



City of Woodland

Meeting Agenda

City Council

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

April 7, 2020
6:00 PM

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING 6:00 PM

PLEASE NOTE: The April 7, 2020 Woodland City Council will be conducted pursuant to the Governor's Executive Order N-29-20.

1. The meeting will be held via teleconference and Council members will participate via teleconference. Those locations are not listed on the agenda and are not accessible to the public.
2. The public is encouraged to listen to the City Council meeting live on Woodland TV Channel 20 and also by going to the City of Woodland web site at www.cityofwoodland.org/meetings.
3. If you wish to make a comment during general public comment or on a specific agenda item, there are two ways to do that. You may leave a voice mail message at (530) 661-5900. All voice mail messages received by 6:00 p.m. will be played during the City Council meeting and read into the record at the appropriate time. Any member of the public watching the live stream who wishes to make a comment on an item as it is being heard may submit an email to the City Clerk at CouncilMeetings@cityofwoodland.org prior to Public Comment on that item. Email comments submitted to be read into the record shall be no more than three (3) minutes when read aloud. Please include the agenda item in the subject line.

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.

1. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

F. MINUTES

2. SUBJECT: City Council Meeting Minutes of March 3, March 17, March 24 and March 31, 2020

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority meeting of March 3, 2020 and March 17, 2020 and the Special City Council Meeting Minutes of March 17, March 24, 2020 and March 31, 2020.

G. CONSENT CALENDAR

3. SUBJECT: Proclaim April as Child Abuse Prevention Month

RECOMMENDATION FOR ACTION: Staff recommends that the City Council recognize April 2020 as Child Abuse Prevention Month.

4. SUBJECT: Second Reading of Interim Zoning Ordinance 2020 and Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance

RECOMMENDATION FOR ACTION: Staff recommends that the City Council conduct second reading and adopt Ordinance No. _____, approving the proposed adoption of the Interim Zoning Ordinance 2020 and amending Section 17.92.020 Table 3 of the Zoning Ordinance.

5. SUBJECT: Second Reading of Ordinance amending Section 15.16 of Chapter 15 of the Municipal Code relating to Affordable Housing

RECOMMENDATION FOR ACTION: Staff recommends that the City Council conduct second reading and adopt Ordinance No. _____, amending Section 15.16 of Chapter 15 of the Municipal Code relating to Affordable Housing.

6. SUBJECT: Approve Plans & Specifications, and Authorize Bid Advertisement for WPCF Pond #11 Biosolids Drying and Removal Project, CIP #20-13

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, to: 1) create a new capital project, WPCF Pond #11 Biosolids Drying and Removal Project, CIP 20-13; and 2) approve the plans & specifications and authorize bid advertisement.

7. SUBJECT: Water Pipeline License Agreement with Sierra Northern Railway for the North Regional Pond & Pump Station Project, CIP 17-21

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute the Water Pipeline License Agreement (Agreement) with Sierra Northern Railway (SNRR).

8. SUBJECT: Lower Cache Creek Flood Feasibility Study, CIP 09-15; Approve Contract Amendment #12 with Wood Rodgers for Consulting Services.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to execute Amendment #12 to the consultant services agreement with Wood Rodgers for the Lower Cache Creek Feasibility Study for an additional amount up to \$50,000.

9. SUBJECT: Amend the FY 20/21 Capital Budget to appropriate funds to the 2020 Road Rehabilitation Project, CIP 19-05

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, amending the FY 20/21 Capital Budget to appropriate Road Maintenance and Rehabilitation Account funds to the 2020 Road Rehabilitation Project, CIP 19-05.

10. SUBJECT: Authorize a \$17,058 increase to the Vehicle Replacement Budget (Fund 012) Towards the Purchase of a New Ford F350 Service Truck for the Spring Lake Lighting and Landscaping District

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the purchase of a new Ford F350 Service Truck and required equipment for a total purchasing price of \$67,058; and award the vehicle purchase to Team Ford of Woodland for being the lowest bidder; and authorize an additional appropriation of \$17,058 from the Spring Lake Lighting and Landscape Fund (389) as a transfer to the Vehicle Replacement Fund to assist with the funding gap; and authorize an additional appropriation of \$17,058 from the Vehicle Replacement Reserve Fund (012) to allow for the full purchase of the vehicle.

11. SUBJECT: Approve Consultant Agreement for Construction Inspection for the 2020 Sewer & Water Repair & Replacement Project, CIP #20-07

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, to approve a consultant agreement for construction inspection services with UNICO Engineering in an amount up to \$182,000, authorize a contingency of up to 10% (\$18,200), and authorize the City Manager to execute the agreement.

12. SUBJECT: Designate Agents for Submission of Disaster Related Reimbursement Claims

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, Designation of Applicant's Agent Resolution for Non-State Agencies, and designate the City Manager and Finance Officer as the City's Authorized Agents.

13. SUBJECT: Construction Contract for Community Center HVAC Project, CIP 19-21

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, to award the construction contract in the amount of \$111,200 to Hometown Construction, Inc. ("Hometown") and authorize the City Manager to execute the construction contract for the Community Center HVAC Project, CIP 19-21 ("Project").

H. REPORTS OF THE CITY MANAGER

14. SUBJECT: Update on COVID-19 Response and Preparedness

RECOMMENDATION FOR ACTION: Receive an update and discuss next steps.

I. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority Meeting of the City of Woodland scheduled for Tuesday, April 7, 2020 was posted on Friday, April 3, 2020 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.


Ana B. Gonzalez
City Clerk

Upon request, agendas and documents in the agenda packet will be made available in appropriate alternative formats to persons with a disability, as required by law. Any such requests 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.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: E.1
SUBJECT:

A handwritten signature in black ink, appearing to read "Ken Hiatt", is written over the printed name.

Ken Hiatt
Assistant City Manager / Comm. & Econ. Development Director

Attachments:

1. Council Long Range Calendar

UPDATED COUNCIL LONG RANGE CALENDAR

APRIL 14 TH	TELECONFERENCE	SPECIAL MEETING
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Update on COVID-19
 Amendment to Urgency Ordinance - COVID-19 Temporary Moratorium on Commercial Evictions
 Yolo COVID-19 Relief Fund

APRIL 21 ST	TELECONFERENCE	REGULAR MEETING
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Update on COVID-19
 Big Day of Giving Proclamation
 Earth Day Proclamation
 EV Charging Station MOU – Electrify Yolo Project
 Master MOU with Homeless Partners
 Spring Budget Workshop
 Measure J – Nov 2020 ballot measure

Public Hearing
 E. Main Street Mini-Storage Conditional Use Permit

APRIL 28 TH	TELECONFERENCE	SPECIAL MEETING
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Update on COVID-19

MAY 5 TH	REGULAR MEETING
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Update on COVID-19
 IT Presentation
 City Council Meeting Minutes of May 5, 2020 and May 19, 2020
 Presentation: FY2020/21 Proposed Budget
 Apprenticeship / Workforce Development Programs
 Approve Interim Shelter Bid Package

MAY 19 TH	REGULAR MEETING
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Woodland Research & Tech Park – Specific Plan
 Traffic Calming Update – Pilot Projects

Future Topics / Study Sessions:

June Adoption FY2020/21 Budget Draft Ballot Language – Meas. J Renewal Board and Commission Appointments June 2, 2020	July Presentation: City/Chamber Youth Works Program
August Council Recess 7/22 – 8/17	TBD Comprehensive Zoning Update (Fall) Flood Project Certification of Final EIR (Fall) Gang Task Force MOU



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: F.2
SUBJECT: City Council Meeting Minutes of March 3, March 17, March 24 and March 31, 2020

Recommendation for Action: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority meeting of March 3, 2020 and March 17, 2020 and the Special City Council Meeting Minutes of March 17, March 24, 2020 and March 31, 2020.

Staff Contact:

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

A handwritten signature in black ink, appearing to read "Ken Hiatt".

Ken Hiatt
Interim City Manager

Attachments:

1. 03_03_2020 DRAFT CC Mins
2. 03_17_2020 DRAFT CC Mins
3. 03_24_2020 DRAFT CC Mins
4. 03_31_2020 DRAFT CC Mins

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Regular Meeting Minutes

Tuesday, March 3, 2020

6:00 PM

City Council

**CITY COUNCIL
CLOSED SESSION
6:00 PM**

A. CALL TO ORDER

B. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code §54957.6)
Agency Designated Representative: City Manager and Assistant City Manager
Employee Organization: Woodland Police Mid-Management Unit

**JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING
6:00 PM**

C. CALL TO ORDER

Meeting called to order at 06:07 PM

D. ROLL CALL

Council Members Present: Barajas, Fernandez and Lansburgh
Absent: Rodriguez and Stallard

E. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Stephen Coyle, Deputy Community Development Director.

F. 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.

**Vicente Escobedo, Monica Aceves Robles, Sammantha Dominguez and Alma Lopez spoke regarding Healing and Prevention Task Force.
Manuel Candela spoke regarding the lack of lighting at the bus stop on Pioneer in front of Sutter Healthcare.**

G. 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.

Verbal updates provided by Council Members/Staff.

2. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

H. MINUTES

3. SUBJECT: City Council Meeting Minutes of February 4, 2020 and February 18, 2020

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority meeting of February 4, 2020 and February 18, 2020.

Adopted the minutes of the Joint Regular City Council/Woodland Finance Authority meeting of February 4, 2020 and February 18, 2020.

4. SUBJECT: Parks & Recreation Commission Meeting Minutes for January 27, 2020

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the January 27, 2020 Parks & Recreation Commission Meeting Minutes.

Received the January 27, 2020 Parks & Recreation Commission Meeting Minutes.

I. CONSENT CALENDAR

5. SUBJECT: Approve Consultant Amendment for Construction Management and Inspection Services for Improvements Associated with the Country Oaks Subdivision

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, to approve consultant services amendment #1 for construction management and inspection with Associated Engineering Consultants, Inc. in the amount of \$17,188.00 for the Country Oaks Subdivision Improvements and authorize the City Manager to execute the agreement.

Adopted Resolution No. 7416, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO APPROVE AN AMENDMENT WITH ASSOCIATED ENGINEERING CONSULTANTS, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE COUNTRY OAKS PROJECT.

6. SUBJECT: Authorize a \$99,113 Increase to the Vehicle Replacement Budget (Fund 012) Towards the Purchase of a Replacement Command Vehicle for the Fire Department

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) the purchase of a replacement Command Vehicle and required equipment for the Fire Department for a total purchasing price of \$157,435; and 2) Award the vehicle purchase to Hoblit Dodge based on the City's 5% Local Bidder's Preference Policy; and 3) an additional budget appropriation of \$99,113 from the Vehicle Replacement Reserve Fund (Fund 12) to cover the funding gap between the total cost of the vehicle and related equipment and the vehicle's replacement reserve balance

Adopted Resolution No. 7417, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE PURCHASE OF A REPLACEMENT COMMAND VEHICLE AND REQUIRED EQUIPMENT, AWARDED VEHICLE PURCHASE TO HOBLIT DODGE, AND AUTHORIZING AN ADDITIONAL \$99,113 BUDGET APPROPRIATION FROM THE VEHICLE REPLACEMENT RESERVE FUND.

On a motion by Council Member Barajas, seconded by Council Member Fernandez and carried on a 3-0 vote, Council Members approved Consent Calendar Items No. 5 and 6.

AYES: Barajas, Fernandez and Lansburgh

NOES: None

ABSTAIN: None

ABSENT: Rodriguez and Stallard

J. PUBLIC HEARINGS

7. SUBJECT: PUBLIC HEARING - OPEN AND CONTINUE - Epic Pros Enterprises, Inc. Commercial Cannabis Distribution Facility. A Proposed Conditional Use Permit to allow a Commercial Cannabis Distribution Facility at 1250 Harter Avenue, Suite C: PLNG19-00063

THIS ITEM WILL BE OPENED AND CONTINUED TO THE MARCH 17, 2020 COUNCIL MEETING.

PUBLIC HEARING - OPENED AND CONTINUED - Epic Pros Enterprises, Inc. Commercial Cannabis Distribution Facility. A Proposed Conditional Use Permit to allow a Commercial Cannabis Distribution Facility at 1250 Harter Avenue, Suite C: PLNG19-00063 THIS ITEM WAS OPENED AND CONTINUED TO THE MARCH 17, 2020 COUNCIL MEETING.

K. REPORTS OF THE CITY MANAGER

8. SUBJECT: Amendment No.1 to the Amended and Restated Woodland-Davis Clean Water Agency Joint Powers Agency Agreement

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve, and authorize the Mayor to execute, Amendment No.1 to the Amended and Restated Woodland-Davis Clean Water Agency Joint Powers Agency Agreement, to establish the County of Yolo as a full member of the JPA.

On a motion by Council Member Fernandez, seconded by Council Member Barajas and carried on a 3-0 vote, Council Members approved and authorized the Mayor to execute, Amendment No.1 to the Amended and Restated Woodland-Davis Clean Water Agency Joint Powers Agency Agreement.

Ayes: Barajas, Fernandez and Lansburgh

Noes: None

Abstain: None

Absent: Rodriguez and Stallard

9. SUBJECT: Yolo Animal Services Planning Agency Joint Powers Agreement

RECOMMENDATION FOR ACTION: Staff recommends that the City Council 1) approve the Yolo Animal Services Planning Agency Joint Powers Agreement that establishes a formal inter-agency body to collaboratively plan the future operational model for animal services, 2) authorize the Mayor to execute the Agreement and 3) designate a member of the City Council to serve as the City of Woodland representative on the new JPA.

On a motion by Council Member Barajas, seconded by Council Member Fernandez and carried on a 3-0 vote, Council Members approved the Yolo Animal Services Planning Agency Joint Powers Agreement that establishes a formal inter-agency body to collaboratively plan the future operational model for animal services, authorized the Mayor to execute the Agreement and designated Council Member Fernandez to serve as the City of Woodland representative on the new JPA.

Ayes: Barajas, Fernandez and Lansburgh

Noes: None

Abstain: None

Absent: Rodriguez and Stallard

L. ADJOURN

Meeting adjourned at 06:48 PM.

Respectfully submitted,

**Ana B. Gonzalez
City Clerk**

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Regular Meeting Minutes

Tuesday, March 17, 2020

6:00 PM

City Council

PLEASE NOTE:

The City is researching teleconferencing options for this meeting and ways in which the public will be able to call into the meeting.

City Council meetings may also be viewed on Woodland TV Channel 21 and also by going to the City of Woodland website at www.cityofwoodland.org/meetings.

The March 17, 2020 Woodland City Council will be conducted pursuant to the Governor's Executive Order N-25-20.

1. The meeting will be held at the listed physical location, and Council members may be participating via teleconference. Those locations are not listed on the agenda and are not accessible to the public.
2. The public is encouraged to watch the City Council live on Woodland TV Channel 21 and also by going to the City of Woodland web site at www.cityofwoodland.org/meetings.
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If you choose to attend the Council meeting in person, you will be required to maintain appropriate social distancing by maintaining a 6-foot distance between yourself and other individuals. Seating may be limited.

CITY COUNCIL

CLOSED SESSION

5:30 PM

A. CALL TO ORDER

B. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))

Bonnie Kessner and Andrea McCartney-Page, et al. v. City of Santa Clara, et al., Santa Clara Superior Court Case No. 20CV364054

**JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING
6:00 PM**

C. CALL TO ORDER

Meeting called to order at 6:00 PM.

D. ROLL CALL

Present: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

Absent: None

All Council Members present.

E. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Police Chief Derrek Kaff.

F. 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.

Fred Lopez spoke regarding Homeless Police.

Voicemail message heard from Paula Roberts, Partnership Specialist regarding the 2020 Census.

Dino Gay submitted an e-mail regarding the demolition at 801 Main Street.

G. 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.

Verbal updates provided by Council/Staff.

At 6:08 PM, Council transitioned to the Special City Council Meeting.

After an introduction from Mayor Lansburgh, Interim City Manager Ken Hiatt provided Council with an update on COVID-19.

On a motion by Council Member Stallard, seconded by Council Member Barajas and carried unanimously on a 5-0 vote, Council Members adopted Resolution No. 7397, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND PROCLAIMING A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19) AND SUSPENDING THE DISCONNECTION OF UTILITY SERVICES FOR NON-PAYMENT DURING THE EMERGENCY AND FOR 30 DAYS THEREAFTER.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

At 6:42PM City Attorney Ueda notified Council of the need to add an item to the Special Meeting agenda, as this item was not available at the time agenda was posted.

On motion by Council Member Barajas, seconded by Council Member Rodriguez and carried unanimously on a 5-0 vote, Council Members adopted URGENCY ORDINANCE NO. 1658, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

At 6:56 PM the Council resumed to the Regular City Council Meeting Agenda.

2. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

H. MINUTES

3. SUBJECT: Historical Preservation Commission Meeting Minutes of January 15, 2020

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the minutes of the Historical Preservation Commission Meeting of January 15, 2020

Received minutes of the Historical Preservation Commission Meeting of January 15, 2020.

4. SUBJECT: Planning Commission Meeting Minutes of February 6, 2019 and February 20, 2020

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the minutes of the Planning Commission Meeting of December 19, 2019.

Received the minutes of the Planning Commission Meeting of December 19, 2019.

On a motion by Council Member Barajas, seconded by Council Member Rodriguez and carried on a 5-0 vote, Council Members received the minutes of the Historical Preservation Commission Meeting of January 15, 2020 and the minutes of the Planning Commission Meeting of February 6, 2019 and February 20, 2020.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

I. CONSENT CALENDAR

5. SUBJECT: Public Works Quarterly Status Report

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the Public Works Quarterly Status Report for the period of December 2019 through February 2020.

Accepted the Public Works Quarterly Status Report for the period of December 2019 through February 2020.

6. SUBJECT: Woodland Fire Department Annual Inspection Compliance Report

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, Acknowledging the City of Woodland Fire Department's Compliance with Sections 13146.2 and 13146.3 of the California Health and Safety Code.

Adopted RESOLUTION NO. 7418, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND ACKNOWLEDGING THE CITY OF WOODLAND FIRE DEPARTMENT'S COMPLIANCE WITH SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

7. SUBJECT: Budget Appropriation Request: Walmart Foundation Grant

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. ____, authorizing the City Manager to appropriate \$750 to the General Fund Fire Department operations budget.

Adopted RESOLUTION NO. 7419, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$750 TO THE GENERAL FUND FIRE DEPARTMENT OPERATIONS BUDGET.

8. SUBJECT: Final Acceptance and Notice of Completion for Dog Gone Alley – Bush Street to College St Paving Project, CIP 19-16.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. ____, to: 1) Approve the reallocation of \$4,784 of Sewer Enterprise Funds from Annual Sewer Repair and Replacement, CIP 08-21, to Dog Gone Alley – Bush Street to College Street Paving Project, CIP 19-16; 2) Approve the reallocation of \$4,784 of Water Enterprise Funds from Water System Leak Detection, maintenance and Repair, CIP 09-23, to Dog Gone Alley – Bush Street to College Street Paving Project, CIP 19-16; 3) Approve the appropriation of \$12,432 from Capital Projects Fund, Fund 501, to Dog Gone Alley – Bush Street to College Street Paving Project, CIP 19-16; 4) Authorize a \$7,000 increase to the construction contract contingency, bringing the total contract contingency to \$48,555; 5) Approve a total budget of \$922,000; 6) Accept the Dog Gone Alley – Bush Street to College Street Paving Project, CIP 19-16 as complete and authorize the City Clerk to file a Notice of Completion.

Adopted RESOLUTION NO. 7420, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO ACCEPT THE DOG GONE ALLEY – BUSH STREET TO COLLEGE STREET PAVING PROJECT, CIP 19-16 CONSTRUCTION CONTRACT AS COMPLETE AND AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION.

9. SUBJECT: Approve Consultant Amendment for Construction Management and Inspection Services for Improvements associated with Cal-West Phase 3&4 Subdivisions

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. ____, amending the consultant services agreement with Associated Engineering Consultants, Inc. for the Cal-West Phase 3 & 4 Subdivisions in the amount of \$15,000 for a total contract amount of \$167,914; and authorize the City Manager to execute the agreement.

Adopted RESOLUTION NO. 7421, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING AN AMENDMENT FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ASSOCIATED WITH THE CALWEST PHASE 3&4 SUBDIVISIONS.

10. SUBJECT: County Road 25A (Miekle Ave. to Promenade Dr.) and East Heritage Parkway Mid-Block Crossing Improvement Project, CIP 19-09; Approve Plans and Specifications and Authorize Bid Advertisement

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving the project plans and specifications and authorizing bid advertisement for the County Road 25A (Miekle Ave. to Promenade Dr.) Improvement Project, CIP 19-09

Adopted RESOLUTION NO. 7422, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING THE PLANS AND SPECIFICATIONS FOR THE COUNTY ROAD 25A (MIEKLE AVE. TO PROMENADE DR.) CIP1 9-09 AND EAST HERITAGE PARKWAY MID-BLOCK CROSSING IMPROVEMENT PROJECT, CIP 19-10, AND AUTHORIZING BID ADVERTISEMENT.

11. SUBJECT: Approve the Salary Schedule effective April 1, 2020.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve the attached salary schedule effective April 1, 2020.

Approved the salary schedule effective April 1, 2020.

On a motion by Council Member Rodriguez, seconded by Council Member Barajas and carried unanimously on a 5-0 vote, Council Members approved Consent Calendar Items No. 5 through 11.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallad

NOES: None

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

J. PUBLIC HEARINGS

12. SUBJECT: PUBLIC HEARING - Revise Fire Hydrant Meter Deposit in City's Fee Schedule to More Accurately Account for Price of Meter Replacement

RECOMMENDATION FOR ACTION: Staff recommends that the City Council hold a public hearing, and following the public hearing, adopt Resolution No. _____, approving the revised and increased Fire Hydrant Meter Deposit accordance with the commercial water rates approved by the City Council on March 21, 2017. The revised Fire Hydrant Meter Deposit will appear in the Fiscal Year 20 Comprehensive Fee Schedule.

On a motion by Council Member Barajas, seconded by Council Member Rodriguez and carried unanimously on a 5-0 vote, Council Members adopted RESOLUTION NO. 7423, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADOPTING THE REVISION OF THE FIRE HYDRANT METER DEPOSIT WITHIN THE CITY OF WOODLAND'S COMPREHENSIVE FEE SCHEDULE.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

13. SUBJECT: PUBLIC HEARING - Epic Pros Enterprises, Inc. Commercial Cannabis Distribution Facility. A proposed Conditional Use Permit to allow a commercial cannabis distribution facility at 1250 Harter Avenue, Suite C: PLNG19-00063

RECOMMENDATION FOR ACTION: Staff recommends that the City Council: 1) Conduct a Public Hearing ; and 2) Find that the project is exempt from further environmental review pursuant to Class 1 and Class 32 Categorical Exemption under the California Environmental Quality Act (CEQA) and find that the exemptions reflect the independent judgement of the City as lead agency under CEQA; and 3) Adopt Resolution No. _____, recommending that the City Council approve a Conditional Use Permit to allow a commercial cannabis distribution facility at 1250 Harter Avenue, Suite C, conditioned upon approval of appropriate Cannabis Business Permit and the recommended conditions of approval; and 4) Adopt Resolution No. _____, authorizing the City Manager, pursuant to Section 5.28.180 to approve a final Operating Agreement for a commercial cannabis distribution business at 1250 Harter Avenue, Suite C.

On a motion by Council Member Barajas, seconded by Council Member Fernandez and carried unanimously on a 5-0 vote, Council Members adopted RESOLUTION NO. 7424, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING A CONDITIONAL USE PERMIT FOR A CANNABIS DISTRIBUTION BUSINESS LOCATED AT 1250 HARTER AVENUE, SUITE C and RESOLUTION 7425, OPERATING AGREEMENT FOR CANNABIS DISTRIBUTION BUSINESS LOCATED IN THE CITY OF WOODLAND EPIC PROS ENTERPRISES, INC. LOCATED AT 1250 HARTER AVENUE, SUITE C with minor amendments suggested by Council Member Stallard.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

14. SUBJECT: PUBLIC HEARING - Interim Zoning Ordinance 2020 and Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance

RECOMMENDATION FOR ACTION: Staff recommends that the City Council: 1) Receive a staff report; 2) Conduct a public hearing; and 3) Consider for a first reading a stand-alone Interim Zoning Ordinance 2020 and Amendments to Section 17.92.020, Table 3 of the Zoning Ordinance to provide a clear legal basis for zoning and development review to ensure consistency with the 2035 General Plan

On a motion by Mayor Pro Tem Stallard, seconded by Council Member Fernandez and carried unanimously on a 5-0 vote, Council Members considered and approved the first reading of a stand-alone Interim Zoning Ordinance 2020 and Amendments to Section 17.92.020, Table 3 of the Zoning Ordinance to provide a clear legal basis for zoning and development review to ensure consistency with the 2035 General Plan.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

15. SUBJECT: PUBLIC HEARING - Amendments to Chapter 15.16 Affordable Housing

RECOMMENDATION FOR ACTION: Staff recommends that the City Council: 1) receive a staff report; 2) conduct a public hearing; 3) consider for first reading an ordinance of the City of Woodland, amending Section 15.16 of Chapter 15 of the Municipal Code relating to affordable housing, and determining the ordinance to be exempt from CEQA; and 4) direct staff to negotiate an in-lieu fee and prepare an agreement for payment of in-lieu fees equivalent to \$3.00 per square foot for the proposed approximately 168-unit multi-family rental project at the northwest corner of Main Street and Ashley Avenue.

On a motion by Council Member Fernandez, seconded by Council Member Barajas and carried unanimously on a 5-0 vote, Council Members considered and approved the first reading of an ordinance of the City of Woodland, amending Section 15.16 of Chapter 15 of the Municipal Code relating to affordable housing.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

On a motion by Council Member Fernandez, seconded by Council Member Barajas and carried unanimously on a 5-0 vote, Council Members directed staff to negotiate an in-lieu fee and prepare an agreement for payment of in-lieu fees equivalent to \$3.00 per square foot for the proposed approximately 168-unit multi-family rental project at the northwest corner of Main Street and Ashley Avenue.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

ABSTAIN: None

K. ADJOURN

Meeting adjourned at 8:10 PM in memory of Miriam Miller.

Respectfully submitted,

**Ana B. Gonzalez
City Clerk**

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Regular Meeting Minutes

Tuesday, March 24, 2020

6:00 PM

City Council

SPECIAL CITY COUNCIL MEETING

PLEASE NOTE: The March 24, 2020 Woodland City Council will be conducted pursuant to the Governor's Executive Order N-29-20.

1. **The meeting will be held via teleconference and Council members will participate via teleconference. Those locations are not listed on the agenda and are not accessible to the public.**
2. **The public is encouraged to listen to the City Council meeting live on Woodland TV Channel 20 and also by going to the City of Woodland web site at www.cityofwoodland.org/meetings.**
3. **If you wish to make a comment during general public comment or on a specific agenda item, there are two ways to do that. You may leave a voice mail message at (530) 661-5900. All voice mail messages received by 6:00 p.m. will be played during the City Council meeting and read into the record at the appropriate time. Any member of the public watching the live stream who wishes to make a comment on an item as it is being heard may submit an email to the City Clerk at CouncilMeetings@cityofwoodland.org prior to Public Comment on that item. Email comments submitted to be read into the record shall be no more than three (3) minutes when read aloud. Please include the agenda item in the subject line.**

SPECIAL CITY COUNCIL MEETING

6:00 PM

A. CALL TO ORDER

Meeting called to order at 6:00 PM.

B. ROLL CALL

Roll call was conducted, all Council Members identified themselves and were present via teleconference.

Present: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

Absent: None

Staff Members present via teleconference: Ken Hiatt, Interim City Manager, Kara Ueda, City Attorney, Ana Gonzalez, City Clerk, Bent Meyer, Acting Community Development Director, Christine Engel, Community Services Director, Craig Locke, Public Works Director, Derrek Kaff, Police Chief, Eric Zane, Fire Chief, J Kimura, Senior Application Analyst, Kim McKinney, Finance Officer, Scott Sawin, Information Technology Manager, and Sheila McShane, Human Resources Manager.

C. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mayor Lansburgh.

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.

Public Comment received by Andy Post via e-mail regarding a rent moratorium was read into the record.

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.

Verbal updates provided by Council Members/Staff.

1. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

F. REPORTS OF THE CITY MANAGER

2. SUBJECT: Update on COVID-19 Response and Preparedness

RECOMMENDATION FOR ACTION: Receive an update and discuss next steps.

Received an update and discussed next steps from Interim City Manager Ken Hiatt and Emergency Preparedness Program Supervisor Dana Carey. This will be a standing item on the agenda for the next 4-6 weeks.

3. SUBJECT: Business Assistance Related to COVID-19

RECOMMENDATION FOR ACTION: Staff recommends the City Council receive a report on efforts to assist local businesses impacted by COVID-19 and take the following actions:

1. Approve an Urgency Ordinance, by a Four-Fifths Vote, Temporarily Suspending Sections 3.12.080 and 3.12.090 of the City of Woodland Municipal Code Concerning Payment of Transient Occupancy Tax; and
2. Direct staff to come back at the March 31st special City Council meeting with an Urgency Ordinance to expand the moratorium on evictions to include commercial tenants.

On a motion by Council Member Barajas, seconded by Council Member Stallard and carried unanimously on a 5-0 roll call vote, Council Members adopted Urgency Ordinance No. 1659, URGENCY ORDINANCE NO. 1659, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND TEMPORARILY SUSPENDING SECTIONS 3.12.080 AND 3.12.090 OF THE CITY OF WOODLAND MUNICIPAL CODE CONCERNING PAYMENT OF TRANSIENT OCCUPANCY TAX, AND DECLARING THE URGENCY THEREOF.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

4. SUBJECT: COVID-19 Limited Duration Administrative Leave Policy

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve the Resolution Ratifying the COVID-19 Limited Duration Administrative Leave Policy Adopted by the Interim City Manager on March 19, 2020.

On a motion by Council Member Stallard, seconded by Council Member Rodriguez and carried unanimously on a 5-0 roll call vote, Council Members adopted RESOLUTION NO. 7425, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND RATIFYING THE LIMITED DURATION COVID-19 ADMINISTRATIVE LEAVE POLICY ADOPTED BY THE INTERIM CITY MANAGER ON MARCH 19, 2020.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

G. ADJOURN

Meeting adjourned at 7:14 PM.

Respectfully submitted,

**Ana B. Gonzalez
City Clerk**

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Regular Meeting Minutes

Tuesday, March 31, 2020

6:00 PM

City Council

SPECIAL CITY COUNCIL MEETING

6:00 PM

A. CALL TO ORDER

Meeting called to order at 06:02 PM

B. ROLL CALL

Roll call was conducted, all Council Members identified themselves and were present via teleconference.

Present: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

Absent: None

Staff Members present via teleconference: Ken Hiatt, Interim City Manager, Kara Ueda, City Attorney, Ana Gonzalez, City Clerk, Bent Meyer, Acting Community Development Director, Christine Engel, Community Services Director, Craig Locke, Public Works Director, Derrek Kaff, Police Chief, Eric Zane, Fire Chief, J Kimura, Senior Application Analyst, Kim McKinney, Finance Officer, Scott Sawin, Information Technology Manager, Sheila McShane, Human Resources Manager and Dan Sokolow, Senior Planner.

C. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Council Member Barajas.

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.

Two (2) voicemail messages were received for public comment, both were played back, although they were inaudible.

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.

Verbal updates provided by Council Members/Staff.

1. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

F. REPORTS OF THE CITY MANAGER

2. SUBJECT: Update on COVID-19 Response and Preparedness

RECOMMENDATION FOR ACTION: Receive an update and discuss next steps.

Interim City Manager Ken Hiatt and Fire Marshall Emily Walling provided an updated to Council Members on COVID-19 Response and Preparedness.

3. SUBJECT: Urgency Ordinance - COVID-19 Eviction Moratorium on Commercial Property

RECOMMENDATION FOR ACTION: Staff recommends the City Council adopt Urgency Ordinance No. _____, an Urgency Ordinance of the City Council of the City of Woodland enacting a temporary moratorium on evictions due to non-payment of rent for commercial tenants where the failure to pay rent results from business income loss resulting from the Novel Coronavirus (COVID-19) and setting forth the facts constituting such urgency.

On a motion by Council Member Barajas, seconded by Council Member Rodriguez and carried unanimously on a 5-0 roll call vote, Council Members adopted URGENCY ORDINANCE NO. 1660, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT FOR COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM BUSINESS INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY, with the recommendation that staff bring this item back to Council with amendments.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

4. SUBJECT: Extended Shelter Operation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute an extension of the MOU with Yolo County and Fourth and Hope for operation of the Extended Shelter through October 31, 2020.

On a motion by Council Member Barajas, seconded by Council Member Stallard and carried unanimously on a 5-0 roll call vote, Council Members adopted RESOLUTION NO. 7426, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN MOU AMENDMENT WITH YOLO COUNTY AND FOURTH AND HOPE TO CONTINUE THE EXTENDED SHELTER OPERATION THROUGH OCTOBER 31, 2020.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Stallard

NOES: None

G. ADJOURN

Meeting adjourned at 7:24 PM in memory of Gloria Barton.

Respectfully submitted,

**Ana B. Gonzalez
City Clerk**



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.3
SUBJECT: Proclaim April as Child Abuse Prevention Month

Recommendation for Action: Staff recommends that the City Council recognize April 2020 as Child Abuse Prevention Month.

Staff Contact

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Background

At the request of the Yolo County Children's Alliance, the Woodland City Council is being asked to consider adopting a proclamation recognizing April 2020 as Child Abuse Prevention Month.

A handwritten signature in black ink, appearing to read "Ken Hiatt", is written over a horizontal line.

