during the public comment period, additional analysis was conducted of an "Increased Density Alternative" whereby the project site would be developed at a maximum density of 20 units to the acre, or 760 units over the 38 acres. While units developed under this alternative would be relatively "affordable" compared to single-family residences under the project as proposed, environmental impacts associated with this alternative would greatly exceed those of the project. While Legal Services asserts that this alternative has been "dismissed" because it would require a General Plan Amendment, this is not the case. As stated above, dismissal of alternatives does not occur unless and until the City Council makes the appropriate findings under CEQA in support of project approval. Here, the City would be able to make the appropriate findings regarding dismissal of the Increased Density Alternative both because of the greater environmental impacts it would create, along with a failure to satisfy project objectives.

Legal Services submitted a comment letter dated September 30, 2015 during the

public comment period on the Draft EIR, contained as Letter 1 in the Final EIR. This letter did not propose or suggest that the City should analyze the “partial high density” alternative suggested in their April 6 letter (2 to 3 acres of the site to be designated for high density uses). Notwithstanding the fact that the EIR for the Prudler Subdivision fully satisfies CEQA’s “Rule of Reason” for selection of alternatives for analysis, Legal Services offers no justification for why their proposed alternative could not have been suggested to the City during the statutory public comment period. Contrary to Legal Services’ arguments, however, such an alternative would neither reduce impacts or result in General Plan consistency unless additional amendments to the General Plan were adopted to allow high density residential development at this location. The Final EIR is not legally deficient for omitting discussion of a project alternative not proposed until after the Final EIR was completed.

The *CEQA Guidelines* addresses the review and evaluation of EIRs and Negative Declarations. Specifically, Section 15204, *Focus of Review*, subsection (a) states:

“In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of the EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by comments. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.”

We do not believe that the substance of Legal Services’ comments, nor the timing of delivery to the City, comports with the spirit of the CEQA Guidelines for participation in the CEQA process.

### **3. The Final EIR Adequately Responds to Public Comments**

Despite Legal Services’ policy disagreements with certain responses to comments contained in the Final EIR, none of the responses are inadequate under CEQA. Under CEQA, responses to comments need not be exhaustive; they need only to demonstrate a good faith, reasoned analysis. *CEQA Guidelines* §15088(c); *Towards Responsibility in Planning v City Council* (1988) 200 Cal. App.3d 671; *San Francisco Ecology Ctr. v City & County of San Francisco* (1975) 48 Cal.App.3d 584. Failure to provide a specific response to a comment is not fatal if the response would be cumulative to other responses. See *Twain Harte Homeowners Ass’n v County of Tuolumne* (1982) 138 Cal. App.3d 664, in which the court ruled that, although

some of the county's responses were not thorough, they were adequate if the various environmental documents were viewed as a whole. An agency need not respond to all comments on a draft EIR, but only to the significant environmental issues presented. *CEQA Guidelines* §§15088(c), 15132(d), 15204(a). Legal Services does not specify the particular comments or responses it believes to be inadequate. Instead, Legal Services simply reiterates its arguments regarding the City's compliance with General Plan provisions regarding affordable housing inventory. CEQA does not require responses to comments in an EIR to accept all the premises suggested by the commenter as correct, or to offer responses that agree with the commenter's conclusions.

#### **4. City Approval of The Prudler Subdivision is Not a Discriminatory Action.**

Legal Services claims that that City approval of the Prudler Subdivision would violate the civil rights of minority and low-income persons under state and federal law, particularly *Government Code* §11135. We strongly disagree with all of these assertions and respond that they do not raise issues of deficiencies of the content of the EIR under CEQA. Contrary to the assertion of Legal Services, *Government Code* §11135 does not apply to the project or the EIR. See *Comunidad en Accion v. City of Los Angeles* (2013) 219 Cal.App.4<sup>th</sup> 2116 (Section 11135 discrimination claims not applicable to municipal land use and zoning decisions.)

*Government Code* §11135, subdivision (a) provides:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance of the state.

The plain language of section 11135 limits the statute's scope to discrimination occurring within a state-administered or state-funded program or activity. In *Comunidad en Accion*, the Court rejected the notion that the city's decision to approve a solid waste transfer station in a low income, predominantly minority neighborhood gave rise to a civil rights claim under Section 11135, simply on account of the fact that the City was the recipient of state funding for unrelated landfill grants.

Legal Services' claims regarding the City's lack of compliance with the adopted General Plan Housing Element (with which we disagree, as discussed below) are not related to the Prudler Subdivision. Under CEQA, an EIR is required to "identify and focus on the significant effects of the proposed project." (*CEQA Guidelines* §15126.2.) A significant impact typically involves a change in the "existing environment caused by the project." *Friends of the Eel River v. Sonoma*

*County Water Agency* (2003) 108 Cal.App.4th 859. Legal Services' arguments date back to July 2013, if not earlier. See Letter dated July 29, 2013 submitted by Legal Services in comment upon the City's Draft General Plan Housing Element, included in the Final EIR at pp. 2-36 through 2-42. While we believe that the issues raised by Legal Services are social and economic, not environmental, matters, courts have held that an EIR does not need to resolve existing environmental problems that will not be made worse by the project. *Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059. A condition not caused by the project, which would exist with or without the project, was not an impact that negated the conclusion that there were no significant impacts. *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249.

## **5. The Prudler Subdivision Is Consistent with the General Plan, Subject to Approval of the Proposed Amendments**

As the EIR acknowledged and describes, the City will be required to approve and adopt General Plan Amendments to facilitate development of the project site with residential uses. Yet, Legal Service contends that the Prudler Subdivision would remain inconsistent with the General Plan if the City does not adopt the alternative General Plan Amendments that it would prefer, for high-density rather than low-density residential. Their arguments are not consistent with the law regarding General Plan consistency.

The ultimate finding of General Plan consistency for the purpose of project approval does not require that a project be entirely consistent with each individual General Plan policy. Courts have made clear that "policies in a general plan reflect a range of competing interests, [and] the [city] must be allowed to weigh and balance the Plan's policies when applying them, and it has broad discretion to construe its policies in light of the Plan's purposes. See *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App.4th 807. A project, therefore, may be consistent with a General Plan even though the project may not promote every single applicable goal and policy within that General Plan.

It cannot be expected that any single project can or should maintain the full responsibility for assuring an adequate supply of affordable housing opportunities for the City. Thus, Legal Services' focus on the manner in which the Prudler Subdivision, in isolation, could remedy any perceived deficits of higher-density zoned sites is a short-sighted and incomplete perspective as to whether the General Plan's goals and policies with respect to this issue are being advanced. The City Council considered the availability of proper sites for high density housing within the City limit in 2013, in the context of the Housing Element update. As discussed below, the City has provided adequate site opportunities for affordable housing, in keeping with the commitments in the General Plan.

**6. The City has Adequately Provided for Affordable Housing Opportunities as Specified in the Adopted General Plan**

Legal Services has argued (1) that the City's Housing Element does not provide adequate sites for high density, low income housing in the City, and (2) State law requires the City to remedy this alleged deficit of affordable housing sites by rezoning a portion of the project site to accommodate this housing. Both assertions are incorrect.

Housing Element Program 2.A.2 provides that the City will rezone at least 15 acres to R-25 or equivalent zone providing for a minimum residential density of 20 units to the acre. The General Plan Housing Element states that the City has identified 39 acres within the Spring Lake Specific Plan Area that will be considered for redesignation, along with additional underutilized sites Downtown and within the East Street Corridor. The project site is not identified as an available site in the Housing Element's site inventory.

The General Plan Housing Element (p. 57) states that the identified shortfall in affordable units as of 2013 was 173 very-low income units and 57 low income units. Since 2013, the City has undertaken rezoning actions to provide additional sites for affordable units. In May of 2015, the City rezoned 9.3 acres within the Spring Lake Specific Plan Area (Central Village Center) to provide opportunities for up to 232 qualified units. In early 2016, the City approved the Mercy Housing Project, which provides 80 apartment units on 4.4 acres. These two rezonings together create opportunities for a greater number of affordable units than the unit deficit identified in 2013 by the Housing Element. Thus, rezoning of additional property in the City (whether or not the Prudler property) in order to create additional opportunities for affordable housing is not necessary. *Fonseca v. City of Gilroy*, 148 Cal. App. 4th 1174 The courts have held that the obligation to identify land suitable for residential development does not require the city or county to identify suitable vacant or infill sites presently zoned for commercial use that could be converted to residential when the housing element provides an adequate number of residential sites. *Hernandez v City of Encinitas* (1994) 28 Cal. App.4<sup>th</sup> 1048.

However, even assuming that Legal Services correctly believes that the affordable unit deficit has not been wholly addressed by the previous upzonings described above, State Law does not require that the City rezone any portion of the project site to make up any remaining deficit in affordable units or acreage. The State Zoning and Planning Law (Government Code §65583) only requires an adopted General Plan Housing Element to identify an inventory of land within the jurisdiction suitable for development with affordable housing. State law does not require that the City identify any particular parcel for inventory purposes or that the City rezone all parcels identified the Housing Element's site inventory for affordable housing development.

Legal Services has not accounted for the provisions of the Least Cost Zoning Law, *Government Code* §65913 et seq. Section 65913.1 states in relevant part that "[i]n exercising its authority to zone for land uses and *in revising its housing*

*element ... , a city, county, or city and county shall designate and zone sufficient vacant land for residential use with appropriate standards, in relation to zoning for nonresidential use, and in relation to growth projections of the general plan to meet housing needs for all income categories as identified in the housing element of the general plan."*

In *Fonseca v. City of Gilroy, supra*, the plaintiffs contended that the Least Cost Zoning Law required the city to take action to actually rezone a sufficient supply of adequate sites to meet the city's lower income share of need and that this action was required to have been completed within "a reasonably prompt time after the deadline for revising the housing element." The court in *Fonseca* found that the Least Cost Zoning Law does not require immediate rezoning upon revision of the housing element, that such a requirement would conflict with the planning periods contemplated by the Housing Element Law, and that the element's plan for meeting its share of the regional housing need through rezoning is all that was required to comply with § 65913.1. The court held that there is no express requirement in § 65913.1 that a locality immediately rezone upon adoption of a revised housing element. Second, even as revised, the Housing Element Law, which works in tandem with the Least Cost Zoning Law, does not require immediate action and permits a locality to act within the planning period to meet regional housing needs. See *Government Code* §§ 65583(c), 65913 (a)(3).)

Finally, courts have rejected the argument that the City can be compelled to rezone a particular parcel for high density affordable housing to meet acknowledged shortfalls available housing sites. In the unreported 2014 decision of *Forster-Gill, Inc. v. County of Humboldt*, the court rejected the argument by a property owner that identification of the owner's property on the Housing Element's inventory of potential sites, along with an acknowledged county-wide deficit in acreage zoned for high density residential, compelled approval of the owner's rezoning application.

To the extent that Legal Services believes the City has not complied with its obligations to rezone land for high density residential development, the dispute lies between Legal Services and the City, and is not pertinent to the City's decision on a particular proposed development project. The City cannot be compelled by law to exercise its legislative discretion on rezoning actions in the manner consistent with Legal Services' preferences.

## Conclusion

We believe that the arguments and assertions of Legal Services, as set forth in the April 6 letter, are without validity and thus should not color the City Council's decision on the merits of this project. The Prudler Subdivision will be a distinctive residential community within the City of Woodland, complementary of the neighborhood and surrounding land uses. While we are supportive of the City's continuing efforts to provide for opportunity sites for high density residential development, we do not believe that this site is the appropriate location. We encourage the City Council to consider and adopt the recommendation of Staff to approve this project.

Very Truly Yours,

Phillips Land Law, Inc.

A handwritten signature in black ink, appearing to read 'Kemper', with a stylized flourish extending from the end.

Kevin M. Kemper

Cc: Ms. Cindy Norris



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June 20, 2016

Mayor Tom Stallard  
Mayor Pro Tempore William Marble  
Councilmember Jim Hilliard  
Councilmember Sean Denny  
Councilmember Angel Barajas  
300 First Street  
Woodland, CA 95695

Via email: [tom.stallard@cityofwoodland.org](mailto:tom.stallard@cityofwoodland.org); [bill.marble@cityofwoodland.org](mailto:bill.marble@cityofwoodland.org);  
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Re: Item 16-576, June 21, 2016 City Council meeting

Dear Mayor, Mayor Pro Tempore and Councilmembers,

We write on behalf of the Sacramento Housing Alliance concerning Item 16-576, the Prudler Tentative Subdivision Map project ("Project"). We urge the City Council to postpone the hearing on this matter because the agenda packet posted on the City's web site on Friday, June 17 after 5:00 P.M. omitted Legal Services of Northern California's ("LSNC") letter of April 6, 2016 and the City Attorney's letter of June 15, 2016 responding to LSNC's letter, both of which were identified in the staff report as having been attached (attachments 9 and 10 respectively). We are concerned that the posting was not adequate under Government Code Sections 54954.2 and 54957.5 because the complete agenda packet was not made available for public inspection. It is not possible for members of the public to provide meaningful input on proposed Projects when all of the materials relevant to the item are not made available for public review. In this case, it is particularly troublesome that the only letter that was publicly posted 72 hours before the proposed hearing was the Applicant's letter urging the City Council to approve the Project. We request that the matter be removed from consideration pending proper public posting of the complete agenda packet.

Should the City Council decide to proceed with the hearing, we urge the City Council to adopt the same position as the Planning Commission and reject certification of the Final Environmental Impact Report ("FEIR") and withhold approval of the Project unless specific mitigation measures are incorporated to ensure the Project is consistent with the City's General Plan. We respectfully dissent from the positions asserted by the City attorneys and counsel for the Project Applicant.

## **The Proposed Project is Inconsistent with the Housing Element of the General Plan**

Counsel for the applicant argues that the EIR does not have any significant impact on land use and planning because the General Plan can simply be amended so as not to create conflicts with existing land uses. (Applicant letter, page 2, Par. 1) Here, the General Plan cannot be amended to address the conflict between the Housing Element and the proposed Project. State law requires the City to identify adequate sites in its Housing Element to accommodate all economic segments. The City was unable to meet this obligation and instead, committed to a program to rezone land to accommodate low and very low income units. (e.g. Program 2.A.2) The City cannot simply amend this required program to create consistency between the proposed Project and the Housing Element of the General Plan.

Further, the FEIR omits any discussion of the inconsistency between the proposed Project and the Housing Element of the General Plan. As the applicant's attorney notes, CEQA Guidelines require that EIRs "discuss" any such inconsistencies. (See *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App.4<sup>th</sup> 1099.) At a minimum, the FEIR should have addressed the disparity in zoning for above-moderate income households and those at the lower income levels, including the surplus of 1,347 above-moderate income units if the Project is approved as proposed, compared to the significant shortfall in units for low and very low income households.

Moreover, in carrying out the provisions of the Subdivision Map Act, the City must consider the effect of actions adopted pursuant to the Act on the housing needs of the region. Here, the proposed tentative subdivision does not adequately consider the housing needs of the City as it contemplates only one type of housing that is least needed in the City according to the City's own analysis in the Housing Element. The City has already identified a surplus of acreage that would accommodate 1,164 more above-moderate income units than the Sacramento Area Council of Governments projected would be necessary based on expected growth patterns.

## **The Alternatives Considered Were Not Adequate**

The applicant argues that the alternatives considered in the FEIR were adequate, basically asserting it is unfair to raise the adequacy of alternatives at this stage of the EIR process. LSNC met with City staff as early as October of 2015 to suggest that the City, as Lead Agency, consider an alternative that would require a rezone of 2-3 acres of the 38 acre site to multi-family to avoid any inconsistency with the Housing Element of the General Plan. Staff indicated in a subsequent meeting that the applicant was not interested in this alternative. To have the applicant now suggest that LSNC waited until the last minute to raise this same objection is disingenuous.

Further, contrary to the applicant's implication, LSNC has not suggested that the City consider every conceivable alternative to the Project. LSNC has consistently maintained that the FEIR address a range of reasonable alternatives, including a single-family and multi-family zoning alternative that would address the Project's inconsistency with the Housing Element of the General Plan. The only alternatives considered were a "no project" alternative, reduced intensity of single family housing units, and mixed use. None of the alternatives would have addressed the Project's inconsistency with the Housing Element. In essence, the Lead Agency has disregarded an alternative that would facilitate the Project's goals while ensuring consistency with its planning documents. As a result, the alternatives considered are inadequate and the EIR should not be certified.

### **The City has Not Complied with its Housing Element Obligation to Rezone 15 Acres to Accommodate the Shortfall of Very Low and Low Income Sites**

The City, the applicant, and LSNC all agree that the City implemented Housing Element Program 2.A.2 which requires the City to rezone at least 15 acres to R-25 (20-25 units per acre), in addition to lands currently containing this zoning designation, to accommodate the City's Regional Housing Needs Allocation of 664 units affordable to households earning 80% or less of the Yolo County median household income. LSNC disagrees with the applicant and the City about whether the City has implemented this program.

The City attorneys first contend that only certain identified sites in the Housing Element were slated for redesignation and rezoning. Notably, the Housing Element program does not exclude any land within the City for rezoning and redesignation; rather, the Housing Element states that it will consider land within the Spring Lake Specific Plan Area for redesignation, along with vacant and underutilized properties within the Downtown Specific Plan Area and East Street Corridor Specific Plan Area. (See City of Woodland Housing Element, p. 4) Indeed, the City has used other land to accommodate the shortfall. For example, the City points to the Mercy Housing site as a site not expressly contemplated for low and very low income housing in the Housing Element, yet the rezone "helped the City reach its ultimate goal of identifying adequate sites to meet its regional housing need." (Memorandum from Best, Best & Krieger, page 3, Par. 2) Thus, the fact that the Project site was not specifically identified as a site to be rezoned does not mean it cannot be used to accomplish the City's rezone program.

The applicant and the City attorneys next argue that the City has met its obligation to rezone land through the Spring Lake Central rezone of 9.3 acres and approval of the Mercy Housing Project on 4.4 acres. The Spring Lake Central site was already included on the City's Housing Element land inventory as an R-20 site of 7.6 acres that would yield 152 units. (City of Woodland Housing Element, page 121, Table A-2) The City counted the Spring Lake Central site's capacity of 152 units toward its fair share obligation to zone land for low and very low income households. (City

of Woodland Housing Element, page 57, “The City assumes that the R-20 and R-25 zones provide lower-income housing opportunities...,” City of Woodland Housing Element, page 121, Table A-2. , last line) Because the Housing Element program requires the City to rezone at least 15 acres to R-25 (20-25 units per acre), ***in addition to lands currently containing this zoning designation***, it cannot count all 9.3 acres as meeting the obligation because 7.6 acres were already counted toward the capacity requirement. At best, the City’s rezone increased capacity by 3.2 acres, or 80 units, although the City’s conservative estimate is that the rezone would accommodate 149-186 units of multi-family housing. The unit capacity at rezone is nearly equivalent to that already accounted for in the sites inventory when the parcel was only 7.6 acres (152 units at Table A-2, last line). Therefore, the City is still significantly out of compliance with Housing Element Program 2.A.2, and approval of the Project as proposed would only exacerbate this problem.

The applicant further argues that immediate action to rezone is not required, apparently ignoring the language contained in the City’s program, which states that the time frame for completing the program is within 12 months of adoption of the 2035 General Plan or within two years of the adoption of the 2013 Housing Element, whichever comes first. (City of Woodland Housing Element, page 4) The Housing Element was adopted on October 15, 2013, and therefore the City had until October 15, 2015 to implement this program. Contrary to the applicant’s assertion, LSNC did not create this deadline; rather, the City committed to the time frame referenced in the program and has failed to implement it despite having more than two and a half years to do so.

### **Policy Reasons and Race Data Also Support Rejecting the FEIR and Not Approving the Project as Proposed**

We were disappointed, yet not surprised, to read the applicant’s argument that the Prudler project is not the appropriate location for high density residential development. We were also disheartened to read the City attorneys’ dismissal of the race and poverty map information provided by LSNC from HUD’s web site that shows racial segregation within the City. (See LSNC letter, April 6, 2016 and HUD Maps, available at <https://egis.hud.gov/affht/#>) Exclusionary zoning decisions and arguments against providing inclusionary units have been made for decades and resulted in historical patterns of housing segregation in many jurisdictions, including Woodland. Here, the proposed Project area is bordered by single family homes owned primarily by people who are white. Creating more above-moderate income housing in an all-white area will only serve to exacerbate segregation in the City. While the patterns may not have been intentional, HUD is requiring that cities take meaningful actions to address segregated living patterns to combat discrimination. The Project will only perpetuate the historic patterns of segregation if it does not include affordable units.

Further, the City cannot refute the fact that the proposed housing type will be largely unavailable to racial and ethnic minorities. The pool of people who would be able and interested in

purchasing a home in the project must necessarily earn moderate or above-moderate incomes to afford the homes. In Woodland, 92 percent of people who are white earn incomes above the poverty line, while 43 percent of people who identify as black or African-American earn incomes above the poverty line. (See [healthycity.org](http://healthycity.org)) Expanding the scope of potential home buyers to all of Yolo County, the disparities remain. In Yolo County, 87 percent of people who identify as white earn incomes above the poverty lines, while 79 percent of people who identify as Hispanic, 65 percent of people who identify as black or African American, 79 percent of people who identify as American Indian, 64 percent who identify as Asian, 75 percent who identify as some other race, and 78 percent who identify as multiracial earn incomes above the poverty line. (See [healthycity.org](http://healthycity.org)) The racial wealth gap is not a new concept. Many studies have documented the disparity in homeownership and wealth based on race. (See [money.cnn.com/2016/01/25/news/economy/racial-wealth-gap](http://money.cnn.com/2016/01/25/news/economy/racial-wealth-gap), finding that 71% of people who are white own a home compared to 41% of blacks and 45% of Hispanics; <http://www.forbes.com/sites/laurashin/2015/03/26/the-racial-wealth-gap-why-a-typical-white-household-has-16-times-the-wealth-of-a-black-one/#1fa621186c5b>, finding the typical black household has just 6% of the wealth of the typical white household while the typical Latino household has just 8%; and <https://www.census.gov/content/dam/Census/library/publications/2015/demo/p60-252.pdf>, citing the median income of non-Hispanic White households in the U.S. in 2014 as \$60,256, for Black households as \$35,398, while for Hispanic households, the median income was \$42,491.) Any decision to approve the proposed Project would undoubtedly have a disparate impact on racial and ethnic minorities, who would largely be unable to afford the homes.

### **The Affordable Housing Plan Does Not Comply with the City's Affordable Housing Ordinance**

The Project proposes that the developer satisfy the affordable housing obligation by paying in lieu fees of \$620,004, or \$3,388 per unit. The proposal is inconsistent with the City's affordable housing ordinance, which provides that developers of for-sale residential projects of at least eight units shall make at least ten percent of the dwelling units affordable to and occupied by low income households. (Section 6A-5-10) In lieu fees are only an option for for-sale residential projects of less than fifty units where the City Council determines that it is not feasible or suitable for the for-sale residential project to have on-site affordable units. (Section 6A-5-20(d)) Because the total unit count of the proposed Project exceeds 50, in lieu fees are not an alternative for meeting the Project's affordable housing obligations.

Furthermore, even if in lieu fees were an option, the proposed fees are low compared to similar jurisdictions. The City should ensure that the fees represent the affordability gap as required by the Affordable Housing Ordinance. (See Section 6A-5-20(d))

## Conclusion

The City Council is ultimately charged with rendering a decision on whether to certify the EIR and approve the Tentative Subdivision Map as proposed. In light of the concerns raised in this letter and our letter of April 6 relating to the inadequacy of the EIR, the Project's inconsistency with the Housing Element of the General Plan, and the disproportionate impact the proposed Project would have on racial and ethnic minorities, LSNC urges the City Council to not certify the EIR and not approve the Project as currently proposed. We believe that the City, as Lead Agency, should consider an alternative to the proposed Project that ameliorates the significant identified problems.

Very truly yours,

LEGAL SERVICES OF NORTHERN CALIFORNIA

*Alysa Meyer*

Alysa Meyer

Cc: Ken Hiatt, Community Development Director  
Cindy Norris, Principal Planner  
Kara Ueda, City Attorney  
Paul Navazzio, City Manager



## Memorandum

**To:** Mayor and City Council Members, City of Woodland

**From:** Kara K. Ueda and Ethan J. Walsh, City Attorney

**Date:** June 29, 2016

**Re:** Prudler Subdivision Project—June 20, 2016 Letter from Legal Services of Northern California

This memorandum responds to issues raised in a letter dated June 20, 2016 from Legal Services of Northern California (“LSNC”) in response to our memo of June 15, 2016 regarding the proposed Prudler Tentative Subdivision Map Project (PLNG 14-00090) (the “Project”). This memorandum addresses each of the legal issues raised by LSNC in its new letter.

Preliminarily, LSNC requested that the City Council postpone consideration of the Project (previously scheduled to be considered on June 21, 2016) because the online agenda packet did not contain either LSNC’s April 6, 2016 letter or our June 15, 2016 response to it. While we do not believe that the inadvertent omission of these two attachments violated the Brown Act, the City Council nonetheless opened and continued the public hearing to July 5, 2016.

Since the receipt of LSNC’s June 20th letter, we have met with attorneys from LSNC and City staff to discuss the Project as well as the contents of LSNC’s June 20th letter. While this memo responds to the issues LSNC raised in its June 20th letter, we believe that the primary concerns LSNC has with the Project are rooted in policy (not the law) and how LSNC would like to see this property developed. Whether the Project should provide some form of affordable housing on-site (in the form of for-sale affordable housing units, apartments, or other high-density residential housing), acreage dedicated to the City by the property owner for the eventual construction of affordable housing, or fees in lieu constructing affordable housing or dedicating land is a decision for the City Council to make and not a legal one. Each of the issues raised by LSNC in its June 20th letter is addressed below in turn.

***1. The Proposed Project Is Not Inconsistent with the Housing Element of the General Plan***

LSNC continues to argue that the proposed Project is inconsistent with the City’s Housing Element of the General Plan. In our June 15, 2016 memo, we explained that implementation of the City’s Housing Element is not directly relevant to the Council’s consideration of this Project. The Housing Element Law (Gov’t Code §§ 65580 *et seq.*) requires



the City to provide adequate sites for the development of its fair share of the regional housing needs for all income levels. Gov't Code § 65583. The City's fair share obligations for very low, low, moderate, and above-moderate income households are determined by the Sacramento Area Council of Governments ("SACOG") and provided to the City for use in developing its Housing Element.

The Housing Element concludes that the City needed a plan for the generation of an additional 173 very low income units and 57 low income units. In order to provide those types of units, the Housing Element provides that the City would rezone at least 15 acres to R-25 to provide adequate sites for dense multi-family housing that would presumably house low and very low income households. The Housing Element also designated certain sites within the City for redesignation to R-25 zoning. While the City could (and has) rezoned other sites as high-density housing sites, the City is not under an obligation to rezone every project that it considers to high-density housing until it meets this additional capacity identified in the Housing Element.

Thus, it remains our opinion that consideration of the Project and the City's implementation of the Housing Element are distinct issues that should not be merged together. The City's progress on upzoning or rezoning properties and its progress on satisfying the additional capacity for low and very low households is a separate issue from consideration of this project and is discussed further under 3. below.

However, even if the two issues were related or tied to each other, any purported inconsistency is not a significant impact for purposes of the California Environmental Quality Act. LSNC argues that the EIR should have addressed the "disparity in zoning for above-moderate income households." But LSNC cites no legal authority for the proposition that a disparity in zoning is an environmental impact under CEQA. Additionally, LSNC does not cite any legal authority for its argument that this specific Project is required to further the City's efforts in implementing more affordable housing in order for the Housing Element to be implemented.

## **2. *The EIR Considered a Proper Range of Alternatives***

LSNC argues that the EIR does not include a "reasonable range of alternatives" to the Project, as required by CEQA, and that the EIR instead uses an "all or nothing" analysis that does not take into account achieving most of the basic objectives of the Project while avoiding the significant effects of the Project. The Draft EIR considered but dismissed an off-site alternative and an existing zoning alternative and considered in detail a no project alternative, reduced intensity alternative, and a mixed use alternative. Draft EIR, p. 6-4, 6-6. LSNC submitted comments on the Draft EIR claiming that the Draft EIR lacked a sufficient alternatives analysis, specifically that a higher density alternative was not considered. In response to comments submitted, the City addressed its decision regarding the selected alternatives and also considered a higher density alternative. Final EIR, p. 2-257-2-259.



However, LSNC asserts that the City should have considered LSNC's proposed alternative, which was to rezone two to three acres for multifamily development and dedicate that land as a means of helping to meet the developer's affordable housing obligations. CEQA requires the City in its EIR to describe a range of reasonable alternatives that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. CEQA Guidelines §15126.6(a); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566. But the City is not required to consider every conceivable alternative to the Project. *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988. LSNC clearly believes that its proposed alternative offers the best option to provide affordable housing on the Project site. However, LSNC offers no explanation or justification for why its proposed alternative would avoid or substantially lessen the potential environmental effects of the Project, which is a requirement of CEQA. The City is not required to consider LSNC's desired alternative just because it furthers LSNC's preferred policy outcome, and LSNC's alternative will not reduce significant environmental impacts. Therefore, the City is not required to consider LSNC's proposed alternative.

**3.     *The City's Progress on Implementing Section 2.A.2 of the Housing Element***

Housing Element Program 2.A.2. requires the City to rezone at least 15 acres to R-25 within 12 months of adoption of the 2035 General Plan (which has not been adopted yet) or within two years of the adoption of the 2013 Housing Element, whichever comes first. At the time the City Council adopted the Housing Element in 2013, the City anticipated that the 2035 General Plan would be released within the next year or so. While that did not occur, the City is in the process of soon releasing a draft of the 2035 General Plan.

LSNC argues that the City has not implemented Program 2.A.2 within the required timeline and that the City needs to rezone more land to R-25. In our June 15th letter, we stated that the City rezoned 9.3 acres within the Spring Lake Specific Plan to R-25 zoning and also approved a project at West Beamer and North Cottonwood Streets that will consist of 79 low and very low income units. Both of these statements are true.

LSNC argued in its response, however, that the City may not "count" all of the 9.3 acres that were rezoned in the Spring Lake Specific Plan area because the City's Housing Element already counted some of those acres as land that would be available for very low and low income housing as some of the land was previously zoned R-20 (which the City considers to provide low income housing opportunities). Upon review of LSNC's claim, City staff has researched the Housing Element further and examined the assumptions made and tables provided in the Housing Element. Upon completing that review, City staff determined that LSNC was correct in that the City should not have counted the upzoning of the Spring Lake Central project since a portion of it was already counted as being a site providing for high-density housing within Spring Lake.

City staff and consultants are actively completing the process to release a draft 2035 General Plan that will include an amended Housing Element. As a part of that process, the number of available sites is being analyzed and updated, new and different land use designations are being created, and existing Program 2.A.2 is being revisited. The City is confident that the sites staff has identified in the 2035 General Plan as providing for high-density housing will satisfy the requirements of Program 2.A.2. Additionally, the City is considering having the zoning for such high-density housing occur shortly after, or simultaneously with, adoption of the 2035 General Plan.

#### **4. *Race Data***

LSNC argues that policy reasons and race data support not approving the Project as proposed and states that our letter dismissed the race and poverty map information provided by LSNC from HUD's web site showing racial segregation within the City. In our letter responding to LSNC's claims, we stated that LSNC's allegations about the current racial composition of residents living near the Project is not relevant to, or indicative of, the racial composition of the people who will purchase homes in the Project.

Additionally, LSNC argues that the proposed housing type will be "largely unavailable to racial and ethnic minorities" and that the City "cannot refute" this fact. Neither the City nor the developer may place restrictions or qualifications on potential buyers; nor does the City or developer have control over who eventually will purchase the homes or who will live in them. Whether the Project ends up being inhabited by members of certain racial groups, or whether the Project ends up being primarily owner-occupied versus rented is subject to market and other forces out of the City's control.

Our letter in response to LSNC's original racial composition argument was to address LSNC's argument that the Project would have a disparate impact on people of color. We do not believe this legal argument has basis. Instead, we believe that the issue presented poses a public policy issue for the Council to consider as it evaluates the overall diversity of housing products in the City and LSNC's arguments.

#### **5. *The City's Affordable Housing Ordinance***

LSNC raises a new issues in its June 20th letter, that the applicant's payment of in lieu fees is inconsistent with the City's affordable housing ordinance (Chapter 6A of the Municipal Code). We agree with LSNC that the in lieu fee payment proposed in the Development Agreement is not consistent with the provisions in the City's affordable housing ordinance as the ordinance provides that in lieu fees may be paid for projects of 50 units or less and where it is infeasible to have affordable housing units on site.

However, the City and the project applicant have negotiated a development agreement, which permits the City to achieve benefits that it may not otherwise be able to achieve. *See generally* Government Code section 65864 *et seq.* Development agreements are



sometimes negotiated with project applicants to provide additional fees than could otherwise be collected due to restrictions in the law. In exchange, project applicants often will receive a benefit in the form of freezing or vesting rights and fees from the date of execution of the development agreement.

Here, the City is currently unable to require a project applicant to pay in lieu fees rather than build affordable units on-site. City staff negotiated the proposed in lieu fee with the project applicant for a few reasons. First, the current affordable housing ordinance and implementation of it are not resulting in affordable units being built that remain affordable. This is due in part to a section of the affordable housing ordinance that permits the developers to market the units for a certain amount of time and to then sell them at market prices if they cannot find qualified low-income buyers to purchase the units at affordable prices. Second, the for sale units are unfortunately not always within reach of prospective low-income buyers. With the loss of redevelopment funding (and the specific funds that had previously been set aside for affordable housing) as well as an overall decline in the amount of funds available for first-time homebuyer assistance, the ability of first-time homebuyers to obtain additional financing has become even more challenging. Third, recent changes in the law do not allow the City to require a project applicant to construct affordable multi-family housing. If the City wants affordable multi-family housing, one way to generate it is to collect in lieu fees that will be used for the construction of affordable multi-family housing. Meeting that goal will require a combination of both the money to pay for the construction as well as land to build the housing on, and the City is actively working on both of those to make such housing a reality.