Ken Hiatt
Interim City Manager

Attachments:

1. Child Abuse Prevention Proclamation 2020

CITY OF WOODLAND

PROCLAMATION

RECOGNIZING APRIL 2020 AS CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect continue to pose serious threats to our nation's children; and

WHEREAS, Adverse Childhood Experiences (ACEs), such as physical, emotional, and sexual child abuse, neglect, and parental stress or illness, can have short- and long-term outcomes, including a multitude of health and social problems; and early evidence-based prevention and intervention efforts are less costly than trying to fix the adverse effects of child maltreatment, both in human and financial terms; and

WHEREAS, in 2018, according to the California Child Welfare Indicators Project, 558 children in Yolo County were found to be victims of abuse and/or neglect; and

WHEREAS, preventing child abuse and neglect is a community issue, and we all have a responsibility to nurture and protect our children and help ensure they become healthy and productive adults; and

WHEREAS, the Child Abuse Prevention Council (CAPC) of Yolo County, a Yolo County Children's Alliance (YCCA) program, coordinates the community's efforts to prevent and respond to child abuse and neglect and has members from CommuniCare, Empower Yolo, First 5 Yolo, the Multi-Disciplinary Interview Center (MDIC), Yolo County Court Appointed Special Advocates (CASA), Yolo County Health and Human Services (Child Youth and Family Branch and Community Health Branch), Yolo County Office of Education, Yolo County Probation, and a Community Partner; and

WHEREAS, in Yolo County over 20 agencies and community organizations are collaborating in their efforts to prevent child abuse and neglect and support families through the YCCA Yolo Family Strengthening Network; and

WHEREAS, the people of Yolo County are encouraged to strengthen families and support child abuse prevention activities in their communities, specifically through this year's CAPC and YCCA child abuse prevention campaign, which is called *Handling Your Child's Challenging Behaviors at Every Age* and helps parents learn more about positive discipline techniques and how to connect with their children; and

THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland hereby declares the month of April 2020 to be "Child Abuse Prevention Month".

Dated: April 1, 2020

Rich Lansburgh, Mayor

Tom Stallard, Mayor Pro Tempore

Angel Barajas, Council Member

Enrique Fernandez, Council Member

Xóchitl Rodriguez, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.4
SUBJECT: Second Reading of Interim Zoning Ordinance 2020 and Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance

RECOMMENDATION FOR ACTION: Staff recommends that the City Council conduct the second reading and adopt Ordinance No. _____, approving the proposed adoption of the Interim Zoning Ordinance 2020 and amending Section 17.92.020 Table 3 of the Zoning Ordinance

Staff Contact:

Cindy A. Norris, Principal Planner (530) 661-5911, cindy.norris@cityofwoodland.org

Background:

At its March 17, 2020 meeting, the City Council introduced and waived the first reading of Ordinance No. _____, approving the proposed adoption of the Interim Zoning Ordinance 2020 and Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance

The City of Woodland is recommending adoption of the updated Interim Zoning Ordinance 2020 to ensure conformance with the 2035 General Plan, 2035 Climate Action Plan, and to provide a continuing regulatory document until the Comprehensive Zoning Ordinance is adopted. The initial Interim Zoning Ordinance was adopted on May 1, 2018 as an urgency ordinance in accordance with Government Code Section 65858, and expires April 30, 2020. A continuation of the Phase I/Interim Zoning Ordinance is required until a Phase II/Comprehensive update of the Zoning Ordinance is completed.

The Phase I/Interim Zoning Ordinance 2020 includes technical updates to the Interim Zoning Ordinance and will be a standalone, uncodified ordinance with an associated zoning map. The City is proposing technical edits to the Interim Zoning Ordinance with this adoption that among other things includes a High Density Residential land use designation, consistent with the General Plan, and objective design standards for residential projects. Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance will prohibit the establishment of new or expansion of existing mini-storage/warehouse facilities in the Industrial District consistent with Ordinance 1647

Conclusion

Staff recommends that the that City Council conduct the second reading of Ordinance No. _____, approving the proposed adoption of the Interim Zoning Ordinance 2020 and amending Section 17.92.020 Table 3 of the Zoning Ordinance

Prepared by: Cindy Norris, Principal Planner

Reviewed by: Brent Meyer, Acting Community Development Director/City Engineer



Ken Hiatt
Interim City Manager

Attachments:

1. IZO 2020 Ord and Text 4.7.20 (Exhibit A to the IZO))
2. MAP InterimZoning2020 (Exhibit B to IZO)
3. IZO 2020 Comprehensive Use Table 3.17.20 (Exhibit C to IZO)
4. Woodland Municipal Code 17.92.020 Table 3 CCedit

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADOPTING THE INTERIM ZONING ORDINANCE 2020, AND AMENDMENT TO SECTION 17.92.020 TABLE 3 OF THE ZONING ORDINANCE, THEREBY ENSURING CONFORMANCE WITH THE 2035 GENERAL PLAN AND 2035 CLIMATE ACTION PLAN

WHEREAS, on May 16, 2017, the City Council of the Woodland adopted the 2035 General Plan and the 2035 Climate Action Plan; and

WHEREAS, the City of Woodland conducted numerous public workshops and community sessions seeking comments and participation on the 2035 General Plan update, including review of goals, policies, and implementation programs, many of which spoke to the need to modify zoning provisions; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), on May 16, 2017, the City Council certified the Final Environmental Impact Report (FEIR) for the 2035 General Plan and 2035 Climate Action Plan, documents in which the need for an Interim Zoning Update was identified; and

WHEREAS, on May 1, 2018, the City Council of the City of Woodland adopted Ordinance No. 1634, as an urgency ordinance effective from May 1, 2018 through April 30, 2020; and

WHEREAS, further, the 2035 General Plan EIR uses detailed land use programming for the basis of analysis, with a focus on vacant and underutilized properties that would be appropriate for development between the present and 2035. The EIR includes a comprehensive analysis of land use changes anticipated under the 2035 General Plan, with additional detail in the areas, such as transportation, air quality, greenhouse gas emissions, noise and other topics, based on reasonable assumptions as to the amount, type, and character of land use changes under the 2035 General Plan. Therefore, the Interim Zoning Ordinance is within the Findings of Fact regarding Impacts and Mitigation Measures (CEQA Guidelines Section 15168 (c)(2)) and provisions of the California Environmental Quality Act (CEQA) have been satisfied; and

WHEREAS, on the City of Woodland received approval to utilize grant funds, in the amount of \$310,000 from the State Department of Housing and Community Development SB2 grant program to be used to complete a comprehensive update; and

WHEREAS, during this interim period between the adoption of the 2035 General Plan and approval of a comprehensive update to the Zoning Ordinance, Zoning Map, and affected Specific Plans, the City has discovered inconsistencies between the 2035 General Plan and Zoning Ordinance and Specific Plans, including new land use designations that do not have corresponding zoning districts, creating a lack of clarity on the part of project applicants and City staff processing applications; and

WHEREAS, due to the need to have interim guidance following adoption of the 2035 General Plan and adoption of the new Zoning Ordinance that is consistent with the General Plan, the City Council finds that adoption of this ordinance is in the best interests of the public health, safety, and welfare as it will provide much needed direction and clarity to both the City and project applicants regarding applicable zoning standards relating to allowed, conditionally allowed or prohibited uses and site development requirements; and

WHEREAS, the original Interim Ordinance No 1634 was adopted pursuant to Government Code Section 65858, which applied for an initial period of 45 days and was extended for a maximum total period of two years. However, because the comprehensive zoning ordinance is not complete, the City finds that adoption of this ordinance is necessary and in the best interests of the public health, safety, and welfare to continue to provide regulations and standards to provide standards and regulations in areas where the General Plan is inconsistent with the existing zoning code. The Phase I/Interim Zoning Ordinance is a standalone, uncodified ordinance with an associated zoning map; and

WHEREAS, the Interim Zoning Ordinance will be updated to correct minor technical and clean up issues that will bring the document further in line with the 2035 General Plan and 2035 Climate Action Plan.

WHEREAS, the City reviewed the original proposed Interim Ordinance with representative groups including the City of Woodland Chamber of Commerce policy group and the Planning Commission Zoning Subcommittee; and

WHEREAS, a public notice describing the proposed amendments to the Municipal Code was published in the Daily Democrat, a newspaper of general circulation, in accordance with Government Code section 60661; and

WHEREAS, on March 15, 2018 the Planning Commission opened a duly noticed public hearing, which was continued to April 5, 2018, to review the proposed Phase I/Interim Zoning Ordinance, to consider evidence and testimony presented by City Staff and other interested parties and voted 6 to 0 with 1 member absent recommending approval to the City Council; and

WHEREAS, the City of Woodland City Council considered this Ordinance during a duly noticed public hearing on May 1, 2018, pursuant to Government Code Section 65858(b).

WHEREAS, On February 20, 2020, the Planning Commission opened a duly noticed public hearing, which was continued to March 5, 2020, to review the proposed amended Interim Zoning Ordinance 2020 and Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance, to consider evidence and testimony presented by City Staff and other interested parties, and voted 6-0, with one member absent, to recommend approval to the City Council; and

WHEREAS, the City of Woodland City Council considered the proposed ordinance at a duly noticed public hearing on March 17, 2020.

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

Section 1. **Approve the Interim Zoning Ordinance 2020 and Amendments to Section 17.92.020 Table 3 of the Zoning Ordinance.** The City Council hereby adopts the Interim Zoning Ordinance, as amended and attached hereto as **Attachment 1**, to ensure consistency with the 2035 General Plan pursuant to the authority for adopting interim zoning regulations.

Section 2. **Supersede.** The Interim Zoning Ordinance in some places conflicts with Chapter 17 of the Municipal Code, the City of Woodland Zoning Ordinance. This Article shall temporarily supersede and take precedence over Articles **17.60, 17.64, 17.72, 17.76, 17.80, 17.84, and 17.88** of Chapter 17 of the Zoning Ordinance with respect to the Interim Zones shown in Exhibit A of this Ordinance. **Article 17.68**, CBD Central Business District, remains in force and effect until such time as the City Council adopts a new Downtown Specific Plan.

Section 3. **Establish Interim Zones.** The City Council hereby adopts Interim Zoning Districts, as shown on a map attached hereto as **Attachment 2**, and also referred to in the Interim Zoning Ordinance as *Exhibit A - Interim Zoning Map*

Section 4. **CEQA.** The City Council hereby finds that this Ordinance has satisfied the requirements of the California Environmental Quality Act.

Section 5.
Council.

Effective Date. This Ordinance shall take effect 30 days following the approval of the Ordinance by City

PASSED AND ADOPTED by the City Council of the City of Woodland on this ____ day of April ___, 2020, as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney

Attachment A – Interim Zoning Ordinance 2020 Text

Attachment B – Interim Zoning Map 2020 (Exhibit A to the Interim Zoning Ordinance)

Attachment C – Comprehensive Use Table 2020 (Exhibit B to the Interim Zoning Ordinance)

Attachment D – Amendment to Section 17.92.020 Table 3 of the Zoning Ordinance

INTERIM ZONING ORDINANCE 2020 – ATTACHMENT A
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ADOPTED APRIL --, 2020

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Exhibit B – Interim Zoning Map
Exhibit C – Comprehensive Use Table

ARTICLE 1 General Provisions

1.01 Title

This ordinance shall be known and cited as the “Interim Zoning Ordinance”.

1.02 Purpose and Authority

The purpose of this Interim Zoning Ordinance is to establish zoning standards consistent with the 2035 Woodland General Plan, adopted by the City Council by Resolution 6836 on May 16, 2017, and to apply such interim standards until such time as the City Council adopts a new more comprehensive Zoning Ordinance that is consistent with the 2035 General Plan. These regulations are enacted pursuant to the Authority for adopting interim zoning regulations established in Government Code Section 65858.

1.03 Definitions and Key Terms of Reference

Definitions in Article 3 of the Zoning Ordinance in Chapter ~~1725~~ of the Municipal Code are incorporated by reference. Additional definitions of land use (called “use groups”) are presented in Article 6 of this Ordinance Section 6.02, with Definitions of Terms provided in Section 6.03.

As used in this Ordinance, the following terms have the following meanings:

- A. Sections beginning with “~~1725~~” refer to sections of the Zoning Ordinance.
- B. Sections beginning with “1” refer to sections of this ordinance.

1.04 Permit Procedures and Variances

All development subject to this Ordinance shall follow the procedures for site plan review and obtaining permits and other approvals as specified in the Zoning Ordinance and Community Design Standards. In addition, this Ordinance and the 2035 General Plan establish identical residential density and maximum floor area ratios (FARs). Any proposed deviation from a prescribed residential density or floor area ratio shall require a General Plan Amendment, unless the General Plan specifically provides for such deviations.

1.05 General Plan Conformity Review

This Interim Zoning Ordinance establishes “interim zones” consistent with the General Plan. This Ordinance, shall govern the City’s determinations of whether development applications conform to the General Plan until the City Council adopts a permanent and comprehensive Zoning Ordinance. The current Zoning Ordinance shall continue to apply to any property for which this Interim Zoning Ordinance does not apply.

- A. **Applicability: Exemptions.** Every project located in the City must conform to the City’s General Plan. Discretionary review under this section does not apply to projects with approved conditional use permits, approved minor conditional use permits, approved tentative subdivision maps, valid building permits, and similar entitlements.

Interim Zoning Ordinance 2020- Attachment A
Adopted April __, 2020

B. Process for Conformity Determinations; Director's Decision and Appeals.

1. The Community Development Director shall have the authority to determine whether any development application conforms to the General Plan according to the criteria for General Plan conformity determinations established in this Article 1, and issue a written decision.
2. The Director's decision may be appealed to the Planning Commission consistent with the provisions contained in Section 17.148.040 ~~25-31-40~~. The Commission shall act on the appeal after a duly-noticed public hearing. The Commission's decision may be appealed to the City Council. In considering an appeal at a duly-noticed public hearing, the appeal body shall determine whether the application conforms to the General Plan and may affirm, overturn, or modify the proposed determination. The decision of the appeal body shall be made by resolution.

C. Criteria for Determining General Plan Conformity

This section specifies the process for processing development applications depending on whether the application conforms to the General Plan.

1. Applications in conformance with the General Plan:
 - a. ***If allowed by the Interim Zoning Ordinance or Zoning Ordinance (no "express conflict").*** The permitting process for the proposal shall be consistent with requirements and entitlement process as set forth in the Interim Zoning Ordinance or the Zoning Ordinance.
 - b. ***If not permitted by the Zoning Ordinance ("express conflict").*** An application that is determined to conform to the General Plan, but is not permitted or conditionally permitted by the Zoning Ordinance and Interim Zoning Ordinance may be approved upon the granting of a conditional use permit, if it is determined that the application conforms to the findings set forth in Chapter 17.132 ~~Article 27~~ and to each of the following additional findings:
 - i. The application will be physically compatible with the neighborhood context, development patterns and building form, and scale will be clearly appropriate for the surrounding area;
 - ii. The proposed application, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
 - iii. The application is clearly consistent with the purposes of the district in which the site is located;
 - iv. The application is clearly consistent with the intent and desired character of the relevant land use classification or the General Plan and any associated General Plan policies; and

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- v. The application will clearly promote implementation of the General Plan.
 - c. ***Optional Rezoning in Lieu of Conditional Use Permit (“Express Conflict”)***. At the applicant’s option, in lieu of the conditional use permit provided above, the applicant may apply for a rezoning any such rezoning shall be for a “best fit district” corresponding to the general plan land use designation in which the proposal is located. If such a rezoning is recommended by the Planning Commission and approved by the City Council, the proposal shall then be subject to all of the provisions of the zoning district.
2. Applications for which the General Plan is silent or not precise on conformance:
- a. ***If permitted or conditionally permitted by Zoning Ordinance or Interim Zoning Ordinance (no “express conflict”)***. An application for which the General Plan is silent or does not provide precise policy direction as regards to conformity and which is permitted or conditionally permitted by the Zoning Ordinance or Interim Zoning Ordinance shall be required to make consistency findings provided in Section 1.05(C)(1)(b), and shall be processed in accordance with the entitlement review specified in the Zoning Ordinance or Interim Zoning Ordinance.
 - b. ***If not permitted by Zoning Ordinance or Interim Zoning Ordinance (“express conflict”)***. Any application for which the General Plan is silent or does not provide precise policy direction as regards to conformity and which is not permitted by the Zoning Ordinance or Interim Zoning Ordinance shall be denied. At the applicant’s option, the applicant may modify the proposed application to conform to the Zoning Ordinance or the Interim Zoning Ordinance or may apply for a rezoning. Any such rezoning shall be to the Best Fit zoning district or other zoning district that is consistent with the General Plan land use classification in which the proposed use is located and shall be required to make consistency findings provided in Section 1.05(C)(1)(b). If the City Council approves such a rezoning, the use shall then be subject to all of the provisions of the new zoning district.
3. **Applications determined not to conform to the General Plan.** Any application for a proposed use that does not conform to the General Plan shall not be accepted or approved, except as provided for below.
- a. At the applicant’s option, the applicant may modify the project to conform to the General Plan or may apply for a General Plan Amendment and related Zoning Ordinance Amendment.

ARTICLE 2 Interim Zones

2.01 Purpose

The purpose of this Article 2 is to establish “interim zones” consistent with the General Plan, which shall govern determinations for conformity with the General Plan and decisions on development projects until such time as

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the City Council adopts a new comprehensive Zoning Ordinance consistent with the 2035 General Plan. If this Interim Zoning Ordinance does not change the zoning for a particular area, the existing Zoning Ordinance shall apply unless otherwise modified by this Interim Zoning Ordinance (see Article 3).

2.02 Zoning Ordinance Provisions Superseded

This Article shall temporarily supersede and take precedence over Articles **17.60, 17.64, 17.72, 17.76, 17.80, 17.84, and 17.88** ~~13, 14, 15, 15.5, 16, 17, and 17.5~~ of Chapter **17** ~~25~~ of the Zoning Ordinance with respect to the Interim Zones shown in Exhibit A of this Ordinance. Article **17.68** ~~4.5~~, CBD Central Business District, remains in force and effect until such time as the City Council adopts a new Downtown Specific Plan.

2.03 Interim Zones

Exhibit A, Interim Zoning Map, shows interim zones that are consistent with the General Plan. Specific uses permitted, conditionally permitted, or prohibited are set forth in Article 3 of this Ordinance. The interim zones are as follows:

- A. **CMUWM (Corridor Mixed Use West Main) Zone.** West of Downtown, the CMUWM Zone is a mixed-use corridor intended to accommodate significant residential infill and neighborhood-serving retail. Higher-density and intensity development is allowed to give the corridor a more urban character. Residential, retail, commercial service, and office uses are permitted in a horizontal or vertical mixed-use setting, subject to appropriate development and design standards to enhance the streetscape.
- B. **CMUE (Corridor Mixed Use East Street) Zone.** The CMUE Zone is an auto-oriented corridor with a mix of uses. The use regulations and standards are intended to facilitate revitalization with design flexibility, while also improving urban character. Residential, retail, commercial service, office, and light industrial uses are permitted in a horizontal or vertical mixed-use setting, subject to appropriate development and design standards to enhance the streetscape. Neighborhood revitalization is facilitated along North East Street and the transition zone to the industrial area. Regulations that apply to South East Street support the potential for multi-story, mixed-use development.
- C. **CMUK (Corridor Mixed Use Kentucky Avenue) Zone.** The CMUK Zone accommodates a mix of mostly service and industrial uses. The district regulations are intended to allow this area to continue to function as an agriculture-industrial corridor while sensitively integrating newer, higher-intensity mixed-use development that activates specific sections of the corridor. Between Cottonwood Street and the west railroad boundary, a range of uses are allowed, including commercial service, light industrial, and agricultural industrial. New residential mixed use development on the north side of the corridor shall be allowed only if a Specific Plan is adopted for the entire area shown as SP-3A on the General Plan Land Use Diagram.
- D. **CC (Community Commercial) Zone.** The CC Zone is intended to provide for commercial development that serves local neighborhoods as well as the rest of the City but does not regularly attract regional, visitor, or pass-through traffic. Allowable uses include retail, services, grocery stores, restaurants, professional offices, and similar commercial uses. Hotels are also permitted. Entertainment uses and

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specialty retail are not permitted so as not to compete with these types of commercial uses in the Central Business District (Downtown).

- E. **RC (Regional Commercial) Zone.** The RC Zone is intended to accommodate retail establishments that serve residents and visitors of the region at large. Shopping malls and large format “big-box” retail are allowed, as are supporting uses such as gas stations and hotels. Up to 10 percent of the total square footage of a regional shopping center may consist of ancillary office spaces that support commercial uses and/or stand-alone, professional office buildings. Expansion of complementary clusters of larger-format or unique retail, healthcare, commercial, recreational and institutional uses that reinforce and support each other also are permitted. Entertainment uses are not permitted so as to not compete with these types of commercial uses in the Central Business District (Downtown).
- F. **LIF (Light Industrial Flex Overlay) Zone.** The LIF Zone is applied to areas where light industrial or service commercial uses are appropriate and additional use limitations are needed to implement the General Plan. The type and character of allowable uses varies, depending on the base zone. Such uses include but are not limited to auto sales and repair, storage facilities, equipment rental, wholesale businesses, nurseries, contractors’ facilities, and retail not typically located in shopping centers. Ancillary office spaces that support such commercial uses are also permitted. General industrial uses, or uses with outdoor activities and visible outdoor storage are not allowed. The more specific purposes of each combination of an LIF overlay with a base zoning district are as follows.
1. ***LIF on Corridor Mixed Use.*** The Light Industrial Flex overlay in a Corridor Mixed Use zoning district would create a transition between industrial and residential mixed-use areas. Smaller scale custom, light industrial and artisan manufacturing uses that contribute to the vitality of the corridor are specifically allowed, subject to appropriate review.
 2. ***LIF on Regional Commercial.*** The Light Industrial Flex overlay on the Regional Commercial Zone district would provide for a transition from industrial to retail for the area south of East Main Street and north of Interstate (I-5). In addition to uses permitted by the Regional Commercial Zone, custom to light industrial uses, new auto and recreation vehicle (RV) sales and service, limited contractor facilities, and other retail not typically found in retail centers are allowed, subject to appropriate review.
 3. ***LIF on Industrial.*** The Light Industrial Flex overlay in an Industrial zoning district would create a transition from more intensive industrial uses to the east with the intent of minimizing conflicts to other sensitive uses. The LIF overlay provides for a mix of limited and artisan/small-scale manufacturing uses, including multi-tenant spaces with offices, contractor’s storage, agricultural processing, food producers, industrial technology, and other sensitive processing uses that require performance standards. Larger and more intensive uses that may create odors, particulates, dust, vibration, etc. are restricted and, in the case of general industrial uses with outdoor facilities, are not allowed. Outdoor storage must be screened or covered, as appropriate.

- G. **HDR (High Density Residential) Zone.** The HDR Zone is intended to accommodate a broad range of attached housing types, including tri-plexes, four-plexes, row houses, stacked flats (apartments or condominiums). Units can be contained in single structures or in a collection of cohesive structures with common open spaces and amenities. The higher density range (25.0 to 40.0 dwelling units per acre) provides for multi-story structures with centrally located parking in order to provide urban intensity at locations within easy walking distance to transit, recreation, and community facilities. In addition, ancillary commercial uses as well as medical and professional offices may be allowed with discretionary approval when found to be compatible with the surrounding neighborhood.
- H. **FSA (Flood Study Area) Zone.** The Flood Study Area zone is applied to areas restricted from urban development due to health and safety concerns related to flood risk, or because the property falls within a likely future flood project improvement area. Allowed uses include open space, as well as low-intensity agriculture or recreational uses. Generally, land uses that require extensive capital improvements or permanent infrastructure improvements shall be prohibited, with the exception of improvements related to flood protection and control. Existing structures and business operations in areas designated as Flood Study Area Zone may remain, but may not expand.

2.04 Interim Zoning Map

Exhibit A, the Interim Zoning Map, shows the interim zones established by Section 2.03. Any land not subject to an Interim Zone designation shall continue to be subject to the Zoning Ordinance. Certain minor adjustments to the boundaries of existing Zones also are delineated in Exhibit A; these changes modify existing Zoning Maps.

ARTICLE 3 Zoning District Regulations

3.01 Purpose

The purpose of this Article 3 is to establish land use, development and design regulations for the Interim Zones and to modify the residential density standard in the R-M (Residential Multiple Family Residential Zone) to be consistent with the General Plan.

3.02 Zoning Ordinance Provisions Superseded

The provisions of this Article temporarily supersede and take precedence over Articles **17.60, 17.64, 17.72, 17.76, 17.80, and 17.84,** ~~13, 14, 15, 15.5, 16, and 17~~ of the Zoning Ordinance for the land subject to the Interim Zones and the provisions of Article **17.48** ~~11~~ related to residential density.

3.03 Uses Permitted, Conditionally Permitted, and Prohibited

Uses, as classified in Article 6 of this Ordinance, are permitted, conditionally permitted, allowed with administrative review, or prohibited in base and overlay zones as indicated in ***Exhibit B, Comprehensive Use Table***. Permitted uses are indicated by a “P”, conditionally permitted uses are indicated by a “C”, those requiring administrative review are indicated by an “A”, and prohibited uses are indicated by an “-”. An “L” designation followed by a number refers to a numbered list of specific criteria or permit requirements listed at the end of the table.

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A use requiring administrative review shall be reviewed by the Zoning Administrator but may be forwarded to the Planning Commission at the discretion of the Zoning Administrator. Conditionally permitted uses are permitted upon the granting of a conditional use permit pursuant to Article **17.132** 27 of Chapter **17** 25 of the Woodland Municipal Code. Uses requiring a Zoning Administrator permit (also known as a minor conditional use permit) are allowed upon the granting of a Zoning Administrator permit pursuant to Article **17.132** 27 of Chapter **17** 25 of the Woodland Municipal Code and Section 3.04 below. Conditional Use Permits and Zoning Administrator Permits are also subject to any additional findings that may be required by this Ordinance

3.04 Zoning Administrator Review Minor/Major

Zoning Administrator Review is required for uses that possess locational, use, structural, traffic, or operating characteristics requiring special consideration in order to be compatible with neighboring properties.

- A. **(Tier I) Minor** – Includes review of uses, minor additions or modifications, or it is anticipated that the application will typically have less impact on adjacent properties. A public notice will be provided to properties and tenants within a 300-foot radius and a 10-day comment period will be provided. If no comments, concerns, or issues are received, the application will be acted upon without holding an administrative public hearing. The applicant shall be responsible for posting the site consistent with a format provided by the City, and shall provide verification of such posting.
- B. **(Tier II) Major** – Includes significant alteration, modification, or new construction, or it is anticipated that the application could have an impact on adjacent properties or may be controversial. A public hearing notice will be provided to all properties and tenants within a 300- foot radius and a 10-day comment period will be provided. The site shall be posted to include notice informing the public of the type of application, date, time and location of the administrative hearing. The applicant shall be responsible for posting the site consistent with a format provided by the City, and shall provide verification of such posting. An administrative public hearing will be scheduled prior to final action on the application.

The Zoning Administrator may only approve a zoning administrator permit subject to the following additional findings:

- 1. The proposed use is allowed within the applicable zoning district and complies with all other provisions of the Zoning Ordinance or Interim Zoning Ordinance.
- 2. The proposed use is consistent with the General Plan.
- 3. The design, location, size and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.
- 4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
- 5. Granting the permit would not constitute a nuisance or be injurious to detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

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6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Further, all development projects must comply with the City of Woodland Community Design Standards (Resolution 4527, adopted on April 6, 2004), if applicable, and any other discretionary review required by specific plan requirements that may also apply.

3.05 Special Regulations in the Corridor Mixed Use Zones

A. Considerations for Identified Neighborhood or Special Use Areas.

1. Reuse or retrofit of the County Fair Mall site shall be reviewed as a separate plan.
2. New residential or mixed use development on the north side of Kentucky Avenue shall only be allowed in the context of an adopted specific plan for the area labeled SP-3A on the General Plan Land Use Diagram.

- B. **Commercial and Residential Development.** Commercial-only or **Residential only, (Mixed-use in which more than two-thirds of the square footage of the development is designated for residential use, is considered residential)**, development on a single parcel is allowed, subject to Exhibit B, and design and site plan review in accordance with the City of Woodland Community Design Standards.

Residential development is subject to the standards in Section 3.09 for High Density Residential projects.

- C. **Public Open Space.** Well-designed, privately-owned and publicly-accessible open space shall be included in all non-residential, residential, and mixed use development plans, where feasible and appropriate. For commercial and mixed use buildings of 25,000 square feet or more, or four or more retail stores or offices for walk-in clientele, a plaza, courtyard, square or green shall be provided for visitors and customers that is at least five square feet in size for each 1,000 square feet of floor area, up to a maximum of 1,500 square feet. Amenities shall be included within the plaza, such as benches or other seating, shade trees, drinking fountains, water features, public art, or performance areas.
- D. **Location of Off-Street Parking.** Parking shall be located along the side or rear of buildings. Alternate parking arrangement may be considered through site plan and design review with approval by the Zoning Administrator or Planning Commission as appropriate to the proposed use. Parking shall comply with provision of Article 23, Chapter 25 of the Woodland Municipal Code related to Off Street Parking and Loading.
- E. **Trees.** Planting of canopy trees in front and street-side setback areas and in parking areas must be sufficient to provide shade along walkways and enhance character and identity. Landscaping shall be provided consistent with the requirements provided in Article **17.112 22**, Chapter **17 25** of the Woodland Municipal Code related to Landscaping, including Section **17.112.030(B)(4)** ~~25-22-20(b)(4)~~ requiring minimum parking lot shading. Solar panels over parking spaces may substitute for up to 60 percent of the required number of trees in a parking lot.

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- F. **Business Uses, Activities and Storage.** All permitted uses, activities or storage of related equipment and materials shall be conducted or contained wholly within completely enclosed buildings. Auto service stations, temporary outdoor uses, vehicle leasing, sales and services may, in the opinion of the Zoning Administrator, be allowed when and where the use activity or storage are incidental to a principal use on the premises and in character and harmony with the surrounding area as provided for in Exhibit B.
- G. **Design Guidelines and Standards for Desired Urban Form for Corridor Mixed Use**
1. *Building Frontage.* Building frontages should help visually frame the facing sidewalk and street. On corner lots, the building shall help visually anchor the intersection through its height and mass. The primary façade of the building shall face the primary street.
 - a. *Pedestrian Entries.* Building entrances shall face the street with prominent and inviting architectural details.
 - b. *Vehicle Entries.* To maintain a continuous building frontage, wherever feasible, vehicle access to and from off-street parking should be off a side street or single access point at one end of the parcel.
 2. *Building Transparency: Required Opening for Non-Residential Uses.* Provide a visual connection between the street and the interior building spaces. Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings. In addition, all of the following requirements shall apply:
 - a. No building wall may extend in a continuous plane for more than 25 feet without a window, door or storefront opening.
 - b. Street facing facades of each floor of the building shall have an overall wall composition of at least 25 percent glazing, but not more than 70 percent glazing.
 - c. For ground floor street facing facades occupied by commercial uses, exterior walls facing a front or street side lot line shall include windows, doors, storefront or other openings with transparent glazing for at least 50 percent of the building wall located between 2.5 and 7 feet above the level of the sidewalk. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas.
 3. *Architectural Design.* Building architectural design shall be appropriate to the locational context in terms of scale, massing and shape. Buildings shall present an attractive appearance to public streets, be aesthetically and functionally compatible to the nearby development context, demonstrate a high level of quality, and support the growth in value of surrounding properties. Design features and elements may include articulated facades, projections, and recessed entryways. The street-facing façade shall promote visual interest appropriate to and consistent with the building's architectural style.

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- a. The design of buildings and landscapes shall physically define the streets and public spaces as places of shared use.
- b. Architecture and landscape design should grow from local climate, topography, history, and building practice and provide their inhabitants with a clear sense of location, weather, and time.
- c. Buildings and landscapes should emphasize beauty, aesthetics, human comfort, and the creation of a sense of place for people.
- d. Public and publicly accessible spaces shall consist of sidewalks, plazas, squares, greens and other spaces that host daily interaction and public life.
- e. Wall projections or recesses for buildings greater than 50-feet in width and less than 100-feet in width shall be no less than 12 inches in depth; or wall projections or recesses for buildings 100-feet or wider shall be no less than 24 inches in depth. The frequency and scale of the projection or recess shall be proportionate to the overall mass and scale of the building.
- f. To maintain a human scale for multi-story buildings, the height of facades shall be divided into smaller increments.
 - i. Generally, each street-facing building facade shall be composed of a clearly visible base, middle, and top. Non-traditional designs may incorporate other means of façade composition.
 - ii. The horizontal articulation of the three building elements may consist of a substantial-appearing base a roof cornice line, or an eave and gable overhang or a similar architectural element appropriate to the style that frames the middle section.
 - iii. Buildings or portions of buildings that are over four-stories shall also provide articulation for the top story of the building. This may be accomplished through color change, material change, a cornice/belt course at the bottom of the uppermost floor, by stepping the top story back, or similar measures.
- g. Windows shall create visual interest and shadow lines in each wall opening with the appearance of depth. Examples of means to achieve this include the following:
 - i. Trim that is substantial, visible, and at least 1-inch in depth around all upper-story windows and non-commercial ground floor buildings;
 - ii. Recesses that are at least two-inches deep from the plane of the surrounding exterior wall; or

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- iii. Providing prominent surface relief and articulation to a façade using awnings, canopies, balconies, porches, stoops, arcades, forecourts, or massing changes.
- h. Materials shall present a durable and attractive appearance through high quality materials, finishes, and workmanship defined as:
 - i. At least two cladding materials (excluding roof and foundation); and
 - ii. At least three exterior colors, (each cladding material shall count as a color, and trim/accent colors shall each count as a color, and visually significant colors for doors, balconies, and similar elements may count as a color).
 - iii. Buildings that accurately adhere to a recognized architectural style, which is appropriately expressed through one cladding material or one color, may be accepted.
- 4. *Pedestrian Access.* New development must orient the primary building and entry to the street or public right-of-way.
 - a. Commercial sidewalk connections. Create an interface between the building and public sidewalk that results in a high level of activity at the street. Direct entrances into ground-floor commercial establishments, which are adjacent to streets at a rate of no less than one per 100 feet of linear street frontage.
 - b. Residential sidewalk connections. Provide building entrances for individual ground-floor dwelling units adjacent to streets at no less than one per 100 feet of linear street frontage.
 - c. Common area sidewalk connection. When common entrances provide access into a multifamily unit, such entrances shall be clearly distinguished from entrances into individual dwellings or fronts.
 - d. Entrances shall be weather protected by a portico, canopy, or alcove of no less than four feet in depth.
- 5. *Connectivity.* To the extent possible, new development with adjoining lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems. Easements shall be used to assist in defining maintenance and utility responsibilities.
 - a. A conceptual master plan that outlines circulation, access, shared parking, maintenance, and utility easements shall be required where a parcel proposed for development has adjacent properties that are undeveloped and/or that allow for possible connection points, to assist in achieving all of the following:

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- i. Providing a clearly defined pedestrian route between parking areas and the primary pedestrian entrance (s) to the building and shared parking arrangements are encouraged.
 - ii. Minimizing the number of curb cuts and potential conflicts between bike/pedestrian and auto movements.
 - iii. Enhancing opportunities to encourage walking and biking to nearby amenities, services, and transit facilities.
 - iv. Providing a concept plan that may be used to encourage or facilitate appropriate future uses that best achieve the goals of the district and General Plan.
6. *Transitions in Scale, Density and Use Adjacent to Neighborhoods.* New development shall be designed to harmonize with the surrounding physical context. Appropriate transitions in height and mass may be required as conditions of approval in design and site plan review where higher intensity development is adjacent to lower-intensity residential zones. Techniques for improving transitional compatibility include the following treatments:
- a. Transitions in scale, density, and uses should occur along alleys or mid-block rather than across streets;
 - b. Placing the least intensive part of a development along the adjoining perimeter of a lower intensity development;
 - c. Incorporating height step-backs where different building heights adjoin, or across streets, adding compatible elements such as porches and balconies, and separating outdoor activity areas from existing homes;
 - d. Providing additional screening for parking and mechanical equipment; and placing additional controls on lighting such as full cutoff shielding; and/or
 - e. Ensuring careful placement of windows, glazing, and utilizing landscaping to help buffer lower intensity uses.