In sum, City staff negotiated an in lieu fee with the project applicant with the goal of providing affordable rental housing, and the City would not have been able to achieve this goal (particularly for multi-family units) without entering into a development agreement.

## **6. Conclusion**

After both meeting with attorneys from LSNC and reviewing its June 20th letter, it is our opinion that the differences between LSNC and the City are primarily rooted in policy rather than the law. Whether the community would be better served by having the property owner dedicate land to the City for the construction of high-density housing, by requiring ten percent of the housing units on-site to be affordable pursuant to the City's affordable housing ordinance, or by having the project applicant pay in lieu fees for the eventual construction of affordable housing are policy, not legal, issues for the City Council to consider in its evaluation of the Project.

# 3

## MITIGATION MONITORING AND REPORTING PLAN

### 3.0 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Plan (MMRP) for the Prudler Tentative Subdivision Map Project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

### 3.1 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Prudler Tentative Subdivision Map project prepared by the City of Woodland. This MMP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR prepared for the proposed project.

The Prudler Tentative Subdivision Map Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP will provide for monitoring of

construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Woodland. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City of Woodland will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the City Planning Division and will be thoroughly familiar with permit conditions and the MMRP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities;
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures;
- Ensuring contractor knowledge of and compliance with the MMRP;
- Verifying the accuracy and adequacy of contract wording;
- Having the authority to require correction of activities that violate mitigation measures, securing compliance with the MMRP;
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Woodland;
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures; and
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

### **3.2 MITIGATION MONITORING AND REPORTING PLAN**

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The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                         |                                                   |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------|
| Impact Number                                                                         | Impact                                                                                                              | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring Agency                                                       | Implementation Schedule<br>Sign-off               |
| <b>4.2 Transportation and Circulation</b>                                             |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                         |                                                   |
| 4.2-3                                                                                 | Alternative transportation facilities.                                                                              | 4.2-3 Prior to approval of Improvement Plans, the project applicant shall contribute the fair share fee towards providing transit service to the project site. The applicant's fair share contribution shall be determined by the City of Woodland and YCTD.                                                                                                                                                                                                                                                                                                       | Community Development Department<br>Yolo County Transportation District | Prior to approval of Improvement Plans            |
| 4.2-6                                                                                 | Alternative transportation facilities under cumulative conditions.                                                  | 4.2-6 Implement Mitigation Measure 4.2-3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | See Mitigation Measure 4.2-3                                            | See Mitigation Measure 4.2-3                      |
| <b>Initial Study</b>                                                                  |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                         |                                                   |
| I-d                                                                                   | Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | I-1 A detailed lighting plan shall be submitted for the review and approval by the Community Development Department and the Engineering Department in conjunction with the project improvement plans. The plan shall show, at minimum, the locations (both ground and wall mounted), height, and design of shielded light fixtures ensuring that all on-site lighting is directed within the project site and does not illuminate adjacent properties. A photometric plan shall also be submitted to the Community Development Department for review and approval. | Community Development Department<br>Engineering Department              | In conjunction with the project Improvement Plans |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                                                                                                                                                                           |          |
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| Impact Number                                                                         | Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring Agency                | Implementation Schedule                                                                                                                                                   | Sign-off |
| IV-a,b                                                                                | Have a substantial adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <p><i>IV-1 If construction is expected to occur during the raptor nesting season (January 1 to October 31), then no later than 30 days prior to the initiation of construction activities, a pre-construction survey shall be performed by a qualified biologist to determine if active raptor nests are present within the boundaries of the site or within 500 feet of said boundaries. The survey shall be conducted on-site as well as in any off-site improvement areas. If active raptor nests are not found on or within 500 feet of the phase area, further mitigation is not necessary. In addition, if construction activities are proposed to occur during the non-breeding season (November 1 to December 31), a survey is not required and further studies are not necessary. However, if active raptor nests are found on or within 500 feet of the project site, construction activities shall not occur within 500 feet of any active raptor nests until the young have fledged or until the biologist has determined that the nest is not active any longer. The results of the pre-construction surveys must be submitted to the Community Development Department prior to initiation of construction.</i></p> <p><i>It should be noted that extensive buffers, such as those recommended for nesting raptors, are not necessary for nesting avian species</i></p> | Community Development Department | No later than 30 days prior to the initiation of construction activities, if construction is expected to occur during the raptor nesting season (January 1 to October 31) |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  |                                     |
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| Impact Number                                                                         | Impact                                                                                                                           | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring Agency                | Implementation Schedule<br>Sign-off |
| IV-e                                                                                  | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <p><i>protected by the Migratory Bird Treaty Act. Depending on the bird species, site conditions, and the proposed construction activities near an active nest, a smaller buffer could be prescribed, as determined by the biologist.</i></p> <p><i>IV-2 Prior to grading permit, the applicant shall prepare and submit a tree mitigation plan for review and approval by the Community Development Department. The plan shall include, but not be limited to the following:</i></p> <ul style="list-style-type: none"> <li><i>Grade cuts within the drip line of a tree shall be maintained at less than 20% of the critical root zone area. Grade cuts should be supervised by the Project Arborist;</i></li> <li><i>If grade fills exceed 1 foot in depth up to 20% of the critical root zone area aeration systems may serve to mitigate the presence of fill materials;</i></li> <li><i>If grade fills are built on two or three sides of a tree drainage away from the critical root zone of the tree shall be provided;</i></li> <li><i>Structural encroachments shall be evaluated and the appropriate measures taken;</i></li> <li><i>Where possible, dry utilities should be routed on the opposite side of the street from tree locations;</i></li> </ul> | Community Development Department | Prior to grading permit             |



| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |                         |
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| Impact Number                                                                         | Impact | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring Agency                | Implementation Schedule |
|                                                                                       |        | <ul style="list-style-type: none"> <li>Wet utility locations shall be carefully considered and boring may be an option to reduce impact on trees from wet utilities; and</li> <li>Street and hardscape construction shall be evaluated and aeration systems shall be used, where appropriate, to mitigate impacts.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                         |
|                                                                                       |        | <p>IV-3 The applicant shall comply with the Tree Plan approved by the Parks and Recreation Commission and the Urban Forestry Subcommittee, which includes the following conditions:</p> <ul style="list-style-type: none"> <li>The applicant is required to provide 301, 15-gallon size replacement trees based on the removal of 35 trees within the proposed right-of-way along East Street, resulting in a total of 904 inches at diameter breast height (DBH) of trees removed and a replacement requirement of two trees for every 6 inches of trees removed. This may be modified if the removal of trees not previously identified in the Tree Report is required.</li> <li>The replacement trees are in addition to those trees required as part of project approval per the City's Landscaping Ordinance and</li> </ul> | Community Development Department | During construction     |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                                     |
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| Impact Number                                                                         | Impact                                                                              | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring Agency                | Implementation Schedule<br>Sign-off |
|                                                                                       |                                                                                     | <p><i>Community Design Standards.</i></p> <ul style="list-style-type: none"> <li><i>The Tree Plan shall be approved upon approval of the project, including the proposed roadway alignment included in the Tree Plan;</i></li> <li><i>Should the roadway alignment for the project change in a manner that affects additional trees, the applicant shall submit a revised Tree Plan for recommendation by the City staff;</i></li> <li><i>A final tree planting plan shall be submitted that specifies the exact location of all replacement trees, or in-lieu fees shall be submitted;</i></li> <li><i>Trees proposed for removal shall not be removed until the project has been approved by the City and a grading permit has been issued; and</i></li> <li><i>The applicant shall conduct a public relations effort, including professionally-prepared signage to announce the planned tree removal and replacement. The signs shall include the tree removal and replacement information, a schedule, and an artist's rendering of the final East Street design.</i></li> </ul> |                                  |                                     |
| IV-4                                                                                  | Tree preservation and/or removal must be in compliance with Woodland City Code 20A. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Community Development Department | During construction                 |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             |                                    |          |
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| V-b-d                                                                                 | Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? Disturb any human remains, including those interred outside of formal cemeteries. | <p>V-1(a) Prior to Improvement Plan approval, the plans shall indicate (via notation on the improvement plans) that if historic and/or cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the Applicant/Developer shall immediately notify the Community Development Department of the discovery. In such case, the Applicant/Developer shall be required, at their expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the proceeding steps have been taken, per the approval by the Community Development Department.</p> | Community Development Department                            | Prior to Improvement Plan approval |          |
|                                                                                       |                                                                                                                                                                                                                                                                                                           | <p>V-1(b) Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Yolo County Coroner shall be contacted</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Community Development Department<br><br>Yolo County Coroner | During construction                |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                    |                                                   |          |
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| Impact Number                                                                         | Impact                                                                                                                                                                                                                                                                                                                                                                                                                | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Monitoring Agency                                  | Implementation Schedule                           | Sign-off |
|                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. Additional work is not to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.</i>                                                                                                                                                                                                                                                            | Native American Heritage Commission                |                                                   |          |
| VI-ai-iii,c,d                                                                         | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:<br>Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | VI-1<br>All grading and foundation plans for the development designed by the project Civil and Structural Engineer must be reviewed and approved by the City Engineer and Community Development Department prior to issuance of grading and building permits. The Plans shall ensure that UBC standards and all geotechnical recommendations specified in the geotechnical report for the project site are properly incorporated and utilized in design, including, but not limited to, the following: <ul style="list-style-type: none"><li>• Site preparation shall include the clearance and appropriate removal of any underground structures such as irrigation piping and agricultural wells, any utilities to be relocated and abandoned, debris, trees, and</li></ul> | City Engineer and Community Development Department | Prior to issuance of grading and building permits |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |                         |
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| Impact Number                                                                         | Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Monitoring Agency | Implementation Schedule |
|                                                                                       | Strong seismic ground shaking? Seismic-related ground failure, including liquefaction? Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <p>vegetation. Site preparation should be accomplished in accordance with the recommendations of the geotechnical report as well as the Earthwork Specifications provided in Appendix B of the report and a representative from the geotechnical consultant's office should be present during site preparation and grading operations to observe and test the fill to verify compliance with the recommendations;</p> <ul style="list-style-type: none"> <li>• Strippings shall not be used in general fill construction, but may be used in landscaped areas (such as backyards), provided they are kept at least five feet from the building pads and pavements, moisture conditioned and compacted;</li> <li>• Due to the relatively loose nature of the soils, the processed soils shall be moisture conditioned to at least the optimum moisture content and uniformly compacted to at least 90 percent of the ASTM D1557 maximum dry density;</li> <li>• Native soils shall be used as backfill for utility trenches located within the building footprint and extending at least five feet beyond the perimeter foundations to minimize water</li> </ul> |                   |                         |



| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                   |                                       |          |
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| Impact Number                                                                         | Impact                                                     | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Monitoring Agency | Implementation Schedule               | Sign-off |
| VI-b                                                                                  | Result in substantial soil erosion or the loss of topsoil? | <p><i>Woodland Standard Specifications and Details, latest editions; and</i></p> <ul style="list-style-type: none"> <li><i>Geotechnical testing and observation during construction shall be obtained to verify compliance with the geotechnical report and the project plans and specifications.</i></li> </ul> <p>VI-2 Prior to issuance of a grading permit, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that will utilize standard construction practices to limit the erosion effects during construction of the proposed project. Measures could include, but are not necessarily limited to the following:</p> <ul style="list-style-type: none"> <li>Hydro-seeding;</li> <li>Placement of erosion control measures within drainageways and ahead of drop inlets;</li> <li>The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);</li> <li>The placement of straw wattles along slope contours;</li> <li>Directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire);</li> <li>The use of siltation fences; and</li> </ul> | City Engineer     | Prior to issuance of a grading permit |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |                                       |          |
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| Impact Number                                                                         | Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monitoring Agency | Implementation Schedule               | Sign-off |
| IX-a,f                                                                                | Violate any water quality standards or waste discharge requirements?<br>Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>The use of sediment basins and dust palliatives.</li> </ul> <p>IX-1 Prior to the issuance of a grading permit, the developer shall obtain and comply with the NPDES general construction permit, including the submittal of a Notice of Intent (NOI) and associated fee to the SWRCB, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which includes construction BMPs, consistent with the Stormwater Control Plan, to be submitted to the City Engineer for review.</p> | City Engineer     | Prior to issuance of a grading permit |          |
| XI-c-e                                                                                | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner | <p>IX-2 Prior to the recordation of final maps, the applicant/developer shall demonstrate to the satisfaction of the City that discharge of peak flow from the project site for the two-year frequency storm event will maintain or reduce predevelopment downstream erosion potential and protect stream habitat. The applicant shall provide the appropriate calculations and site-specific design-measures pursuant to the requirements of the City's MS4 permit and the Stormwater Management Program.</p>                           | City Engineer     | Prior to recordation of final maps    |          |



| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                  |                         |          |
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| Impact Number                                                                         | Impact                                                                                                                                                                              | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring Agency                | Implementation Schedule | Sign-off |
|                                                                                       | which would result in flooding on- or off-site?<br>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to control? |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                  |                         |          |
| XIII-b                                                                                | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                | <p><i>XII-1 During construction, the owner/contractor shall designate a disturbance coordinator and conspicuously post this person's phone number around the project site. The disturbance coordinator will receive all public complaints about construction vibration disturbances and will be responsible for determining the cause of the complaint, and implement feasible measures to be taken to alleviate the problem. The disturbance coordinator shall immediately report all complaints and corrective measures taken to the Community Development Department.</i></p> <p><i>XII-2 The pre-existing condition of buildings within a 100-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 100-foot radius of construction activities will be documented (photographically and in writing) prior to construction. If there is any documented</i></p> | Community Development Department | During any construction |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |                                    |          |
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| Impact Number                                                                         | Impact                                                                                                                                  | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring Agency                | Implementation Schedule            | Sign-off |
|                                                                                       |                                                                                                                                         | <p>damage resulting from project construction activities, the project proponent will be required to repair it back to its pre-existing condition to the satisfaction of the Community Development Department.</p> <p>XII-3 Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre existing state, to the satisfaction of the Community Development Department, and to avoid any further structural damage</p> | Community Development Department | During any construction            |          |
| XII-d                                                                                 | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | XII-4 Construction activities shall adhere to the requirements of the City of Woodland with respect to hours of operation, muffling of internal combustion engines, and other factors which affect construction noise generation and the effects on noise-sensitive land uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Community Development Department | During any construction            |          |
| XIV-d                                                                                 | Would the project result in substantial adverse physical impacts associated with the                                                    | XIV-1 Prior to the recordation of final maps, the applicant/developer shall be required to dedicate the required acreage of parkland or pay the appropriate Quimby Act, subject to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Community Development Department | Prior to recordation of final maps |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                |                              |                              |          |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------|------------------------------|----------|
| Impact Number                                                                         | Impact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Mitigation Measure<br><i>approval by the Community Development Department.</i> | Monitoring Agency            | Implementation Schedule      | Sign-off |
| XV-a,b                                                                                | <p>provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?</p> <p>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities</p> | <i>XV-1 Implement Mitigation Measure XIV-1.</i>                                | See Mitigation Measure XIV-1 | See Mitigation Measure XIV-1 |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                           |                                  |                                       |          |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------|----------|
| Impact Number                                                                         | Impact<br>which might have an adverse physical effect on the environment?                                                                                                                                                                                                                                                       | Mitigation Measure                                                                                                                                                                                                        | Monitoring Agency                | Implementation Schedule               | Sign-off |
| XVII-a,e                                                                              | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <i>XVII-1 Prior to the approval of a final map, applicant shall pay the project's fair-share contribution (consistent with SLSP CIP, updated for residential zoning) toward downstream wastewater facilities impacts.</i> | Community Development Department | Prior to approval of a final map      |          |
|                                                                                       |                                                                                                                                                                                                                                                                                                                                 | <i>XVII-2 Prior to the issuance of building permits, the applicant shall pay the City-wide wastewater impact fees (consistent with 2008 Major Projects Financing Plan).</i>                                               | Community Development Department | Prior to issuance of building permits |          |
| XVII-b,d                                                                              | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Have sufficient water supplies available to serve the project from                                                          | <i>XVII-3 Prior to the issuance of building permits, the applicant shall pay the City-wide water and surface water impact fees (consistent with 2008 Major Projects Financing Plan).</i>                                  | Community Development Department | Prior to issuance of building permits |          |

| MITIGATION MONITORING AND REPORTING PLAN<br>PRUDLER TENTATIVE SUBDIVISION MAP PROJECT |                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |                                                                                    |          |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------------|----------|
| Impact Number                                                                         | Impact                                                                                                                                                                                     | Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Monitoring Agency                | Implementation Schedule                                                            | Sign-off |
|                                                                                       | existing entitlements and resources, or are new or expanded entitlements needed?                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |                                                                                    |          |
| XVII-c                                                                                | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <p><i>XVII-4 Prior to the issuance of building permits, the proposed project shall provide storm drain retention on-site consistent with City Standard Specification, or pay the appropriate fees to pay back the Parkside at Spring Lake applicant for the construction of the storm drainage detention in the "West Regional Detention Basin" on the Community Park site and downstream conveyance facilities.</i></p> <p><i>XVII-5 Prior to the approval of a final map, applicant shall pay the project's fair-share contribution (consistent with SLSP CIP, updated for residential zoning) toward storm drain facilities impacts related to the project.</i></p> | Community Development Department | <p>Prior to issuance of building permits</p> <p>Prior to approval of final map</p> |          |

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND AMENDING THE GENERAL PLAN LAND USE  
DIAGRAM AND CIRCULATION ELEMENT FOR THE PRUDLER  
TENTATIVE SUBDIVISION MAP PROJECT BY YOLO RESIDENTIAL  
INVESTORS, LLC.**

**WHEREAS**, Article 5 of Chapter 3 of Division 1 of Title 7 (commencing with section 65300) of the Government Code requires the City to prepare and adopt a comprehensive, long-term General Plan for the physical development of the City; and,

**WHEREAS**, in February of 1996, the City of Woodland, (“City”) adopted its General Plan, which was updated on December 17, 2002 and has since been amended from time to time; and

**WHEREAS**, the General Plan contains the General Plan Land Use Diagram (Figure 1-4), which designates that certain real property consisting of parcels located in the City of Woodland, California, which comprise approximately 38 acres and is more commonly known as Yolo County Assessor’s Parcel Number 041-070-042-0000 as General Commercial (GC); and

**WHEREAS**, Yolo Residential investors, LLC, have submitted an application to the City requesting that the General Plan Land Use Diagram be amended to designate the 38 acres as Low Density Residential (LDR), as shown in Attachment B-2; and

**WHEREAS**, Yolo Residential investors, LLC, have submitted an application to the City requesting that the General Plan Circulation Element be amended to reduce the segment of East Street south of County Fair Mall to Sports Park Drive/CR 24A be reduced from four to two lanes, as shown in Attachment B-1; and

**WHEREAS**, on April 7, 2016, the Planning Commission of the City of Woodland (“Planning Commission”) held a duly noticed public hearing at which all persons wishing to testify in connection with the General Plan Amendment were heard, and the General Plan Amendment and all other relevant information contained in the record were comprehensively reviewed by the Planning Commission; and

**WHEREAS**, at the conclusion of the public hearing before the Planning Commission, the Planning Commission voted to recommend to the City Council that the General Plan amendment be denied; and

**WHEREAS**, **On July 5, 2016**, the City Council of the City of Woodland (“City Council”) held a duly noticed public hearing at which all persons wishing to testify in connection with the General Plan Amendment were heard, and the General Plan Amendment and all other relevant information contained in the record were comprehensively reviewed by the City Council; and

**WHEREAS**, at the conclusion of the public hearing before the City Council, the City Council by resolution certified the Prudler Tentative Subdivision Map Project Environmental Impact Report; and

**WHEREAS**, this will be the        amendment of the General Plan in the calendar year 2016; and

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

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

1. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made in this Resolution, the City Council hereby approves the General Plan Amendment, hereby amending the General Plan Land Use Designations of the Prudler Tentative Subdivision Map Project to redesignate approximately 38 acres from General Commercial (GC) to Low Density Residential (LDR), as shown in Attachment B-2, attached hereto and incorporated herein by this reference.
2. Based on the entire record before the City Council and all written and oral evidence presented, the City Council hereby makes the following findings:
  - A. The General Plan Amendment is integrated and compatible with the Land Use and Community Design Element of the General Plan in that it supports infill development and use of parcels in a manner compatible with the surrounding character.
  - B. The General Plan Amendment is integrated and compatible with the Economic Development Element of the General Plan in that it allows for economic development within the City while maintaining orderly and well-planned for steady growth to prevent urban sprawl.
  - C. The General Plan Amendment promotes the goals and objectives of the General Plan and each element thereof and leaves the General Plan a compatible, integrated and internally consistent statement of policies.
  - D. The project is consistent with the goals and policies of the General Plan in that the proposed modification provides for a more economically viable land use designation for single family residential densities that the current housing market will more readily absorb and support.
  - E. The project provides for infill development that is compatible with adjacent uses including residential, commercial and community Sports Park and increases the likelihood for transit and viability of the existing commercial uses to the north.
  - F. The project is consistent with the goals and policies of the Housing Element by providing for a variety of housing types and by meeting the requirements of the City's Affordable Housing Plan as conditioned.
  - G. The proposed modification to the Circulation Element is consistent with the overall goals and policies of the General Plan in that the overall goal of the

Element is to provide for the long-range planning and development of the City’s roadway system to ensure the safe and efficient movement of people and goods. The reduction to two lanes still allows the safe and efficient movement of people and goods.

- 3. The City Council has determined that the General Plan Amendment is in the public interest because the change in General Plan designation is in compliance with General Plan policy 1.B.1 as the City supports residential development at a manageable pace to achieve its fair share of regional housing needs and Policy 1.C.1 as the City promotes new residential development in a range of residential densities.
- 4. The General Plan Amendment was reviewed, studied, and found to comply with the California Environmental Quality Act and, based on the foregoing, the City Council has adopted Resolution No. [redacted] certifying the EIR, adopting findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program.

**PASSED AND ADOPTED** on this the 5<sup>th</sup> day of July, 2016 by the following vote of the City Council:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ana Gonzalez, City Clerk

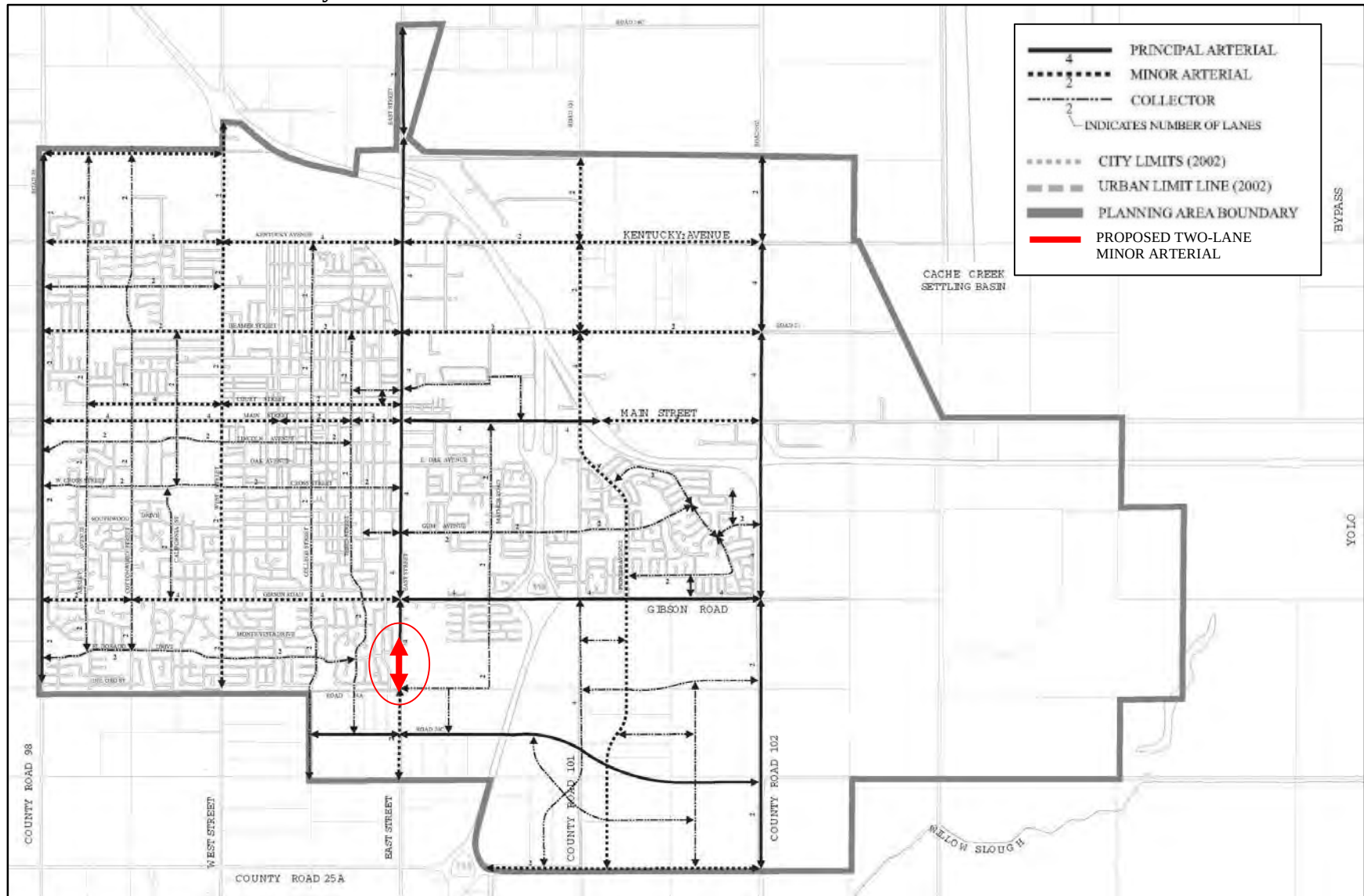
\_\_\_\_\_  
Kara Ueda, City Attorney

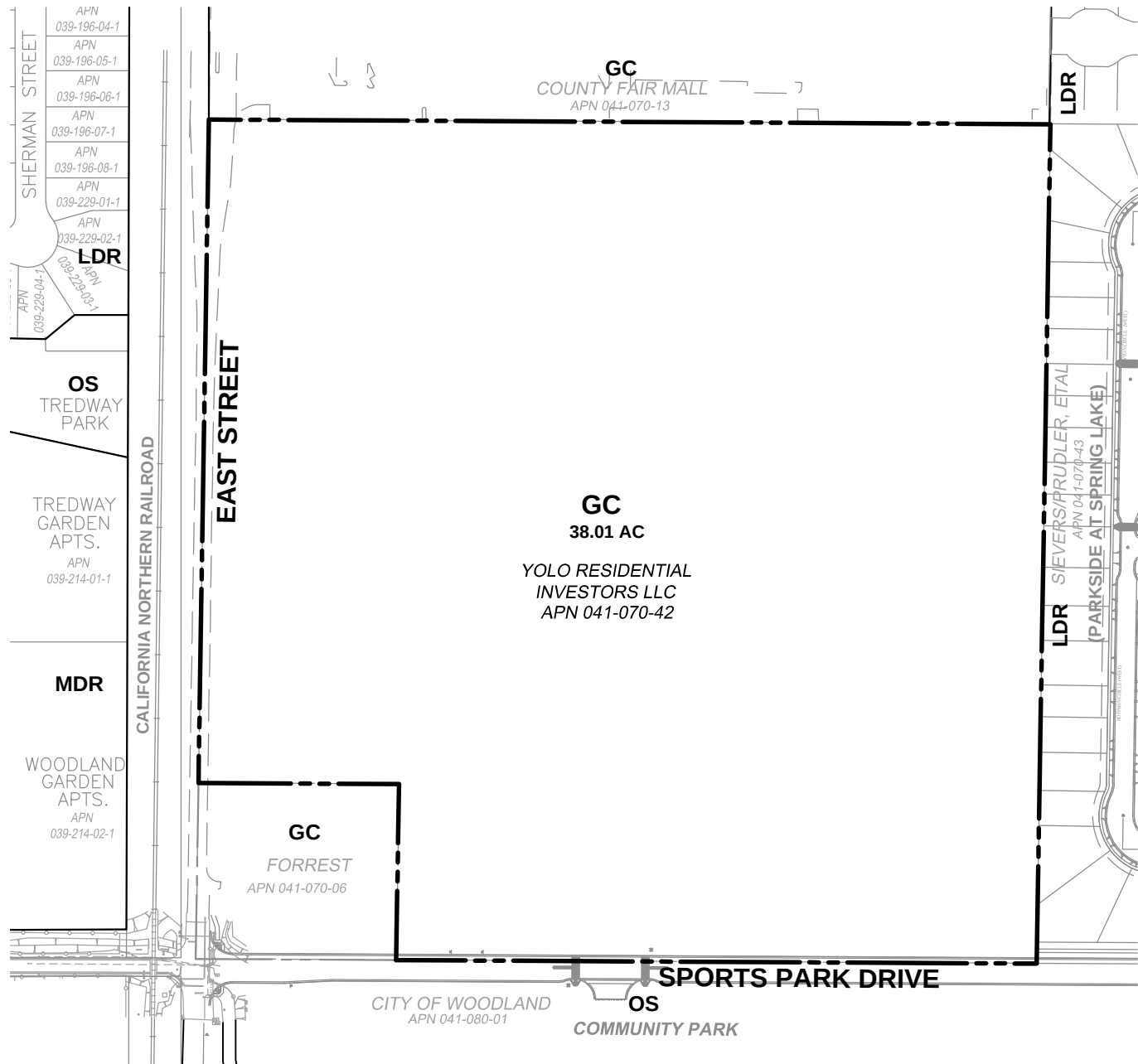
Dated:\_\_\_\_\_

**Attachment 2 A** – General Plan Circulation Element Amendment Exhibit  
**Attachment 2 B** – General Plan Land Use Amendment Exhibit

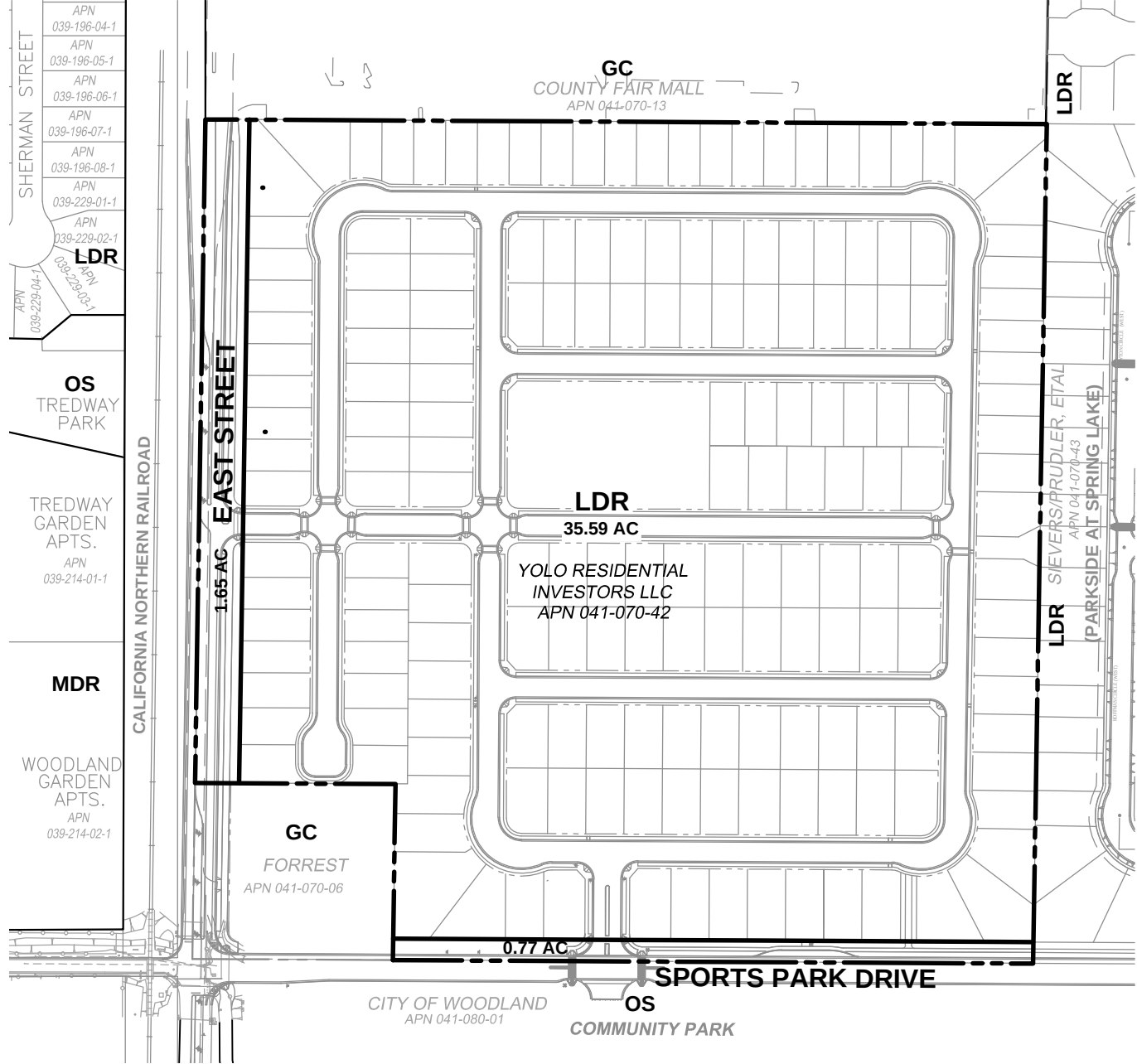


# **Attachment B-1** **City of Woodland General Plan Circulation Element Amendment Exhibit**





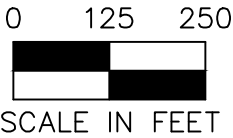
**EXISTING GENERAL PLAN**



**PROPOSED GENERAL PLAN**

**GENERAL PLAN SUMMARY**

| EXISTING<br>LAND USE | EXISTING<br>DESIGNATION | AREA      | PROPOSED<br>LAND USE    | PROPOSED<br>DESIGNATION | AREA      |
|----------------------|-------------------------|-----------|-------------------------|-------------------------|-----------|
| GENERAL COMMERCIAL   | GC                      | 38.01 AC. | LOW-DENSITY RESIDENTIAL | LDR                     | 38.01 AC. |



**TENTATIVE SUBDIVISION MAP NO. 4856  
GENERAL PLAN AMENDMENT  
PRUDLER**

DESIGNED BY: --  
DRAWN BY: AB  
CHECKED BY: SG  
SCALE  
**1" = 250'**

CECWEST.COM  
Project Planning ■ Civil Engineering ■ Landscape Architecture  
Sacramento Office ■ Davis Office ■  
2120 20th Street, Suite Three 2940 Spafford Street, Suite 200  
Sacramento, CA 95818 Davis, CA 95618  
(916) 455-2026 (530) 758-2026

CITY OF WOODLAND

CALIFORNIA



SHEET  
**1**  
OF  
**1**

DATE: 03/30/16  
JOB NO: 984.05

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND AMENDING THE SPRING LAKE SPECIFIC PLAN EAST  
STREET CROSS SECTION FOR THE PRUDLER TENTATIVE  
SUBDIVISION MAP PROJECT**

**WHEREAS**, the City of Woodland ("City") desires to amend the Spring Lake Specific Plan to modify the East Street cross-section of the segment south of the County Fair Mall to Sports Park Drive/CR 24A; and,

**WHEREAS**, the City desires to reduce the 45-foot median on East Street to 18 feet and reduce the number of lanes from four to two as shown in Attachment C-1; and

**WHEREAS**, the City of Woodland Planning Commission held a duly noticed public hearing on April 7, 2016, to receive public testimony concerning the Amendment; and

**WHEREAS**, the City of Woodland City Council held a duly noticed public hearing on July 5, 2016 to receive public testimony concerning the Amendment, consider the Planning Commission's recommendations, and take action on the Amendment; and

**WHEREAS**, the City of Woodland City Council, based on oral testimony and documentary evidence submitted during the public hearing, and amending the conditions of approval, now finds it proper to amend the Spring Lake Specific Plan as shown in Attachment C-1; and

**WHEREAS**, the City of Woodland has taken action to approve all entitlements necessary for implementation of the Amendment for the Prudler Tentative Subdivision Map Project.