3.06 Special Regulations in the Community Commercial Zone

- A. **Building Size Limitations.** No single use may have a single floorplate that exceeds 60,000 square feet in order to maintain a neighborhood and community scale.
- B. **Drive-through Limitations.** Drive-through windows and establishments are not desired and, more specifically, fast food drive-throughs are prohibited within one-half mile of a school. **Drive throughs will be evaluated for potential overconcentration, effect on healthy lifestyle choices, and impact to the City's greenhouse gas emissions (GHG).**

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- C. **Location of Off-Street Parking.** Parking shall be located along the side or rear of buildings. Alternate parking arrangement may be considered through site plan and design review with approval by the Zoning Administrator or Planning Commission as appropriate to the proposed use. Parking shall comply with provision of Article 23, Chapter 25 of the Woodland Municipal Code related to Off Street Parking and Loading.
- D. **Business Uses, Activities and Storage.** All permitted uses, activities or storage of related equipment and materials shall be conducted or contained wholly within completely enclosed buildings. Auto service stations, temporary outdoor uses, vehicle leasing, sales and services may be allowed by the Zoning Administrator, when and where the use activity or storage is incidental to a principal use on the premises and in character and harmony with the surrounding area as provided for in Table 3.02 of these standards.
- E. Design Guidelines and Standards for Desired Urban Form – Community Commercial Zone
1. *Building Frontage.* Building frontages should help visually frame the facing sidewalk and street. On corner lots, the building shall help visually anchor the intersection through its height and mass. The primary façade of the building shall face the primary street.
 2. *Pedestrian Entries.* Building entrances shall face the street with prominent and inviting architectural details.
 3. *Vehicle Entries.* To maintain a continuous building frontage, wherever feasible, vehicle access to and from off-street parking should be off a side street or single access point at one end of the parcel.
 4. *Architectural Design.* Building architectural design shall be appropriate to the locational context in terms of scale, massing and shape. Buildings shall be compatible with the nearby development context, demonstrate a high level of quality, and support the growth in value of surrounding properties. Design features and elements may include articulated facades, projections, and recessed entryways. The street-facing façade shall promote visual interest appropriate to and consistent with the building’s architectural style.
 - a. The design of buildings and landscapes shall physically define the streets and public spaces.
 - b. Buildings and landscapes should emphasize beauty, aesthetics, human comfort, and the creation of a sense of place for people.
 - c. Public and publicly accessible spaces shall consist of sidewalks, plazas, squares, greens and other spaces that host daily interaction and public life.
 - d. Wall projections or recesses for buildings greater than 50-feet in width and less than 100-feet in width shall be no less than 12 inches in depth; or wall projections or recesses for buildings 10 feet or wider shall be no less than 24 inches in depth. The frequency and

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scale of the projection or recess shall be proportionate to the overall mass and scale of the building.

- e. To maintain a human scale for multi-story buildings, the height of facades shall be divided into smaller increments.
 - i. Generally, each street-facing building facade shall be composed of a clearly visible base, middle, and top. Non-traditional designs may incorporate other means of façade composition
 - ii. The horizontal articulation of the three building elements may consist of a substantial-appearing base a roof cornice line or an eave and gable overhang or a similar architectural element appropriate to the style that frames the middle section.
 - iii. Buildings or portions of buildings that are over four-stories shall also provide articulation for the top story of the building. This may be accomplished through color change, material change, a cornice/belt course at the bottom of the uppermost floor, by stepping the top story back, or similar measures.
- f. Windows shall create visual interest and shadow lines in each wall opening with the appearance of depth. Examples of means to achieve this guideline include the following:
 - i. Trim that is substantial, visible, and at least 1-inch in depth around all upper-story windows and non-commercial ground floor buildings;
 - ii. Recesses that are at least two-inches deep from the plane of the surrounding exterior wall; or
 - iii. Providing prominent surface relief and articulation to a façade using awnings, canopies, balconies, porches, stoops, arcades, forecourts, or massing changes.
- g. Materials shall present a durable and attractive appearance through high quality materials, finishes, and workmanship defined as:
 - i. At least two cladding materials (excluding roof and foundation); and
 - ii. At least three exterior colors, (each cladding material shall count as a color, and trim/accent colors shall each count as a color, and visually significant colors for doors, balconies, and similar elements may count as a color).
 - iii. Buildings that accurately adhere to a recognized architectural style, which may be appropriately expressed through one cladding material or one color, may be accepted.

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5. *Building Transparency: Required Opening for Non-Residential Uses.* Provide a visual connection between the street and the interior building spaces. Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings. In addition, the following requirements shall apply:
 - a. No building wall may extend in a continuous plane for more than 25 feet without a window, door or storefront opening.
 - b. Street facing facades of each floor of the building shall have an overall wall composition of at least 25 percent glazing, but not more than 70 percent glazing.
 - c. For ground floor street facing facades occupied by commercial uses, exterior walls facing a front or street side lot line shall include windows, doors, storefront or other openings with transparent glazing for at least 50 percent of the building wall located between 2.5 and 7 feet above the level of the sidewalk. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas.
6. *Variation in Massing and Form.* Street-facing façades in long buildings must be visually “broken up” or separated vertically by: variations in roof forms and parapet heights; pronounced (at least one-foot-deep) recesses and/or projections in the wall plane; pilasters that are at least eight inches deep and at least eight inches wide; projected bays, recesses and entries; vertical accents or focal points; cornices; and distinct changes in texture and/or wall color.
7. *Connectivity.* To the extent possible, new development with adjoining lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems. Easements shall be used to assist in defining maintenance and utility responsibilities.
 - a. A conceptual master plan that outlines circulation, access, shared parking, maintenance and utility easements shall be required where a parcel proposed for development has adjacent properties that are undeveloped and/or that allow for possible connection points, to assist in achieving all of the following
 - i. Providing a clearly defined pedestrian route between parking areas and the primary pedestrian entrance (s) to the building and shared parking arrangements are encouraged.
 - ii. Minimizing the number of curb-cuts and potential conflict between bike/pedestrian and auto movements.
 - iii. Enhancing opportunities to encourage walking and biking to nearby amenities, services, and transit facilities.
 - iv. Providing a concept plan that may be used to encourage or facilitate appropriate future uses that best achieve the goals of the district and General Plan.

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8. *Pedestrian Access.* Shaded walkways shall be provided between the principal building entries and parking areas. A clearly defined pedestrian route between the street-adjacent sidewalk, parking areas, and the primary pedestrian entrance (s) to the building shall be provided.
9. *Parking Lot Circulation.* Convenient pedestrian connections shall be provided from adjoining neighborhoods and transit-served streets. To the extent possible, new development with adjoining lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems as well as defining maintenance and utility responsibilities. Shared parking arrangements are encouraged.
10. *Parking Lot Landscaping.* Attractive landscaping in and around parking areas shall be included to provide shade and enhance community center character and identity. Landscaping shall be provided consistent with the requirements provided in Article 22 of Chapter 25 of the Woodland Municipal Code related to Landscaping, including Section 25-22-20(b)(4) requiring minimum parking lot shading.
11. **Gateways. Parcels located adjacent to freeway on and off ramps are considered gateways. The architectural, site, and landscape design shall be enhanced and include distinctive gateway or entry features that enhance the quality and character of Woodland. Buildings adjacent to the freeway should be a minimum of two stories in height and exhibit exemplary architectural design.**
12. *Outdoor Spaces.* Outdoor patios/plazas shall be provided in new and upgraded shopping centers and be designed as focal gathering points. These spaces shall be at least five square feet in size for each 1,000 square feet of floor area, up to a maximum of 1,500 square feet. Amenities shall be included within the plaza, such as benches or other seating, shade trees, drinking fountains water features, public art, or performance areas.

3.07 Special Regulations in the Regional Commercial Zone

- A. **Limitations on Certain Commercial Uses.** Certain Business Services and Office uses listed in Table 3.02 are conditionally permitted only if it can be demonstrated to the satisfaction of the Planning Commission that the uses are compatible with and support a regional commercial center and will not adversely affect adjacent uses. Ground level office uses shall not exceed 10 percent of the total floor area in a regional center, but upper-story office uses are exempt from this limitation.
- B. **Plaza and Outdoor Patio Areas.** Plazas and outdoor patio areas with pedestrian amenities and public art are required within new and upgraded shopping centers to create focal points. These spaces shall be at least five square feet in size for each 1,000 square feet of floor area, up to a maximum of 1,500 square feet. Amenities shall be included within the plaza, such as benches or other seating, shade trees, drinking fountains, water features, public art, or performance areas.

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- C. **Outdoor Storage.** All uses or activities shall be conducted wholly within completely enclosed buildings, except auto service stations, temporary outdoor uses, vehicle leasing, sales and services, or where in the opinion of the Zoning Administrator the use is incidental to a principal use on the premises and the proposed outdoor use is in character and harmony with the surrounding area as provided for in Exhibit B.
- D. Design Standards for Desired Urban Form – Regional Commercial Zone
1. *High Quality Design.* A regional center shall provide a consistent level of high quality architecture and landscape design throughout. The result should be a memorable and desirable destination that enriches the community and the region at large.
 2. *High Quality Materials and Sustainability.* Employ high quality, durable materials and best practices in sustainability in the center design.
 3. *Parking Lot Circulation.* Convenient pedestrian and bicycle connections shall be provided within the project and to adjacent neighborhoods and transit-served streets. To the extent possible, new development with adjoining lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems as well as defining maintenance and utility responsibilities. Shared parking arrangements are encouraged.
 4. *Pedestrian Access.* Shaded walkways shall be provided between the principal building entries and parking areas. A clearly defined pedestrian route between parking areas and the primary pedestrian entrance(s) to the building shall be provided. Shaded pathways providing a minimum five-foot clear pedestrian passage shall be provided. Interest and variability shall be achieved through the use of a variety of pathway materials. Features such as landscaping, seating, fountains, low walls, patio seating, and other architectural features shall be provided to enhance the pedestrian experience.
 5. *Gateway or Entry Features and Public Art.* The design shall include a clear sense of arrival and departure through a distinctive gateway or entry features that enhance the quality and character of Woodland. A public art program is required for the center.
 6. *Landscaping.* Landscaping shall include shade trees in and around parking areas to enhance regional center character and identity. Landscaping shall be provided consistent with the requirements provided in Article 22 of Chapter 25 of the Woodland Municipal Code related to Landscaping, including Section 25-22-20(b)(4) requiring minimum parking lot shading. Solar panels over parking spaces may substitute for up to 60 percent of the required number of trees.
 7. *Reference to Other Criteria.* The Design Standards and Urban Form Characteristics provided in Section 3.06 D, Community Commercial Zone, shall be utilized in evaluating Regional Commercial Development.

3.08 Special Regulations in the Light Industrial Flex Overlay Zones

- A. **Application Over Base District.** The Light Industrial Flex Overlay regulations are to be applied in addition to the base zone regulations.
- B. **Limitations on Certain Commercial Uses.** Service commercial and light industrial uses that are not typically located in shopping centers are permitted provided that they are in developments that are visually complementary to adjacent development.
- C. **Limitations on Office Uses.** Ancillary office spaces that support such uses are also permitted, but they shall not be the primary use.
- D. **Limitations on Outdoor Activities and Facilities.** No outdoor storage shall be allowed between the primary building and the sidewalk or street. Outdoor storage must be screened. Outdoor activities are not allowed, except for incidental loading, nurseries and garden centers, and community gardens, temporary outdoor uses, or when the Zoning Administrator determines that the use is incidental to a principal use on the site and the proposed outside use is in character and harmony with the surrounding area.
- E. **Design Standards for Desired Urban Form – Light Industrial Flex.** Within the LIF Overlay Zone, building design may vary, but generally follow that specified for the base zone and more specifically reflect the following principles and requirements.
 - 1. *Context Sensitive Design.* Context sensitive design of industrial and commercial uses is desired, including screening, buffer landscaping, and upper story setbacks when located adjacent to lower intensity and residential uses. When an LIF Overlay Zone abuts a residential zone, the maximum building height is 30 feet within 40 feet of the residential zone boundaries, and buildings setbacks shall be 15 feet for interior side yards and 50 feet for interior rear yards adjacent to residential zones.
 - 2. *Screening/Fencing.* Appropriate screening shall be provided through a combination of fencing, landscaping, and building placement. Walls or fences in public view should be built with attractive, durable materials. New or used materials in good condition may be utilized. Concrete, wood, and metal, may be used in combination with each other and landscaping to provide an attractive street frontage and to enhance the view from the public way. Barbed wire or “razor-wire” may be considered only where it is demonstrated to be necessary for security purposes, and in no case shall it be publicly visible.
 - 3. *Streetscape.* Streetscape design shall promote an uncluttered street appearance with appropriate fencing, landscaping, and screening.
 - 4. *Architectural Design.* The street-facing façade shall include applied surface ornamentation or decorative detailing to promote visual interest. This may include, but not be limited to, moldings/trim, brackets, niches, and decorative entrances.

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5. *Parking.* Parking shall be located at the side or rear of buildings, wherever possible, with only customer parking located in front of buildings. Throughout the LIF Overlay Zone, where parking is located in front of buildings, a 10-foot landscaped area must be provided between the parking area and the adjacent right-of-way, which may consist of permeable paving and a continuous canopy of trees.
6. *Compatibility and Performance Standards.* LIF Overlay areas within Corridor Mixed Use and Regional Commercial zones are subject to performance standards and design criteria that ensure development is attractive and visually complementary to adjacent development.
7. *Existing Development.* The intent for the LIF Overlay areas within the Industrial Zone is for them to exhibit a higher quality visually than is typical for industrial areas without this overlay. Therefore, where the existing development does not comply with new design criteria, requirements may be placed on existing development through conditions of approval to foster the desired visual transition envisioned by the General Plan. This may include upgrades or improvements to the site where publicly visible, including landscaping, fencing, lighting, surfacing, signage, as well as potential building improvements to enhance the visual attractiveness from the street.

7.

3.09 ~~Residential Density in the R-H Residential High Multiple Family Zone~~

3.10 Special Regulations in the Residential High Density Zone

Standards to apply in the HDR District and in the CMU districts for either residential only, or mixed use development in which residential square footage is greater than 2/3 of the square footage in the project.

A. Neighborhood Compatibility

1. *Building Compatibility.* Residential projects located across the street from single-family neighborhoods shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas and carports shall not be located along single-family neighborhood street frontages.
2. *Unit Access.* Duplexes, tri-plexes, and four-plexes abutting single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).

B. Location and Design of Off-Street Parking.

1. *Parking Location.* Parking shall be located along the side or rear of buildings. Parking shall comply with provision of Article 17.116, Chapter 17 of the Woodland Municipal Code related to off Street Parking and Loading.

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- a. If on-street parking cannot be utilized along a street front, one row of on-site parking may be allowed along that street front, with buildings sited to provide visible front entry access and design to the street front.
 - b. Alternate parking arrangement may be considered through site plan and design review with approval by the Zoning Administrator or Planning Commission as appropriate to the proposed use.
 - c. A minimum of one parking space per unit shall be provided.
2. *Covered parking.* Projects over 50 units in size shall provide covered parking for a minimum of half (50%) the required parking. Projects over 80 units shall provide covered parking at the rate of 75% of the required parking.
 - a. Covered parking shall be provided over a maximum of 10 spaces and landscape fingers that shall be planted with trees and shrubs, provided between each block of covered parking. Landscaping with at the rate of 1 5-gallon shrub every 4 feet and groundcover at a rate of 12-inches on center, shall be provided behind each covered parking area where the covered parking is adjacent to a property boundary.
3. *Bike Parking.* Bike parking shall be provided at the rate of 1 publicly accessible bike space per 5 units for projects with over 20 units.
4. *Carport and Garage Design.* Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors. Solar panels structures are allowed as roof material for garages or carports.

C. Landscaping.

1. Landscaping shall be provided consistent with the requirements provided in Article 17.112, Chapter 17 of the Woodland Municipal Code related to Landscaping, including Section 17.112.030(B)(4) requiring minimum parking lot shading. Solar panels over parking spaces may substitute for up to 50 percent of the required number of trees in a parking lot.

D. Outdoor Space.

1. Open space shall be provided, and at a minimum shall be equal to or greater than 5% of the total building (unit) square footage. The open space may be private, common, or a combination of both.
 - a. *Private Outdoor Space.* Private outdoor space is defined as outdoor space that is usable and directly adjacent to the unit, not the general public. Private outdoor space may be

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provided by one or more of the following: balconies, private gardens, private yards, terraces, decks, and porches.

- b. *Common Outdoor Space.* Common outdoor space shall provide shared access for all building tenants. Common outdoor space may be provided by one or more of the following: courtyards, gardens, play areas, outdoor dining/seating areas, recreation amenities, paseos wider than 15 feet, and rooftop amenities.
- c. Unless located on the rooftop, common outdoor spaces shall be designed to be visible from inside the building, such as windows located at building entrances and/or dwelling unit windows.
- d. For each common outdoor space provided, a minimum 15-foot dimension is required in at least one direction, with a minimum dimension of at least 10 feet in all other directions.
- e. Up to 15% of the common outdoor space may be landscaped using required stormwater treatment planters that are contiguous with the common outdoor space.
- f. Outdoor seating shall be provided at common usable open space areas and outside of laundry facilities (if provided).
- g. If the project has a shared internal entry, an internal entry foyer or courtyard shall be provided. This common interior space shall not be counted toward the open space requirement.

E. Fences and gates.

- 1. *Prohibited Materials.* Chain link, barbed wire, and razor wire fencing is prohibited.
- 2. *Perimeter Fencing.* Perimeter fencing utilized along a public street shall be constructed of decorative material such as iron, pre-painted welded steel, brick, wood picket, or other similar material.
- 3. *Common and Private Space Interface.* At the intersection of common and private open space areas, low walls, plant materials, or fences 42-inches in height or less, shall be used to provide separation between common and private open space. Materials such as wood or metal pickets, may be used to offer degrees of transparency without creating total enclosure.
- 4. *Private Space Screening.* Where private open space is adjacent to a public access way, a taller fence up to 5-feet may be allowed as long as the top 18 inches have greater than 50% transparency.
- 5. *Wood Fencing Treatment.* All wood fencing shall have galvanized metal posts covered in wood and stained with a semi-transparent or opaque treatment. Posts shall be set in concrete.

F. Air, Light, and Privacy

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1. *Maximum Building Height.* Maximum building height: 40 feet. When a HDR abuts a single-family residential zone, the maximum building height is 30 feet within 40 feet of a single family, duplex, or neighborhood preservation zone.
2. *Setbacks.* Conform to the setback requirements as provided in Table: 4.03.2 for High Density Residential.
3. *Buffers.* Comply with buffer requirements consistent with Tables 3.11.1 and 3.11.2.
4. *Pedestrian Scale Lighting.* Pedestrian-scaled lighting, less than 15-feet in height, shall be used to illuminate areas used for pedestrian circulation. Bollards may be used as well.
5. *Dark Sky and Light Screening.* All illumination shall be controlled with cutoffs that primarily direct light downward.

G. Building Design

1. *Affordable Design Consistency.* Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
2. *Wall Facades.* Blank walls (facades without doors, windows) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor areas.
3. *Street Facing Facades.* Street facing facades of each floor of the building shall have an overall wall composition of at least 25% glazing, but not more than 70% glazing.
4. *Ground Floor vs. Upper Floor Façade.* Buildings three stories or taller must provide a ground floor elevation that is distinctive from the upper floors by providing a material change between the first floor and upper floors along at least 60% of the building façade with frontage upon a street or adjacent to an open space.
5. *Trim Surrounds.* Trim surrounds shall be provided at all exterior window and door openings. Trim shall be at least 1-inch in depth around all upper story windows. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches. Stucco textured foam trim shall not be used as the only application to provide architectural detailing.
6. *Materials.* At least two materials shall be used on any building frontage, (excluding roof and foundation) in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage.
7. *Colors.* Buildings shall employ more than a single color application. At least three exterior colors are required (each cladding material shall count as a color, and trim /accent colors shall each count as a color, and visually significant colors for doors, balconies, and similar elements shall count as a color)

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- a. Buildings that accurately adhere to a recognized architectural style, which is appropriately expressed through one cladding material or one color can be accepted.
8. *Material Quality.* Building materials used shall provide for durability, longevity and quality through the use of warranties, demonstrated successful use on similar projects, and clearly stated installation techniques. Submittal of warranties and other information to demonstrate durability and quality shall be provided to the Building Division.
9. *Siding.* A minimum 5/8 thickness is required for panel siding. Battens are required to be incorporated in to the design for a board and batt appearance.
10. *Accent Treatment.* Accent elements, such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate building frontages, building entrances, and common open space areas.
11. *Windows.* If a unit has windows on multiple building frontages, operable windows shall be provided on at least two building frontages.

H. Site Design and Building Orientation and Pedestrian Access

1. *Public Street Orientation.* When buildings are adjacent to a public street, building entrances shall be oriented to face the public street.
2. *Common Entrance Connections.* When common entrances provide access to a multi-family unit, such entrances and sidewalk connections shall be clearly distinguished from entrances into individual dwellings or fronts through the use of paving color, walk width, lighting, and landscaping treatment.
3. *Pedestrian Parking Route.* A clearly defined pedestrian route between parking areas and primary pedestrian entrance shall be provided. This route shall be lighted and landscaped.
4. *Entrance Design.* Entrances shall be weather protected by a portico, canopy, or alcove of no less than 5-feet in depth.

I. Massing and Articulation

1. *Building Articulation.* A minimum of two features such as balconies, cantilevers, dormers, bay windows, patios, individualized entries shall be incorporated into each project building.
2. *Building Off-set.* A minimum one-foot offset is required for any wall plane that exceeds 30-feet in length.
3. *Major Massing Breaks.* Buildings three stories or taller shall have **major** massing breaks at least every 100-feet along a street frontage, through the use of varying setbacks and/or building

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entries. Major breaks shall be a minimum of 30-inches deep and four feet wide and extend the full height of the building.

4. *Minor Massing Breaks.* Buildings shall have **minor** massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12-inches deep and four feet wide and extend the full height of the building.
5. *Rooflines.* Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clearstory windows, and varying roof height and/or form.
6. *End Building Frontage.* Where the side façade at the end of a building is oriented to a street, driveway, paseo, or common open space area, massing and level of detailing of the side façade shall be consistent with the front façade. Architectural treatments shall be provided which wrap around the side of the building (e.g., wrap-around porch, trellis, canopy).
7. *Garage Recess.* Garage doors shall be recessed a minimum of 9 inches from the garage door frame.

J. Utilities, Screening.

1. *Utility Screening.* All ground level utilities, including air conditioning condensers, shall be screened from public walkways and common areas through use of screening panels, landscaping or a combination.
2. *Utility Placement.* Utilities, particularly if noise producing, shall be located away from private and common open space areas.
3. *Roof Top Equipment.* All roof top equipment shall be screened from view. The point for determining visibility shall be 5 feet above grade at a distance of 200 feet. If the roof structure does not provide screening, additional roof screening shall be provided in the design.
4. *Trash Enclosures.* Comply with Section 3.11 B 6 regarding design and location of grouped trash enclosures. For projects that are comprised of individual units with individual trash pick-up, each unit shall be designed to accommodate the required three trash totes, in compliance with state law. The project shall provide for the storage in a screened location during the week, and provide for the adequate placement of such totes on trash pick-up day.
5. *Utility Access Design.* The project shall be designed to accommodate all required utility vehicles including fire trucks, trash trucks, and sewer and storm water vehicles.

~~K. The required lot area per dwelling unit shall be a minimum of 850 square feet and a maximum of 1,700 square feet, which corresponds to the General Plan density range of 20 to 40 units per gross acre.~~

3.11 Flood Study Area Zone

Uses that may be considered, subject to Planning Commission review and approval, in the Flood Study Zone are open space, low-intensity agriculture, or recreational uses. Existing structures and business operations may remain but may not expand.

3.12 Use Regulations and Standards in All or Several Zones

The use and design regulations provided below shall apply to all zones. All applicable sections of the Zoning Ordinance standards and regulations shall apply in addition to the specific standards and guidelines provided in the Interim Zoning Ordinance. Further, all development projects must comply with the City of Woodland Community Design Standards (Resolution 4527, adopted on April 6, 2004), if applicable, and any other discretionary review required by specific plan requirements that may also apply. Applicability shall be determined by “best fit” analysis.

A. **Use and Design Regulations.** The following use regulations shall apply:

1. **Accessory and Temporary Uses.** Accessory uses and structures and temporary uses are subject to the provisions of the Zoning Ordinance.
2. **Outdoor Storage.** All uses or activities shall be conducted wholly within completely enclosed buildings, and no outdoor storage shall be allowed between the primary building and the sidewalk or street, except as may be provided in specific use regulations per zoning district.
3. **Prefabricated Storage, Shipping or Cargo Containers.** Prefabricated storage/shipping containers may not be utilized as permanent storage in any residential, commercial or corridor mixed use zone. Containers may be allowed on a temporary basis subject to design review for review of placement and screening.
 - a. If temporary for a project (materials storage during construction), they must be removed upon the project completion.
 - b. If related to use for recycling in a commercial or corridor mixed use district, consideration and placement shall be subject to Zoning Administrator Permit.
 - c. If temporary for business-related storage (e.g. permitted wholesale storage of goods):
 - i. If left on a parcel in excess of one year, the containers are considered permanent storage and must comply with the Building Code, Prevention Code and would require a building permit.
 - ii. No stacking of containers is allowed.

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- iii. Containers must not be visible from any public right-of-way. Screening of the containers may be accomplished through a combination of placement on site, fencing, and landscaping.
 - iv. No container signage (typically painted on the sides and ends) of any type may be visible from adjoining properties.
 - v. Containers shall meet side and rear setback requirements of the zone.
 - vi. Provide the anticipated time frame for removal of the containers and replacement with permanent structures. .
 - vii. Containers shall be accessible for periodic fire/life safety inspection. Each container requires additional ground area in the parcel, adjacent to the container, equal or greater than one-half the area of corresponding container.
4. ***Exterior Lighting.*** Exterior lighting must be attached to the building and integrated with architectural style, material, and colors. Lighting should reflect the best aesthetic character of the surrounding neighborhood, particularly in historic districts. Exterior lighting must be fully shielded to promote dark sky, prevent glare into adjacent neighborhoods, and be architecturally integrated with building style, material, and colors
5. ***Improvements to Existing Non-Conforming Sites.*** For those situations where a site is non-conforming with current Zoning or Community Design standards, development will be required to provide limited improvements to enhance the visual characteristics of the street or street-side frontage in order to bring the site into greater conformity with the Zoning and Community Design Standards. Improvements may require the removal and replacement of inappropriate signage, the adding or replacing of missing landscaping, adding fencing to meet screening requirements, adding or improving on-site lighting, or re-paving and/or striping of existing parking areas.

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Table 3.11.1 Required Landscape Buffers						
<i>Proposed Use</i>	<i>Adjoining Use</i>					
	<i>Park or Open Space</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential</i>	<i>Mixed Use</i>	<i>Commercial</i>	<i>Industrial</i>
Park or Open Space	—	Type 1	Type 1	Type 1	—	—
Single-Family Residential	—	—	—	Type 1	Type 2	Type 2
Multi-Family Residential	Type 1	Type 1	—	—	Type 1	Type 2
Mixed use	Type 2	Type 2	Type 2	—	—	Type 1
Commercial	Type 2	Type 2	Type 2	—	—	—
Industrial	Type 2	Type 2	Type 2	Type 1	Type 1	—

Table 3.11.2 Buffer Yard Requirements (for each 100 linear feet of buffer yard)						
<i>Buffer Yard Type</i>	<i>Minimum Width</i>	<i>Trees</i>		<i>Shrubs</i>		<i>Fencing</i>
		<i>Large</i>	<i>Small to Medium</i>	<i>Large</i>	<i>Small to Medium</i>	
Type 1	10	2	2	4	6	May be wood, Masonry encouraged
Type 2	15	2	3	5	7	Masonry

B. Standards. The following standards shall apply:

1. **Landscaping, Buffering and Screening.** Landscaping, buffering, and screening shall be provided as required by the Zoning Ordinance and in interim zones by this Ordinance as shown in Tables 3.11.1 and 3.11.2.
 - a. When a multi-story building is proposed and the second story or above is located within 50-feet of the side or rear yard of a single-family lot, screening measures shall be applied to provide reasonable privacy.
 - b. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior unit, incorporating wing walls or louvers, using glass block or other translucent material, or other such methods.

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- c. Sufficiency of Screening. The review authority shall determine the sufficiency of the proposed screening measures and may require additional measures.
 - d. Consideration for Alternative Buffering or Screening. Alternative means of achieving buffering or screening as required in Tables 3.11.1 and 3.11.2 may be considered by the Zoning Administrator or Planning Commission as appropriate, if it can be demonstrated that the alternative will achieve or exceed the intended purpose for the buffering or screening.
2. ***Off-street Parking and Loading.*** Off-street parking and loading shall be provided as required by the Zoning Ordinance.
3. ***Property Maintenance Standards.*** All properties shall be maintained by their respective owners in good order. This shall include litter management and the repair and maintenance of all structures, fences, signs, walks, driveways, landscaping, painting, and other exterior features, as may be necessary to maintain good order. Landscape maintenance agreements shall be required of all new development or significant remodels or renovation projects.
4. ***Screening of Mechanical Equipment.*** All exterior mechanical equipment shall be screened from public view, including adjacent properties. Equipment to be screened includes but is not limited to, heating and/or air conditioning units, water tanks, valves, back flow prevention devices, solar and photovoltaic panels, and transformers. Screening materials may be solid concrete, wood or other opaque material or a combination of fence/wall. Landscaping shall effectively screen equipment so that it is not readily visible from the public right-of-way.
5. ***Construction Management.*** The following shall be followed during any construction activities:
- a. During the construction of a project, the construction site shall be secured by temporary fencing.
 - b. All portions of the construction site shall be watered as necessary to reduce emissions of dust and other particulate matter, and all stockpiles shall be covered. Public streets shall be kept dirt free to the satisfaction of the City Engineer.
 - c. All construction and transport equipment shall be muffled in accordance with state and federal laws and regulations. Noise standards as Section 9.28.090 ~~15-26~~ of the Municipal Code shall apply.
 - d. Construction and transport equipment shall be operated so as to minimize exhaust emissions. During construction trucks and equipment should run only when necessary.
 - e. Construction hours shall be as stipulated in Section 9.28.090 ~~15-26~~ of the Municipal Code.
 - f. All water run-off from construction sites shall be controlled.

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- g. At the end of construction, local road surfaces shall be returned to pre-construction condition.
- 6. **Trash Enclosures.** Trash enclosures shall be required for multiple family, commercial and industrial uses. All of the following shall apply regarding materials, construction and design:
 - a. The walls of the trash enclosure structure shall be constructed of solid masonry material with a decorative exterior surface finish compatible with the main structure(s). The trash enclosure walls shall be a minimum of six feet in height, and the minimum dimensions shall be adequate for the size and number of dumpster and recycling bins.
 - b. The trash enclosure structure shall have solid heavy gauge metal gates.
 - c. The trash enclosure shall feature a floor and approach that is paved with a durable, all-weather surface.
 - d. Trash receptacles shall be covered or a cover structure shall be constructed above the enclosure so as to protect its contents from the elements.
 - e. The trash enclosure for residential developments should be designed to allow walk-in access by residents without requiring the main enclosure gates to be opened.
 - f. Signage identifying the types of recyclable materials accepted for collection at the trash enclosure shall be conspicuously posted within the enclosure.
 - g. The trash enclosure shall be designed so that adverse impacts such as noise, odor, vectors, or glare are minimized through the use of adequate separation, fencing, landscaping, or other means.
 - h. If visible from public view, the perimeter of the trash enclosure structure shall be planted with landscaping, including a combination of shrubs and /or climbing evergreen vines.
 - i. No trash enclosure shall be located in any required street-side setback area.
- 7. **Performance Standards.** All development shall be subject to the performance standards as set forth in the Zoning Ordinance and the following additional requirements. These performance standards are intended to ensure that uses and activities are conducted in a manner that protects the public health and safety and do not produce adverse impacts on surrounding properties or the community at large.
 - a. Lighting. All lighting, reflective surfaces, or any other sources of illumination shall be designed and located in a manner that produces no glare on public streets or on any other parcel. Lights shall be of the minimum illumination necessary for a given application and shall be directed downward and shielded at lot lines so as to confine all direct rays to the premises on which it is located. Exterior lighting shall be fully shielded.