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

1. The foregoing recitals are hereby true and correct.
2. The City of Woodland City Council finds that the actions as set forth in this Resolution are in the public interest and necessary to the public health, safety, and welfare.
3. The City Council hereby certifies that its members have reviewed, studied, and found to comply with the California Environmental Quality Act and, based on the foregoing, the City Council has adopted Resolution No. [REDACTED] certifying the EIR, adopting findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program.
4. The City Council hereby amends the Spring Lake Specific Plan for the Prudler Tentative Subdivision Project as shown in Attachment C-1 provided that this Amendment shall take effect only upon execution by the City and the owner of the Property of a development agreement governing the Property. No final map shall be recorded or approved for the

Property in conformance with the Amendment until the Amendment has taken effect pursuant to this paragraph.

**PASSED AND ADOPTED** on this the 5<sup>th</sup> day of July, 2016 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

**ATTEST:**

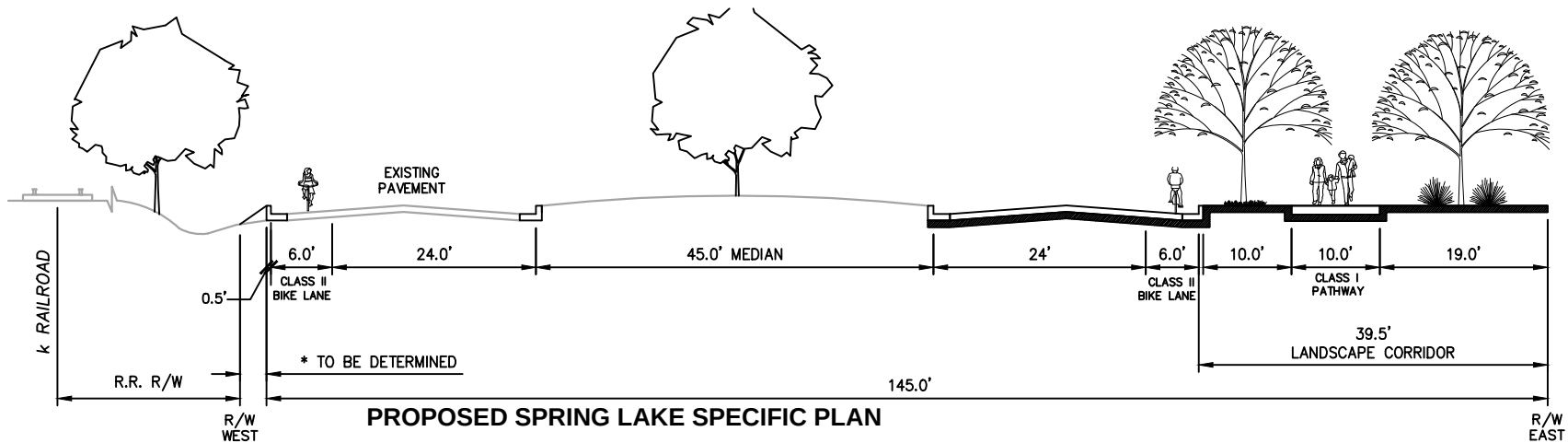
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ana Gonzalez, City Clerk

\_\_\_\_\_  
Kara Ueda, City Attorney

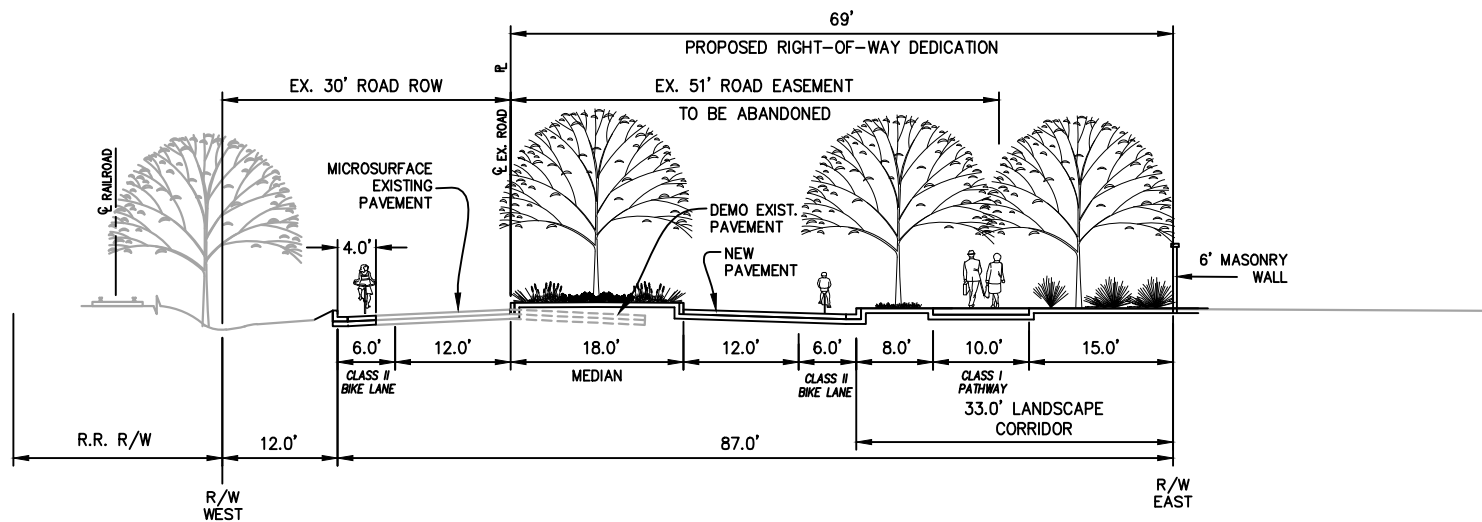
Dated:\_\_\_\_\_

**Attachment 3A** – Spring Lake Specific Plan Amendment Exhibit



## EAST STREET NORTH OF SPORTS PARK DRIVE

NTS



## EAST STREET NORTH OF SPORTS PARK DRIVE

NTS

REFERENCE: FIGURE 4.10



CECWEST.COM

Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office  
2120 20th Street, Suite Three  
Sacramento, CA 95818  
(916) 455-2026

■ Davis Office  
2940 Spafford Street, Suite 200  
Davis, CA 95618  
(530) 758-2026

## SPRING LAKE SPECIFIC PLAN AMENDMENT COMPARISON Prudler Tentative Map

CITY OF WOODLAND

MARCH 30, 2016

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
WOODLAND APPROVING THE REZONING FROM GENERAL  
COMMERCIAL (C-2) TO SINGLE FAMILY/PLANNED DEVELOPMENT  
(R-1/PD) AND ADOPTION OF PLANNED DEVELOPMENT  
STANDARDS FOR THE PRUDLER TENTATIVE SUBDIVISION MAP  
PROJECT SITE**

**Section 1.**     **Purpose and Authority.** The purpose of this ordinance is to approve the rezoning of the Prudler Tentative Subdivision Map Project site to Single Family/Planned Development (R-1/PD) and adopt Planned Development Standards. This ordinance is adopted pursuant to Government Code sections 65853-65860, and other applicable law.

**Section 2.**     **Findings.** The City Council finds and determines as follows:

- A.     On April 7, 2016, the Planning Commission held a duly noticed public hearing concerning the proposed rezoning of the Prudler Tentative Subdivision Map Project, which is depicted in Attachment D-1 attached hereto and incorporated herein by reference, as Single Family/Planned Development (R-1/PD). After the hearing, the Planning Commission recommended City Council deny the proposed rezoning of the property and adoption of the Planned Development Standards which are included as Attachment D-2 and incorporated herein by reference.
- B.     An Environmental Impact Report (EIR) was prepared for the proposed project. The EIR addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).
- C.     A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in compliance with CEQA in order to ensure implementation of the mitigation measures outlined in the EIR.
- D.     The proposed rezoning to R-1/PD is consistent with and would implement the policies of the City of Woodland General Plan, as amended.
- E.     The area is physically suited to the uses authorized in the proposed zone.
- F.     The proposed rezoning is compatible with the land uses existing and permitted on the properties in the vicinity.
- G.     The land uses and their density and intensity, allowed in the proposed zones are not likely to create serious health problems or create nuisances on properties in the vicinity.

**Section 3.**     **Approval of Rezoning.** The City Council hereby approves the rezoning of the Prudler Tentative Subdivision Map Project site, which is shown in Attachment D-1, to Single

Family/Planned Development (R-1/PD) and adoption of the Planned Development Standards as shown in Attachment D-2.

**Section 4.**     **Severability.** If any part of this ordinance is held by a court of competent jurisdiction to be invalid or unenforceable, then such decision shall not affect the validity of the remaining parts, which shall remain in full force and effect.

**Section 5.**     **Effective Date.** This ordinance shall take effect no sooner than 30 days after its final passage.

**Section 6.**     **Publication.** Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

**INTRODUCED** by the City Council on the 5<sup>th</sup> day of July, 2016.

**PASSED AND ADOPTED** by the City Council of the City of Woodland this \_\_\_\_ day of \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ana Gonzalez, City Clerk

\_\_\_\_\_  
Kara K. Ueda, City Attorney

Dated:\_\_\_\_\_

**Attachment 4A – Rezone Exhibit**

**Attachment 4B – Planned Development Standards**



## Legislation Text

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File #: 16-615, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: PUBLIC HEARING - Waste Management Liens

Recommendation for Action: Staff recommends that the City Council conduct a Public Hearing to receive input from property owners and adopt Resolution No. \_\_\_\_\_, "A Resolution Requesting Collection of Charges on Tax Roll".

### **Staff Contact**

Ana B. Gonzalez, City Clerk - (530) 661-5806, [ana.gonzalez@cityofwoodland.org](mailto:ana.gonzalez@cityofwoodland.org)

### **Background**

This annual Public Hearing is held to allow those property owners with delinquent Waste Management accounts for services received, including garbage, recycling and yard refuse pick-up and disposal, and for sweeping of the street, to address the Council prior to the attachment of a lien against their property. The Hearing is required prior to adoption of the Resolution to request the lien attachment. The list is attached to Council packets only for review and will not be placed on the website for general public review.

Before filing a lien with the County, a Public Hearing needs to be held to allow protests of the proposed liens.

The current City Municipal Code Section 23C-4 provides the parameters for garbage and yard refuse disposal and services, while Section 23C-12 discusses the recycling portion of the service as provided by the Waste Management Franchise Agreement.

In 2007 the Waste Management Franchise Agreement was re-negotiated and amended and is substantially in the same format. Council approved that new Agreement with the amendments as presented.

Staff has worked with Waste Management to determine the accuracy of the proposed lien list. Those inaccuracies will be corrected and/or removed from the list prior to attachment of the liens. The City should not be actively involved in discussions regarding the billing itself and refers those questions to the Waste Management staff for resolution. While it is not City responsibility to become involved in the dispute of the billing, staff does attempt to mediate by providing contact information at Waste Management for resolution attempts. The primary role of the City is to obtain approval to attach the lien and to release the lien once verification of payment has been received.

### **Discussion**



The utilization of Waste Management for the issuance of service bills has saved the City a tremendous amount of time and funds to issue and collect such bills.

As this method of collecting past due accounts has saved the City time and money, staff believes that the process should continue. Should Council determine another course of action, the cost factor would need to be considered. It is anticipated that another full time staff member would be required to adequately handle the billing and collection of delinquent accounts. As well, the collection would be subject to the Small Claims Court process which would have further costs associated with that process.

### **Fiscal Impact**

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

### **Conclusion**

Staff recommends that the City Council Conduct the Public Hearing to receive input from property owners and adopt Resolution No. \_\_\_\_\_, "A Resolution Requesting Collection of Charges on Tax Roll".

Prepared by: Ana B. Gonzalez  
City Clerk



Paul Navazio, City Manager

Attachment: Resolution No. \_\_\_\_\_  
Waste Management Lien List available in the City Clerk's Office

Recording requested by  
City of Woodland

and when recorded send to:  
City Clerk  
City of Woodland  
300 First Street  
Woodland, CA 95695

**RESOLUTION NO. \_\_\_\_\_**

**A Resolution Requesting Collection of Charges on Tax Roll**

Whereas, the City of Woodland (hereinafter City), requests the County of Yolo collect on the County tax rolls certain charges which have been imposed pursuant to an Agreement with Waste Management; and

Whereas, the County has required as a condition of the collection of said charges that the City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof;

Now, therefore be it hereby resolved by the City Council of the City of Woodland that:

1. The Auditor-Controller of Yolo County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The City of Woodland warrants and represents that the taxes, assessments, fees and/or charges imposed by the City of Woodland and being requested to be collected by Yolo County comply with all requirements of State law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).
3. The City of Woodland releases and discharges the County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by the County of any taxes, assessments, fees and/or charges on behalf of the City.
4. The City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of the City's said taxes, assessments, fees, and/or charges requested to be collected by the County for the City, or in any manner arising out of the City's establishment and imposition of said taxes, assessments, fees and/or charges. City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of the City's taxes, assessments, fees and/or charges, the County may offset the amount of

the judgment from any monies collected by County on behalf of the City, including property taxes.

5. The City agrees that it's officers, agents and employees will cooperate with the County in answering questions referred to City by the County from any person concerning the City's taxes, assessments, fees and/or charges and that the City will not refer such persons to County officers and employees for response.
6. The City agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup it's costs in placing on the tax rolls and collecting taxes, assessments, fees and/or charges, as provided by Government Code Sections 29304 and 51800.

**PASSED AND ADOPTED** by the City Council this 5<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tom Stallard, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

Ana B. Gonzalez, City Clerk

---

Kara K. Ueda, City Attorney

## Legislation Text

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File #: 16-605, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Consideration of Permit Application to U.S. Fish & Wildlife Service for the Yolo  
Habitat Conservation Plan / Natural Communities Conservation Plan

Recommendation for Action: Staff recommends the City Council approve Resolution No. \_\_\_\_\_, authorizing the City Manager to complete and submit the required habitat conservation permit application to the U.S. Fish & Wildlife Service as a permittee under the Yolo Habitat and Natural Communities Conservation Plan (Yolo HCP/NCCP) as attached hereto.

**Staff Contact**

Ken Hiatt, Community Development Director, (530) 661-5930, ken.hiatt@cityofwoodland.org

**Fiscal Impact**

Staff's involvement with the Yolo HCP/NCCP is covered under the City's general fund. The City's proposed budget for FY 2016-17 anticipates up to \$63,000 in member agency funding in support of completion of the Yolo HCP/NCCP. The permit application fee will be covered by existing member agency contributions for fiscal year 2016-17.

**Background**

Conservation planning in Yolo County has been ongoing for approximately twenty years. Initial conservation efforts were focused primarily on mitigating impacts to Swainson's hawk forging habitat resulting from development activity. However, Yolo County and the cities of Davis, West Sacramento, Winters and Woodland recognized that a more comprehensive approach to conservation planning was needed to address the needs of multiple species and natural communities.

The Yolo County HCP/NCCP Joint Powers Agency (JPA), recently renamed the Yolo Heritage Conservancy, was formed in 2002 to reinforce the commitment of the local governments to develop a regional conservation plan. In 2005, the JPA entered into a Planning Agreement with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) to support the development of the Yolo HCP/NCCP. A number of significant milestones have occurred since that time and the public review draft plan and environmental impact report and statement are ready to be submitted to CDFW and USFWS in early September. The USFWS requires that each permittee, which comprises the County of Yolo, the Yolo Heritage Conservancy and all four cities that exist in Yolo County, complete and submit the permit application (attachment 1).

The Yolo HCP/NCCP permit application will identify seven general categories of activities for which take coverage are sought:

- 1) Urban Development - The permit will provide incidental take coverage for all covered activities (e.g. planned residential, industrial, and commercial development) consistent with local general plans and related land use and implementation regulations.
- 2) Infrastructure - The permit will provide incidental take coverage for various identified/planned private and public infrastructure including roadway improvements, state freeways and highways, bicycle lanes and paths, bridges, airport improvements, utility projects (e.g. water, sewage, natural gas, electricity, solar), recreational facilities, flood control and water conveyance facilities, and port improvements.

These projects include the Woodland Wastewater Treatment Plant, Woodland Water Pollution Control Facility, Davis-Woodland Water Supply Project (excluding in-take facility), West Sacramento Levee Improvement Project, State Route 16 safety improvements (two segments), County Roads 102 and 98 safety improvements, Woodland-Davis Alternative Transportation Corridor, replacement and rehabilitation of 27 County bridges, three new County bridges, two new PG&E natural gas pipelines, Watts-Woodland Airport and University Airport runway improvements, and various Food Control and Water Conservation Improvements.

- 3) Agricultural Facilities - The permit will provide incidental take coverage for typical agricultural support facilities and structures (e.g. barns, fences, wells, farm roads, etc.), planned agricultural commercial and industrial development consistent with the County General Plan, and farm dwellings consistent with the County General Plan.
- 4) Aggregate Mining - The permit will cover aggregate mining and restoration of lower Cache Creek consistent with the County General Plan and Cache Creek Area Plan.
- 5) Operations and Maintenance (Ongoing) - The permit will provide incidental take coverage for identified operations and maintenance activities in the four categories of permanent development described above.
- 6) Implementation of the Yolo HCP/NCCP and Local Conservation Strategy (Conservation) - The permits will provide incidental take coverage for habitat modification, management, and monitoring activities undertaken for the purpose of implementation of the Yolo HCP/NCCP including the Local Conservation Strategy.
- 7) Existing Protected Lands - The County and cities of Yolo have successfully worked to preserve agricultural lands and natural communities for over 60 years without the benefit of an integrated regional conservation strategy. Although this land is protected, much of it is not actively managed to maintain or enhance habitat. Land preservation in Yolo has occurred primarily thorough deliberate policies that directed growth into established cities and communities and provided very strong protections for agriculture and agricultural activities outside of those areas. As a result, over 88 percent of the County's population lives within the incorporated cities, and almost 98 percent of the unincorporated area is designated for agriculture or open space. These past conservation efforts provide a starting place for the implementation of the Yolo HCP/NCCP.

## **Analysis/Conclusion**

The submittal of the USFWS permit application represents another critical milestone in the Yolo HCP/NCCP process for the JPA. The greatest benefit of a completed Yolo HCP/NCCP to Woodland is a comprehensive mitigation plan for the remaining projects in the City that provides more timely and reasonable costs for permitting along with the cultural value of retaining mitigation and conservation within the local county area.

Staff recommends the City Council approve Resolution No. \_\_\_\_\_, authorizing the City Manager to complete and submit the required habitat conservation permit application to the U.S. Fish & Wildlife Service as a permittee under the Yolo Habitat and Natural Communities Conservation Plan (Yolo HCP/NCCP) as attached hereto.

Prepared by: Ken Hiatt, Community Development Director

A handwritten signature in cursive script, appearing to read "Paul Navazio".

Paul Navazio, City Manager

**ATTACHMENTS:**

Attachment A - Resolution

Attachment B - USFWS HCP Permit Application

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE  
AND SUBMIT THE FEDERAL PERMIT APPLICATION FOR THE  
YOLO HABITAT CONSERVATION PLAN / NATURAL COMMUNITIES  
CONSERVATION PLAN**

**WHEREAS**, the City is a member of the Yolo Habitat Conservancy (Conservancy), a Joint Powers Agency consisting of the City of Winters, the City of Woodland, the City of West Sacramento, the City of Davis, and the County of Yolo.

**WHEREAS**, the Conservancy is preparing the final draft of the Yolo Habitat Conservation Plan / Natural Communities Conservation Plan (Yolo HCP/NCCP), which will result in 50-year permits under the state Endangered Species Act and federal Endangered Species Act that will streamline permitting of development, including public projects, and provide for the conservation of 12 endangered and threatened species in Yolo County.

**WHEREAS**, each member agency and the Conservancy is a Permittee and therefore will receive individual permits for use during the 50-year permit term.

**WHEREAS**, the U.S. Fish and Wildlife Service requires that each member agency and the Conservancy submit an application for the federal permit, but the California Department of Fish and Wildlife does not require member agencies and the Conservancy to submit an application for the state permit.

**NOW, THEREFORE, BE IT RESOLVED** that the Woodland City Council authorizes the City Manager to complete and submit the required habitat conservation permit application to the U.S. Fish & Wildlife Service as a permittee under the Yolo Habitat and Natural Communities Conservation Plan (Yolo HCP/NCCP) as attached hereto.

PASSED AND ADOPTED by the City Council of the City of Woodland, California, this 5<sup>th</sup> day of July, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Tom Stallard, Mayor

ATTEST:

---

Ana Gonzales, City Clerk

APPROVED AS TO FORM:

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Kara K. Ueda, City Attorney





Department of the Interior  
U.S. Fish and Wildlife Service

OMB Control No. 1018-0094  
Expires 01/31/2017

**Federal Fish and Wildlife Permit Application Form**

[click here for return addresses](#)

**Return to:** U.S. Fish and Wildlife Service (USFWS)

**Type of Activity:** Native Endangered and Threatened Species –

**Incidental Take Permits Associated with a Habitat  
Conservation Plan (HCP)**

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.  
**See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.**

| <b>A. Complete if applying as an individual</b> |  |                 |                                                      |
|-------------------------------------------------|--|-----------------|------------------------------------------------------|
| 1.a. Last name                                  |  | 1.b. First name | 1.c. Middle name or initial                          |
| 2. Date of birth (mm/dd/yyyy)                   |  | 4. Occupation   | 5. Affiliation/ Doing business as (see instructions) |
| 6.a. Telephone number                           |  | 6.c. Fax number | 6.d. E-mail address                                  |

| <b>B. Complete if applying on behalf of a business, corporation, public agency, tribe, or institution</b> |  |                                                           |                                             |
|-----------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------|---------------------------------------------|
| 1.a. Name of business, agency, tribe, or institution                                                      |  | 1.b. Doing business as (dba)                              |                                             |
| 2. Tax identification no.                                                                                 |  | 3. Description of business, agency, tribe, or institution |                                             |
| 4.a. Principal officer Last name                                                                          |  | 4.b. Principal officer First name                         | 4.c. Principal officer Middle name/ initial |
| 5. Principal officer title                                                                                |  | 6. Primary contact name                                   |                                             |
| 7.a. Business telephone number                                                                            |  | 7.c. Business fax number                                  | 7.d. Business e-mail address                |

| <b>C. All applicants complete address information</b>                                                           |            |                            |                      |              |
|-----------------------------------------------------------------------------------------------------------------|------------|----------------------------|----------------------|--------------|
| 1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)                          |            |                            |                      |              |
| 1.b. City                                                                                                       | 1.c. State | 1.d. Zip code/Postal code: | 1.e. County/Province | 1.f. Country |
| 2.a. Mailing Address (include if different than physical address; include name of contact person if applicable) |            |                            |                      |              |
| 2.b. City                                                                                                       | 2.c. State | 2.d. Zip code/Postal code: | 2.e. County/Province | 2.f. Country |

| <b>D. All applicants MUST complete</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount indicated on pages 2-3 (nonrefundable processing fee). Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – <b>attach documentation of fee exempt status as outlined in instructions.</b> (50 CFR 13.11(d))                                                                                                                 |  |
| 2. Do you currently have or have you ever had any Federal Fish and Wildlife permits?<br>Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>                                                                                                                                                                                                                                        |  |
| 3. Certification: I hereby certify that I have read and am familiar with the regulations contained in <b>Title 50, Part 13 of the Code of Federal Regulations</b> and the other <b>applicable parts in subchapter B of Chapter I of Title 50</b> , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001. |  |
| Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures)                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| Date of signature (mm/dd/yyyy)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |

**Please continue to next page**

**\*\* See page 15 for additional instructions on completing the above form. See page 16 for information on the Paperwork Reduction Act, Privacy Act, and Freedom of Information Act aspects of this application form.**

**Section E.** **ALL APPLICANTS COMPLETE SECTION E.** Provide the information outlined in Section E. on the following pages. Be as complete and descriptive as possible. Please do not send pages that are over 8.5" x 11", videotapes, or DVDs.

**INCIDENTAL TAKE PERMITS ASSOCIATED WITH A  
HABITAT CONSERVATION PLAN (HCP)**

**Have you obtained all required Federal, tribal, State, county, municipal or foreign government approval to conduct the activity you propose?** Please be aware that there may be other requirements necessary to conduct this activity such as an import permit, collection permit, permission to work on Federal or tribal lands, Federal bird banding permit, Corps of Engineers permits, Environmental Protection Agency NPDES permits, tribal, State, county or municipal permits, etc.

- ☐ Yes. Provide a copy of the approval(s). List the Federal agency, tribe, State, county, municipality or foreign countries involved and type of document required. Include a copy of these documents with the application.
  - ☐ I have applied. List the Federal agency, tribe, State, county, municipality or foreign countries involved and type of documents required. Provide the reasons why the permits have not been issued
- 

- ☐ Not required. The proposed activity is not regulated.

**Application Processing Fees**

You may update your name, address, telephone number, fax number, or e-mail address in your current application package on file at any time. These changes are considered an administrative change, and no application processing fee is required. If you wish to make an administrative change, please fill out page 1 and indicate the information that you are updating. Then check the box below, provide your permit number, and send the completed pages 1-2 to the appropriate Regional Office (see attached list).

- ☐ Administrative change for permit number: \_\_\_\_\_.

If you wish to make changes other than an administrative change, then an application processing fee is required as described below.

The application processing fee for a new Incidental Take permit, or to renew/substantively amend an existing valid permit (*with major changes*) is \$100. If permit amendment (*with minor changes*) is required at a time other than renewal, the processing fee is \$50. For additional information on the application processing fee and the requirements to qualify for a fee exemption, please see the instructions for section D. on page 15.

If the information in your current application package on file has changed in a manner that triggers a substantive amendment or a change not otherwise specified in the permit, then you must apply for a substantive amendment to your valid permit. For example, such major changes may include changes in location, activity, amount or type of take, or species to be covered by the permit. Please contact our Ecological Services Field Office located closest to your proposed activity for technical assistance in making this determination. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish and Wildlife Service's (Service) office directory web page at <http://www.fws.gov/offices/>.

Check the appropriate box below and enclose check or money order payable to the *U.S. Fish and Wildlife Service* in the amount of:

- ☐ \$100 [or ☐ fee exempt (attach justification if required)] for a **new** permit. Use Option I. below to provide the required information.

OR

- ☐ \$100 [or ☐ fee exempt (attach justification if required)] to **renew or substantively amend** my existing valid permit (*with major changes*) using my current application package on file. Use Options I. and II. below to provide the required information. Please indicate the information that you are changing.

OR

☐ \$100 [or ☐ fee exempt (attach justification if required)] to **renew/re-issue** my existing valid permit (*without changes*) using my current application package on file. Use Option III. below to provide the requested information.

OR

☐ \$50 [or ☐ fee exempt (attach justification if required)] to **amend** my existing valid permit (*with minor changes*) at a time other than permit renewal. Use Options I. and II. below to provide the required information. Please indicate the information that you are changing.

Please check the **type of amendment** you are requesting –

- ☐ add species (specify) \_\_\_\_\_
- ☐ add new activity with previously permitted species (specify) \_\_\_\_\_
- ☐ add a geographic area                      ☐ change in personnel
- ☐ other (specify) \_\_\_\_\_

If this application includes **transfer or succession** of a valid Incidental Take permit, please check the box below:

- ☐ Transfer or succession of a valid Incidental Take permit associated with a HCP using the current application package on file. No application fee is required.

### Application Processing

**To expedite a final decision on your application, you are urged to coordinate with us as soon as possible for guidance in assembling a complete application package. If you are renewing or amending a valid permit, your complete application package must be received at least 30 days prior to the expiration of the valid permit. The following estimates of application processing time begin with our acceptance of a complete permit application package and do not include any time required for requesting clarification or additional information about your application.**

The time required to process an application for an Incidental Take permit will vary depending on the size, complexity, and impacts of the HCP involved. Procedurally, the most variable factor in application processing is the level of analysis required for the proposed HCP under the National Environmental Policy Act (e.g., whether an application requires preparation of an Environmental Impact Statement, Environmental Assessment, or whether a categorical exclusion applies), although other factors such as public controversy can also affect application processing times. The target processing timeline from when we accept a complete application package to our final decision on a permit application is: up to 3 months for low-effect HCPs (with a 30-day public comment period), 4 to 6 months for HCPs with an Environmental Assessment (with a 60-day public comment period), and up to 12 months for HCPs with a 90-day comment period and/or an Environmental Impact Statement – assuming that the applicant is responsive to the Service's request for information and/or clarification, and the application adequately addresses permit issuance criteria. Although not mandated by law or regulation, these targets are adopted as U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS/NOAA Fisheries) policy and all offices are expected to streamline their Incidental Take permit programs, and to meet these targets to the maximum extent practicable.

The information provided in your permit application will be used to evaluate your application for compliance with the Endangered Species Act, its implementing regulations (which may require a 30-, 60-, or 90-day public comment period), and with U.S. Fish and Wildlife Service policy. Receipt and possession of a permit under the Endangered Species Act should be regarded as a privilege, as we must balance permit issuance with our duties to protect and recover listed species.

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal, re-issuance or amendment.

If your activities may affect species under the authority of the National Marine Fisheries Service (NMFS/NOAA Fisheries), then you may need to obtain a separate permit from that agency. In addition we share jurisdiction with NMFS/NOAA Fisheries for sea turtles (e.g., we evaluate applications for permits to conduct activities impacting sea turtles on land, and NMFS/NOAA Fisheries evaluates applications for permits to conduct activities impacting sea turtles in the marine environment). To apply for a permit to conduct activities with sea turtles in the marine environment or other species under NMFS/NOAA Fisheries jurisdiction, please contact them

via their permit web page at <http://www.nmfs.noaa.gov/pr/permits/>.

We cannot issue an Incidental Take permit under Section 10(a)(2)(A) of the Endangered Species Act unless you submit a conservation plan that specifies: (i) the impacts that are likely to result from the incidental take associated with your activity; (ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps; (iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and (iv) such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan.

Our general permit regulations at 50 CFR 13.12(a)(9) allow us to collect such other information as we determine that is relevant to the processing of a permit application. Before you submit an application for an Incidental Take permit, we may require that you conduct biological surveys to determine which species and/or habitat would be impacted by the activities sought to be covered under the permit. Biological surveys provide information necessary to develop an adequate HCP, and to assess the biological impacts of the proposed activities. In addition, the information provided in a biological survey can reduce the applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat are identified and appropriately covered under the permit.

You are required to obtain a Scientific Purposes, Enhancement of Propagation or Survival permit (commonly called a Recovery permit) from us before engaging in any biological survey activities that would take listed species. Contact our Ecological Services Field Office closest to the location of your activity to obtain technical assistance in determining the need for both a biological survey and a Recovery permit for your survey activity. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish and Wildlife Service's office directory web page at <http://www.fws.gov/offices/>.

If a biological survey is required, you will need to send us your complete Recovery permit application package and have it accepted at least 3 months prior to commencement of survey activities to facilitate processing of your Recovery permit application. The Recovery permit application is designated as U.S. Fish and Wildlife Service form # 3-200-55 and can be found on our Endangered Species permit web page at <http://www.fws.gov/forms/3-200-55.pdf>.

We maintain a list of Recovery permittees (such as biological consultants) who have authorized the release of their contact information to third parties for conducting biological surveys on a contract basis. This list is provided to the public at the discretion of each U.S. Fish and Wildlife Service Regional Office as time and workload allow. Please be aware that this list does not represent an endorsement by us of any particular permittee.

\*\*\*\*\*  
If you are not applying as an individual but as a business, corporation, tribe, institution, or non-Federal public agency (block B. on page 1 of the application), the person to whom the permit will be issued (e.g., the landowner, president, director, executive director, or executive officer) is legally responsible for implementing the permit. Although other people under the direct control of the permittee (e.g., employees, contractors, consultants) receive third party take authorization in their capacity as designees of the permittee, the individual named as the permittee ultimately is legally responsible for the permit and any activities carried out under the permit except as otherwise limited in the case of permits issued to State or local government entities under 50 CFR 13.25(e).  
\*\*\*\*\*

If you wish to coordinate the processing of this permit application through an **authorized agent**, and to have that agent represent you as the primary contact with us, check the box below. Sign (in blue ink) and date the authorization statement, and provide contact information for your authorized agent.