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- b. Fire Hazards. The storage, use, transportation, or production of products which, either in the raw or finished state, constitute a flammable or explosive material shall be subject to approval of the Fire Department (as example, flour milling or nut shell processing). Burning of waste materials in open fires or unapproved incinerators is prohibited.
- c. Liquid or Solid Waste. The use, handling, storage, and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material that could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.
- d. Odor, Particulate Matter and Air Contaminants. No continuous, frequent, or repetitive odors are permitted that are perceptible on or beyond adjacent lot lines or in the public right-of-way. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent or repetitive as used in this subsection. No dust or particulate matter shall be emitted that is detectable at zoning district boundary lines or property lines by a reasonable person without instruments. Exhaust air ducts shall be located or directed away from abutting residentially-zoned properties.
- e. Vibration. Machinery used for manufacturing and industrial processes, including oil and gas collection, processing, and distribution must be designed and housed to ensure that vibration will be reduced to a minimum amount discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
- f. Buffers/Lot Perimeters. Tables referred to in (1) of this section, indicate when a buffer treatment is required and of what type based on the proposed adjoining use. Only the proposed use is required to provide the buffer yard. All uses adjacent to residential zones shall be located, oriented, and designed so as to be compatible with residential zones. Fencing and landscaping adequate to screen development from adjacent residential zones is required.
- g. Noise Standards. Applicants for proposed projects may be required to provide evidence that all of the applicable requirements relating to noise may be satisfied by the project prior to approval. Provisions contained in Chapter 8 of the 2035 General Plan shall apply in addition to other applicable sections of the Municipal Code that relate to noise and nuisance considerations. Maximum noise levels at property lines shall not exceed 70 dBA Ldn. Table 8.6 of the General Plan provides noise level performance standards that apply to the noise sources themselves for new projects and existing non-transportation sources.

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8. **Temporary Uses.** Temporary uses shall be as allowed, consistent with regulations for temporary uses for the “Best Fit” zoning district under the Zoning Ordinance, except that the Zoning Administrator may impose additional conditions related to size, location, and hours of operation to ensure that the temporary use will not conflict with applicable General Plan policies.
- a. Purpose. To establish a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur, nor prevent development of future uses as envisioned by the General Plan or any applicable specific plan.
 - b. Applicability. A Temporary Use Permit is required for any temporary uses that are not otherwise permitted in the base zoning district regulations Exhibit B.
 - c. An application for a Temporary Use Permit must be filed and processed in compliance with procedures in Section (~~17.60.040~~ 25-13-30). An application must be submitted at least 30 days before the use is intended to begin. The application must include the written consent of the owner of the property or the agent of the owner.
 - d. The Zoning Administrator may approve, approve with conditions, or deny applications for temporary uses without a public hearing. However, at the discretion of the Zoning Administrator, a temporary use requiring Administrative Review may be forwarded to the Planning Commission.
 - e. The following uses may be authorized in a nonresidential zone for a period not to exceed: 60 days. After public notice, as required in Section 3.04 (A) of this Ordinance, the Zoning Administrator may extend the temporary use for 10 months, and subsequently extend the temporary use for a period of one-year.
 - i. Consideration for extension of the approval period may be authorized by the Zoning Administrator if the authorized use is consistent with the findings provided in Section 3.04 C.
 - ii. The following uses may be authorized in a nonresidential zone as temporary uses, subject to securing a building permit and compliance with all conditions or approval, if required:
 - iii. Temporary structures and uses incidental to the construction of a building or a group of buildings, including but not limited to construction staging of materials and equipment;
 - iv. Rental or sales office incidental to a new development, provided that it is located in the development project or in an adjacent temporary structure;
 - v. Structures and uses incidental to environmental cleanup and staging;

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- vi. New and used auto sales or storage lots;
 - vii. Parking that is accessory to any temporary use listed above; and
 - viii. Other temporary emergency uses as determined by the Zoning Administrator.
9. **Exceptions.** Exceptions to the requirements in the Design Guidelines and Standards may be approved through design and site plan review with approval by the Zoning Administrator or Planning Commission as appropriate to the uses, and for review and approval of unique uses and conditions.

ARTICLE 4 Dimensional, Intensity, and Density Regulations

4.01 Purpose

The purpose of this Article 4 is to prescribe minimum required setbacks and maximum permitted residential density, building intensity, and height, for buildings and structures in all zoning districts; and to prescribe bonus density and intensity that may be conditionally permitted.

4.02 Zoning Ordinance Provisions Superseded

The provisions of this Article temporarily supersede the setbacks, building height, intensity and density regulations in the Zoning Ordinance that otherwise would apply to land within the Interim Zones.

4.03 Setbacks

The minimum setbacks of buildings from lot lines, also known as “yards,” shall be as prescribed in the Zoning Ordinance in Tables 4.03.1 and 4.03.2 below.. General requirements for yards are as follows, subject to additional provisions in the Zoning Ordinance, which are hereby incorporated by reference. If there is more than one “Best Fit” zoning district for an Interim Zone, the Zoning Administrator shall determine which zoning district to apply and what the required setbacks are, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan.

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Table 4.03.1 Corridor Mixed Use Zone Standards **REVISED**

Standard	West Main (CR 98 to Cleveland)	East Main (East to Johnston and E)	East St. S (Main to Sports Pk)	East Street North (Main to Harter)	Kentucky (East to West)	Armfield (Lemen : Main/East to E St.
Corresponding Special Regulations	3.05 & 3.11	3.05 & 3.11	3.05 & 3.11	3.05, 3.08 & 3.11	3.05, 3.08 & 3.11	3.05 & 3.11
Residential Gross Density	Min 20 - Max 40	Min 20 - Max 40	Min 20 - Max 40	Min 20 - Max 40	Min 12 - Max 30	Min 12 - Max 30
Floor Area Ratio	0.25-2.0 single use; 0.5-3.0 for mixed use	0.25-2.0 single use; 0.5-3.0 for mixed use	0.25-2.0 single use; 0.5-3.0 for mixed use	0.25-2.0 single use; 0.5-3.0 for mixed use	0.25-2.0 single use; 0.5-3.0 for mixed use	0.25-2.0 single use; 0.5-3.0 for mixed use
Minimum-Maximum No. of Floors	Min 1 - Max 5	Min 1 - Max 5	Min 1 - Max 5	Min 1 - Max 5	Min 1 - Max 3	Min 1 - Max 3
PB Min. 1st to 2nd Floor Height (2)	15/13	15/13	15/13	15/13	14/12	12
Minimum-Maximum Front Setback	Min 5 ft - Max 15 ft	Min 5 ft - Max 15 ft	Min 5 ft - Max 15 ft	Min 5 ft - Max 15 ft	Min 6 ft - Max 15 ft	Min 6 ft - Max 15 ft
PB Minimum Side Setback (6)	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft ft
PB Minimum Street Side Setback	Min 5 ft - Max 15 ft	Min 5 ft - Max 15 ft	Min 5 ft - Max 15 ft	Min 5 ft - Max 15 ft	Min 6 ft - Max 15 ft	Min 6 ft - Max 15 ft
PB Minimum Rear Setback (6)	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
Maximum parcel Coverage	70%	70%	70%	70%	60%	60%
Primary Pedestrian Entrance	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk
Minimum off street parking	1/Dwelling Unit	1/Dwelling Unit	1/Dwelling Unit	1/Dwelling Unit	1/Dwelling Unit	1/Dwelling Unit
Residential	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)
Min. Off-Street Parking Non-Residential	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)	As determined by Owner (3)
Notes: In some instances the LIF Overlay will apply in combination with the base zone district.						
1. PB = Principal Building fronting on the street or public right-of-way. AB = Accessory Building- generally to be located behind the primary building on the rear half of the site, so as not to visually compete with or be taller than the PB.						
2. First number for single story/second number two or more building stories. At minimum the first floor shall be a story-and-a-half. The minimum 1st to 2nd floor height is measured from finish floor to finish floor.						
3. The minimum amount of off-street parking to be determined by Owner, based upon information provided in a parking use and needs statement, subject to approval by the Community Development Director.						
4. At all corner parcels a minimum two-story minimum building height is required.						
5. Use regulations in Section 3.11 shall apply, including buffer requirements in Tables 3.11.1 & 3.11.2						
6. Dependent upon building and fire safety considerations, including adequate drainage and maintenance requirements.						
These standards are in addition to Special Regulations in the Corridor Mixed Use Zones found in Section 3.05						

1. PB = Principal Building fronting on the street or public right-of-way. AB = Accessory Building- generally to be located behind the primary building on the rear half of the site, so as not to visually compete with or be taller than the PB. 2. First number for single story/second number two or more building stories. At minimum the first floor shall be a story-and-a-half. The minimum 1st to 2nd floor height is measured from finish floor to finish floor. 3. The minimum amount of off-street parking to be determined by Owner, based upon information provided in a parking use and needs statement, subject to approval by the Community Development Director. 4. At all corner parcels a minimum two-story minimum building height is required. 5. Use regulations in Section 3.11 shall apply, including buffer requirements in Tables 3.11.1 & 3.11.2 6. Dependent upon building and fire safety considerations, including adequate drainage and maintenance requirements. These standards are in addition to Special Regulations in the Corridor Mixed Use Zones found in Section 3.05	1. PB = Principal Building fronting on the street or public right-of-way. AB = Accessory Building- generally to be located behind the primary building on the rear half of the site, so as not to visually compete with or be taller than the PB. 2. First number for single story/second number two or more building stories. At minimum the first floor shall be a story-and-a-half. The minimum 1st to 2nd floor height is measured from finish floor to finish floor. 3. The minimum amount of off-street parking to be determined by Owner, based upon information provided in a parking use and needs statement, subject to approval by the Community Development Director. 4. At all corner parcels a minimum two-story minimum building height is required. 5. Use regulations in Section 3.11 shall apply, including buffer requirements in Tables 3.11.1 & 3.11.2 6. Dependent upon building and fire safety considerations, including adequate drainage and maintenance requirements. These standards are in addition to Special Regulations in the Corridor Mixed Use Zones found in Section 3.05
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Table 4.03.2. Community Commercial, Regional Commercial and Light Industrial Flex Zone Standards **REVISED**

Standard	Community Commercial	Regional Commercial	Regional Commercial with Flex Overlay	Industrial with Flex Overlay	High Density Residential	
Corresponding Special Regulations	Section 3.06 & 3.11	Section 3.07 & 3.11	Sections 3.07, 3.08 & 3.11	Section 3.08 & 3.11	Section 3.09 & 3.11	
Floor-Area-Ratio	0.15 - 0.5	0.15-0.7	0.15 - 0.7	Set by base district		
PB Min. - Max. No. of Floors	Min 1 - Max 4	Min 1 - Max 5	Min 1 - Max 5	Min 1 - Max 4	Min 1- Max 4	
PB Min. 1st to 2nd Floor Height (2)	12	12	11	11	11	
PB Minimum Front Setback	Min 15 ft	Min15 ft	Min 15 ft	Min 15 ft	Min 15 ft	
PB Minimum Street Side Setback	Min 5- Max 15	Min 5- Max 15	Min 5- Max 15	Min 5- Max 15	Min 10- Max 15	
PB Minimum Side Setback (5)	0 ft	0 ft	0 ft	0 ft	5 ft	
PB Minimum Rear Setback (5)	0 ft	10 ft	10 ft	0 ft	10 ft	
Lot Coverage	50%	70%	70%	70%	70%	
Primary Pedestrian Entrance	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk	Street/Sidewalk	
Min. Off-Street Parking	By Owner (3)	By Owner (3)	By Owner (3)	By Owner (3)	1 per unit	

Notes: In some instances the LIF Overlay will apply in addition to the base district.

1. **PB** = Principal Building fronting on the street or public ROW **AB** = Accessory Building to be located behind PB on the rear half of the site, so as not to visually compete or be taller than the PB.

2. The minimum 1st to 2nd floor height is measured from finish floor to finish floor.

3. The minimum amount of off-street parking to be determined by Owner, based upon information provided in a parking use and needs statement, subject to approval by the Community Development Director.

4. Use Regulations and Standards in Section 3.11 shall apply, including setbacks provided in Tables 3.11.1 and 3.11.2 in the case of adjacency to a less intensive use.

5. Dependent upon Building and Fire safety considerations, including drainage and maintenance.

In addition to these standards, the best fit provisions of the Community Design Standards shall apply.

These standards are in addition to Special Regulations in the Community Commercial, Regional Commercial, Light Industrial Flex, and High Density Residential Zones found in Sections 3.06, 3.07, 3.08, or 3.09

4.04 Landscaping, Open Space and Parking.

All of the provisions of the Zoning Ordinance applicable to the Best Fit zoning district shall apply to new development and alterations and additions subject to discretionary review under this Ordinance.

4.05 Residential Density, Building Intensity, and Height.

A. **RH (High Density Residential)**

- Maximum Residential Density: 40 dwelling units per gross acre. The minimum density is 20 dwelling units per gross acre, but lower densities are allowed where proposed development abuts low density residential development.**

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2. **Maximum Building Height: 45 feet. When an RH District abuts a less intense residential zone, the maximum building height is 30 feet within 40 feet of a single family, duplex, or neighborhood preservation zone and 40 feet within 50 feet of a multi-family residential zone.**

B. CMU (Corridor Mixed Use) Zone

1. Maximum Allowable Floor Area Ratio (FAR): 2.0 for single-use developments and 3.0 for mixed-use developments that combines residential and non-residential uses. With approval of a conditional use permit, new development may be allowed to exceed FAR limits if the Planning Commission determines that the project offers significant community benefit, such as the provision of publicly accessible open space or the promotion of transit accessibility.
2. Maximum Residential Density: 40 dwelling units per gross acre. The minimum density is 20 dwelling units per gross acre, but lower densities are allowed where proposed development abuts ~~low-density~~ **low-density** residential development.
3. Maximum Building Height: **Four stories and up to 40 50 feet for the main building with up to 65 feet for prominent architectural features on a building.** When an CMU District abuts a residential zone, the maximum building height is 30 feet within 40 feet of a single family, duplex, or neighborhood preservation zone and 45 feet within 50 feet of a multi-family residential zone.

C. CC (Community Commercial) Zone

1. Maximum allowable floor area ratio (FAR): 0.50.
2. Maximum Building Height: **Four stories, and up to 40 50 feet for the main building with up to 65 feet for prominent architectural features on a building.** ~~anchor department stores.~~ When a CC District abuts a residential zone, the maximum building height is 30 feet within 40 feet of a single family, duplex, or neighborhood preservation zone and 40 feet within 50 feet of a multi-family residential zone.

D. RC (Regional Commercial) Zone

1. Maximum allowable floor area ratio (FAR): 0.7. With a conditional use permit the Planning Commission may approve FAR bonuses for upper-story office, visitor accommodations, such as hotels, and service uses.
2. Maximum Building Height: 65 feet. When an RC District abuts a residential zone, the maximum building height is 30 feet within 40 feet of a single family, duplex, or neighborhood preservation zone and 40 feet within 50 feet of a multi-family residential zone.

- E. **Exceptions to height limits.** These exceptions are to those set forth in Section 25-25-10 of the Zoning Code. No building and structure shall exceed the height limits of this section except as follows. The

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structures listed below are permitted to extend up to ten feet above the maximum height limits. Any extension above ten feet shall require a conditional use permit.

1. Fire and parapet walls;
2. Roof structures for the housing of air conditioners, elevators, stairways, tanks, ventilating fans and similar equipment;
3. Skylights; and
4. Solar energy panels.

ARTICLE 5 Required Findings

5.01 Purpose

The purpose of this Article 5 is to prescribe findings for the granting of conditional use permits and Zoning Administrator permits (also known as minor conditional use permits) pursuant to the provisions of this Ordinance. In addition to the general findings required by the Zoning Ordinance, the Zoning Administrator or Planning Commission must make the findings required by this Article, depending on whichever has approval authority, as follows:

5.02 Uses in Corridor Mixed Use, Community Commercial ~~and~~ Regional Commercial, and High Density Residential Zones

- A. To grant a use permit the Zoning Administrator or Planning Commission must find that the proposed use is designed to facilitate revitalization, achieve the desired urban form, and support a pedestrian environment, as required by the General Plan. Conditions of approval may be imposed to reduce potential adverse impacts and conform to the design guidelines and standards of this Ordinance.
- B. To grant a use permit the Zoning Administrator or Planning Commission must find that the use will not cause, directly or indirectly, potential adverse impacts on adjacent neighborhoods and will contribute to the economic vitality of the City and that the project meets the desired urban form as provided for in the General Plan. Conditions of approval may be imposed to reduce potential adverse impacts and conform to the design standards and guidelines of this Ordinance.

5.03 Commercial Cannabis Uses in the Industrial and Industrial/Light Industrial Flex Zones

Additional findings are required for consideration of Commercial Cannabis Uses in addition to other findings required in the Industrial and Industrial/Light Industrial Flex Zones in accordance with Section **17.110.050** ~~25-21.6.50.~~

5.04 Uses in the Light Industrial Flex Overlay Zone

To grant a use permit the Zoning Administrator or Planning Commission must find that the use is consistent with the General Plan, will not cause adverse impacts on adjacent neighborhoods, and will complement and enhance the character of the area. Conditions of approval may be imposed to reduce potential adverse impacts and conform to the design standards and guidelines of this Ordinance.

Definitions

5.05 Purpose

The purpose of this Article 6 is to define certain terms and concepts used in this ordinance. If not otherwise specified, terms used in this ordinance shall be as defined in the Zoning Ordinance.

5.06 Use Groups

For purposes of this Ordinance, use classifications are divided into the following use types: Residential; Retail, Commercial, and Office; Institutional, Public/Semi-Public, and Community Facilities; Industrial; Transportation, Communications, and Utilities; and Accessory and Temporary Uses. These use types are defined as follows. Similar uses may be permitted by interpretation of the Zoning Administrator.

A. Residential Use Types.

1. ***Single Unit Dwelling, Detached.*** A dwelling unit that is designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except a second dwelling unit, where permitted), and not attached to another dwelling unit on an abutting parcel. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.
2. ***Single Unit Dwelling, Attached.*** A dwelling unit that is designed for occupancy by one household located on a single parcel that does not contain any other unit (except an accessory dwelling unit), and is attached through common vertical walls to one or more dwellings on an abutting parcel.
3. ***Duplex.*** A single building that contains two dwelling units or two single unit dwellings on a single parcel. This use is distinguished from an Accessory Dwelling Unit, as defined by State law.
4. ***Multiple-Unit Dwelling.*** Three or more dwelling units within a single building or within two or more buildings on a site or parcel. Types of multiple-unit dwellings include garden apartments, condominiums, and multi-story apartment buildings. The classification is distinguished from Group Residential facilities (see below).
5. ***Garden Court.*** Three or more detached dwelling units within a single site or parcel.

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6. **Family Day Care.** A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.
 - a. *Small.* A facility that provides care for up to six children or eight children including children who reside at the home and are under the age of 10.
 - b. *Large.* A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.
7. **Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, but excludes Residential Facilities.
8. **Residential Care Facility.** Facilities that provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including group homes for minors, persons with disabilities, people in recovery from alcohol or drug additions, and hospice facilities.
 - a. *Residential Care, General.* A Residential Facility licensed by the State of California and providing care for more than six persons.
 - b. *Residential Care, Limited.* A Residential Facility licensed by the State of California providing care for six or fewer persons.
9. **Supportive Housing.** Dwelling units with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Act (Division 45 of the Welfare and Institutions Code), and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community and where no onsite medical care is provided. Supportive housing as defined by Subdivision (b) of Section 50675.14 may be provided in a multiple-unit structure or group residential facility. Facilities may operate as licensed or unlicensed facilities subject to applicable State requirements.
10. **Transitional Housing.** Dwelling units configured as rental housing but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time, that shall be not less than six months from the beginning of assistance. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as

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defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of rental housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single unit dwelling). This classification includes domestic violence shelters.

B. Retail, Commercial and Office Use Types.

1. **Adult Businesses.** Adult businesses mean any commercial activity that primarily involves the sale, display, or viewing of books, magazines, films, videos, photographs or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks or female breasts. It includes adult book stores, adult movie theaters, sexual encounter establishments, adult cabarets, and similar businesses.
2. **Agricultural Production, light.** Use of land for agricultural production, vine or tree farm, truck garden, apiary, horticulture, vineyard, hop yard, fruits, beekeeping, and associated crop preparation and harvesting activities on any other type of agriculture determined to be substantially similar to the above. Agricultural production may be ancillary to a primary user as a test or research facility. This use does not include nurseries, greenhouses, processing, or retail sales of agricultural products from the site.
3. **Animal Sales and Services.** Sales and service activities related to the care and treatment of domestic animals.
 - a. **Boarding Kennel.** An establishment licensed to operate a facility providing shelter and care for domestic animals on a commercial basis for a period in excess of 48 hours. This classification includes activities such as feeding, exercising, grooming, and incidental medical care for domestic animals.
 - b. **Grooming/Pet Day Care.** Provision of day care and bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
 - c. **Retail Sales (Pet Shops).** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.
 - d. **Veterinary Services.** Medical and health services for animals. Typical uses include veterinary offices, pet clinics, and animal hospitals. This use type excludes kennels.
4. **Auto/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

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- a. *Alternative Fuels and Recharging Facility.* A facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) and may include equipment to recharge electric-powered vehicles.
- b. *Automobile Rental Office.* Rental of automobiles. Typical uses include car rental agencies with no on-site storage of vehicles.
- c. *Automobile Storage Lot.* Any property used for short or long term parking of operable vehicles for sale or lease at an automobile dealership or rental agency on a separate parcel from such agency or dealership.
- d. *Automobile/Vehicle Sales and Leasing.* Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership. This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles.
 - i. New. Sales and leasing of new cars, recreational vehicles, and trucks by new car dealers, including sales of previously-owned automobiles and trucks, and sales of parts and accessories, storage, and incidental maintenance and repair.
 - ii. Used. Sales and leasing of previously owned automobiles, recreational vehicles, and trucks by car dealers not affiliated with a new car manufacturer.
- e. *Tire Retreading and Recapping.* Recap or remold involves a re-manufacturing process for tires that replace the tread on worn tires. Retreading is applied to casings of spent tires that have been inspected and repaired.
- f. *Automobile/Vehicle Repair, Major.* General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service including body, frame or fender straightening or repair, overall painting or paint shops of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, vehicle painting, tire sales, and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping. Vehicles may be stored overnight.
- g. *Automobile/Vehicle Service and Repair, Minor.* The service and repair of automobiles, light-duty trucks not exceeding one and one-half tons' capacity, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tire sales and service, tune-up and brake and muffler

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shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

- h. *Automobile/ Vehicle Washing (full service).* Washing, waxing, or cleaning of automobiles or similar light vehicles, with hands-on service by employees who may move, vacuum, wash, wax, and dry the vehicle. Includes an interior or exterior waiting facility for customers and may include ancillary retail and/or food and drink service for waiting customers.
- i. *Automobile/ Vehicle Washing (self-serve).* Includes self-serve washing facilities that are the principal use of a building, structure, or site, either self-wash facility or drive through automated wash with no or limited-employee assistance. No on-site waiting facility is provided for customers.
- j. *Farm/Agricultural Equipment Sales, Service and Rental.* Sales, servicing, rental, fueling, and washing of tractors, and other equipment used for agricultural, or landscape gardening activities.
- k. *Large Vehicle and Equipment Sales, Service and Rental.* Sales, servicing, rental, fueling, and washing of recreational vehicles (RVs), large trucks, trailers, heavy equipment used for construction, moving activities. Examples include cranes, earth moving equipment, heavy trucks, combines, and similar equipment. Includes large vehicle operation training facilities.
- l. *Service Station.* Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

5. **Banks and Financial Institutions**

- a. *Bank and Savings and Loan.* Financial institution, including credit union office or check cashing service, that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.
- b. *Nontraditional Financial Institutions.* Establishments engaged in short-term lending and buy-back activities in which customers typically take part in one-time or infrequent transactions and do not open long-term accounts or deposit funds. Typical uses include check cashing services, pay day lenders (also known as deferred deposit originators), and similar activities.

6. ***Building Materials, Sales and Service.*** Retail sales or rental of building supplies or equipment. This classification includes finished lumber for purchase, tool and equipment sales, or rental establishments.

7. **Business and Communication Services**

- a. *Business Services.* The business services use type refers to establishments primarily engaged in the provisions of services of a clerical, employment, protective, or minor processing nature to firms, rather than individuals, and where the storage of goods other than samples is prohibited. Typical uses include janitorial, secretarial services and blueprint services.
- b. *Communications Services.* The communications services use type refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes studios, telecommunication service centers.

8. ***Commercial Entertainment and Recreation.*** Provision of participant or spectator entertainment to the general public. This classification may include restaurants, snack bars, and other incidental food and beverage services.

- a. *Hookah Bar/Smoking Lounge:* Any facility or location whose business operation includes the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke down as it is drawn through it.
- b. *Large-scale Facility.* This classification includes large outdoor facilities such as amusement and theme parks, amphitheaters, driving ranges, and golf courses. It also includes indoor facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges.
- c. *Small-scale Facility.* This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, game arcades, dance halls, poolrooms, and amusement arcades. Does not include Health and Fitness facility (see personal service uses).

9. ***Commercial Parking Facilities.*** Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity. These facilities may be publicly or privately owned.

10. ***Drive-in, and Drive Through Sales and Services:*** A use where a customer is permitted or encouraged, either by the design of the physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated within an automobile or commercial vehicle, but not limited to drive through fast-food, financial services, pharmacy, and automatic car washes.

11. ***Eating and Drinking Establishments.*** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
- a. *Bars/Night Clubs/Lounges.* Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes karaoke bars and micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.
 - b. *Micro-Distillery.* A small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches (as opposed to larger distillers' continuous distilling process). Typically, no more than 15,000 U.S. gallons of spirits per year. May include a restaurant, bar, or tasting room.
 - c. *Microbrewery.* Typically produces small batches of beer (15,000 barrels a year). Generally, no more than 75% of the total gross floor space is involved in brewing. Microbreweries sell to the public either as wholesale or retail capacity. They typically do not include food service.
 - d. *Brewpub.* A full-service or limited-service restaurant with a micro-brewery as an accessory use. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.
 - e. *Restaurant, Full Service.* Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided.
 - f. *Restaurant, Limited Counter Service/Fast Food.* Establishments where food and beverages are consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products.
 - g. *Restaurant with Drive Through.* A restaurant where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction.
 - h. *Tasting Room.* A retail sales facility where customers may taste and purchase beverage and food products grown and /or processed on the site. Products offered for tasting and sale may include wine, beer, olive oil, cheese, and/or other food and beverage products.
12. ***Food and Beverage Sales.*** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

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- a. *Convenience Market.* Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a Service Station but does not include delicatessens or specialty food shops.
 - b. *Farmers Market.* A location where the primary activity is the sale of agricultural products by producers and certified producers. Sales of ancillary products may occur at the location. An open air farmers market may only be operated by a local government agency.
 - c. *General Market.* Retail food markets of food and grocery items primarily for offsite preparation and consumption. Typical uses include supermarkets and specialty food stores such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production with retail sales as an ancillary use, and supermarkets may stock non-food products and include on-site pharmacies.
 - d. *Healthy Food Grocer.* A food and beverage retail sales establishment that (1) dedicates at least 50 percent (50%) of retail space to a general line of grocery products intended for home preparation, consumption and use; and (2) dedicates at least 30 percent (30%) of retail space to perishable goods including dairy, fresh produce, fresh meats, poultry, fish and frozen foods.
 - e. *Liquor Store.* Establishments primarily engaged in selling packaged alcoholic beverages for off-site consumption
13. ***Funeral and Interment Service.*** Establishment primarily engaged in services involving the care, preparation or disposition of human dead other than in a cemetery. Typical uses include crematory and mortuary.
- a. *Crematorium.* A facility that houses one or more crematory units, machines in which deceased human remains are combusted and transformed into ash.
14. ***Live-Work.*** A unit that combines a work space for commercial activities and incidental residential occupancy occupied and used by a single household in a structure that has been constructed or converted for such use and modified to accommodate residential and non-residential occupancies in compliance with the Building Code.
15. ***Maintenance and Repair Service.*** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

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16. **Mixed Use.** A development that combines multiple uses on the same lot or in the same building, such as retail, office, and residential. Mixed use development typically provides a minimum of two or more uses otherwise permitted, or conditionally permitted in the district and uses are functionally integrated as part of the site. A development site over two (2) acres in aggregate shall, at a minimum, include a second use.
17. **Offices, Business and Professional**
- a. *Administrative and Professional Offices.* The administrative professional offices use type refers to offices of private firms or organizations or public or quasi-public organizations that are primarily used for the provision of professional, executive, management or administrative services. Typical uses include administrative offices, tax preparation, legal offices, engineering or architectural firms. Any drive-up service is specifically excluded.
 - b. *Medical or Dental Offices.* The medical offices use primarily engaged in the provision of personal health services including consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by physicians, dentists, nurses, counselors, and other health personnel, including practitioners of medical and/or healing arts as licensed for such practice by the State. Provides for treatment by up to two licensed physicians, dentists, and their professional associates.
 - c. *Walk-in Clientele.* Office providing direct services to patrons or clients without prior appointments, such as employment agencies, insurance agents, real estate offices, travel agencies, communication services, and utility company offices. It does not include banks and check-cashing facilities, which are separately classified.
18. **Personal Services**
- a. *General Personal Services.* Provision of recurrently needed services of a personal nature. This classification includes barbershops and beauty salons, day spas, clothing rental, seamstresses, tailors, dry cleaning agents, shoe repair shops, self-service laundries (excluding larger bulk cleaning plants), photocopying, and photo finishing services. These uses also may include accessory retail sales of products related to the services provided.
 - b. *Instructional Services.* Services for the purpose of personal enrichment. Typical uses include classes or instruction in music, health, athletics, art, or academics. Rehearsal studios may be an accessory use.
 - c. *Massage establishments.* Any establishments having in whole or in part, a fixed place of business where individuals engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, massages, baths, health treatments involving massages or baths as a primary or secondary function, provided that “massage establishment” does not include establishments where massage is administered in conjunction with the practice of a medical doctor, chiropractor, acupuncturist, physical therapist, or nurse.

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- d. *Health/Fitness Facility.* Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training, and similar types of instruction to classes and groups of more than five persons.
 - e. *Tattoo or Body Modification Parlor.* An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) piercing of the body of a person for the purpose of inserting jewelry or other decoration.
19. ***Regional Shopping Center.*** A multi-tenant center with a broad range of retail and service uses and eating and drinking establishments, typically anchored by larger format stores (with 60,000 square feet of space or more). Secondary uses may include hotels and service stations. Accessory uses may consist of ancillary office space for support service uses and stand alone, professional office buildings.
20. **Retail Sales**
- a. *Artisan Shop:* A retail store selling art glass, ceramics, jewelry and other handcrafted items and supplies needed to create finished items, where the facility includes an area for the crafting of the items sold.
 - b. *Firearm Sales and Servicing:* A business whose primary use is the sale and servicing of firearms, ammunition, and related materials.
 - c. *Flea Market/Swap Meet.* An indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or to exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term Swap Meet or Flea Market is interchangeable with auctions, open-air markets, or other similarly labeled activities, but the term does not include supermarket or department store retail operations.
 - d. *General Retail Sales, Small-Scale.* The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including bakeries, clothing stores, drug and discount stores, florists, gift shops, household stores, furniture stores, pet supply stores, pharmacies, small hardware and garden supply/nurseries stores, sports stores, stationary and variety stores, and businesses retailing goods including, but not limited to, the following: art supplies, dry goods, toys, hobby materials, handcrafted items, jewelry, cameras, pet supplies, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, musical instruments, electronic equipment, sporting and camping equipment, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, new automotive parts and accessories

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(excluding vehicle service and installation). Retail sales may be combined with accessory indoor repair services.

- e. *General Retail Sales, Large-Scale.* Retail establishments with over 25,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including department stores and membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area. Retail sales may be combined with accessory indoor repair services.
 - f. *Nursery and Garden Center.* Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. Fertilizer and soil products are stored and sold in packaged form only.
 - g. *Pawn Shop.* Establishments engaged in the buying, selling, trading, accepting for auctioning, or auctioning of new or secondhand merchandise and offering loans in exchange for personal property.
 - h. *Secondhand/Consignment Store.* A store where secondhand goods are for sale or goods are placed on consignment, which is the act of placing goods in the hands of another, while still retaining ownership, until the goods are sold. Unlike a pawn shop, secondhand/consignment stores do not offer loans in exchange for personal property.
 - i. *Smoke shop:* Smoke shop and tobacco store shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this chapter.
21. ***Transient Lodging.*** Transient lodging refers to establishments primarily engaged in the provision of lodging services with incidental food, drink, and other sales and services intended for the convenience of guests.
- a. *Bed and Breakfast.* A residential structure that is in residential use by the property owner or manager and within which bedrooms are rented for overnight lodging and where meals may be provided
 - b. *Hotel and Motel.* An establishment providing temporary lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, apartment hotels, and tourist courts.

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- c. *RV Park Resort.* A form of lodging designed to accommodate travelers with recreational vehicles for short-term overnight vacation stays, on a nightly or weekly basis, in allotted spaces, or for occupancy by tents or other movable temporary sleeping quarters. Such a facility would be designed to be self-contained, providing attractive amenities to the clients, which may include but are not limited to barbecue area, bathhouses, exercise equipment, tennis courts, gift store, laundry, and swimming pool. Sites shall be attractively landscaped and visually screened from the freeway or public view.
- d. *Short-term rental.* Rental of a dwelling unit for less than a month. Provides a room or rooms in a private home. A permanent resident must reside at the property and be present in the home during the time of the homestay.

C. Institutional, Public/Semi-Public, and Community Facilities Use Types

- 1. ***College and Trade School.*** Institutions of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, and technical and trade schools, but excludes personal instructional services such as music lessons.
- 2. ***Community and Religious Assembly.*** A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.
- 3. ***Community Garden.*** An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be accessory to public or institutional uses such as parks, schools, community centers, or religious assembly uses. This classification does not include gardens that are on a property in residential use when access is limited to those who reside on the property. Community Gardens to not include Medical Marijuana Collectives.
- 4. ***Cultural Facility.*** Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts for theater, music, dance, and events as an accessory use; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; publicly owned art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

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5. **Day Care.** Establishments providing non-medical care for persons on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children or adults, and any other day care facility licensed by the State of California.
6. **Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.
7. **Hospitals and Clinics.** State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment as well as training, research, and administrative services for patients and employees.
 - a. **Civic Health Care Facilities.** A facility that primarily provides medical care and supervision including facilities that provide inpatient/outpatient medical and/or psychiatric treatment that involves regular pharmaceutical distribution or treatment, blood bank, plasma, medical laboratory, substance abuse treatment , or dialysis center. Does not include facilities that solely provide counseling and that do not distribute medicine on-site.
 - b. **Hospital.** A facility providing medical, surgical, mental health, or services primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
 - c. **Medical or Dental Clinic.** A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, cosmetic, diagnostic services, administration, and related services to patients who are not lodged overnight. Treatment is typically provided by more than two licensed physicians and their professional associates. May include the provision of medical testing and analysis services as an ancillary use. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services. It does not include private medical and dental offices that typically require appointments and are usually smaller scale.
 - d. **Skilled Nursing, Extended Care, and Assisted Living Facility.** A range of facility types that provides bed care on a chronic basis, or provides convalescent care for persons who by reason of illness, physical infirmity, or age are unable to properly care for themselves for a period of time. A skilled nursing facility is usually temporary in nature and is focused on rehabilitation that is intended to prepare the resident to return to their independent living. Extended care provides for the prolonged care of individuals who require custodial or nursing care. Assisted living services typically provide assistance with bathing,

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dressing, grooming, medications, and meal preparation in a setting that is, by design, residential in nature and is intended not to be temporary.

8. **Government Buildings.** Facilities providing administrative or public services, including public safety and emergency services, with incidental storage, training, and maintenance facilities.
9. **Social Service Center.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Day Care Center), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

D. Industrial Use Types

1. **Artisan/Small-scale Manufacturing.** The artisan manufacturing use type refers to establishments primarily engaged in small-scale, on-site production of goods by hand manufacturing, which involves only the use of hands tools or domestic mechanical equipment not exceeding two (2) horsepower or kilns not exceeding 25 kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, glass, candle making shops, metal, and woodworking, manufacturers that typically occupy smaller spaces with a maximum floor area of 10,000 square feet.
2. **Artist's Studio.** Work space for an artist or artisan, including individuals practicing one of the fine arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See Live-Work). Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, textile, and small scale pottery studios. All work is indoors and may only have very limited artisan display.
3. **Brewery/Distillery**
 - a. **Brewery.** An independent regional brewery with a majority of volume in "traditional" or "innovative" beers. Typical annual production may be between 15,000 and 6,000,000 barrels.
 - b. **Distillery.** An establishment where whiskey or a similar strong alcoholic drink, or spirits, is made by a process of distilling. Distillation of fermented products produces distilled beverages with a high alcohol content, or separates out other fermentation products of commercial value. Typically greater than 15,000 gallons of spirits per year.
4. **Food Preparation/Commercial Kitchen.** Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries

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with on-site retail sales, and small scale specialty food production. This classification does not include businesses involved in the processing or manufacturing of wholesale food products.

5. ***Industrial, Heavy.*** The processing, manufacturing, or compounding of materials, products, or energy, or any industrial activities that because of their scale or method of operation regularly produce noise, heat, glare, dust, smoke, fumes, odors, vibration, or other external impacts detectable beyond the lot lines of the property. Uses may utilize raw materials to fabricate semi-finished products that include but are not limited to metal fabricating facilities, open welding shops, lumber woodworking (milling) facilities, heavy machine shops, chemical storage and distributing, industrial fabrication facilities, concrete product manufacturing activities, and aggregate or asphalt yards. Characteristics of activities may include massive structures outside of the buildings such as cranes, conveyor systems, cooling towers or open-air storage of large quantities of raw, semi-refined, or finished products. Heavy industrial uses may regularly employ hazardous material or procedures or produce hazardous by-products, include outdoor storage areas, and may have activities that take place outside of structures. There is no general public access.
6. ***Industrial, Medium.*** Typically, larger in scale and size than light industrial uses and involves the manufacturing of products from processed or unprocessed raw materials, where the finished product is non-combustible and non-explosive. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land uses, but is not offensive or obnoxious. Odors produced on site shall not have a material negative effect on other businesses or properties in the area.

This use shall include any packaging of the product manufactured on site. Activities may include research and development, and manufacturing of finished or semi-finished products in multiple-use facilities or structures. Outdoor storage is not permitted in the frontage zone and must not be visible from any thoroughfare, excluding alleys. A fence and landscape buffer is required along all side and rear property lines where it abuts any residential or similar less intensive use. May involve inter-plant transfers. **Uses are typically characterized with semi-trailer truck, tractor-trailer truck (18-wheeler, fifth-wheel, box-trailer) access and truck bays and significant numbers of semi-truck trips.**

Examples include but are not limited to the production of the following: glass products made from manufactured glass, clay and pottery products; food and beverages, wood truss assembly, canners, roasters, breweries, wholesale bakeries, frozen food manufactures; candy and other confectionery products; computer hardware; products made from rubber, plastic, resin; converted paper and cardboard products; fabricated metal products made from semi-finished metals.

7. ***Industrial Light.*** Typically, smaller scale establishments engaged in the production of small consumer goods taking place primarily within enclosed buildings producing minimal impacts on nearby properties. Any heat, glare, dust, smoke, fumes, odors, or vibration are confined to the building. These uses typically have a larger number of employees per acre and are more

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consumer oriented. An activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. A light industrial use may include a showroom or ancillary sales of products related to the items manufactured on-site. Limited storage may be required but must be fully screened. Often includes buildings that are smaller scale, under 50,000 square feet, or in multi-tenant type configurations, with office and production area combined. **Uses typically utilize limited numbers of roll up doors. Uses do not typically use large numbers of semi-truck trips, rather vans, and smaller light duty box trucks.**

Examples of light industries may include the manufacturing of foods, beverages, personal care and home care products, cosmetics, clothes and shoes, furniture, art ware and crafts, consumer electronics, and sign manufacture shops. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption in commercial kitchens or for specialty food manufacturing.

8. ***Recycling Facilities.*** Collection or processing or recyclable materials or items.
 - a. Recycling Collection Facilities. A drop-off/collection and sorting point for recyclable materials such as paper, metal, plastic, and glass.
 - b. Recycling Processing Facilities. An industrial facility where recycled materials are processed into new materials or products.
9. ***Research and Development.*** The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Excludes uses, that in the Zoning Administrator's determination, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material, including biohazards, or because they would threaten public safety. Businesses shall be compliant with all Fire and Building safety codes.
10. **Salvage, Vehicle Impound, and Tow Yard.** Vehicle impound is the legal process of placing a vehicle into an impound, lot, tow-yard, or in an interior space which is a holding space for cars until they are placed back in control of the owner, recycled for their metal, stripped of their parts at a wrecking yard, or auctioned off for the benefit of the impounding agency. The impounding agency can be a police department/agency.
11. **Wrecking yard.** (Scrapyard, Junkyard) The location of a business in dismantling where wrecked or decommissioned vehicle are brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are sold to metal recycling companies.
12. ***Specialty Food Processing:*** A facility for the transformation of raw ingredients, by physical or chemical means into food or of food into other forms. The application of food science to the selection, preservation, processing, packaging, distribution, and use of safe food. These uses may

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have specific quality assurance and quality control to ensure that ingredients and finished products are tested and meet safety and quality specifications.

13. **Storage Yard:** The use of land to store material, equipment, or vehicles. May include storage of construction materials or equipment on a site other than a construction site.
14. **Warehouse, Storage and Distribution.** An establishment or multi-tenant building engaged solely in the wholesale, storage, or distribution of goods to other vendors. Activities typically include but are not limited to wholesale, storage, and warehousing services; moving and storage services; storage and wholesaling to retailers from the premises of finished goods and food products; and distribution facilities for large scale-retail firms.
 - a. *Indoor Warehousing and Distribution Storage, Limited.* Storage within an enclosed building, 5,000 square feet or less in size, of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including, but not limited to, personal automobiles, or construction materials.
 - b. *Indoor Warehouse and Distribution Storage, General.* Storage within an enclosed building greater than 5,000 square feet in size, of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including, but not limited to, feed, construction materials, cold storage, draying or freight, moving and storage and warehouses. Excludes the storage of hazardous chemical, mineral, and explosive materials.
 - c. *Personal Self-Storage Facility (mini-storage).* A storage facility that is characterized by individual separate spaces accessible by customers for the storing and retrieval of personal effects and household goods. This classification excludes manufacturing, retail or wholesale selling, office or other business services with the spaces and human habitation.
 - d. *Personal Self Storage – Warehouse Facility:* The indoor storage of large boats, RVs, and other large objects for customers for storage and retrieval. The items may be moved about within the facility by the business operator with goods and vehicles possibly arranged in racks for storage.
 - e. *Chemical or Mineral Storage.* Storage of hazardous materials including, but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum based fuels, and fireworks.

E. Transportation, Communications and Utilities

1. **Communications Facilities.** Broadcasting and other information relay services.
 - a. *Antennas and Transmission Towers.* Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures

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designed to support reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

- b. *Equipment within Buildings.* Indoor facilities containing primarily communication equipment and storage devices such as computer servers.
- 2. ***Park-and-ride Facility.*** A parking lot with public transportation connections enabling commuters and other people to leave their cars and either carpool or use transit to reach a city center or major employment location.
- 3. ***Transportation Passenger Facility.*** Facilities for passenger transportation operations, including transit bus stops and bus terminals.
- 4. ***Utilities, Minor.*** Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

F. Accessory and Temporary Uses

- 1. ***Accessory Use.*** A use that is customarily associated with, and incidental and subordinate to, the primary use, is located on the same lot as the primary use, and occupies not more than 20 percent of the gross floor area.
- 2. ***Temporary Use.*** A use that is intended to be of limited duration of time and that will not permanently alter the character or the physical facilities of the site where it occurs. These may include seasonal sales, special events and sales, temporary outdoor sales and displays, and temporary construction offices.

G. Commercial Cannabis Uses

Refer to Section **17.110.030** ~~25-21.6-30~~ in the Woodland Municipal Code for definitions for commercial cannabis uses.

5.07 Definitions of Terms

As used in this Ordinance

In any instance of conflicting definitions, the Director shall determine which shall be applied.

Abandoned, Abandonment- When, for a period of over one year, a non-conforming use is either vacated, the business license lapses, the lease is terminated, and/ or utilities are terminated.

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Abutting, Adjoining, or Adjacent- Having a common property or district line, or separated only by an alley, path, private street, or easement.

Access- The place or way through which pedestrians and/ or vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this code.

Accessory Building- See Building, accessory.

Accessory Structure- See Structure accessory.

Addition – Any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

Alley- A public way permanently reserved for access to the rear or side of properties otherwise abutting on a street.

Alteration- Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance, and repairs.

Ancillary – Subordinate, connected with something, but less important than the main feature. Providing necessary support to the primary activities or operation.

Applicant – Is a person who requests in writing the approval of a permit, license, certificate, or other entitlement for use from one or more public agencies.

Application – The form and information submitted by an applicant. The form and information is to be used to determine whether to approve or deny permits or other entitlement for use.

Arcade- A public way passageway or colonnade open along at least one side, except for structural supports, usually covered by a canopy or permanent roofing.

Area, Net – The area contained within the site or parcel area.

Area, Gross – The entire area within the boundaries of a project site, building, or lot, measured to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.

Automatic Irrigation System- An irrigation system that utilizes an automatic timing device (automatic controller) to remotely control valves for operation of water supply to landscapes.

Average Grade- A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

Awning- An architectural projection that provides weather protection,, or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework, which projects from and is supported by the exterior wall of a building.

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Balcony- A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than two sides. See also Deck.

Base District- See zoning district.

Bathroom- A room containing a sink, a toilet, and a shower and/ or bathtub.

Bay Window- An angular or curved window that projects from the building surface.

Bedroom- Any habitable space in a dwelling unit or accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping and is at least 70 square feet in area.

Best Fit – Means the most appropriate existing zone that would implement a General Plan land use classification for a specific development site, taking into consideration the permitted and conditionally permitted land uses and the allowable height, density/intensity, and other development standards established in the Zoning Ordinance. Applying the Best Fit does not mean that a particular piece of property will be rezoned; rather, it means that the applicable standards for a particular zone will apply to a project when the project is in an area where the zoning and General Plan are not in conformity with each other.

Block face- All property between two intersections that fronts upon a street or abuts a public right-of-way.

Block- Property bounded on all sides by a public right-of-way.

Buffer, Buffering- An area on a parcel that is designed to separate structures and uses from the general public and/ or adjacent properties to reduce negative impacts. It may include landscaping, fences, and walls.

Building Envelope- The aggregate of building mass and building bulk permitted on a parcel, which is defined by height regulations, setbacks, and other property development standards.

Building Face- The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars shall be considered the face of the building.

Building Site- A parcel or parcel of land occupied, or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its primary frontage on a street, road, highway, or waterway.

California Department of Alcoholic Beverage Control (ABC) - The California State agency that regulates the permitting of alcoholic beverage sales, including the sale of beer, wine, and distilled spirits.

California Environmental Quality Act (CEQA) - Public Resources Code Section 21000 et seq. or any successor statute and associated guidelines (California Code of Regulations Section 1500 et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

California Model Water Efficient Landscape Ordinance- See California Code of Regulations, Title 23. Waters, Divisions 2. Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance.

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Canopy- A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport- A permanently roofed structure-providing space for parking or temporary storage of vehicles enclosed on not more than two sides.

Change of Occupancy- A discontinuance of an existing building use and substitution of a new use that changes the Building Code occupancy group classification and requires a building permit and new Certificate of Occupancy as determined by the Building Official.

Change of Use- A discontinuance of an existing use and the substitution therefore of a use such that the new use represents a different use group or is otherwise differently regulated by the zoning code compared to the prior use. A change of ownership alone does not constitute a change of use.

Conditionally Permitted- Permitted subject to approval of a Conditional Use Permit.

Context-Sensitive Design- Means that buildings, landscapes and other lot improvements should respond to their specific physical context in a manner that positively reinforces or helps transform and improve the long-term character of the surrounding buildings, blocks, streets, neighborhood or district.

Construction- Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land together with any scientific surveys associated therewith.

Courtyard- An unroofed area that is completely or mostly enclosed by walls of a building.

Curb Cut- A break in a curb allowing vehicles access from the roadway to a legal parking area within the parcel.

Deck- A platform, either freestanding or attached to a building that is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a Patio. See also Balcony.

Demolition- The destruction, dismantling, or removal of a building or structure, or substantial portion of a building or structure so that it constitutes demolition pursuant to the provisions of this Ordinance.

Development Agreement- An agreement between the city and any person having a legal or equitable interest in real property for the development of such property and that complies with the applicable provisions of the Government Code and local laws for such development agreements.

Development- Any manmade change to improved real estate, including, but not limited to, the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Discretionary Permit- A Zoning Administrator Permit, Variance, Temporary Use Permit, Planned Development Permit, or Conditional Use permit or any other appealable permit that requires findings be to be made.

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Drive-In and Drive-Through Facilities- A facility designed to provide service to clients in a manner that does not require them to leave their vehicle.

Driveway- An access way that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

Drought Tolerant Plant- A plant that is adapted to arid or drought conditions. The use of drought-tolerant plants is essential to a successful xeriscape, which ideally requires no supplemental irrigation.

Easement- A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

Eave – The projecting lower edges of a roof overhanging the wall of a building.

Effective Date- The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Emergency- A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Enclosed- Surrounded by walls, including windows, doors, and similar opening or architectural features.

Entitlement- Formal permission from the Planning Division to use or develop land, including Zone Clearances, Development Permits, and Conditional Use Permits, but not including legislative actions such as Rezones and Plan Amendments. An individual entitlement may be sufficient for a project to proceed, or may need to be used in conjunction with another entitlement.

Entrance- An opening, such as door, passage, or gate, that allows access to a place.

Environmental Impact Report- (EIR) - An Environmental Impact Report as required under the California Environmental Quality Act.

Environmental Review- An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Erect- To build, construct, attach, hang, place, suspend, or affix to or upon any surface.

Excavation- The removal of soils or other materials below grade.

Existing Grade- The elevation of the ground at any point on a parcel as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Express Conflict – A situation where a proposed use or development proposal may be not be permitted or conditionally permitted in the Zoning Ordinance, but may be referenced in the General Plan, and/or consistent with policies contained in the General Plan, or the General Plan may be silent, each situation resulting in a conflict.

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Façade- Exterior, outer being on the outer side, situated or being outside; the outer surface. The face of the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Façade, Street Facing- Any building façade whose exterior wall faces or is within 45 degrees of parallel to an adjacent street, right of way, or public park, plaza, or open space.

Feasible- Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fee- A payment to the City for the processing of a permit, license, or appeal application by a City agency or department.

Fence- An artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land. Fences may also be walls, hedges, and screen planting.

Final Map- A map showing a subdivision of five or more lots, prepared for filing with the Yolo County Recorder in accordance with the provisions of the Subdivision Map Act and Part IV: Land Divisions, if deemed in substantial compliance with a previously approved tentative subdivision map and with any conditions to such approval.

Floor area, Net – The total of all floor areas of a building, excluding stair wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor area, Gross- The total gross horizontal area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multi-story building unless otherwise stipulated.

Floor Area Ratio (FAR)- Means the ratio of the total gross floor area of all buildings on a lot to the lot area.

Footprint- The horizontal area, as seen in plain view, of a building or structure, measured from the outside of exterior walls, and supporting columns, and excluding eaves.

Frontage- That portion of a parcel of property that abuts on a public street.

Garage- A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.

General Plan- The City of Woodland 2035 General Plan adopted by City Council by Resolution 6836 on May 16, 2017.

General Plan Land Use Designations and General Plan Land Use Diagram – the designation depicted on Figure 2-5 of the General Plan entitled “Land Use Diagram” and the Land Use Diagram itself.

Glare- The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability, and which may also cause damage to property.

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Government Code- The Government Code of the State of California.

Grade- The location of the ground surface.

Graffiti- Marks, such as inscriptions, drawings, or design, which are placed, scratched, etched, painted, or sprayed on public or private property without owners consent.

Ground Floor Street Frontage- The first level of a building, other than a basement that borders a public street.

Ground Floor- The lowest floor of a building other than a basement that is closest to finished grade.

Habitable Space- As defined in Section 202 of the California Building Code.

Habitation- Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same parcel.

Hazardous Materials- Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health safety, property, or the environment when improperly treated, stored, transported, disposed of , or otherwise managed.

Hedge- Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line.

Height- The vertical distance from a point on the ground below a structure to a point directly above.

Household- One or more persons living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities; and who maintain a single mortgage, lease, or rental agreement for all members of the house hold.

Hydro zone- A portion of the landscaped area having plants with similar water needs.

Illegal Non-Conforming Use or Site Feature- A use, structure, site feature or lot shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment or has not continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon it's establishment or imposed upon it any time thereafter.

Intensity of Use- The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include, but are not limited to, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

Interim Zones- Refers to the zoning designations established in this Interim Zoning Ordinance.

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Interior- The inner or indoor part of something, especially a building; the inside; being within.

Junkyard – Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable moto vehicles or other type of junk.

Kitchen- A room or space within a building with appliances used for cooking or preparing food.

Landscaping- The planting, configuration, and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Legal Non-Conforming Use, Structure, or Site Feature- A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment, and has continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter, based on evidence provided by the property owner, tenant, or applicant. Legal Non-Conforming status shall also be assigned if non-conformities were created by a public improvements, such as a street widening project.

Light Fixture- The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Local-serving or neighborhood-serving- means having a market area generally not exceeding one mile in radius.

Lot Line Adjustment- A shift or rotation of an existing lot line or other adjustment where a greater or lesser number of parcels that originally existed is not created.

Maintenance and Repair- The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

Merger- The joining of two or more contiguous parcels of land under one ownership into one parcel.

Mobile Vendor- Any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks, or merchandise by means of a motorized or non-motorized vehicle, such as a wagon, pushcart, handcart, bicycle, motorized cart, food truck, or other itinerant method.

Mulch- Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Non-Conforming Lot- A legally created lot of land having less area, frontage, or dimensions than the existing Code requires in the Zoning District in which it is located.

Occupancy Group- The Building Code use category for determining requirements for building construction elements and life safety system requirements.

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Off-site use- An activity or accessory use that is related to a specific primary use, but is not located on the same lot as the primary use.

Onsite- Located on the lot that is the subject of discussion.

Open Space, Common- Any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents and guests of more than one dwelling unit.

Open Space, Private- Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guest.

Open Space, Usable- Outdoor areas that provide outdoor living and/ or recreation for the use of residents.

Outdoor sales, Temporary and Seasonal- The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

Outdoor Storage- The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than 72 hours except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

Overlay District- A zoning designation specifically delineated on the Zoning Map establishing land use requirements that govern in addition to the standards set forth in the underlying zoning district.

Parapet- A low wall or railing extending above the roof and along its perimeter.

Parcel- A single unit of land separated from other units of land by legal description, the boundaries of which are shown on a parcel map or final map, described in a deed, or for which a certificate of compliance has been issued pursuant to the Subdivision Map Act. [Parcel shall also include two or more parcels where the owner(s) have recorded a covenant with the office of the County Recorder that states the intention of the owner(s) to combine and use the parcels as a single unit of land in compliance with City regulations.] Also referred to as "lot."

Parcel Map- A map prepared in accordance with the provisions of this Subdivision Ordinance, designed to be placed on record in the office of Yolo County Recorder, and providing for the division of land, which meets the exceptions, set forth in Section 66426 of the Map Act.

Park Strip- the area of the public street located between the face of the curb and closest edge of the sidewalk.

Parking Facility- An area of a lot parcel, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Patio- An outdoor area, often paved, adjoining a building that is used for outdoor open space. It is not enclosed by walls and typically is located at grade or supported by minimal footings.

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Paving- A type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, patios, and front setbacks used for access by vehicles and pedestrians.

Performance Standards – A set of criteria or limits relating to nuisance elements, which a particular use of process may not exceed.

Permit- Any Conditional Use Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/ or use of property as required by any public agency.

Permitted Use- Any use or structure that is allowed in a Zoning District without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that Zoning District.

Person with Disabilities- Under the Americans with Disabilities Act, an individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Planning Commission- The Planning Commission of the City of Woodland.

Plaza- An outdoor space set aside for gathering or congregating and commercial activities, typically surrounded by building frontages.

Pocket Park- A park of one-half to two acres in size that intended to serve the needs of a smaller, specific neighborhood located within a half-mile radius of the pocket park.

Podium- A continuous raised platform supporting a building or a large block of two or three stories beneath a multi-story block of smaller area.

Porte Cochere- A roofed structure through which a vehicle can pass, extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building.

Pre Existing- In existence prior to the effective date of this Ordinance.

Project- Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

Public Improvement- Street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Public Resource Code- The Public Resources Code of the State of California.

Qualified Applicant- the property owner, the owner’s agent, or any person or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has enforceable proprietary interest in such land.

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Ramp- An access driveway leading from one parking level to another, or an access driveway from an entrance leading to parking at a different level.

Remainder- That portion of an existing parcel, which is not designated on the required map as part of the subdivision. The remainder shall not be considered as part of the subdivision but shall be shown on the required map as part of the area surrounding the subdivision.

Restore- Return to a former condition, or renovate or as to return to its original state.

Review Authority- Body responsible for making decisions on zoning and related applications.

Right of Way- A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Roof- That portion of a building or structure above walls or columns that shelters the floor area or the structure below.

Roofline- The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Runs with the Land – A covenant restriction to the use of land contained in a deed and binding on the present and all future owners of the property.

Screening- Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street or public views.

Setback- The distance between the parcel line and a building, not including permitted projections that must be kept clear or open.

Shielded Light Fixture- Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Sidewalk- A paved, surfaced, or leveled area, parallel and usually separated from the street, used as a pedestrian walkway.

Sidewalk Café- Any outdoor dining area located in or adjacent to any public sidewalk or right of way that is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.

Site- A parcel or group of contiguous parcels that is proposed for development in accordance with the provisions of this Ordinance and is in a single ownership or under unified control.

Standard Specifications- The Standard Specifications of the Department of Public Works of the City as may be amended from time to time.

Street Tree- A tree fronting private property within the street right of way.

Street Wall- A wall or portion of a wall of a building facing a street.

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Story – That portion of a building included between the surface of any floor and the surface of any floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

Swimming Pool- A pool, pond, or open tank capable of containing a large and deep enough body of water for people to use to swim.

Temporary Use- A use that is intended to be of a limited duration of time and that will not permanently alter the character or physical facilities of the property where it occurs.

Tenant- A person who rents, leases, or subleases, through either a written or an oral agreement, real property from another.

Tentative Map- A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

Use Classification- A system of classifying uses into a limited number of use types based on common functional product, or compatibility characteristics. All use types are grouped into the following categories: residential, public and semi-public, commercial, industrial, transportation, communication, utilities, and agricultural and extractive.

Use Type- A category, which classifies similar uses based on common functional, product, or compatibility characteristics.

Utilities- Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and wave.

Visible- Capable of being seen (whether or not legible) by a person of normal height and visual acuity waling or driving on a public road.

Walk up Facility- A facility designed to provide service to pedestrian clients, where clients typically are queued on the outside of the main structure or room. Typical facility types include, but are not limited to automatic teller machines (ATM'S) and food- service windows.

Wall- Any exterior surface of building or any part thereof, including windows.

Window- An opening in a wall of a building that is filled with glass in a frame. They typically allow light and air into the interior of a building, but also serve as mediums for viewing merchandise in commercial properties.

Zones- Refer to the zones that are included in the Zoning Ordinance and shown on Zoning Maps.

Zoning District- A specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Map – A map or maps that were adopted to implement the Zoning Ordinance and delineate the boundaries of zones within the City.

Zoning Ordinance – The ordinance codified as Chapter 25 of the Municipal Code.

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Adopted April __, 2020

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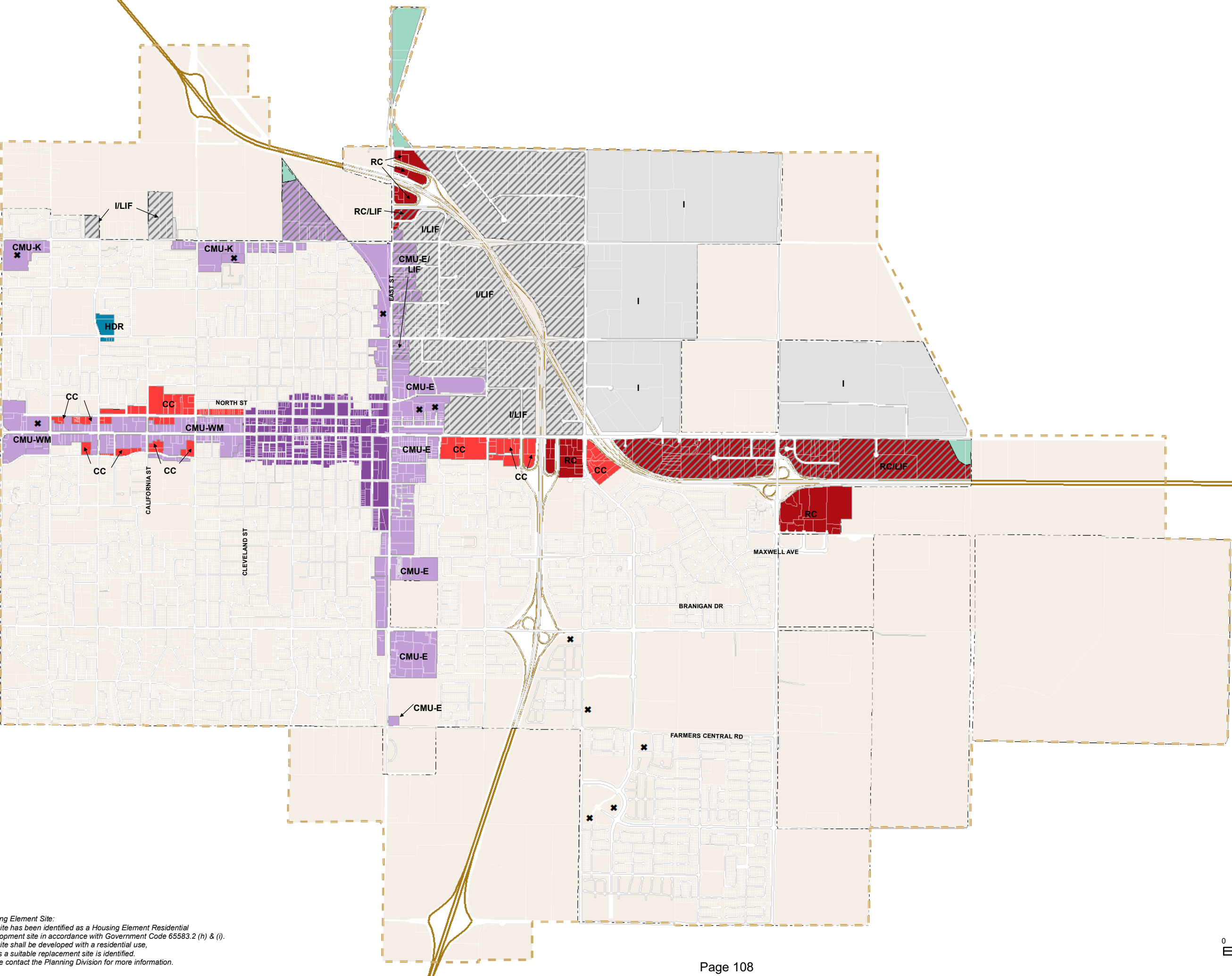
General Plan Land Use
and
Interim Zoning

General Plan Land Use

- Corridor Mixed Use
- Downtown Mixed Use— see Downtown Specific Plan
- Community Commercial
- Regional Commercial
- High Density Residential
- Flood Study Area
- Industrial
- Light Industrial Flex

Interim Zoning

- CMU-WM Corridor Mixed Use West Main
- CMU-E Corridor Mixed Use East Street
- CMU-K Corridor Mixed Use Kentucky
- CC Community Commercial
- RC Regional Commercial
- HDR High Density Residential
- LIF Light Industrial Flex Overlay
- ✕ Housing Element site
- Urban Limit Line
- City Boundary



Housing Element Site:
This site has been identified as a Housing Element Residential Development site in accordance with Government Code 65583.2 (h) & (i). This site shall be developed with a residential use, unless a suitable replacement site is identified. Please contact the Planning Division for more information.