☐ I hereby authorize the following person to act as an authorized agent on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
signature (in blue ink)

\_\_\_\_\_  
date

\_\_\_\_\_  
please print name legibly

Your Authorized Agent's Contact Information (please print legibly)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

## **INCIDENTAL TAKE PERMIT APPLICATION INSTRUCTIONS**

**You have four options for providing the required information for an Incidental Take permit application.**

**Incidental Take Permit Application: Option I. New Incidental Take Permit & Supplementary Information for Renewal or Amendment of an Existing Valid Permit (With Changes).**

General permit regulations for the U.S. Fish and Wildlife Service can be found at 50 CFR 13. Regulations for an Incidental Take permit under the Endangered Species Act can be found at 50 CFR 17.22(b)(1) for endangered wildlife species and 50 CFR 17.32(b)(1) for threatened wildlife species.

Each landowner who wishes to be covered under a new or amended Incidental Take permit associated with an HCP must sign (in blue ink) and date the Incidental Take Permit Application Certification Notice at the end of this application, unless the landowner will be covered under this U.S. Fish and Wildlife Service Incidental Take permit via another vehicle, such as a certificate of inclusion (50 CFR 13.25(d)). Any change in the language of the Certification Notice must be reviewed by the Department of the Interior, Office of the Solicitor and approved by the U.S. Fish and Wildlife Service. The same person who signs in box D. on page 1 of the application must sign the certification.

If the information in items A. - D. below is already provided in your final HCP (or Implementing Agreement, if applicable), then you do not have to provide it here. Instead, check the box below and use the spaces provided in items A. - D. to indicate the page numbers in your HCP or Implementing Agreement that provide the requested information.

- ☐ I am not providing the following information for items A. - D. as part of my Incidental Take permit application, because it is already provided in my final HCP or Implementing Agreement (copy attached or already submitted).

If the requested information in items A. - D. is not provided in your final HCP or final Implementing Agreement, or you are using Option II. to renew or amend your existing valid Incidental Take permit, then attach separate pages for the missing information. In order to assist us in processing your request, please provide the item number (A. 1.a., etc.) of the required information before each of your responses. Thank you.

Please ensure that your final HCP and Implementing Agreement (if applicable) are attached if it has not been previously submitted.

If you have previously submitted a final draft HCP or Implementing Agreement, please indicate the document's date.

Date of final draft HCP \_\_\_\_\_

Date of final draft Implementing Agreement \_\_\_\_\_

Applications for an Incidental Take permit associated with an HCP must provide the following specific information (relevant to the activity) under items A.- D. below in addition to the general information on pages 1-5 of this application.

**A. Identify species and activity:**

1. For a new Incidental Take permit:
  - a. Provide the common and scientific names of the species requested for coverage in the permit and their status (endangered (E), threatened (T), proposed endangered (PE), proposed threatened (PT), candidate for listing (C), or species likely to become a candidate (LC)).
  - b. Provide the number, age, and sex of such species to the extent known.
  - c. Quantify the anticipated effects to their habitat.
  - d. Describe each activity associated with your project that would result in the incidental take of each species.
2. For an amended Incidental Take permit:

- a. Identify the activities and/or species to be added to your valid permit (provide both the scientific, to the most specific taxonomic level, and common names), as well as the species status (see 1.a., above).
- b. Provide the number, age and sex of such species to the extent known.
- c. If any activities requested in this application differ from those in your valid permit, then for each species state the current activity, the requested new activity, and how the new activity will impact each species.
- d. Describe each activity associated with your project that would result in the incidental take of each species.
- e. Quantify any anticipated effects to the habitat of each added species.
- f. Identify activities and/or species to be deleted from your valid permit and the reason(s) for the deletion.

Page(s) & source document: \_\_\_\_\_

**B. Identify location of the proposed activity:**

1. Provide the name of the State, county, tribal land, and the specific location of the proposed activity site(s). Include a formal legal description, section/township/range information, county tax parcel number, local address, or any other identifying property designation that will precisely place the location of the proposed activity site(s). Attach a location map and plat of the project site clearly depicting the project boundaries and the footprint and location of all portions of the property that would be affected by your proposed activities.
2. Provide the total number of acres covered by the HCP \_\_\_\_\_  
 Is this the total acreage of the parcel? (check one) ☐ yes ☐ no
3. Provide the approximate number of acres to be impacted \_\_\_\_\_
4. Provide the approximate number of acres to be protected \_\_\_\_\_
5. Provide a complete description, including timeframes, for implementation of proposed voluntary management activities to enhance, restore, or maintain habitat benefiting federally listed, proposed or candidate species, or other species likely to become candidates. Include schedules for implementing these activities.

Page(s) & source document: \_\_\_\_\_

**C. Describe the proposed activities in the conservation plan:**

You must submit a Habitat Conservation Plan. We strongly encourage you to ensure that your HCP is consistent with the Habitat Conservation Planning Handbook, subsequent Handbook addendums, and current policies in order to minimize delays in evaluating your application. The Handbook and other HCP information is available on the U.S. Fish and Wildlife Service's Endangered Species web page at <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>.

Provide a complete description of activity(ies) or reference the applicable HCP or Implementing Agreement page numbers identifying the subject information.

The HCP must specify:

1. The impact that will likely result from the incidental taking. A discussion of the impact that will likely result from the incidental take must include quantification of any anticipated effects to the habitat of the species sought to be covered by the permit.
2. The steps that will be taken to minimize and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to deal with unforeseen circumstances.
3. The steps that will be taken to monitor and report on such impacts, including a copy of the monitoring plan. We are

authorized to require reports of activities conducted under a permit per the U.S. Fish & Wildlife Service's general permit regulations at 50 CFR 13.45.

4. Alternative actions to such incidental taking that have been considered and the reasons why these alternatives are not proposed for use.
5. The biological goals(s) and objectives for the HCP.
6. The duration requested for the proposed permit.

Page(s) & source document: \_\_\_\_\_

**D. Implementing Agreement**

An Implementing Agreement

**is**                      **is not**                      (FWS *Regional Office* to circle one)

a part of the permit application for a Habitat Conservation Plan.

This Implementing Agreement must be signed at finalization of the HCP. Are you willing to commit to an Implementing Agreement at finalization of the HCP?

☐ Yes, I am willing to commit to an Implementing Agreement. Please submit any unsigned, draft Implementing Agreement that you have prepared with our Field Office.

☐ No, I am not willing to commit to an Implementing Agreement.



**Incidental Take Permit Application: Option II. Renewal or Amendment of an Existing Valid Incidental Take Permit (With Changes)**

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal or amendment.

Sign the following statement if you are proposing to renew or amend an existing valid Incidental Take permit, including making major changes. Such major changes may include changes in location, activity, amount or type of take, or species to be covered by the permit.

The individual signing box D. on page 1 of the application must also sign (in blue ink) the following statement. This certification language is required under 50 CFR 13.22(a).

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Incidental Take permit # \_\_\_\_\_ are still current and correct, except for the changes listed in Option I. above, and hereby request (please check either G renewal or G amendment) of that permit.

\_\_\_\_\_  
signature (in blue ink)

\_\_\_\_\_  
date

\_\_\_\_\_  
please print name legibly

Provide a brief description of the changes to your valid permit (answer the appropriate questions for these changes requested under Incidental Take Permit Application Option I. above). Please submit completed pages 1 - 9 of this application form (along with the changed information relative to Option I. above) to our Regional Office (see attached list) covering the location of your proposed activity.

---

**Incidental Take Permit Application: Option III. Renewal/Re-issue of an Existing Valid Incidental Take Permit (Without Changes) Using My Current Application Package On File.**

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal or re-issue.

Sign the following statement if you are applying to renew or re-issue an existing valid Incidental Take permit without changes. If you are proposing changes to your Incidental Take permit, you must use Options I. and II. above.

The individual signing box D. on page 1 of the application must also sign (in blue ink) the following statement. This certification language is required under 50 CFR 13.22(a).

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Incidental Take permit # \_\_\_\_\_ are still current and correct and hereby request (please check either ☐ renewal or ☐ re-issuance) of that permit without changes.

\_\_\_\_\_  
signature (in blue ink)

\_\_\_\_\_  
date

\_\_\_\_\_  
please print name legibly

\* Please note: If you have signed the above statement, then your renewal/re-issue request is complete. Please submit this page and completed pages 1- 5 of this application to our Regional Office (see attached list) covering the location of your proposed activity. Requests for renewals/re-issuance must be complete and accepted by the Service no later than 30 days prior to permit expiration to ensure that your current permit remains in effect while we process your request.

---

**Incidental Take Permit Application: Option IV. Permit Transfer or Succession of a Permit**

Complete the following if you are applying for transfer of an existing valid Incidental Take permit to you or obtaining rights of succession of an existing valid Incidental Take permit. In addition, you and the current permit holder may also need to sign an Assumption Agreement. Please contact our Ecological Services Field Office nearest your activity to determine whether you and the current permit holder need to execute an Assumption Agreement. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish and Wildlife Service's office directory web page at <http://www.fws.gov/offices/>.

Please indicate the name of the HCP to be transferred or succeeded, and indicate the document's date.

---

Name of HCP \_\_\_\_\_

Date of HCP \_\_\_\_\_

An Assumption Agreement

**is**                      **is not**                      (FWS Ecological Services Field Office to circle one)

required as part of the transfer or succession permit application for the HCP.

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## Incidental Take Permit Application

### Certification Notice

The same person who signs in box D. on page 1 of the application must sign (in blue ink) the following certification.

By submitting this application and receiving an Incidental Take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act, I

\_\_\_\_\_ (print name(s)) attest that I/we own the lands indicated in this application, or have sufficient authority or rights over these lands to implement the measures of the Habitat Conservation Plan (and Implementing Agreement if applicable) covered by the Incidental Take permit. Further, upon receipt of the Incidental Take permit, I/we agree to conduct the activities as specified in the Habitat Conservation Plan (and Implementing Agreement if applicable) according to the terms and conditions of the Incidental Take permit and its supporting documents.

\_\_\_\_\_  
signature (in blue ink)

\_\_\_\_\_  
date

\_\_\_\_\_  
please print name legibly

\_\_\_\_\_  
signature (in blue ink)

\_\_\_\_\_  
date

\_\_\_\_\_  
please print name legibly

## **USFWS Regional Contacts for Native Endangered & Threatened Species Permits**

### **Pacific Region (Region 1): HI, ID, OR, WA, American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the Pacific Trust Territories**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
911 NE 11th Avenue  
Portland, Oregon 97232-4181

Web: <http://www.fws.gov/pacific/ecoservices/endangered/index.html>  
Phone: (503) 231-6131  
email: [permitsR1ES@fws.gov](mailto:permitsR1ES@fws.gov)  
Fax: (503) 231-6243

### **Southwest Region (Region 2): AZ, NM, OK, and TX**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
500 Gold Avenue S.W. (street address)  
P.O. Box 1306 (mailing address)  
Albuquerque, New Mexico 87103-1306

Web: [http://www.fws.gov/southwest/es/EndangeredSpecies\\_Main.html](http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html)  
Phone: (505) 248-6649  
email: [permitsR2ES@fws.gov](mailto:permitsR2ES@fws.gov)  
Fax: (505) 248-6788

### **Midwest Region (Region 3): IA, IL, IN, MI, MN, MO, OH, and WI**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
5600 American Blvd., Suite 990  
Bloomington, MN 5537-1458

Web: <http://www.fws.gov/midwest/Endangered/>  
Phone: (612) 713-5343  
email: [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov)  
Fax: (612) 713-5292

### **Southeast Region (Region 4): AL, AR, FL, GA, KY, LA, MS, NC, PR, SC, TN, and U.S. Virgin Islands**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
1875 Century Blvd., Suite 200  
Atlanta, Georgia 30345

Web: <http://www.fws.gov/southeast/es/>  
Phone: (404) 679-7313 (HCP coordinator) or (404) 679-7140 (R4 Endangered Species main office)  
email: [permitsR4ES@fws.gov](mailto:permitsR4ES@fws.gov)  
Fax: (404) 679-7081

**Northeast Region (Region 5): CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and WV**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
300 Westgate Center Drive  
Hadley, MA 01035-9589

Web: <http://www.fws.gov/northeast/endangered/>  
Phone: (413) 253-8628  
email: [permitsR5ES@fws.gov](mailto:permitsR5ES@fws.gov)  
Fax: (413) 253-8482

**Mountain-Prairie Region (Region 6): CO, KS, MT, NE, ND, SD, UT, and WY**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
Denver Federal Center  
P.O. Box 25486  
Denver, Colorado 80225-0489

Web: <http://www.fws.gov/mountain-prairie/endspp/>  
Phone: (303) 236-4256  
email: [permitsR6ES@fws.gov](mailto:permitsR6ES@fws.gov)  
Fax: (303) 236-0027

**Alaska Region (Region 7): AK**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
1011 E. Tudor Road  
Anchorage, Alaska 99503-6199

Web: <http://alaska.fws.gov/fisheries/endangered/index.htm>  
Phone: (907) 786-3323  
email: [permitsR7ES@fws.gov](mailto:permitsR7ES@fws.gov)  
Fax: (907) 786-3350

**Pacific Southwest Region (Region 8): CA and NV**

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
2800 Cottage Way, Suite W-2606  
Sacramento, California 95825

Web: <http://www.fws.gov/cno/es/>  
Phone: (916) 414-6464  
email: [permitsR8ES@fws.gov](mailto:permitsR8ES@fws.gov)  
Fax: (916) 414-6486

## APPLICATION FORM INSTRUCTIONS

The following instructions pertain to U.S. Fish and Wildlife Service (USFWS) permit applications. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

### GENERAL INSTRUCTIONS:

- Complete all relevant questions in Sections A or B, C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application in [blue](#) ink. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or, if applicable, on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed; however, some applications may take longer than 90 days to process (50 CFR 13.11).**
- Applications are processed in the order in which they are received.

### SECTION A OR SECTION B:

Section A. **Complete if applying as an individual [do not complete this section if applying for Import/Export License (3-200-3)]:**

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. **Fax and e-mail, while helpful in processing, are not required.**
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation/Doing business as (dba):** business, agency, organizational, tribe, or institutional affiliation directly related to the activity requested in the application (e.g., a taxidermist is an individual whose business can directly relate to the requested activity). The Division of Management Authority (DMA) and the Office of Law Enforcement (OLE) do not accept doing business as affiliations for individuals (complete Section B).

Section B. **Complete if applying as a business, corporation, public agency, tribe, or institution:**

- Enter the complete name of the business, agency, tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business. If you are applying on behalf of a client, a document evidencing power of attorney must be included with the application.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, tribe, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

### ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the DMA and OLE, a physical U.S. address is required. Province and Country blocks are provided for those USFWS programs that use foreign addresses and are not required by DMA.
- **Mailing address** is the address to which communications from USFWS should be mailed if different from the applicant's physical address.

### ALL APPLICANTS COMPLETE SECTION D:

#### Section D.1 Application processing fee:

- An application processing fee is required at the time of application, unless exempted under 50 CFR13. The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit, nor will fees be refunded for applications for which processing has begun.**
- **Documentation of fee exempt status is not required for applications submitted Federal, tribal, State, or local government agencies, but must be supplied by those applicants acting on behalf of such agencies.** Such applications must include a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

#### Section D.2 Federal Fish and Wildlife permits:

- List the number(s) of your most recently issued USFWS permit. If applying for re-issuance of a Conference on International Trade in Endangered Species (CITES) permit, the original permit must be returned with this application.

#### Section D.3 CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application [in blue ink](#).** This signature legally binds the applicant to the statement of certification. You are certifying that you have read and understand the regulations that apply to the permit. You are also certifying that all information included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

**Please continue to next page**

**APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT**  
**Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices**

**In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:**

1. The gathering of information on fish and wildlife is authorized by:  
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>.)
  - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
  - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50CFR 17;
  - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
  - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et. seq.*), 50 CFR 18;
  - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
  - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
  - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
  - h. General Provisions, 50 CFR 10;
  - i. General Permit Procedures, 50 CFR 13; and
  - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
  - a. Routine disclosure to subject matter experts, and Federal, tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
  - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
  - c. Routine disclosure to Federal, tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
  - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
  - e. Routine disclosure to Federal, tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
  - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
  - g. Routine disclosure to the appropriate Federal, tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
  - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
  - i. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
  - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an **Incidental Take** permit application is **3 hours**. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 2042-PDM, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

**Freedom of Information Act – Notice**

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.23 and 43 CFR 2.24]





## Legislation Text

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File #: 16-611, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: Reappointment and Appointment of Board and Commission Members

**Recommendation for Action:** Staff recommends that the City Council consider the reappointment and appointment of members to the various Boards and Commissions.

### **Staff Contact**

Ana B. Gonzalez, City Clerk - 530-661-5806, [ana.gonzalez@cityofwoodland.org](mailto:ana.gonzalez@cityofwoodland.org)

### **Background**

The City has established a number of Boards and Commissions that serve significant advisory roles in the development of policy as well as implementation of programs, services and city operations. Community members are appointed to serve on the various boards and commissions by the City Council for specified terms. Roughly half of these bodies have members that serve staggered terms, based on a fiscal year schedule while the others serve staggered terms based on a calendar year schedule.

This agenda item seeks Council concurrence on the appointment to boards and commissions for individuals whose terms expired on June 30, 2016 as well as the appointment of a commission seat that became vacant as a result of a resignation.