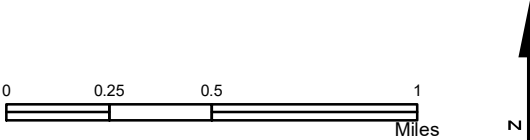


EXHIBIT B - COMPREHENSIVE USE TABLE - SUMMARY OF ALLOWED LAND USES AND PERMIT REQUIREMENTS

Adopted May 1, 2018 (REV March 17, 2020)

LAND USE	Zoning District										Comments
	Corridor Mix Use (CMU)				Commercial			Industrial		Residential	
	CMU-East	CMU-Kentucky	CMU-West Main	CMU-Light Industrial Flex Overlay	Community Commercial	Regional Commercial	Regional Commercial Light Industrial Flex Overlay	Industrial Light Industrial Flex Overlay	Industrial	High Density Residential	
	CMUE	CMUK	CMUWM	CMU/LIF	CC	RC	RC/LIF	I/LIF	I*	HDR	
RESIDENTIAL											
Single Family											
Detached	L1	L1	-	-	L1	-	-	-	-	-	
Attached	L1	L1	-	-	L1	-	-	-	-	-	
Duplex	L1	-	-	-	L1	-	-	-	-	-	
Multi-Unit Dwelling (3 units and over)	P	P L2	P	P L2	-	-	-	-	-	P L36	Non-residential use may occupy up to 1/3 of the square footage as long as residential use is 2/3 of the sq ft.
Adult Family Day Care											
Small (6 clients or less)	P	A	P	A	-	-	-	C	-	L 36	
Large (7-12 clients)	P	A	P	A	-	-	-	C	-	L 36	
Family Day Care											
Small (up to 8 children)	P	-	-	-	-	-	-	-	-	P	Subject to State Review
Large (7-14 children)	C	C L2	C	-	-	-	-	-	-	C	Subject to State Review
Residential Care Facility (24 Hour)											
General (6 or more clients)	C	C	C	C	-	-	-	-	-	L 36	
Limited (up to 6 clients)	P	P	P	C	-	-	-	-	-	P L 36	
Supportive Housing (No limit on stay)	L30	L2 L30	L30	L2, L30	L 30	L 30	L 30	C L 30	-	L 30	
Transitional Housing (Temporary)	L30	L2 L30	L30	L2, L30	L 30	L 30	L 30	C L 30	-	L 30	
COMMERCIAL											
Adult Business	-	-	-	-	-	-	-	L7	-	-	See Section 17.104.170
Ambulance Service	P	P	P	P	P	P	P	P	-	-	
Animal Sales and Services											
Boarding Kennel	-	C	-	-	C	-	-	A	A	-	
Grooming	A	A	A	A	P	P	P	A	A	-	
Retail Sales (Pet Shop Supplies)	P	P	P	-	P	P	-	-	-	L36	
Veterinary Services	A	A	A	A	P	P	P	A	-	-	
Automobile Sales and Services											
Alternative Fuels and Recharging Facility	A L28	A L28	A L28	-	A L28	A L28	A L28	A L28		-	
Automobile Rental Office	P L15	P L15	P L15	-	P L15	P L15	A L14	A L14	-	-	
Auto/Vehicle Sales & Leasing, New and Used, autos, RV, motorcycles	A L17, L17a	A L17	A L17, L17a	A L17 L17a	A L17 L17a	PA L17 L17a	PA L17a	A L17	-	-	No Standalone used car lots
Auto/Vehicle Sales Showroom (only)	P	A	P	A	P	P	P	A		-	No open lots and service areas must be fully enclosed
Automobile/Vehicle Repair, Minor	P L 10 L14	P L10 L14	P L10 L14	P L10 L14	A L10 L14	C L14	A L14	P L14		-	No overnight parking of vehicles

	Zoning District										
LAND USE	Corridor Mix Use (CMU)				Commercial			Industrial		Residential	Comments
	CMU-East	CMU-Kentucky	CMU-West Main	CMU-Light Industrial Flex Overlay	Community Commercial	Regional Commercial	Regional Commercial Light Industrial Flex Overlay	Industrial Light Industrial Flex Overlay	Industrial	High Density Residential	P = Permitted A = Zoning Administrator Permit C = Conditional Use Permit “,” = Not Permitted L = Special Criteria – Provides clarification whether a use is allowed, when and under what conditions.
	CMUE	CMUK	CMUWM	CMU/LIF	CC	RC	RC/LIF	I/LIF	I*	HDR	
Automobile/ Vehicle Repair, Major	C L14	C L14	-	C L14	-	-	C L14	C L14		⋮	Screening; Minimize noise, light, vibration impacts if adjacent to residential
Auto/Vehicle Washing (Full Service)	A L8 L11	-	-	-	C L8	C L8	C L8			⋮	Circulation, design, screening Circulation, screening, noise
Auto/Vehicle Washing (Self Service)	-	A L8 L11	A L8 L11	A L8 L11	CA L8 L11	A L8	A L8	P L8		⋮	
Service Stations	C	C	C	-	C	C	C	C		⋮	
Automobile/ Recreational Vehicle (RV) Storage Lot	-	-	-	-	-	-	A L14 L14a	A L14 L 14a		⋮	Must be screened from view and accessory to associated with an existing active business
Farm/Agricultural Equipment Sales, Service & Leasing	A L14	A L14	A L14	A L28	A L14	A L14	A L14	A L28		⋮	
Large Vehicle and Equipment Sales, Service and Rental	-	-	-	C L 28	-	-	C L 14	C		⋮	
Tire Retreading and Recapping	-	-	-	-	-	-	C L14	C L14		⋮	
Banks and Institutions	P	P	P	-	P	L12	L12	-		A	
With Drive-Through Service	C	C	C	-	C	C	-	-	-	⋮	
Check Cashing & Alternative Lenders	A L35	A L35	A L35	-	A L35	-	-	-	-	⋮	
Business and Communication Services	P	P	P	P	P	L12	-	L3		L36	
Commercial Parking Facilities	C	C	C	C	C	C	C	A		⋮	Circulation, design, screening Circulation, screening, compatibility in Light Industrial Flex Overlay Zones
Commercial Entertainment and Recreation											
Hookah Bar/Smoking Lounge	-	-	C L32	-	-	C L32	C L32	-	-	⋮	
Small Scale Facility	PA	PA	PA	PA	PA	PA	PA	AC	-	⋮	Noise circulation, hours, security, compatibility Circulation, compatibility in Light Industrial Flex Overlay Zones
Large Scale Facility	AC	C	AC	AC	AC	PC	PC	A		⋮	Circulation, compatibility in Light Industrial Flex Overlay Zones
Eating & Drinking Establishments											
Bar/Night Club/ Lounge/	C L4	C L4	C L4	C L4	C L4	C L4	C L4	C L4	-	⋮	See Section 17.104.160 25-21-70 Alcoholic beverage establishments
Micro-brewery/Wine-bar/Brewpub	A	A	A	A	A	A	A	C	-	⋮	See Section 25-21-70 Alcoholic beverage establishments Odor, noise, transport traffic
Restaurant, Full Service	P	P	P	P	P	P	P	A	-	⋮	See Section 17.104.160 25-21-70 Alcoholic beverage establishments Circulation, access, compatibility in Light Industrial Flex Overlay Zones
Restaurant, Limited Counter Service/ Fast Food	PA-L18	P L 18	P L18	P	P L18	P	P	P	P	A L36	Circulation, access, compatibility in Light Industrial Flex Overlay Zones
Restaurant with Drive-Thru Service	-	-	-	-	-	C L21	C L21	-	-	⋮	Shall be considered only in limited

	Zoning District										
LAND USE	Corridor Mix Use (CMU)				Commercial			Industrial		Residential	Comments
	CMU-East	CMU-Kentucky	CMU-West Main	CMU-Light Industrial Flex Overlay	Community Commercial	Regional Commercial	Regional Commercial Light Industrial Flex Overlay	Industrial Light Industrial Flex Overlay	Industrial	High Density Residential	<i>P = Permitted A = Zoning Administrator Permit C = Conditional Use Permit “-“ = Not Permitted L = Special Criteria – Provides clarification whether a use is allowed, when and under what conditions.</i>
	CMUE	CMUK	CMUWM	CMU/LIF	CC	RC	RC/LIF	I/LIF	I*	HDR	
											circumstances with review of overconcentration, proximity to schools, housing, and impact on healthy lifestyle choices.
Tasting Room	PA	PA	PA	PA	PA	PA	PA	P	AC	A	
Food and Beverage Sales											
Convenience Market	P L9	P L9	P L9	P L9	P L9	P L9	P L9	L9	A L9	-	Section 17.104.160
Farmers Market	A	-	A	-	A	A	A	-		A L 36	
General Market	P	P	P	P L20	P	P	P L20	P L20	-	P L36	
Healthy Food Grocer	P	P	P	P L20	P	P	P	-	-	P L 36	
Liquor Store	C-	C	C	-	C	C	C	-	-	-	Section 17.104.160
Funeral Homes and Internment	P	P	-	P	P	-	A	A	-	-	
Crematorium	-	-	-	-	-	-	C-	-C	C L 37	-	Shall meet AQMD and CAP requirements
Live-Work	P	P	P	A L22	P	-	A L22	C		L 36	
Maintenance and Repair Services	P L28	P L28	P L 28	P L28	P L28	P L28	P L28	PL28		-	
Mixed-Use	P L33	P L33	P L33	P L33	P L33	P L33	P L33	P L33	C L33	-	Consistent with uses that are otherwise allowed in the District
Offices, Business and Professional											
Administrative and Professional Offices	P L5	P L5	P	P L5	P	P L12	P L5	P L3		P L 36	
Medical/ Dental Offices	P	P	P	A	P	P L12	A	-		-	
Walk-in Clientele	P	P	P	P L20	P			P L20		-	
Personal Services											
Fortune Telling Service	P	P	P	P L20	P	P L12	P L20	L18		-	
General Personal Services	P	P	P	P L20	P	P L12	P L20	L18		P L 36	
Instructional Services	P	P	P	P L20	P	P L12	P L20	L18		P L 36	
Massage Establishment	L34	L34	L34	-	L34	L19 L34	-	-		P L 34, L 36	Sections 5.20.10 13-1-14 & 5.04.040 13-6-1, considered same as a beauty salon with a license.
Health/Fitness Facility	P	P	P	A	P	P	C	C		P L 36	
Beauty/Salon/Spa	P	P	P	P	P	P L12	P L3	-		P L36	
Tattoo or Body Modification Parlor	A	-	A	-	A	C	-	-		-	
Automobile Storage Parcel	-	-	-	-	-	-	-C L14	-C L14		-	
Regional Shopping Center	-	-	-	-	-	C	C	-		-	
Retail Sales											
Artisan Shop, with limited crafting	P L14	P	P	P	P	P	P			P L 36	
Building Materials, Sales and Service	A L14	A L14	A L14	A L 14	A L14		A L14	A L14		-	
Consignment/Secondhand store	P	P	P	-	P	P	-	-		P L 36	Chapter 5.24 16

	Zoning District										
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	CMU-East	CMU-Kentucky	CMU-West Main	CMU-Light Industrial Flex Overlay	Community Commercial	Regional Commercial	Regional Commercial Light Industrial Flex Overlay	Industrial Light Industrial Flex Overlay	Industrial	High Density Residential	P = Permitted A = Zoning Administrator Permit C = Conditional Use Permit “-“ = Not Permitted L = Special Criteria – Provides clarification whether a use is allowed, when and under what conditions. *See the Industrial Use Table 3 of the Zoning Ordinance for permitted, conditionally permitted or prohibited uses. This table supplements or clarifies Table 3. If a cell is blank, see Table 3 for reference..
	CMUE	CMUK	CMUWM	CMU/LIF	CC	RC	RC/LIF	I/LIF	I*	HDR	
Firearm Sales and Servicing	A L35	A L35	A L35	A L35	A L35	A L35	A L35	-		-	Must be accessory use to a larger sporting goods or similar type of retailer
Flea Market/Swap Meet	C						C	-		-	
General Drive-Thru Service	-	-	-	-	C	C	-	-		-	
General Retail Sales (small 25,000 sf or less)	P	P	P	P	P	P	P L20	P L18		P L 36	
General Retail Sales(Large over 25,000 59,999 sf)	P	P	P	-	P	P	P	-		-	
Large Format Retail (over 60,000 sf)					A L11	P L11	A L11			-	
Nursery and Garden Center	A L14	A L 14	P L14	P L14	P L14	A L14	P L14	P L14		-	
Pawn Shop	A	A	A	A	-	-	-	-		-	Chapter 5.24 46
Smoke Shop			A L32		A L32	A L32	-	-		-	
Visitor Accommodations											
Bed and Breakfast	A	-	A	-	-	-	-	-		A L36	
Homestay	C L19	C L19	-	-	-	-	-	-		-	
Hotel and Motel	A	-	A	-	A	A	A	-		-	
RV Park.	-	-	-	C	-	-	-	-		-	
Short-Term rental	C L19	-	C L19	-	-	-	--	-		-	
INSTITUTIONAL, PUBLIC/SEMI-PUBLIC, AND COMMUNITY FACILITIES											
College and Trade School	P	P	P	A	P	P	-	-		A L 36	
Community & Religious Assembly	A	A	A	A	A	A	-	-		A L 36	
Community Garden	A	A	-	A	-	-	-	A		A L 36	
Cultural Facility	P L3 L10	P L3 L10	P L3 L10	P L3 L10	P L10	P	P	A		A L 36	
Day Care Center	C	C L2	A	C	A	A	C	C		C L 36	
Emergency Shelter	C	C L2	-	-	-	-	A	C		-	Section 17.152.10 e-Chap. 25, Article 32
Government Buildings	P	P	P	-	P	P	P	P		L 36	
Civic Health Care Facility	-	C	-	C	C	C	C	C		-	
Hospitals	C	C L2	C	-	C	C	-	-		-	
Medical or Dental Clinics	A	A L2	A	C	A	A	A	-		-	
Skilled Nursing /Assisted Living	A	A L2	A	C	A	A	C	-		A	
Social Service Center	C	A L2	-	C	C	-	C	C		-	
INDUSTRIAL											
Artisan/Small-scale Manufacturing	P L3 L14	P L3 L14	-	P L14	-	-	P L14	P L14		-	
Agricultural Production, Light	-	-	-	A L14	-	A L14	A L14	A L14		-	
Artists Studio	P L14	P L14	P L14	P L14	P 14	-	P L14	P		P L36	
Brewery/Distillery	-	-	-	-	-	C	C	C		-	
Food Preparation/Commercial Kitchen	P L14	P L14	A L14	A L14	P L14	A L14	P L14	P L14		-	
Dry Cleaning/Laundry bulk scale (not personal)	-	-	-	-	-	-	A	P		-	

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	CMUE	CMUK	CMUWM	CMU/LIF	CC	RC	RC/LIF	I/LIF	I*	HDR	
*See the Industrial Use Table 3 of the Zoning Ordinance for permitted, conditionally permitted or prohibited uses. This table supplements or clarifies Table 3. If a cell is blank, see Table 3 for reference..											
Heavy Industrial	-	-	-	-	-	-	-	-	A	:	
Light Industrial	A L14	A L 14	-	P L14	-	P A L28	P L28	P		:	
With limited outdoor processing or storage of materials, <u>or the processing and manufacturing of Hemp CBD.</u>	-	A L14 L11	-	A L14	-	-	A L14 L11	A L14 L11		:	
Medium Industrial	-	-	-	-	-	-	A L14 L11	A L14 L11		:	
With limited outdoor processing or storage of materials	-	-	-	-	-	-	A L14 L11	A L14 L11		:	
Recycling Facilities											
Collection Facilities	-	-	-	L6	L6	L6	L6	L6		:	
Processing Facilities	-	-	-	-	-	-	-	C			
Research and Development	A L3	P L3	P L3	P	L3	-	A L14	P, L14	P	:	Must be fully screened, subject to Fire and Building Safety Codes
Salvage, <u>Vehicle Impound</u> , <u>Wrecking</u> and <u>Tow Yard</u>	-	-	-	-	-	-	-	-	C L 14, L 14a	:	<u>Outdoor storage may only be considered as an accessory use to an active on-site business and must be fully screened from public view</u>
<u>Wrecking, Scrap, Junkyard</u>	:	:	:	:	:	:	:	:	:		
Specialty Food Processing	-	-	-	P L29	A L14, L 29	A, L14, L29	P, L14, L29	P, L14,L29	P L29	:	
Storage Yard	-	-	-	A L14 L14a	-	-	CA, L14L14a	A, L14 L14a	A L14, L 14a	:	<u>A storage yard may only be considered as an accessory use to an active on-site business and fully screened from public view. A stand-alone storage lot is not permitted</u>
Warehouse, Storage and Distribution										:	
Indoor Warehousing and <u>Distribution</u> Storage, Limited (< 5,000 SF)	A L14 L25	A L14 L25	-	P L14 L25	A L14 L25	-	P L14	P L14	P L14	:	
Indoor Warehousing and <u>Distribution</u> Storage, General (> 5,000 SF)	-	-	-	A L14 L25	-	-	P L14	P L14	P L14	:	
Personal/Self Storage (Mini-storage)	-		-	-	C L13 L27	-	-	- L27	:	:	
Personal Self Storage (Warehouse)	-	-	-	-		-		- L 27	:	:	
Chemical Mineral Storage	-	-	-	-	-	-	-	-	C	:	
Wholesale Nursery and Garden Center	-	A	-	A	-	-	P	P		:	
TRANSPORTATION, COMMUNICATIONS, AND UTILITIES											
Communication Facilities											
Antennas and Transmission Towers	L16	L16	L16	L16	L16	L16	L16	L16		L 16	See Sections 17.104.180 25-21-80, Wireless Facilities Ordinance
Equipment within Buildings	L16	L16	L16	L16	L16	L16	L16	L16			
Transportation Facilities											
Transportation Passenger Facility	C	C	-	-	-	-	C	C		:	

	Zoning District										
LAND USE	Corridor Mix Use (CMU)				Commercial			Industrial		Residential	Comments
	CMU-East	CMU-Kentucky	CMU-West Main	CMU-Light Industrial Flex Overlay	Community Commercial	Regional Commercial	Regional Commercial Light Industrial Flex Overlay	Industrial Light Industrial Flex Overlay	Industrial	High Density Residential	P = Permitted A = Zoning Administrator Permit C = Conditional Use Permit “-“ = Not Permitted L = Special Criteria – Provides clarification whether a use is allowed, when and under what conditions. *See the Industrial Use Table 3 of the Zoning Ordinance for permitted, conditionally permitted or prohibited uses. This table supplements or clarifies Table 3. If a cell is blank, see Table 3 for reference..
	CMUE	CMUK	CMUWM	CMU/LIF	CC	RC	RC/LIF	I/LIF	I*	HDR	
Park-and-ride facility	-	A	-	P	P	P	P	P		:	
Utilities, Minor	P	P	P	-	P	P	-	-		:	
TEMPORARY OR OTHER USES											
Ancillary Uses	Permitted if principal use is permitted; requires a use permit if principal use requires a use permit										See Section 17.104.020 25-21-10
Temporary Uses	Requires Zoning Administrator approval										See Section 17.60.040 25-13-30 and Article ____
COMMERCIAL CANNABIS USES											
Manufacturing: both volatile and non-volatile (limited to manufacturing for wholesale, distribution for resale); Retail (on-site) sales prohibited	-	-	-	-	-	-	-	C	C	:	Sections 17.110.60 and 5.04 e-Article 21.6 of Chapter 25 and Chapter 13A
Testing, Research and Development: Retail (on-site) sales prohibited.	-	-	-	-	-	-	-	C	C	:	
Distribution: Retail (on-site) sales prohibited	-	-	-	-	-	-	-	C	C	:	
Retailers: (Dispensaries): prohibited	-	-	-	-	-	-	-	-	-	:	
Indoor Commercial Cultivation: prohibited	-	-	-	-	-	-	-	-	-	:	
Outdoor Cultivation: prohibited	-	-	-	-	-	-	-	-	-	:	
Indoor Personal Cultivation	L31	L31	L31	L31	-	-	-	-	-	:	

SPECIAL LIMITATIONS:

- L1 May be allowed with a Zoning Administrator use permit
- L2 Residential or other similar sensitive uses may be considered on the south side of Kentucky Avenue, but on the north side these uses may only be allowed with an approved Specific Plan.
- L3 A Zoning Administrator Permit is required for more than 2,000 sq. ft.
- L4 Cannot be located within 500 feet of a school or park.
- L5 Over 10,000 square feet, may be approved with a Zoning Administrator Permit.
- L6 Allowed on a shopping center site as an accessory use within an enclosed structure, which may be portable.
- L7 Only allowed on the rear half of a lot and not within 500 feet of a school or public park, must be located more than 750 feet from any following zones: OS, R-1, R-2, NP, or RM, must be more than 1,000 feet from any other adult book store or adult motion picture theater, and a conditional use permit is required. Refer to Section **17.104.170** 25-21-75
- L8 Only allowed as an accessory use to a gas station or car dealership, typically on the same parcel. Drive through lane and wash stall area shall be screened from public view.
- L9 Requires a conditional use permit if over 3,000 square feet in size and **Not allowed under 5,000 square feet in the RC,RC/LIF, CMU, CC districts, and only** /or if associated with a service station. **No hard alcohol sales may be allowed if associated with a service station.**, and/or includes alcohol sales, and/or is open between 10:00PM and 6:00 AM.
- L10 Shall be designed to minimize noise, light, glare, vibration, and other nuisance concerns. Where adjacent to a residential district shall require a Zoning Administrator Permit.
- L11 A conditional use permit required if site is abutting a residential zone.
- L12 – Up to 10% of the total square footage of shops within a regional commercial center may consist of ancillary office spaces that support other uses. Limit does not apply to stand alone, professional office buildings.
- L13 – Requires a master plan in which 50% shall be commercial or uses other than mini-storage and all necessary access and utility easements and improvements are identified and installed as necessary to ensure adequate service to the site and master plan areas; mini-storage portions shall be set back from a street frontage and no closer than 300- feet from an arterial , buildings shall be a minimum of two stories where adjacent to freeway or major arterial to screen views; buildings shall exhibit exemplary architectural design, and facilitate a lively and vibrant street/active street frontage. The project shall incorporate conservation and sustainability features to achieve net zero energy use, shall provide a lighting and security plan, and shall demonstrate measurable community benefit in a manner agreed upon by the City and memorialized in a documented agreement.

L14 - All materials stored outside must be fully screened from view from any rights of way and below fence height. If outdoor storage of materials or equipment is adjacent to a residential district a conditional use permit is required. Any work bay area shall be screened from public view. <u>L14a – Outdoor storage may only be allowed in conjunction with an existing active business located and operated within a building and active business license. The storage or truck parking area must be an accessory use to the existing business. A single use outdoor storage or truck parking lot is not permitted.</u> L15 – On-site rental car parking is limited to the minimum needed for immediate customer pick up only, no on site storage of cars. L16 - Subject to Section <u>17.104.180</u> 25-21-80, Wireless Facilities Ordinance L17 – Auto sales in an open lot may be considered with a Zoning Administrator permit as an accessory use to a retail showroom and service area, or as part of a complete dealership complex. Site access, internal vehicle circulation, auto-display, and landscaping are subject to review. No surface parking lot or outdoor display area solely intended for the sale of new or used cars and not accessory to an indoor showroom is allowed as a primary use on a site L17a- Used car sales must be associated with a new car dealership, except for large format used car dealerships (as example Carmax). <u>A single use used car sale lot is not permitted.</u> L18 – In the Industrial areas small-scale establishments serving local businesses are allowed. The proximity of fast food uses within 1/2 mile of schools, youth facilities or residential uses shall be evaluated for overconcentration. The General Plan emphasized “dining” and “slow food: establishments. L19 - For homestay or short term rental, no signage or exterior evidence of the use may be visible, owner shall maintain liability insurance on the property which covers the homestay and guests, the owner shall pay any applicable taxes including occupancy and sales taxes, shall obtain a business license, the property and home shall be maintained in good condition, including regular trash pickup and on-site parking for guests, no noise or nuisance impacts shall be detectable to adjacent properties. <u>Reserved</u> L20 - Zoning Administrator permit is required for more than 3,000 sq. ft. L21 - Drive through fast food may not be allowed within 1/2 mile of a school, evaluate the extent of overconcentration of existing or proposed fast food restaurants and drive through fast food within 1,000 feet of the proposed location, minimize the siting of unhealthy land uses, <u>and evaluate the impact to the City’s GHG emissions. See Section 3.06</u> L22 - Only allowed as a secondary use occupying less than one-third of the floor area in a multi-tenant building. L23 - Allowed within a shopping center on in an Industrial zone on the site of a recycling processing facility and must be within an enclosed structure, which may be portable. L24 - Only allowed as an accessory use with a service station with a Zoning Administrator permit. L25 - Only allowed on the rear half of a lot in order to ensure that the street frontage is activated. L26 –Tasting room is permitted as an ancillary use to an existing active business. If it is a stand-alone business it is considered a micro-brewery/wine bar/brew pub. (Reserved) L27 New mini-storage is not permitted, except the expansion of a previously approved and constructed mini-storage facility subject to a Conditional Use Permit. The new buildings shall be a minimum of two-stories in height. The project shall incorporate conservation and sustainability features to achieve net zero energy use; shall provide a security and lighting plan; and shall demonstrate measurable community benefit in a manner agreed upon by the City and memorialized in a documented agreement. L28 - Outdoor storage may be allowed as an ancillary use on the same parcel as the primary business with a Zoning Administrator Permit. All outdoor storage must be fully screened from view from any public rights-of-way and below fence height. All work areas, work bays shall be screened from public view. L29 Agricultural Production may be allowed as an accessory or ancillary use to a primary use, as example, for research, testing or demonstration purposes with a Zoning Administrator Permit L 30 Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. L31 provides that any person within the City of Woodland may cultivate cannabis inside of any residence or enclosed and secure secondary structure that meets certain requirements specified in the ordinance, consistent with state law that permits indoor cultivation of cannabis for medical and non-medical purposes L32 Smoke shops, tobacco stores, hooka/smoking lounge shall not be located within 1000 feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather. L33 – Mixed uses are allowed, consistent with the manner in which the individual uses are otherwise allowed in the District. The review required will be dependent upon the most restricted use intended for the development. L34 - Permitted with a license per Municipal Code Section <u>5.20.010</u> 13-6-1 or with a Conditional Use Permit L35 – May not be located within 500 feet of a school, shall hold and maintain all applicable licenses and permits with the State Department of Justice, exterior areas shall be well lit and include video surveillance. Advertising and signage on clear windows and doors shall be placed so that law enforcement have personnel have a clear and unobstructed view of the interior. <u>L 36 – Non-residential uses may occupy up to 1/3 of the square footage of the building/buildings, as long as residential use occupies 2/3 of the building (s) square footage. Non residential uses that may be considered are those listed as P/A in the Comprehensive Use Table</u> <u>L 37 – A Crematorium shall provide adequate analysis to verify that the use meets all AQMD standards, meets the City’s Climate Action Plan goals and policies, and will not create harmful odor, particulate, or other environmental impacts to adjacent uses. No more than one crematorium facility shall be permitted.</u>

Woodland Municipal Code

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The uses permitted in the I zone shall be those uses specified in Table 3, the Industrial Land Use Table, and subject to the special conditions accompanying that table.

To determine whether a specific use is allowed:

- A. Find the use in the left-hand column.
- B. Read across the table until either a “letter” or an “x” appears in the right-hand column.
- C. If a letter appears this means that the use is allowed in the I zone, but only if certain conditions are complied with. The conditions applicable to that use are those corresponding to the letter listed in Section [17.92.030](#).
- D. If an “x” appears in that column the use is allowed in the I zone without being subject to any of the conditions listed in Section [17.92.030](#).
- E. The Planning Commission shall interpret the appropriate zone for any land use not specifically listed in the table, based on a finding of consistency with the purpose of the zone and that use is of the same general character as that of the uses permitted in that zone.
- F. Entryway overlay zones is included in table.

Table 3
Industrial Land Uses Modified

Uses	I	EOZ
Animal and Food Processing		
Animal slaughter	Prohibited	
Bakery goods	x	
Beverage bottling	x	
Breweries	a	a
Candy	x	x
Canneries	a	
Dairy products, creameries	x	x
Food processing	x	
Flour mills	a	
Fruit and vegetable packing	c	c
Meat products	x	
Nut processing	c	c
Olive processing	x	x
Sugar refineries	a	
Tannery, hide curing	a	
Wineries, distilleries	a	a
Assembly, Fabrication and Manufacturing		
Agricultural equipment and machinery	c	a

Uses	I	EOZ
Aircraft, auto, boat, bus, mobile home, motorcycle, RV, tractor, trailer, and truck	c	
Brick and concrete plants	a	
Concrete and asphalt batch plants	a	
Electrical appliances, instruments, parts, and products	x	x
Electrical equipment, instruments, parts and products	x	x
Forges and foundries	a	
Ice manufacture and storage	x	
Manufacturing, assembly, compounding or treatment of articles or treatment of articles or merchandise from the following previously prepared materials:		
Canvas	x	x
Chemicals	a	
Clay	x	x
Cloth	x	x
Cork	x	x
Feathers	x	
Felt	x	x
Fiber	c	
Fiberglass and resins	a	
Fur	x	
Glass	x	x
Hair	x	
Leather	x	
Paper	c	
Pharmaceuticals	a	x
Precious or semi-precious stones or metals	x	x
Plaster	x	
Plastic	a	
Rubber	a	
Textiles	x	x
Wood	c	
Yarn	x	x
Metal fabrication	a	x
Millwork, planing mills, saw mills, wood products	a	
Photographic equipment and materials, film processing	x	x
Printing, lithography and book binding	x	x
Sign manufacture	x	x
Auto, Boat, RV, Bus, Truck and Truck Trailer Service		
Agricultural equipment and machinery sales and service	c	c
Auto electric and ignition	x	x

Uses	I	EOZ
Auto sales, new and used, including RV, trailer and motorcycles (used auto sales shall be associated with new auto dealerships)		x
Batteries	a	a
Brakes	x	x
Glass	x	x
Mufflers	x	x
Painting	c	c
Parts	b	b
Radiators	x	x
Repair and overhaul	c	c
Service stations	x	x
Tire recapping and retreading	x	x
Tire sales	x	x
Transmissions	x	x
Truck and truck trailer sales and service	x	x
Upholstery	x	x
Industrial Yard Uses		
Agricultural equipment and machinery sales and service	f	a
Building materials and lumber sales yards	a	
Contractors storage yards	a	
Feed yards	c	
Fuel yards, coal and wood	x	
Grading stations	c	
Heavy equipment storage, service and repair yards	a	
Heliports	a	
Junk, scrap, used materials and auto wrecking yards	f	
Parking facilities, including truck and trailer parking, park and ride lots	x	
Pipe storage	x	
Plant nurseries, wholesale	x	x
Public scales	x	
Recycling facilities	a	
RV, boat, auto, truck and trailer storage	x	
Truck terminals	c	
Repair, Service and Incidental Sales		
Communication and public utility distribution and service facilities	c	c
Delivery service	x	x
Equipment rental	x	x
Janitorial service	x	x
Laundry and dry cleaning plants	x	
Pest control service	a	a

Uses	I	EOZ
Shop uses		
Blacksmith	a	a
Cabinet, carpenter, woodworking	c	c
Contractors	x	x
Electrical	x	x
Electric motor rebuilding	x	x
Heating and air conditioning	x	x
Hydraulic, well drilling equipment	x	
Machine	x	x
Pipe	x	x
Plumbing	x	x
Pool service	x	x
Pumps, irrigation and sprinkler systems	x	
Sheet metal	c	
Upholstery	x	x
Welding	c	c
Taxicab service and storage	x	
Trade schools	c	c
Tree service	x	x
Storage and Warehouse Uses		
Agricultural chemical and fertilizer sales and storage	a	
Bottled gas distribution and storage	c	
Cold storage plants, frozen food lockers	x	x
Grain elevators, bean, feed, grain and seed processing and storage	a	
Mini-storage facilities	Prohibited	
Petroleum distribution and storage	a	
Warehousing, including furniture and household goods	x	x
Wholesaling and distributing, excluding explosive, flammable and toxic materials	x	
Wholesaling, distribution, storage and testing of explosive, flammable and toxic materials	a	
Miscellaneous Uses		
Accessory buildings and uses customarily appurtenant to a permitted use	x	
Agriculture, general	x	
Auctions: 2/21/85 Interpretation by Planning Commission	a	
Cafés and coffee shops, serving the industrial area	x	x
Micro-chip assembly	a	x
Mini marts serving the industrial area	a	x
Mixed use developments	a	x
Offices	e	c
Passenger terminals	c	c

Uses	I	EOZ
Churches		
Public and quasi public buildings and uses appropriate to the area	c	a
Research and development facilities	a	a
Residence for a caretaker or watchman	b	
Temporary outdoor uses	d	
Testing laboratories, excluding explosive, flammable and toxic materials	x	a
Wells, gas and oil	a	a
Cannabis Uses		
Indoor commercial cultivation for cannabis: Prohibited		
Manufacturing, both volatile and nonvolatile: Limited to manufacturing for wholesale distribution for resale; Retail (on-site) sales prohibited	i	
Testing, research and development: Retail (on-site) sales prohibited	i	
Distribution: Retail (on-site) sales prohibited	i	
Retailers (dispensaries): Prohibited		

Table 3A**Industrial Uses Within the I-5/CR 102 Entryway Overlay Zone**

Professional offices for the following:
Accountants, bookkeepers, auditors
Engineering
Planners
Architects and building designers
Landscape architects
Contractors—all categories—offices only
Consultants such as:
Business consultants
Agricultural consultants
Building construction consultants
Building maintenance consultants
Chemical recycling consultants
Computer system consultants
Freight traffic consultants
Geophysical companies and consultants
Elevator consultants
Legal consultants
Industrial designers for tool designers
Geologists
Arbitrators
Auctioneer offices, but excluding auctioneer rooms

Clothing and fashion design studios
Real estate appraisers
Business offices and personal service functions consisting of the following:
Advertising agencies—billboard advertising
Communications:
Beeper and paging services
Broadcasting stations (radio and TV)
Computing services
Computerized billing service companies
Calculating and statistical services
Confidential records and destruction companies
Inventory service firms
Security patrols
Electronic data processing, tabulating and record keeping services
Digital instrumentation systems, equipment and supply companies
Office planning services
Credit reporting and collection agencies
Pension and profit sharing plan management companies
Pest control companies
Brokerage and investment firms such as:
Real estate brokers including development and management, but excluding those that deal exclusively in residential sales
Data processing time brokers
Food, frozen food, fruit and vegetable brokers
Foreign exchange brokers
Custom house brokers
Grain and meat brokers
Oil and land lease brokers
Lumber companies and brokers exclusive of project storage yard
Exporters and importers (no retail sales)
Manufacturers sales representatives
Gasoline and oil marketers and distributors
Logging and wood chipping companies exclusive of product storage yards
Publications, graphics and reproduction such as:
Publishers
Printing, engraving and stationery sales and services
Business, periodical and architectural illustrators
Display builders and designers
Graphic designers
Drafting, blueprinting and photocopying services
Duplication and mimeographing services
Photographers and artists catering to industrial clients

Record and microfilming service
Medical related, such as:
Medical, dental, biological and x-ray laboratories which do not serve the public
Veterinary clinics (excluding outside kennel)
Small animal grooming
Research and development, such as:
Agricultural laboratories, including testing and analysis
Small animal laboratories, testing and research
Economic research and development
Electronics research and development
Energy conservation research and development
Oil and gas exploration and development excluding drilling for oil and gas
Patent development and marketing
Marketing analysis, research and consultation
Transportation, such as:
Auto sales, new and used, including RV, trailer and motorcycles (Used auto sales shall be associated with new auto dealerships)
Freight forwarding and freight consolidating companies
Freight inspection services
Package delivery
Government offices which do not provide direct public services except for those governmental agencies related to agricultural activities
Surveyors, such as:
Land surveyors
Marine surveyors
Personal services, such as:
Management and business organizations
Trade and labor organizations
Hotel and motel reservation center - phone service only
Ambulance service
Deli/retail for employees in area
Equipment rental - small, to be stored inside
Minor farm supply
Commercial recreational facilities (swimming, tennis, racquetball clubs, gymnastics, dancing, etc)
Technical and vocational schools for industrially related trades:
Industrial apprentice training schools
Computer schools
Drafting
Corporate and regional headquarters occupying related trades:
The following and similar uses from which noise, smoke, dust, odors, and other such offensive features are confined to the premises of each use and all such uses are completely confined within enclosed buildings excluding the storage or manufacturing of hazardous or flammable materials or liquids

Bookbinding, printing and lithography
Cartography
Communication equipment buildings
Data processing and computer operation
Editorial and design operations
Electrical products and appliance manufacturing
Janitorial services
Material testing laboratory
Photographic and film processing operations
Research institutes and laboratories
Other uses which the Planning Commission finds to be consistent with the intent of the Industrial PD within the 1-5 CR 102 Entryway which are of the same general character as the uses set forth above, and not objectionable by reason of adverse external effects, such as odor, smoke, noise, glare, fumes, radiation or vibration, subject to first obtaining a use permit

(Prior code § 25-18-10)

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TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.5
SUBJECT: Second Reading of Ordinance amending Section 15.16 of Chapter 15 of the Municipal Code relating to Affordable Housing

RECOMMENDATION FOR ACTION: Staff recommends that the City Council conduct second reading and adopt Ordinance No. _____, amending Section 15.16 of Chapter 15 of the Municipal Code relating to Affordable Housing.