### **Discussion**

#### *Appointments Due to Expired Terms and Vacancy*

The following members have terms that ended on June 30, 2016. Each member was contacted and they are interested in serving another term on their respective Board/Commission. Council is asked to consider the reappointment of the following members:

| <b><u>Member</u></b> | <b><u>Board/Commission</u></b> | <b><u>Term Ending</u></b> |
|----------------------|--------------------------------|---------------------------|
| Gloria Rodriguez     | Library Board                  | June 30, 2019             |
| Karen Shepard        | Library Board                  | June 30, 2019             |
| Marco Lizarraga      | Planning Commission            | June 30, 2020             |
| Kirby Wells          | Planning Commission            | June 30, 2020             |

The Manufactured Home Fair Practices Commission (MHFPC) has a vacancy that was created when Gary

Sandy resigned. The city code indicates that the Mayor will appoint one regular member and two alternate members to the MHFPC. Staff is recommending the following appointment:

| <u>Member</u> | <u>Board/Commission</u> | <u>Term Ending</u> |
|---------------|-------------------------|--------------------|
| Dick Cronin   | MHFPC (Alternate)       | Dec. 31, 2017      |

#### *Eligibility to Serve on Boards or Commissions*

The City's Municipal Code establishes various eligibility requirements to serve as a member of a City board or commission, primarily related to residency, conflict of interest, and attendance. Every appointed board member or commissioner serves at the pleasure of the City Council.

It has come to staff's attention that individual members of several commissions, over the course of their current 3-year or 4-year terms may not have satisfied the requirement for continued eligibility due to missed meetings. As a result we are establishing a more formal process for tracking attendance so as to more consistently and uniformly enforce this requirement for continued eligibility.

Staff is seeking Council's concurrence to effectively re-appoint those commissioners who may have failed to meet the attendance requirement for continued eligibility. In the future, it is recommended that concurrent with our semi-annual process for appointment of commissioners consistent with expiration of terms, the Council also consider appointment of individuals to positions that become vacant due to resignation or loss of eligibility.

It may also be appropriate to revisit and clarify the Municipal Code provision related to the definition of "unexcused" absences so as to provide clear direction to commissioners and staff on this point. The City's Municipal Code states the following related to attendance:

#### **Sec. 2-1-37. General qualifications for appointment and service.**

- (4) No appointee shall be absent for four unexcused absences from regular board, commission or committee meetings during any one continuous twelve-month period without automatically forfeiting his appointment to such board, commission or committee. "Unexcused absence" shall mean an absence which was not a subject of a request by the appointee which, prior to such absence, has been approved by majority vote of such board, commission or committee.

#### **Conclusion**

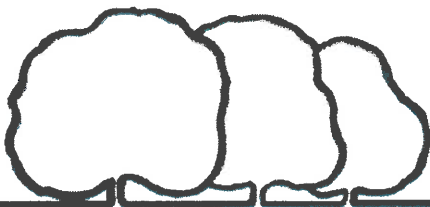
Staff recommends that the City Council consider the reappointment and appointment of members to the various Boards and Commissions.

Prepared by: Ana B. Gonzalez  
City Clerk

A handwritten signature in cursive script, appearing to read "Paul Navazio".

Paul Navazio, City Manager

Attachment: Application



# City of Woodland

City Clerk

300 First Street

Woodland, California 95695

FAX

(530) 661-5806

(530) 661-5813

## FOR BOARD AND COMMISSION APPLICANTS AND APPOINTEES

### PUBLIC CONTACT FORM (please print)

Name: Dick Cronin Address: \_\_\_\_\_

Home/Contact Telephone Number: \_\_\_\_\_

Work Telephone Number: \_\_\_\_\_

E-Mail Addresses \_\_\_\_\_

Should a member of the public desire to contact you concerning your representation on a Board or Commission, the City Clerk may release the following information (please check those that apply):

☐ Home Address

☐ Home Phone Number

☐ E-Mail Address

☐ Work Phone Number

☐ Work Address

☒ Please do not release any of this information

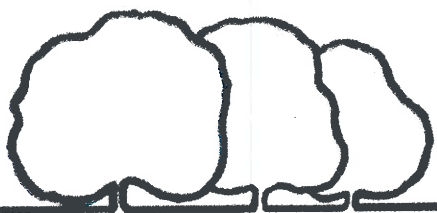
## FOR STAFF USE ONLY

Board, Commission or Committee Application for: \_\_\_\_\_

Date Council Member Interview Scheduled for: \_\_\_\_\_

Council Members Conducting the Interview: \_\_\_\_\_ / \_\_\_\_\_

If Appointed, Date of Council Action: \_\_\_\_\_



# City of Woodland

City Clerk

300 First Street

Woodland, California 95695

FAX

(530) 661-5806

(530) 661-5813

## CITY BOARDS AND COMMISSIONS APPLICATION

Name of applicant:

Dick Cronin

My first choice is for appointment to the \_\_\_\_\_  
Board or Commission.

If I am not selected for my first choice, I am interested in serving on the following Boards and Commissions (Note: one may serve on only one Board, Commission or Committee at any one time):

☐ Board of Building Appeals

☐ Parks and Recreation Commission

☐ Commission on Aging

☐ Personnel Board

☐ Historical Preservation Commission

☐ Planning Commission

☐ Library Board of Trustees

☐ Traffic Safety Commission

☒ Manufactured Homes Fair Practices Commission

**Please Note:** Members of the Historical Preservation Commission, Library Board, Manufactured Homes Fair Practices Commission and Planning Commission are required to annually file Statements of Economic Interest forms disclosing such information as: -- investments, interests in real property, income, loans, etc.  
-- mailing address and telephone number

This information is a public record and these statements are available to the public upon request.

All Board and Commission Members are required by State Law to take a two hour ethics training course every two years. You will be notified of the next scheduled test.

The Interview Team will make recommendations for appointment to various Boards and Commissions. If there is no current vacancy, you will be placed on a waiting list.

I have business connections and/or investments that may result in possible conflict of interest. Don't wish to provide info ☐ Yes ☐ No

I reside within the City limits of the City of Woodland.

☒ Yes ☐ No

Are you currently serving on a City Board or Commission? \_\_\_\_\_ Yes X No

If yes, please state which \_\_\_\_\_

Employment experience: Founding member/STAFF Summer House Inc,  
General Contracting/owner Monterey Crown Construction,  
Woodland Door and Mill works, CM Concrete

Organization and community activity experience: Summer House, Yolo WAFAR  
Woodland tree foundation, Woodland Presbyterian Church

Other experience you have had which would help Council with a decision as to your qualifications to serve: \_\_\_\_\_

Educational background and other training: \_\_\_\_\_

Why are you interested in serving on a City Board or Commission? \_\_\_\_\_

was asked to serve

Please provide information on two personal or professional references:

Name

Address

Phone No.

TOM STALLARD

KEN HIGTT

Robert P. Cooin

Signature of Applicant

6/30/16

Date

Please return application to:

Office of the City Clerk  
City Hall  
300 First Street  
Woodland, CA 95695

Note: Staff will contact you to schedule an interview with the City Council as scheduling permits.

## Legislation Text

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File #: 16-613, Version: 1

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TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 5, 2016

SUBJECT: City Council Vacancy - Selection of Mayor Pro Tempore and Other Council Assignments

**Recommendation for Action:** Staff recommends that the City Council select a Mayor Pro Tempore and assign Council Members to various committees in light of Council Member Bill Marble's recent resignation.

**Staff Contact**Ana B. Gonzalez, City Clerk - (530) 661-5806, [ana.gonzalez@cityofwoodland.org](mailto:ana.gonzalez@cityofwoodland.org)**Fiscal Impact**

No fiscal impact associated with this staff recommendation.

**Background**

Dr. Bill Marble officially resigned from the City Council, effective July 4, 2016. At the time of his resignation, Dr. Marble served as Mayor Pro Tempore and represented the City on a number of committees such as the Yolo County Transportation District (YCTD), Water Resources Association of Yolo County (WRA), Woodland/Davis Clean Water Agency (JPA). In addition, Dr. Marble was a member of several Council sub-committees, including the Chamber of Commerce 2x2, Library 2x2, League of CA Cities - voting delegate, Public Safety and the Flood/Water Sub-committees.

**Discussion**

The Council has already initiated a process to appoint a community member to the Council seat vacated by Dr. Marble. At this time, it is recommended that the Council consider filling the Council committee assignments vacated by the resignation by elevating existing "alternates" to "primary" appointments and select from among current Council Members to fill positions where no current alternate exists.

While the Council could choose to wait until a fifth Council Member is appointed to the vacant City Council seat, staff notes that all Council assignments are scheduled to be revisited following the November election, concurrent with the seating of the new City Council.

### *Mayor Pro Tempore*

It is recommended that the City Council consider appointing a new Mayor Pro Tempore from among its current members. Per the City Code, **Article II. Mayor and Mayor Pro Tempore. Section. 2-2-3. Mayor pro tempore:** "...The mayor pro tempore shall perform the duties of the mayor during the mayor's absence or disability..." and under the current procedures, would assume the role of the Mayor following the November 2016 election.

### *Boards, Committees and Sub-Committees*

Staff is also recommending that the Council consider filling the assignments which have been vacated with the resignation of Dr. Marble. Please see the attached current City Council appointments that were adopted by Council on July 15, 2014.

|               | <u>Primary</u>     | <u>Alternate</u> | <u>New Primary</u> | <u>New Alternate</u> |
|---------------|--------------------|------------------|--------------------|----------------------|
| YCTD          | Marble             | Denny            | <u>Denny</u>       | _____                |
| WRA           | Marble             | Hilliard         | <u>Hilliard</u>    | _____                |
| JPA           | Marble, Hilliard   | Stallard         | <u>Stallard</u>    | _____                |
| Chamber 2x2   | Stallard, Hilliard | Marble           |                    | _____                |
| Library 2x2   | Marble, Barajas    |                  | _____              |                      |
| Public Safety | Marble, Hilliard   |                  | _____              |                      |
| Flood/Water   | Marble, Hilliard   |                  | _____              |                      |

### Conclusion

Staff recommends that the City Council consider assignments to fill the roles previously assigned to Dr. Bill Marble.

Prepared by: Ana B. Gonzalez, City Clerk, Title



Paul Navazio, City Manager



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File #: 16-613, Version: 1

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Attachment: 2014-2016 Council Assignments

**CITY OF WOODLAND  
CITY COUNCIL APPOINTMENTS - 2014-2016**

*Adopted by Council July 15, 2014*

| <b>INTER-JURISDICTIONAL BODIES</b>                        | <b>MAYOR<br/>STALLARD</b> | <b>MAYOR<br/>PRO TEM<br/>MARBLE</b> | <b>COUNCIL<br/>MEMBER<br/>HILLIARD</b> | <b>COUNCIL<br/>MEMBER<br/>DENNY</b> | <b>COUNCIL<br/>MEMBER<br/>BARAJAS</b> | <b>MEETING<br/>DATES</b>           | <b>MEETING<br/>TIME</b> |
|-----------------------------------------------------------|---------------------------|-------------------------------------|----------------------------------------|-------------------------------------|---------------------------------------|------------------------------------|-------------------------|
| LOCAL AGENCY FORMATION COMMISSION (LAFCO) <sup>(1)</sup>  |                           |                                     |                                        |                                     |                                       |                                    |                         |
| SACRAMENTO AREA COUNCIL OF GOVERNMENTS (SACOG)            | P                         |                                     |                                        | A                                   |                                       | 3 <sup>rd</sup> Thursday           | 9:00 a.m.               |
| YOLO COUNTY TRANSPORTATION DISTRICT (YCTD)                |                           | P                                   |                                        | A                                   |                                       | 2 <sup>nd</sup> Monday             | 7:00 p.m.               |
| YOLO COUNTY HOUSING AUTHORITY <sup>(2)</sup>              | P                         |                                     |                                        |                                     |                                       | 3rd / 4th Thursday                 | 2:00pm                  |
| YOLO SOLANO AIR QUALITY MANAGEMENT DISTRICT (YSAQMD)      |                           |                                     |                                        | P                                   | A                                     | 2 <sup>nd</sup> Wednesday          | 9:00 a.m.               |
| WATER RESOURCES ASSOCIATION OF YOLO COUNTY (WRA)          |                           | P                                   | A                                      |                                     |                                       | 5 x per yr and as needed on Monday | 3:00 PM                 |
| WOODLAND/DAVIS CLEAN WATER AGENCY (JPA)                   | A                         | P                                   | P                                      |                                     |                                       | 3rd Thursday                       | 3:00 p.m.               |
| SAC / YOLO VECTOR CONTROL AND MOSQUITO ABATEMENT DISTRICT |                           |                                     |                                        | P                                   |                                       | 3rd Tuesday                        | 10:00am                 |
| YOLO COUNTY NATURAL COMMUNITIES CONSERVATION PLAN (JPA)   |                           |                                     |                                        | P                                   | A                                     | 3rd Monday                         | 5:30 PM                 |

| <b>LIAISON APPOINTMENTS</b>                                  | <b>MAYOR<br/>STALLARD</b>                                                                         | <b>MAYOR<br/>PRO TEM<br/>MARBLE</b> | <b>COUNCIL<br/>MEMBER<br/>HILLIARD</b> | <b>COUNCIL<br/>MEMBER<br/>DENNY</b> | <b>COUNCIL<br/>MEMBER<br/>BARAJAS</b> | <b>MEETING<br/>DATES</b>             | <b>MEETING<br/>TIME</b> |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------|-------------------------------------|---------------------------------------|--------------------------------------|-------------------------|
| YOLO COUNTY 2X2                                              | P                                                                                                 |                                     |                                        |                                     | P                                     | 4th Thursday                         | 4:00 p.m.               |
| WJUSD/WOODLAND COMM COLLEGE 3X2X2                            | P                                                                                                 |                                     |                                        |                                     | P                                     | 2nd Wednesday                        | 8:00 a.m.               |
| CHAMBER OF COMMERCE 2X2                                      | P                                                                                                 | A                                   | P                                      |                                     |                                       | 1 <sup>st</sup> Tuesday              | 8:30 AM                 |
| YCVB 2x2 <sup>(3)</sup>                                      | One representative from each of Economic Development and Downtown Sub-Committees (per Reso. 6190) |                                     |                                        |                                     |                                       | On-call                              |                         |
| LIBRARY 2X2 <sup>(4)</sup>                                   |                                                                                                   | P                                   |                                        |                                     | P                                     | On-call                              |                         |
| YGRIP (Youth Gang Reduction and Intervention) <sup>(5)</sup> |                                                                                                   |                                     |                                        |                                     | P                                     | On-call                              |                         |
| LEAGUE OF CALIFORNIA CITIES - VOTING DELEGATE                |                                                                                                   | (Board Member)                      | P                                      |                                     | A                                     | League of Cities / Annual Conference |                         |

**CITY OF WOODLAND**  
**CITY COUNCIL APPOINTMENTS - 2014-2016**  
*Adopted by Council July 15, 2014*

| <b><u>STANDING COMMITTEES</u></b>                     | <b>MAYOR<br/>STALLARD</b> | <b>MAYOR<br/>PRO TEM<br/>MARBLE</b> | <b>COUNCIL<br/>MEMBER<br/>HILLIARD</b> | <b>COUNCIL<br/>MEMBER<br/>DENNY</b> | <b>COUNCIL<br/>MEMBER<br/>BARAJAS</b> | <b>MEETING<br/>DATES</b> | <b>MEETING<br/>TIME</b> |
|-------------------------------------------------------|---------------------------|-------------------------------------|----------------------------------------|-------------------------------------|---------------------------------------|--------------------------|-------------------------|
| <b>ECONOMIC DEVELOPMENT<br/>SUB-COMMITTEE</b>         | P                         |                                     | P                                      | A                                   |                                       | On-call                  |                         |
| <b>DOWNTOWN REVITALIZATION<br/>SUB-COMMITTEE</b>      |                           |                                     | P                                      | P                                   |                                       | On-call                  |                         |
| <b>SUSTAINABILITY COMMITTEE</b>                       | P                         |                                     |                                        |                                     | P                                     | On-call                  |                         |
| <b>INFRASTRUCTURE<br/>SUB-COMMITTEE</b>               | P                         |                                     |                                        | P                                   |                                       | On-call                  |                         |
| <b>PUBLIC SAFETY<br/>SUB-COMMITTEE <sup>(6)</sup></b> |                           | P                                   | P                                      |                                     |                                       | On-call                  |                         |
| <b>FLOOD/WATER COMMITTEE</b>                          |                           | P                                   | P                                      |                                     |                                       | On-call                  |                         |
| <b>RAIL RELOCATION COMMITTEE</b>                      | P                         |                                     |                                        | P                                   |                                       | On-call                  |                         |

NOTES: 1) LAFCO - City board seats rotate ; Woodland is off-cycle for 2014-2016  
2) Housing Authority - Mayor serves as ex-officio member of Board of Commissioners  
3) YCVB - Membership consists of one member from each ED and DWNTN Sub-Committees  
4) Library 2x2 - Re-establishing 2x2 for 2014-2016  
5) YGRIP - Appointment as Council liaison to YGRIP Steering Committee  
6) Public Safety- New City Council Sub-committee proposed for 2014-2016