Staff Contact

Cindy A. Norris, Principal Planner (530) 661-5911, cindy.norris@cityofwoodland.org

Background

At its March 17, 2020 meeting, the City Council introduced and waived the first reading of Ordinance No. _____ approving the proposed amendments to Section 15.16 of Chapter 15 of the Municipal Code relating to affordable housing.

The affordable housing ordinance (inclusionary housing ordinance) was amended in 2018 to help stimulate the construction of new housing units. Amendments also clarified the payment of in-lieu fees as the preferred approach for satisfying the inclusionary requirements for single-family for-sale units as opposed to construction of new units.

While the new provisions generated interest, actual new infill housing development activity remains limited. In part, due to a lag time between concept, entitlement, financing, and construction. Further, in spite of a strong housing market, there has yet to be a new multifamily market rate housing project application submittal. The cost of construction, lack of market standing, combined with city fees and inclusionary housing requirements, all contribute to the difficulty in financing these projects. In an effort to help overcome this barrier, The Council approved further adjustments to the affordable housing ordinance including reducing the number of affordable units and allowing payment of in-lieu fees for multifamily development.

The amendments are temporary and will remain in effect for two years, or until the City has issued building permits for a total of 400 residential dwelling units in areas designated Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial.

Conclusion

Staff recommends that the City Council conduct second reading and adopt Ordinance No. _____, amending Section 15.16 of Chapter 15 of the Municipal Code relating to Affordable Housing.

Prepared by: Cindy Norris, Principal Planner

Reviewed by: Brent Meyer, Acting Community Development Director/City Engineer



Ken Hiatt
Interim City Manager

Attachments:

1. ATT A - Chapter 15.16 AFF HSG ORD Amd

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WOODLAND AMENDING SECTIONS 15.16.050, 15.16.080, 15.16.110, 15.16.140, AND 15.16.200 OF CHAPTER 15.16 OF THE CITY OF WOODLAND MUNICIPAL CODE RELATED TO AFFORDABLE HOUSING

WHEREAS, the City Council of the City of Woodland adopted certain amendments to its affordable housing ordinance in 2018 to help stimulate the construction of new housing units within the City; and

WHEREAS, since then, infill development within the City has not occurred at the pace or rate the City anticipated, and the City has not yet had an application submitted for a new multi-family market rate housing project; and

WHEREAS, the amendments set forth in this Ordinance are intended to help generate additional construction of new multi-family market housing within the City of Woodland.

NOW, THEREFORE, the City Council of the City of Woodland, California does hereby ordain as follows:

Section 1. Section 15.16.050 of the City of Woodland Municipal Code is hereby amended to read as follows:

15.16.050 General inclusionary housing requirements.

A. For-Sale Units in Areas within existing City limits and designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial:

1. All new for-sale projects of 30 units or less shall be exempt from the requirements of this chapter.
2. For all new for-sale projects of 31 to 80 units, five percent of units shall be affordable to low income households.
3. For all new for sale projects of 81 or more units, 10% of units shall be affordable to low income households.; ~~However, except that for all new, for-sale projects that~~ **are developed to a level at least 95% of the allowable maximum density, at the maximum allowed density, but no less than 10 units per acre, 5%** five percent of units shall be affordable to low income households.
4. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.

B. For-Sale Units in All Other Areas of the City.

1. In projects of at least 10 units, developed at the maximum allowed density but at no less than 10 units per acre, five percent of new for-sale units shall be affordable to low income households.
2. In all other projects of at least 10 units in size, 10% of new for-sale units shall be affordable to low income households.
3. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.

4. The City Council may determine the need to implement an additional requirement for 10% of new for-sale units to be affordable to moderate income households, based on prevailing conditions in the housing market. Such a finding would require an amendment to this chapter as well as an amendment to the Spring Lake specific plan and Spring Lake affordable housing plan.
- C. Multifamily Rental Units in Areas Within Existing City limits and Designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial.
1. Multifamily rental projects of 30 units or less shall be exempt from the requirements of this chapter
 2. For all multifamily rental projects of 31 to 80 units, five percent of units shall be affordable to low income households
 3. For all multifamily rental projects of 81 or more units, ~~five percent of units shall be affordable to low income households, and~~ 10% shall be affordable to very low income households. **However, for new, multifamily rental projects that are developed to a level of at least ninety five percent (95%) of the allowed maximum density, 5% of units shall be affordable to low income households.**
 4. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.
- D. Multifamily Rental Units in All Other Areas of the City.
1. ~~10% of all multifamily rental units shall be affordable to low income households,; and 20% shall be affordable to very low income households; or~~
 2. ~~25% of the units shall be affordable to very low income households.~~
 - 23. These requirements shall apply to all multifamily rental projects of at least 20 units. Projects with fewer than 20 units are exempt from affordable housing requirements.** Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.
- E. Subsections A and C of this section shall expire and be of no further force and effect on the later of: (1) ~~three~~ **two** years from the effective date of Ordinance No. ~~_____ 1633,~~ which enacts this subsection E; or (2) the date upon which the City has issued building permits for a total of ~~3400~~ residential dwelling units (including for-sale and multifamily units) after the effective date of Ordinance No. ~~_____ 1633,~~ in areas designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial. Upon the expiration of subsections A and C, the requirements set forth in subsection B shall apply to all for-sale projects in the City, regardless of location, and the requirements set forth in subsection D shall apply to all multifamily projects in the City, regardless of location, except that any residential projects located in areas within existing City limits and designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial for which the City has accepted a complete application for development entitlements prior to the date on which subsections A and C expire, shall be subject to the requirements of subsections A and C.

Section 2. Section 15.16.080 of the City of Woodland Municipal Code is hereby amended to read as follows:

15.16.080 Standards applicable to multifamily rental units.

A. Standards applicable to multifamily rental projects shall be consistent with the provisions specified in Section 15.16.050 C and D. ~~Percentage of Affordable Units in Areas Within Existing City Limits and Designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial. The requirements for multifamily rental units within the areas described above shall be as follows:~~

- ~~1. Multifamily rental projects of 30 units or less shall be exempt from the requirements of this chapter.~~
- ~~2. For all multifamily rental projects of 31 to 80 units, five percent of units shall be affordable to low income households.~~
- ~~3. For all multifamily rental projects of 81 or more units, five percent of units shall be affordable to low income households, and 10% shall be affordable to very low income households.~~
- ~~4. Any developer of a multifamily rental project of at least 81 units shall make at least five percent of the units on-site affordable to and occupied by low income households and 10% of the units affordable to and occupied by very low income households.~~

~~This subsection A shall expire and be of no further force and effect on the later of: (a) three years from the effective date of Ordinance No. 1633, which enacts this subsection A; or (b) the date upon which the City has issued building permits for a total of 3500 residential dwelling units (including for-sale and multifamily units) after the effective date of Ordinance No. 1633, in areas designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial. Upon the expiration of this subsection A, the requirements set forth in subsection B of this section shall apply to all multifamily projects in the City, regardless of location, except that any multifamily projects located in areas within existing City limits and designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial for which the City has accepted a complete application for development entitlements prior to the date on which this subsection A expires, shall be subject to the requirements of this subsection A.~~

~~B. Percentage of Affordable Units in All Other Areas in the City. Any developer of a multifamily rental project of at least 10 units shall make at least 20% of the units on-site affordable to and occupied by very low income households and 10% of the units affordable to and occupied by low income households. In the alternative, the developer may make 25% of the units affordable to and occupied by very low income households.~~

~~C. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.~~

BD. ~~Term of Affordability.~~ All affordable rental units constructed on-site shall be permanently affordable.

CE. ~~Requirements for Construction.~~ The affordable units shall not be segregated from the market-rate units. Clustering of affordable units is allowed only if required to facilitate the construction of the project. A developer may meet the residential project's affordability obligation by either designating specific individual units as affordable units or using a system of "floating units" where the affordable units may change. However, in either option, the residential project must always contain the required number of inclusionary units. The developer shall indicate the preferred option to the City as part of the implementation of the City's affordable housing monitoring program guidelines.

Section 3. Section 15.16.110 of the City of Woodland Municipal Code is hereby deleted in its entirety as it is duplicative of Section 15.16.100 and concerns the procedure for determining affordable rent.

Section 4. Section 15.16.140 of the City of Woodland Municipal Code is hereby amended to read as follows:

15.16.140 Standards applicable to for-sale projects.

A. Standards applicable to for-sale projects shall be consistent with the provisions specified in Section 15.16.050A and B.

~~A. For Sale Units in Areas within existing City limits and designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial:~~

- ~~1. All new for-sale projects of 30 units or less shall be exempt from the requirements of this chapter.~~
- ~~2. For all new for-sale projects between 31 to 80 units, five percent of units shall be affordable to low income households.~~
- ~~3. For all new for-sale projects of 81 or more units, 10% of units shall be affordable to low income households, except that for new, for-sale projects developed at the maximum allowed density but no less than 10 units per acre, five percent of units shall be affordable to low income households.~~
- ~~4. Calculations of required affordable units that result in a fraction of a unit shall be rounded up to the nearest whole unit.~~

~~This subsection A shall expire and be of no further force and effect on the later of: (a) three years from the effective date of Ordinance No. 1633, which enacts this subsection A; or (b) the date upon which the City has issued building permits for a total of 300 residential dwelling units (including for-sale and multifamily units) after the effective date of Ordinance No. 1633, in areas designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial. Upon the expiration of this subsection A, the requirements set forth in subsection B of this section shall apply to all for-sale projects in the City, regardless of location, except that any for-sale projects located in areas within existing City limits and designated in the City's General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial for which the City has accepted a complete application for development entitlements prior to the date on which this subsection A expires, shall be subject to the requirements of this subsection A.~~

~~B. For Sale Units in All Other Areas of the City:~~

- ~~1. In projects of at least 10 units with density of at least 10 dwelling units per acre, five percent of new for-sale units shall be affordable to low income households.~~
- ~~2. In all other projects of at least 10 units in size, 10% of new for-sale units shall be affordable to low income households.~~

BC. Term of Affordability. For-sale units shall be affordable for the longest feasible time but not less than 10 years. This affordability requirement of at least 10 years for affordable for-sale units will be reset at each transfer of title upon re-sale to a qualified low income buyer, as outlined in Section 15.16.170 of this chapter.

CD. Requirements for Construction.

1. Number of Bedrooms.

a. It is the goal that the affordable units “blend in” with the market rate units, which can be achieved through providing a variety of elevations and unit mixes within the residential project. Affordable for sale units may be smaller in square footage than the market rate units in a residential project that trigger the affordable housing obligation to a minimum unit living area of 850 square feet. However, a mix of bedroom numbers and greater square footage among for sale homes shall be implemented whenever feasible in order to accommodate larger low-income households.

Except as provided for elsewhere in this section, there shall be an average of three bedrooms provided per affordable unit, and the developer can provide more but not less than the average target, unless it can be clearly demonstrated that a different average is required in order for the units to be sold in the affordable marketplace.

b. A developer of a for-sale residential project may request an exemption from the requirements of this subsection if, based upon substantial evidence and financial information, such a mixture would be infeasible to the satisfaction of the Community Development Director.

2. Affordable units shall not be clustered but be dispersed throughout the residential project and be comparable in infrastructure (including sewer, water, and other utilities) and construction quality to the market-rate units. A cluster is considered to be four or more units adjacent to each other. Duplexes shall not be allowed as the only affordable units, unless all units in the development are duplexes. The developer shall submit, along with a map review fee, proposed locations for affordable units with the tentative map for approval by the City. If the developer desires to alter the approved locations of the affordable units, the requested alterations shall be submitted, along with a map review fee, with the final map. The map review fee shall be set by resolution of the City Council, as amended from time to time.

3. Affordable units must be visibly indistinguishable from the exterior in comparison with surrounding market-rate units. Affordable for-sale units may have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality, and consistent with contemporary standards for new housing.

DE. Criteria for Size and Design of Units to Meet Special Needs Housing.

1. For residential projects that include units that meet categories of special needs housing, the criteria for size and design of these units will be addressed by the City on a project-by-project basis as guided by the housing element, and based on any new information regarding increased need or demand for special needs housing as it becomes available from the census or other sources. The City will participate in securing funding for those projects that provide special needs housing units in a greater amount of special needs units than required by State or Federal law.

2. Builders of for-sale projects shall comply with applicable State and Federal laws regarding accessible design features for persons with disabilities. Homebuyers of affordable units shall be offered “universal design” or “visit-ability” features to be incorporated into the construction of the unit by the builder. Such modifications shall be paid for by the homebuyer, independent of and in addition to the amount calculated as the affordable purchase price of the unit. Information on “universal design” and “visit-ability” building features is available from the Community Development Department upon request.

Section 5. Section 15.16.200 of the City of Woodland Municipal Code is hereby amended to read as follows:

15.16.200 Alternatives to on-site construction of affordable units.

- A. Alternative Means of Compliance. As an alternative to on-site construction of the affordable units as set forth in this chapter, the City may, at its discretion, permit the developer to satisfy the requirements of this chapter through one or more of the alternative means of compliance as described in this section.
- B. Land Dedication.
 - 1. A developer may be allowed to make an irrevocable offer of dedication to the City or its designee of sufficient land to satisfy the affordability requirement under this section, if either:
 - a. The developer demonstrates to the City Council that it is not feasible to develop the affordable dwelling units on-site as part of the residential project; or
 - b. In the judgment of the Community Development Director, the developer’s proposed land dedication would accomplish the objectives of this chapter.
 - 2. Dedicated sites for residential projects shall meet the following criteria:
 - a. The dedicated site shall be a minimum of two acres unless the City agrees to a smaller site based on a special housing need.
 - b. The dedicated site shall be economically feasible to develop, of sufficient size to build the required number of affordable units and physically suitable for development of the required affordable units prior to the dedication of the land. The City may, at its discretion, accept a dedicated site that will provide a different housing type than would be required if the affordable units were constructed on-site, if in the judgment of the Community Development Director such dedication would accomplish the objectives of this chapter.
 - c. The dedicated site shall also have appropriate General Plan designation and zoning to accommodate not less than the required number of units, be fully improved with infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, utility (i.e., water, gas, sewer and electric) service connections stubbed to the property lines, and other such off-site improvements as may be necessary for development of the required affordable units or as required by the City.
 - d. The value of the dedicated site shall be equal to or greater than the in-lieu fee in effect at the date of dedication for the applicable residential development

multiplied by the number of otherwise required inclusionary units within the residential development.

3. The City may approve, conditionally approve, or reject such offer of land dedication of any specific property. If the City rejects such an offer of land dedication, the developer shall be required to meet the affordable housing obligations by other means set forth in this chapter.

4. Density Credit. In determining the amount of land to dedicate to satisfy a developer's affordable housing obligation, the developer shall receive credit for the base density of the dedicated site (e.g., 20 units per acre if the dedicated parcel is zoned **to require residential density of 20 units per acre or greater R-20**).

5. Development of Dedicated Land. Within one year from the date of conveyance of the dedicated land to the City, the City shall determine, at its discretion, whether the dedicated land will be:

- a. Developed by the City to produce the required affordable dwelling units; or
- b. Conveyed to an affordable housing developer approved by the City to produce the required affordable dwelling units. The City Council shall determine which affordable housing developer shall be conveyed the land required to produce the affordable dwelling units.

C. In-Lieu Fees.

1. The developer may be permitted to pay in-lieu fees to satisfy all or a part of the developer's affordable housing obligation if either:

- a. The developer demonstrates to the City Council that it is not feasible to develop the affordable dwelling units on-site as part of the residential project; or
- b. In the judgment of the City Council **Community Development Director**, the payment of in-lieu fees would accomplish the objectives of this chapter.

2. The payment amount of in-lieu fees shall be determined pursuant to an adopted fee schedule designating in-lieu fees for **either or both for-sale affordable units and for rental affordable units**, to be reviewed and revised as necessary on an annual basis. ~~provided that the payment of in-lieu fees must be approved by the City Council following review of the development's affordable housing plan. The City Council will review a request for payment of in-lieu fees.~~ **In the event a fee schedule has not been adopted, the City Council may allow payment of in-lieu fees upon review of the project's affordable housing plan and as memorialized in a documented agreement.**

3. If the City determines that the developer may contribute in-lieu fees, the developer must pay such fees **as calculated on a per unit basis** ~~as a lump sum~~ prior to the issuance of the first building permits for the residential project. No building permit or certificate of occupancy shall be issued by the City until the developer provides ~~written proof of the payment of all in-lieu fees~~ **is provided.**

D. Combination of Methods to Provide Inclusionary Housing. The developer of a project may propose any combination of the requirements for the construction of on-site affordable units pursuant to this chapter and/or alternative options pursuant to this section in order to comply with the provisions of this chapter. Such proposals shall be made in and considered by the City as part of the developer's application for development entitlements, and approved by the City if the City Council finds that the combined construction of affordable units and/or alternative methods of compliance provide substantially the same or greater level of affordability and the amount of affordable housing is as required pursuant to this chapter.

PASSED AND ADOPTED by the City Council this ____ day of ____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA: City Council Regular Meeting

DATE: April 7, 2020

ITEM #: G.6

SUBJECT: Approve Plans & Specifications, and Authorize Bid Advertisement for WPCF Pond #11 Biosolids Drying and Removal Project, CIP #20-13

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, to: 1) create a new capital project, WPCF Pond #11 Biosolids Drying and Removal Project, CIP 20-13; and 2) approve the plans & specifications and authorize bid advertisement.

Staff Contact

Tim Busch, Principal Utilities Civil Engineer – (530) 661-5963, tim.busch@cityofwoodland.org

Fiscal Impact

The funding for CIP # 10-11, WPCF Export Biosolids is included in the Capital Budget approved by City Council on July 2, 2019. The funding source is the Sewer Enterprise Fund. The project has a total budget of \$6,054,000 with approximately \$1,350,000 remaining. The Engineer's Estimate for the drying and hauling work associated with this recommendation is approximately \$1,000,000 including construction, construction contingency, and staff time. Staff is requesting that funding be transferred from project CIP #10-11 to a new project CIP #20-13 at the time of construction contract award, to allow for better cost tracking.

There is no impact to the General Fund.

Background

The City's Water Treatment Control Facility (WPCF) generates biosolids as a result of the wastewater treatment process. Approximately 3,000 tons per year is generated. The WPCF utilizes a series of ponds to accumulate and stabilize the biosolids over time. Over the past few decades, a significant quantity of biosolids has been accumulated. The WPCF Waste Discharge Permit requires the WPCF to make a good faith effort to begin disposal of this material.

Previous work has included removal of biosolids from Ponds #7, #8, #9, #10 and soil/cement lining of ponds #9, #10, and #11 along with improvements to capping water distribution piping system.

Discussion

The work in this project generally includes solar drying of the biosolids in Pond #11 and hauling to the Yolo County Landfill for use as daily cover. The Yolo County Landfill is the only authorized receiver of biosolids in Yolo County. The landfill charges a tipping fee of approximately \$15.00/ton for biosolids. The quantity of biosolids stored in Pond #11 for drying and hauling is expected to be approximately 10,000 dry tons. The exact quantity cannot be determined until the drying work is completed. The WPCF has been accumulating biosolids for decades and has a rough estimate of 50,000 tons of stored biosolids.

The WPCF has a need to remove the biosolids from Pond #11 and prepare the pond to be ready to accept new biosolids. Given the amount of accumulated biosolids in Pond #11 and the time required to permit land application, the only viable option is to dispose of the material at the landfill.

A full set of Plans and Specifications are available for review at the Community Development counter.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, to: 1) create a new capital project, WPCF Pond #11 Biosolids Drying and Removal Project, CIP 20-13; and 2) approve the plans & specifications and authorize bid advertisement.

Prepared by: Tim Busch, Principal Utilities Civil Engineer

Reviewed by: Brent Meyer, Acting Community & Economic Development Director/City Engineer

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a stylized, flowing script.

Ken Hiatt
Assistant City Manager / Comm. & Econ. Development Director

Attachments:

1. Resolution

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO
APPROVE THE PLANS AND SPECIFICATIONS AND AUTHORIZE BID
ADVERTISEMENT FOR THE WPCF POND #11 BIOSOLIDS DRYING AND
REMOVAL PROJECT, CIP #20-13**

WHEREAS, the City of Woodland wishes to approve the plans and specifications for the WPCF Pond #11 Biosolids Drying and Removal Project, CIP #20-13; and

WHEREAS, the City has identified managing biosolids at the WPCF to be a priority; and

WHEREAS, the City has the authority to approve projects for bid; and

WHEREAS, the City wishes to create CIP #20-13 as part of the Capital Budget; and

WHEREAS, the City wishes to authorize bid advertisement for the WPCF Pond #11 Biosolids Drying and Removal Project, CIP #20-13; and

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

Section 1. The City Council hereby approves the plans and specifications for the WPCF Pond #11 Biosolids Drying and Removal Project, CIP #20-13, which are available on file with the City Clerk.

Section 2. The City Council authorizes City staff to advertise the WPCF Pond #11 Biosolids Drying and Removal Project, CIP #20-13 for bids, with bid opening date anticipated to occur in April 2020.

PASSED AND ADOPTED this 7th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.7
SUBJECT: Water Pipeline License Agreement with Sierra Northern Railway for the North Regional Pond & Pump Station Project, CIP 17-21

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute the Water Pipeline License Agreement (Agreement) with Sierra Northern Railway (SNRR).

Staff Contact

Tim Busch, Principal Utilities Civil Engineer, 530-661-5963, tim.busch@cityofwoodland.org

Fiscal Impact

This project has an approved budget of \$9,000,000 comprised of SLIF Storm Drain funding included in the capital budget adopted July 2, 2019.

The SNRR Water Pipeline License Agreement is included in the North Regional Pond and Pump Station Project and is funded in the Capital Budget, CIP# 17-21. The SNRR Pipeline Crossing Agreement fees are \$10,000.00 for a 10-year term. The agreement is renewable with renewal fees at \$10,000 and an adjustment for inflation.

Background

The South Urban Growth Area Storm Drainage Facilities Master Plan (SUGA-SDFMP) was updated between 2016 and 2018 and identified the North Regional Pond and Pump Station as the most significant storm drainage facilities project in the south area of the City. The North Regional (NR) Pond is yet to be connected to the drainage system and the NR pump station at the downstream terminus of the South Canal needs replacement. This Project's improvements at the pump station and NR Pond will mitigate the increase in storm drainage flows resulting from development of the SUGA for up to the 100-year, 10-day storm event. Other development areas that will benefit from the Project (and be obligated to pay for their fair share of the cost) include the Woodland Research and Technology Park (WRTP) and the development areas east of CR102.

Along with a new pump station, the Project will also install weirs and culverts to allow the NR Pond to function as a storm water quality pond, treating storm flows from the Gibson Channel and allowing the NR Pond to function as a detention basin. The NR Pond will allow for increased storm water treatment capacity; improved capacity of and access to culverts underneath Interstate-5 and E. Main Street; new force main and outfall piping from the pump station to the outfall channel; and improved access to the outfall channel at the piping terminus.

The force main crosses the SNRR tracks north of Main Street immediately west of CR 103. The force main will be constructed within a bored casing pipe approximately 10 feet below the tracks. The railroad requires an agreement for pipelines that cross below the tracks. The City has several existing agreements for water main, sanitary sewer, and storm drainage pipelines that cross the railroad tracks throughout the City.

Discussion

The Agreement has several conditions, typical for pipelines that cross railroad tracks. One of the conditions states that “upon execution of this agreement and prior to the commencement of any work related to the operation or repair of the Pipeline, Licensee shall pay to Licensor a one-time license fee of \$10,000. Upon any extension of this license, an additional license fee shall be paid which shall be the initial license fee as specified herein adjusted by the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-San Jose, California Area, All Items.” The conditions also state that the agreement can be extended to two additional 10-year terms. The City has the same conditions at the other pipeline crossings of railroad tracks.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute the Water Pipeline License Agreement (Agreement) with Sierra Northern Railway (SNRR).

Prepared by: Tim Busch, Principal Utilities Civil Engineer

Reviewed by: Brent Meyer, Acting Community Development Director/City Engineer



Ken Hiatt
Interim City Manager

Attachments:

1. Resolution
2. Exhibit B 1
3. Exhibit B 2
4. Sierra Rwy BLANK Right of Entry-H
5. WOODLAND Force Main license with Sierra Northern revised 1-28-2020

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING A WATER PIPELINE CROSSING AGREEMENT WITH SIERRA
NORTHERN RAILROAD FOR INSTALLATION OF THE FORCE MAIN PIPELINE
ACROSS THE RAILROAD.**

WHEREAS, the City of Woodland wishes to enter into a Water Pipeline Crossing Agreement with Sierra Northern Railroad for the North Regional Pond and Pump Station Project, CIP #17-21 (“Agreement”); and

WHEREAS, the City Council wishes to approve the Agreement and authorize its execution through the 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 approves the Agreement. The City Manager is hereby authorized and directed to execute the Agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes.

Section 2. A copy of the Agreement is available and on file in the City Clerk’s office, and is incorporated herein by reference and made a part of this Resolution.

PASSED AND ADOPTED this 7th day of April 2020 by the following vote:

AYES:

NOES:

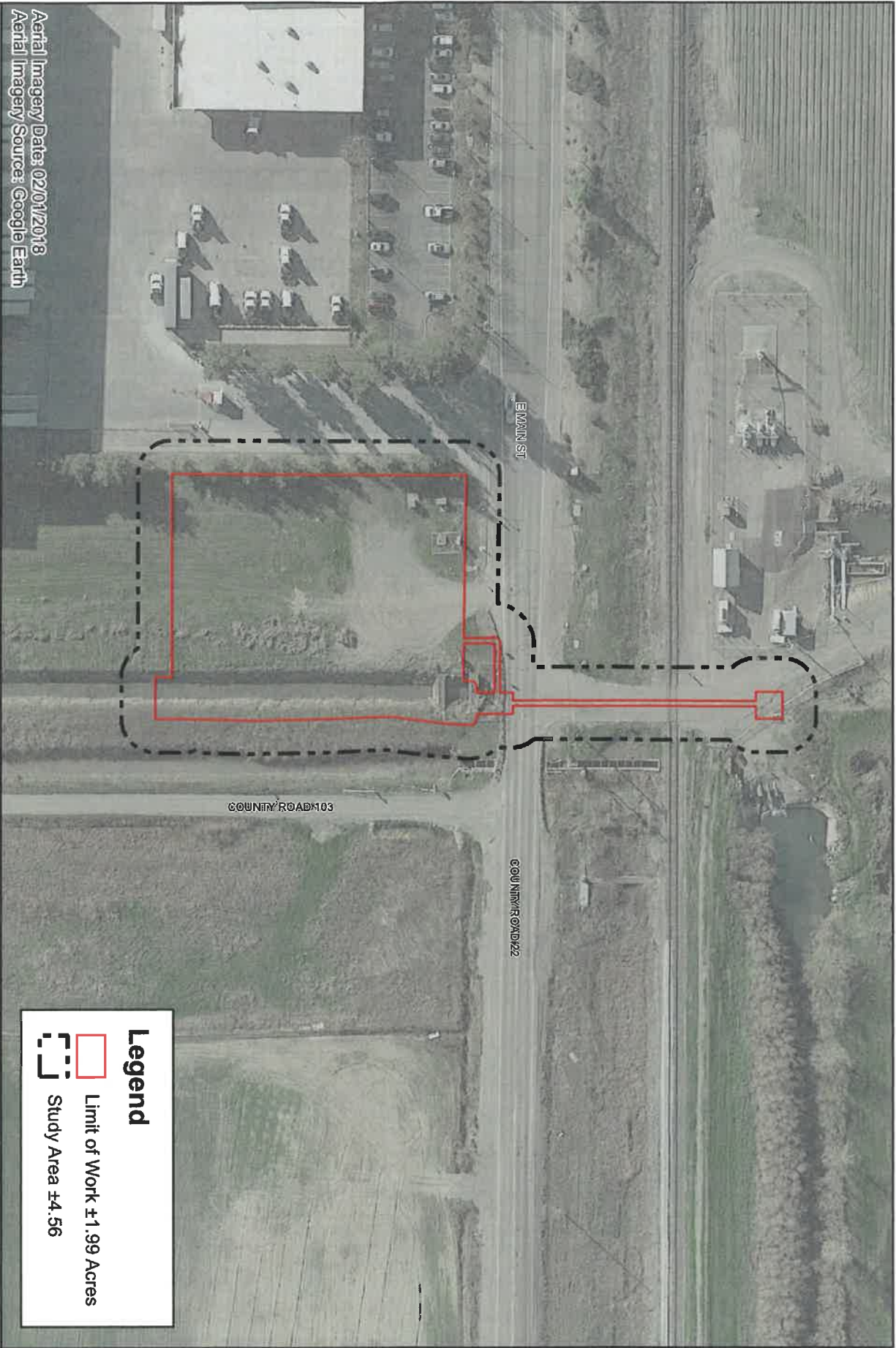
ABSENT:

ABSTAIN:

Richard Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk



Legend

Limit of Work ±1.99 Acres

Study Area ±4.56

Aerial Imagery Date: 02/01/2018
 Aerial Imagery Source: Google Earth

FOOTHILL ASSOCIATES
 ENVIRONMENTAL CONSULTING • PLANNING • LANDSCAPE ARCHITECTURE
 © 2018

N
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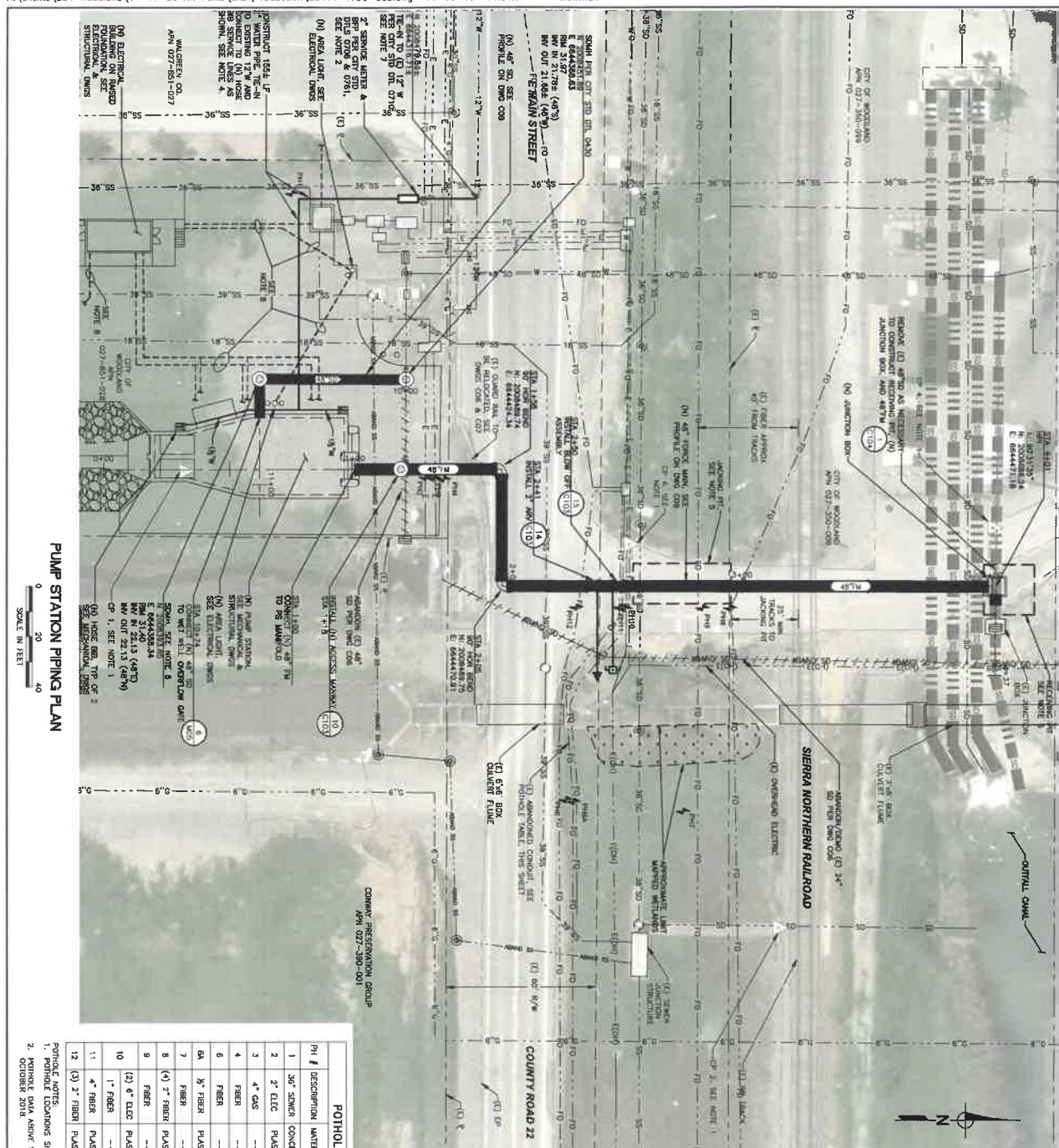
SITE PLAN

Drawn By: MUB
 QA/QC: SLK
 Date: 11/30/2018

**FIGURE 2
 SHEET 1**

WOODLAND NORTH REGIONAL POND AND PUMP STATION DESIGN

Page Size: 8.5" x 11" Date Saved: 11/30/2018 12:45:31 PM



PUMP STATION PIPING PLAN

0 20 40
SCALE IN FEET

POTHOLE TABLE (ARROW CONSTRUCTION)		
PI #	DESCRIPTION	NOTES
1	30" SLOPE CONCRETE	120" 162"
2	2" ELIC	36" 36"
3	4" GAS	---
4	FIBER	---
5	FIBER	---
6	FIBER	---
6A	1/2" FIBER	36.5"
7	FIBER	---
8	4" 2" FIBER	123"
9	FIBER	---
10	2" ELIC	50" 56"
11	1" FIBER	50" 51"
12	4" FIBER	50" 54"
12	2" FIBER	129"
12	2" FIBER	129"

POTHOLE LOCATIONS SHOWN ON PLAN ARE APPROXIMATE AND HAVE NOT BEEN SURVEYED.
1. REVISION DATA ABOVE WAS OBTAINED BY ARROW CONSTRUCTION IN NOVEMBER 2017 AND OCTOBER 2018.

- SEE DWG 04K FOR SURVEY CONTROL INFORMATION.
- CONTRACTOR SHALL PRIOR TO PIPE INSTALLATION, POthOLE ALL EXISTING UTILITIES INDICATED AND/OR MARKED IN THE FIELD IN THE LOCATION NEW PIPE IS SHOWN TO CROSS.
- CONTRACTOR NOT TO SERVICE BY RELOCATING 36" PORTION OF PIPELINE AS NECESSARY FOR OUT OF SERVICE. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTINUOUSLY MAINTAINING COMPLETION OF CONSTRUCTION SHALL CONSTRUCT A NEW PORTION OF PIPELINE WHERE REPAIRED AND PLACE THE POthOLE BACK IN SERVICE. CONTRACTOR SHALL COORDINATE WITH OWNER.
- PRESSURE TEST AND DISINFECTION PRIOR TO 12-IN TO CITY LINE.
- SIZE AND LOCATION OF JUNCTION AND RECEIVING PITS ARE SPECIFIC. CONTRACTOR SHALL BE RESPONSIBLE FOR BEHAVING BORE AND JACK WORK.
- INSTALL INDICATED DRAINAGE STRUCTURE PER CITY STD DETAIL 0430. EXCEPT CONTRACTOR SHALL PROVIDE COVER FROM DRAIN COVER INSIDE OF STANDARD COVER.
- CONTRACTOR SHALL COORDINATE WITH CITY PRIOR TO MAKING CONNECTION TO EXISTING WATER MAIN, UNLESS SPECIFICALLY ON THIS DRAWING AND ARE SHOWN FOR REFERENCE ONLY. CONTRACTOR SHALL FIELD VERIFY EXISTING WATER MAIN LOCATION. (SEE ELECTRICAL DRAWINGS E21 AND E22).
- OBTAIN PERMIT TO CROSS E MAIN STREET/COUNTY ROAD 22 SEE SPECIFICATION SECTION 01550.



WEST COAST ASSOCIATES

2020 Research Plaza Suite 100
Oak Grove, Illinois 60069
Tel: (815) 235-0000
Fax: (815) 235-0001



CITY OF WOODLAND
NORTH REGIONAL POND AND PUMP STATION

PUMP STATION - PIPING PLAN

DATE: _____

SCALE: _____

HORIZ. AS SHOWN VERT. _____

NO. DESCRIPTION BY DATE

1	REVISIONS	BY	DATE

DRAWING NUMBER

C08

JOB NUMBER: 204-14-17-56

DESIGNED BY: DAP

DRAWN BY: TZN

PROJ. MGR. MLY

SHEET 12 OF 68

Contract No. _____

CONTRACTOR'S RIGHT OF ENTRY AND INDEMNITY AGREEMENT

THIS AGREEMENT is made and entered into as of the _____ day of _____ 2019, by and between the **SIERRA NORTHERN RAILWAY**, a California Corporation (hereinafter the "Railroad"), and **THE CITY OF WOODLAND**, a California municipal corporation (hereinafter the "Contractor").

RECITALS:

The Contractor has requested the Railroad to permit Contractor to enter upon the property of the Railroad, and the Railroad is agreeable thereto, subject to the following terms and conditions:

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between the Railroad and Contractor, as follows:

Article 1. DEFINITION OF CONTRACTOR.

For the purposes of this Agreement, all references in this Agreement to the Contractor shall include the Contractor's contractors, subcontractors, officers, agents, and employees, and all others acting under its or their authority.

Article 2. RIGHT GRANTED; PURPOSE.

As part of the City's proposed North Regional Pond and Pump Station Project, the City will repurpose a former sludge pond and defunct pump station to construct a new storm water pond and pump station to provide current and meet future storm water service needs for the southern portion of the City. A proposed 48" storm water force main inside a 60" diameter steel casing will be constructed by auger bore and jack operation and will cross the Sierra Northern Railroad tracks. The pipeline will be constructed within a bored casing pipe approximately twelve (12) feet below the tracks. Boring and receiving pits will be constructed outside of the railroad right-of-way. The Contractor plans to have personnel and equipment on the Railroad's right-of-way in order to complete these activities and services. The Contractor's work and related activities shall be hereinafter defined to be the "Work". The Railroad hereby grants to the Contractor the right, during the term hereinafter stated and upon the subject to each and all of the terms, provisions and conditions herein contained, to enter upon and have ingress to and egress from the portion of the Railroad's property in Yolo County, CA, on the Railroad's rights-of-way for the purpose of performing the Work on those portions of the Railroad's property as described herein, or as otherwise designated by the Railroad representative named in Article 4.

Article 3. TERMS AND CONDITIONS CONTAINED IN EXHIBITS A AND A-1

The terms and conditions contained in Exhibits A and A-1, attached hereto, are hereby made a part of this Agreement. In accordance with Section 1 of Exhibit A, Railroad will be specifically notified whenever Contractor will have personnel or equipment on Railroad's Right-of-Way. Contractor understands and agrees that unless such notice is provided to Railroad (telephone notice will be adequate) that any such personnel will be subject to removal from Railroad's property until such notice is given. No equipment may be operated within 20 feet of Railroad's track without specific notice to Railroad and Railroad's agreement as to timing, flagman requirements, and other protection means that may be required.

Article 4. ALL EXPENSES TO BE BORNE BY CONTRACTOR; RAILROAD REPRESENTATIVE.

The Contractor shall bear any and all costs and expenses associated with any Work performed by the Contractor, or any costs or expenses incurred by the Railroad relating to damage caused by the Contractor. All Work performed by Contractor on Railroad's property shall be performed in a manner satisfactory to the General Manager or the Track and Maintenance Manager of the Railroad (hereinafter the "Railroad Representative").

Article 5. TERM, TERMINATION.

A. The grant of right herein made to Contractor shall commence on date of execution hereof and continue until _____, unless sooner terminated as herein provided, or at such time as Contractor has completed its Work on Railroad's property, whichever is earlier. Contractor agrees to notify the Railroad Representative in writing when it has completed its Work on Railroad property.

B. This Agreement may be terminated by either Party on ten (10) days' written notice to the other Party.

Article 6. LICENSE AND OTHER FEES.

As compensation to the Railroad for the rights herein granted and for the Railroad's administrative and other costs, the Contractor shall pay to the Railroad in accordance with the following schedule as a license fee:

<u>Duration: # of working days on ROW</u>	<u>Fee</u>
1 day	\$900.
2 days	\$1,800.
3 days	\$2,700.
4 or 5 days	\$3,500.
More than 5 days	\$4,000.
More than 15 days	\$5,000.

The license fee shall be payable upon execution of this Agreement and the effectiveness of this Agreement is contingent upon payment of the license fee. Said license fee shall be in addition to

Contract No. _____

any flagging, switching or other costs of the Railroad which are payable under the terms of this Agreement.

Article 7. CERTIFICATE OF INSURANCE.

A. Before commencing any Work, the Contractor will provide the Railroad with a certificate issued by its insurance carrier providing the insurance coverage required pursuant to Exhibit A-1 of this Agreement

B. Contractor warrants that this Agreement has been thoroughly reviewed by its insurance agent(s)/broker(s) and the said agent(s)/broker(s) has been instructed to procure insurance coverage and an endorsement as required herein.

C. All insurance correspondence shall be directed to: President, Sierra Northern Railway, 341 Industrial Way, Woodland, CA 95776, Telephone (530) 666-9646.

Article 8. ENFORCEABILITY; CHOICE OF LAW; CHOICE OF FORUM.

This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of California. Litigation arising out of or connected with the Agreement shall be instituted and maintained only in the courts in Sacramento, California, and the parties consent to jurisdiction over their person and over the subject matter of any such litigation, in those courts, and consent to service of process issued by such courts.

Article 9. PAYMENT OF FEES, BILLS.

Contractor shall pay for all invoices rendered by Railroad in accordance with this Agreement within thirty (30) days of the date of the invoice (due date). In the event that an invoice has not been paid by the Contractor by the due date, a late payment charge of two percent (2%) of each unpaid payment shall be assessed immediately, and then a finance charge of two percent (2%) per month shall then be assessed on the outstanding balance (payments, late payment charges and interest) owed. Payments shall be applied first to interest, second to late payment charges, and then to the outstanding payments.

Article 10. NOTICES.

Each notice given pursuant to this agreement shall be effective when delivered by hand or upon mailing by certified or registered mail, postage prepaid, to the party for whom it is intended at the address set forth below or such other address as may be specified from time to time in writing by one party to the other.

Contract No. _____

To Contractor:

To Railroad:

Sierra Northern Railway
Attn: President
341 Industrial Way
Woodland, CA 95776-6012
Telephone 530-666-9646
Facsimile 530-666-2919

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in duplicate as of the date first above written.

Railroad

SIERRA NORTHERN RAILWAY

(seal)

By: _____
President

Contractor

WITNESS

By: _____

Name: _____

Title: _____

Name: _____

EXHIBIT A
GENERAL PROVISIONS FOR CONTRACTOR'S RIGHT OF ENTRY AND INDEMNITY AGREEMENT

Section 1. NOTICE OF COMMENCEMENT OF WORK - FLAGGING

The Contractor agrees to notify the Railroad Representative at least 48 hours in advance of Contractor commencing its Work and at least 24 hours in advance of proposed performance of any Work by the Contractor in which any person or equipment will be within 20 feet of any track, or will be near enough to any track that any equipment extension (such as, but not limited to, a crane boom) will reach to within 20 feet of any track. Upon receipt of such notice, the Railroad Representative will determine and inform the Contractor whether a flagman need be present and whether the Contractor need implement any special protective or safety measures. If any flagmen or other special protective or safety measures are performed by the Railroad, such services will be provided at Contractor's expense with the understanding that if the Railroad provides any flagging or other services the Contractor shall not be relieved of any of its responsibilities or liabilities set forth herein. If an emergency should arise requiring immediate attention, the Contractor shall provide as much notice as practicable to the Railroad before commencing any Work. Flagging or Railroad employee time to set and remove any necessary track worker protection is billed in hourly increments at \$75.00 per hour.

Section 2. LIMITATION AND SUBORDINATION OF RIGHTS GRANTED.

(a) The foregoing grant of right is subject and subordinate to the prior and continuing right and obligation of the Railroad to use and maintain its entire property, including the right and power of the Railroad to construct, maintain, repair, renew, use, operate, change, modify or relocate railroad tracks, signal, communication, fiber optics, or other wirelines, pipelines and other facilities upon, along or across any or all parts of its property, all or any of which may be freely done at any time or times by the Railroad without liability to the Contractor or to any other party for compensation or damages.

(b) The foregoing grant is also subject to all outstanding superior rights (including those in favor of licensees and lessees of the Railroad's property, and others) and the right of the Railroad to renew and extend the same, and is made without covenant of title or for quiet enjoyment.

Section 3. NO INTERFERENCE WITH RAILROAD'S OPERATION.

No Work performed by Contractor shall cause any interference whatsoever with the constant, continuous and uninterrupted use of the tracks, property and facilities of the Railroad, its lessees, licensees or others, unless specifically permitted under this Agreement, or specifically authorized in advance by the Railroad Representative. Nothing shall be done or suffered to be done by the Contractor at any time that would in any manner impair the safety thereof. When not in use, Contractor's machinery and materials shall be kept at least 50 feet from the centerline of Railroad's nearest track, and there shall be no crossings of Railroad's tracks except at existing open public crossings.

Section 4. PERMITS.

Prior to beginning any Work, the Contractor, at its sole expense, shall obtain all necessary permits to perform any Work contemplated by this Agreement.

Section 5. MECHANIC'S LIENS.

The Contractor shall pay in full all persons who perform labor or provide materials for the Work to be performed by Contractor. The Contractor shall not permit or suffer any mechanic's or materialman's liens of any kind or nature to be enforced against any property of the Railroad for any such Work performed. The Contractor shall indemnify and hold harmless the Railroad from and against any and all liens, claims, demands, costs or expenses of whatsoever nature in any way connected with or growing out of such Work done, labor performed, or materials furnished.

Section 6. PROTECTION OF FIBER OPTIC CABLE SYSTEMS.

(a) Fiber optic cable systems may be buried on the Railroad's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Contractor shall contact USA, and telephone the Union Pacific Railroad Company at 1-800-336-9193 (a 24-hour number) to determine if fiber optic cable is buried anywhere on the Railroad's Premises. If it is, Contractor or Union Pacific will telephone the telecommunications company(ies) involved, arrange for a cable locator, and make arrangements for relocation of other protection of the fiber optic cable prior to beginning any Work on Railroad's Premises.

(b) In addition to other indemnity provisions in this Agreement, the Contractor shall indemnify and hold the Railroad harmless against and from all cost, liability, and expense whatsoever (including, without limitation, attorney's fees and court costs and expenses) arising out of or in any way contributed to by any act or omission of the Contractor, its contractors, agents, and/or employees, that causes or in any way or degree contributes to (1) any damage to or destruction of any telecommunications system on Railroad's property, (2) any injury to or death of any person employed by or on behalf of any telecommunications company, and/or its contractors, agents, and/or employees, on Railroad's property, or (3) any claim or cause of action for alleged loss of profits or revenue by, or loss of service by a customer or user of, such telecommunication company(ies). Contractor shall not have or seek recourse against Railroad for any claim or cause of action for alleged loss of profits or revenue or loss of service or other consequential damage to a telecommunication company using Railroad's property or a customer or user of services of the fiber optic cable on Railroad's property.

Contract No. _____

Section 7. COMPLIANCE WITH LAWS.

In the prosecution of the Work covered by this Agreement, the Contractor shall comply with all applicable federal, state and local laws, regulations and enactments affecting the Work. The Contractor shall use only such methods as are consistent with safety, both as concerns the Contractor, the Contractor's agents and employees, the officers, agents, employees and property of the Railroad and the public in general. The Contractor (without limiting the generality of the foregoing) shall comply with all applicable state and federal occupation safety and health acts and regulations. All Federal Railroad Administration regulations shall be followed when Work is performed on the Railroad's property. If any failure by the Contractor to comply with any such laws, regulations, and enactments, shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the Railroad, the Contractor shall reimburse and indemnify the Railroad for any such fine, penalty, cost, or charge, including without limitation attorney's fees, court costs and expenses. The Contractor further agrees, in the event of any such action and upon notice thereof being provided by the Railroad, to defend such action free of cost, charge, or expense to the Railroad.

Section 8. SAFETY INSTRUCTIONS.

Safety of personnel, property, rail operations and the public is of paramount importance in the prosecution of the Work pursuant to this Agreement. As reinforcement and in furtherance of overall safety measures to be observed by the Contractor (and not by way of limitation), the following special safety rules shall be followed:

(a) The Contractor shall keep the job site free from safety and health hazards and ensure that its employees are competent and adequately trained in all safety and health aspects of the job. The Contractor shall have proper first aid supplies available on the job site so that prompt first aid services can be provided to any person that may be injured on the job site. The Contractor shall promptly notify the Railroad of any U.S. Occupational Safety and Health Administration reportable injuries occurring to any person that may arise during the Work performed on the job site. The Contractor shall have a non-delegable duty to control its employees, while they are on the job site or any other property of the Railroad to be certain they do not use, be under the influence of, or have in their possession, any alcoholic beverage or illegally obtained drug, narcotic or other substance.

(b) The employees of the Contractor shall be suitably dressed to perform their duties safely and in a manner that will not interfere with their vision and hearing or free use of their hands or feet. Only waist length shirts with sleeves and trousers that cover the entire leg are to be worn. If flare-legged trouser are worn, the trouser bottoms must be tied to prevent catching. The employees should wear sturdy and protective footwear. Employees shall not wear boots (other than work boots), sandals, canvas-type shoes or other shoes that have thin soles or heels that are higher than normal. In addition, the Contractor shall require its employees to wear personal protective equipment as specified by Railroad rules, regulations or Railroad Officials overlooking the Work at the job site. In particular, the protective equipment to be worn shall be:

- (1) Protective head gear that meets American National Standard Z89.1, latest revision. It is suggested that all hard-hats be affixed with Contractor's or subcontractor's company logo or name.
- (2) Eye protection that meets American National Standard for occupational and educational eye and face protection, Z87.1, latest revision. Additional eye protection must be provided to meet specific job situations such as welding, grinding, burning, etc.; and
- (3) Hearing protection which affords enough attenuation to give protection from noise levels that will be occurring on the job site.

(c) All heavy equipment provided or leased by the Contractor shall be equipped with audible back-up warning devices. If in the opinion of the Railroad Representative any of Contractor's or any of its subcontractor's equipment is unsafe for use on the Railroad's right-of-way, the Contractor, at the request of the Railroad Representative, shall remove such equipment from the Railroad's right-of-way.

(d) If the Contractor will have or does have men or equipment within 20 feet of the centerline of any track, then Contractor's employees who will be or are within such zone shall be trained in the Railroad's trackworker safety program prior to working within such limits, and shall follow all Railroad's trackworker safety rules and procedures. If Contractor's employees have been trained by another common carrier railroad within the last six months, only a refresher training will be required on the Railroad's trackworker safety program and rules. Contractor shall pay for the Railroad's trainer time at \$75.00 per hour. Strict compliance with the Railroad's trackworker safety program will be required at all times, and Contractor will indemnify and hold Railroad harmless from any fines or fees caused by Contractor's failure to comply at all times with Railroad's trackworker safety program.

(e) The Contractor shall not cross and trackage of Railroad with any vehicles except at existing, open public crossings.

(f) In live track operations, a distance of 20 feet from track must be maintained unless the contract necessitates working in close proximity to the track. When doing so, your employees and equipment must first have authorization of Railroad. When so authorized where work is in close proximity to tracks, a Railroad flagman must be present. Your employees must be familiar with procedures to clear men and equipment from track area for approaching trains. In addition, the following safety procedures shall be adhered to by all of your employees:

Always be on the alert for moving equipment while working near any railroad tracks or facilities.

Do not step or walk on the top of the rail, frog, switches, guard rails, or other track components.

Contract No. _____

In passing around ends of standing cars, engines, railroad machinery, and other ontrack equipment, leave at least one rail car length (50 feet) between yourself and the end of the equipment.

Avoid walking or standing on track at any time.

When it is necessary to walk or work on track, always keep a sharp lookout in both directions for approaching trains.

Before stepping or crossing tracks, look in both directions first. The same is true when walking around machinery and equipment on and about the tracks.

Do not sit on, lie under, or cross between cars except as required in performance of your duty, and only when track and equipment are under proper protection.

In multiple track territory, do not stand on one track while a train is passing on another.

Section 9. INDEMNITY.

(a) As used in this Section, "Railroad" includes other railroad companies using the Railroad's property at or near the location of the Contractor's installation and their officers, agents and employees; "Loss" includes loss, damage, claims, demands, actions, causes of action, penalties, costs, and expenses of whatsoever nature, including court costs and attorneys' fees, which may result from: (1) injury to or death of persons whomsoever (including the Railroad's officers, agents and employees, the Contractor's officers, agents and employees, as well as any other person); and (2) damage to or loss or destruction of property whatsoever (including Contractor's property, adjacent property and crops, the roadbed, tracks, equipment or other property of the Railroad, or property in its care or custody).

(b) As a major inducement and in consideration of the license and permission herein granted, the Contractor agrees to indemnify and hold harmless the Railroad from any Loss which is due to or arises from any cause and is associated in whole or part with the Work performed under this Agreement, a breach of this Agreement, the failure to observe the health and safety provisions herein, or any activity or omission arising out of performance or nonperformance of this Agreement. However, the Contractor shall not indemnify the Railroad when the Loss is caused by the sole negligence of the Railroad.

(c) The Contractor accepts the Railroad's property in its present condition and hereby assumes the risk of any injury to and death of persons and damage to or destruction of property resulting from the condition of or any defects anywhere in or upon the Railroad's, regardless of whether such condition or defects are known or unknown, apparent or latent, and regardless of whether such condition or defects exist at the commencement of this Lease or at some later time.

Section 10. RESTORATION OF RAILROAD'S PROPERTY.

In the event the Railroad authorizes the Contractor to take down any fence or structure of the Railroad or in any manner move or disturb any of the other property of the Railroad in connection with the Work to be performed by the Contractor, then in that event the Contractor shall, as soon as possible and at Contractor's sole expense, restore such fence or structure and other property to the same condition as the same were in before such fence was taken down or such other property was moved or disturbed, and the Contractor shall indemnify and hold harmless the Railroad, its officers, agents and employees, against and from any and all liability, loss, damages, claims, demands, costs and expenses of whatsoever nature, including court costs and attorneys' fees, which may result from injury to or death of persons whomsoever, or damage to or loss or destruction of property whatsoever, when such injury, death, damage, loss or destruction grows out of or arises from the taking down of any fence or the moving or disturbance of any other property of the Railroad. The Railroad will not pay Contractor for any betterments or improvements in such fence and other property that may be made by the Contractor.

Section 11. WAIVER OF BREACH.

The waiver by the Railroad of the breach of any condition, covenant, or agreement herein contained to be kept, observed and performed by the Contractor shall in no way impair the right of the Railroad to avail itself of any subsequent breach thereof.

Section 12. ASSIGNMENT - SUBCONTRACTING.

The Contractor shall not assign, sublet or subcontract this Agreement, or any interest therein, without the written consent of the Railroad, and any attempt to so assign, sublet or subcontract without the written consent of the Railroad shall be void. If the Railroad gives the Contractor permission to subcontract all or any portion of the Work herein described, the Contractor is and shall remain responsible for all Work of subcontractors and all Work of subcontractors shall be governed by the terms of this Agreement.

Section 13. PREPARATION OF AGREEMENT.

For purposes of construction, this Agreement shall be deemed to have been drafted by all Parties, and no ambiguity shall be resolved against any Party by virtue of his, her or its participation in the drafting of the Agreement.

Section 14. SEVERABILITY.

Contract No. _____

If any provision, paragraph, section, clause, or sentence of this Agreement is illegal, void, invalid, or otherwise prohibited or unenforceable by a court or other authority with jurisdiction thereof, the remaining provisions, paragraphs, sections, clauses, and sentences shall be severable and shall remain in full force and effect. Any such prohibition or unenforceability in any jurisdiction shall not prohibit or render unenforceable any such provision in any other jurisdiction. To the extent permitted by applicable law, the Parties hereby waive any provision of law that renders any provision of this Agreement prohibited or unenforceable in any respect.

Section 15. COUNTERPARTS.

This Agreement may be executed in two or more counterparts, may be executed via facsimile transmission or by scanning the document and making .pdf files allowing electronic transmission, and all signatures need not appear on the same signature page of the document. Each counterpart shall be deemed an original, but all such counterparts together shall constitute one and the same instrument.

Section 16. EXECUTION.

The Parties agree and represent that they have read this Agreement in its entirety, reviewed it with their respective counsel, and understand its contents. Each of the persons executing this Agreement warrants that he or she has the right and power to enter into this Agreement on behalf of the Party for whom he or she is representing that he or she is executing this Agreement.

Contract No. _____

EXHIBIT A-1
**Contractor's Right of Entry and Indemnity Agreement
Insurance Requirements**

The Contractor shall, at its own and/or its own sole cost and expense, procure the following kinds of insurance and promptly pay when due all premiums for that insurance. The following insurance shall be kept in force during the life of this Agreement:

General Public Liability insurance providing bodily injury, including death, personal injury and property damage coverage with a combined single limit of at least \$2,000,000 each occurrence or claim and at all times an unimpaired aggregate limit of at least \$2,000,000 and name the Railroad and any railroad operating over its tracks as an additional insured with respect to all liabilities arising out of Contractor's obligations to Railroad in the Agreement.

Automobile Public Liability insurance providing bodily injury and property damage coverage with a combined single limit of at least \$1,000,000 each occurrence or claim and at all times an unimpaired aggregate limit of at least \$1,000,000. This insurance shall provide contractual liability covering all motor vehicles including hired and non-owned and mobile equipment to the extent it may be excluded from the general liability insurance.

Workers' Compensation insurance covering the statutory liability as determined by the compensation laws of the state(s) affected by this Agreement and Employer's Liability. Also Contractor shall comply with all laws of states which require participation in their state workers' compensation fund.

Contractor's insurance shall be primary with respect to any insurance carried by the Railroad.

Contractor's insurance shall not contain any exclusions for work performed or Contractor's activities on or near a railroad or railroad track.

The Contractor shall furnish to Railroad certificate(s) of insurance hereto evidencing the required coverage and endorsements and upon request a certified duplicate original of any of those policies. The insurance company(ies) issuing such policies shall notify the Railroad in writing of any material alteration including any change in the retroactive date in any "claims made" policies or reduction of aggregate limits below the required amounts set forth above, if such limits apply, or cancellation thereof at least thirty (30) days prior thereto.

The insurance policy(ies) shall be written by a reputable insurance company or companies acceptable to the Railroad or with a current Best's Insurance Guide Rating of B and Class VII or better. Such insurance company(ies) shall be authorized to transact business in the state of California.

**NON-EXCLUSIVE PUMP STATION FORCE MAIN LICENSE
AGREEMENT**

Yolo County, California

This non-exclusive pump station force main license agreement is dated _____, 2019 and is between **Sierra Northern Railway**, a California corporation ("Licensor") and the **City of Woodland**, a California municipal corporation ("Licensee"). The parties agree as follows:

Article 1. LICENSOR GRANTS RIGHT

Licensor hereby grants Licensee the non-exclusive right, on the terms and conditions set forth in this agreement, and on the terms and conditions set forth in **Exhibit A** (attached hereto and incorporated herein, the terms of which are all specifically made part of this agreement) to construct, operate, and maintain a pump station force main pipeline (the "Pipeline") across and under the Licensor's railroad at E. Main Street and County Road 103, in Woodland, California, as shown in more detail in **Exhibit B** hereto. Licensee shall not engage in any activities on Licensor's property, Licensor's right-of-way, or any licensed portion of Licensor's property (collectively defined as the "Property") except as necessary to construct, operate, and maintain the Pipeline.

Licensee acknowledges and agrees that it may not use, or permit the use of, the Pipeline or the crossing area for any purpose other than that set forth in this agreement. The parties agree that the Pipeline and crossing area are not located in a public right-of-way and that neither this agreement, nor the existence or use of the Pipeline or the crossing area, will either alone or in conjunction with any other crossing right create a public right-of-way as to Licensee or as to any other person or entity. ~~The parties agree that Licensor may terminate this agreement, and remove or demand the removal of the Pipeline, at the sole expense of Licensee, without liability to Licensee or to any other person or entity, in the event that Licensee or any other person or entity asserts that the Pipeline is located in or creates (either alone or in conjunction with any other crossing right) a public right-of-way.~~

Licensee acknowledges and agrees that the terms and agreements contained in this Article 1 constitute a material inducement to Licensor to enter into this agreement and the transactions contemplated hereby and that Licensor would not have entered into this agreement without the inclusion of this Article 1.

Article 2. DEFINITION OF LICENSEE

All references in this agreement to Licensee include Licensee and its directors, officers, employees, agents, parents, subsidiaries, affiliates, commonly controlled

Comment [U1]: The City's pipeline shouldn't be able to be removed based upon a third party's assertion that the pipeline is located in or creates a public right-of-way.

Comment [TN2]: We cannot afford to have the City's pipeline to act as a "camel's nose" in creating a public utility right of way. What would you suggest in the alternative?

Contract No. 190426
Pump Station Force Main License Agreement

entities, partners, any other related persons and entities, contractors, sub-contractors, and all persons or entities acting under its or their authority.

Article 3. CONSTRUCTION, MAINTENANCE AND OPERATION

The license granted to Licensee by Licensor under this agreement is subject to each and every term, provision, condition, limitation and covenant set forth in this agreement and in all exhibits hereto.

Article 4. LICENSE AND OTHER FEES

4.1 Upon execution of this agreement and prior to the commencement of any work related to the operation or repair of the Pipeline, Licensee shall pay to Licensor a one-time license fee of \$10,000. Upon any extension of this license pursuant to Section 5, an additional license fee shall be paid which shall be the initial license fee as specified herein adjusted by the Consumer Price Index for All Urban Consumers For the San Francisco-Oakland-San Jose, California Area, All Items (using the index for the just prior December as the reference), or if not available an equivalent index.

4.2 Licensee shall pay the license fee, and any other fees or charges under this agreement, on or before the due date in accordance with this agreement. Licensor shall send Licensee an invoice for any fees due under this license, except for the license fee, for which an invoice shall not be required. Unless otherwise specified herein, the due date for fees shall be 30 days from the date of the invoice. Any fees not paid by the due date will be subject to a two-percent late fee. Two percent of each unpaid payment shall be assessed immediately as a late fee, and then a finance charge of two-percent per month shall be assessed on any outstanding balance (payments, late payment charges, and interest) owed. Payments shall be applied first to interest, second to late payment charges, and then to the outstanding payments.

Article 5. TERM AND TERMINATION

This agreement shall become effective when fully executed and shall continue in full force and effect until terminated as provided in **Exhibit A** hereto. The initial term of this agreement shall be for a period of 10 years from the date first set forth above and is subject to two additional 10-year options. To exercise an option to extend this agreement for a subsequent term, Licensee shall give Licensor a minimum of three months' advance written notice.

Article 6. NOTICES

6.1 Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party under this agreement shall be in writing. Notice shall be deemed to have been given to a party by serving the party personally or by mailing the same, postage prepaid, to the party at the

Comment [TN3]: Since there are two options under this agreement, we need some term as to when the options have to be exercised. If this clause is not acceptable, please suggest another more to your liking.

address listed below or at any last-known superseding address. Postal notices shall be by first class mail and notice shall be deemed given on the date deposited with the United States Postal Service.

6.2 Notices shall be addressed as follows:

To Licensee:

City of Woodland
Attn: City Manager
300 First Street
Woodland, CA 95695

To Licensor:

President
Sierra Northern Railway
341 Industrial Way
Woodland, CA 95776
Telephone: 530-666-9646

Article 7. MISCELLANEOUS PROVISIONS

7.1 The terms “include,” “includes,” and “including” are to be read as if they were followed by the phrase “without limitation.”

7.2 This agreement shall be governed by and construed in accordance with the laws of the State of California without reference to its conflicts of laws provisions.

7.3 The prevailing party in any dispute arising out of or related to this agreement shall be entitled to recover its reasonable attorneys’ fees and costs incurred in such dispute, whether or not suit is commenced and including attorneys’ fees and costs incurred in any action brought solely to recover attorneys’ fees and costs. The prevailing party shall also be entitled to any other relief that may be awarded by a court or other tribunal of competent jurisdiction. Any award of damages following judicial remedy or arbitration as a result of the breach of this agreement or any of its provisions shall include an award of prejudgment interest from the date of breach at the maximum amount of interest allowed by law.

7.4 Each party has participated in negotiating and drafting this agreement so if an ambiguity or a question of intent or interpretation arises, this agreement is to be construed as if the parties had drafted it jointly, as opposed to being construed against a party because it was responsible for drafting one or more provisions of this agreement.

7.5 This agreement constitutes the entire understanding between the parties concerning the subject matter of this agreement and cancels and supersedes any prior understandings, whether written or oral, with respect thereto.

7.6 If any provision of this agreement is held to be invalid or unenforceable by a court or other tribunal of competent jurisdiction, that provision will be amended to achieve as nearly as possible the same economic benefit as the original provision and the remainder of this agreement will remain in full force and effect.

7.7 Each party acknowledges that the officer executing this agreement has the authority to enter into this agreement on behalf of the party and in so doing is authorized to bind the party on whose behalf he or she is signing, to the terms and conditions of this agreement.

7.8 This agreement may be executed in one or more counterparts and by facsimile or electronic PDF file signature, each of which shall be deemed an original, but all of which together constitute one and the same instrument. If this agreement is executed in counterparts, no signatory hereto shall be bound until all parties named below have duly executed, or caused to be duly executed, a counterpart of this agreement.

The parties hereto have executed this agreement as of the day and year first above written.

Sierra Northern Railway

By: _____
Kennan H. Beard III
President and CEO

City of Woodland

By: _____
~~Paul Navazio~~—Ken Hiatt

City Manager

EXHIBIT A
GENERAL LICENSE PROVISIONS

Section 1. LIMITATION AND SUBORDINATION OF RIGHTS GRANTED

1.1 This grant of rights is subject and subordinate to the prior and continuing right and obligation of Licensor, its successors and assigns, to use all of its Property (defined to include any licensed portion of the Property), and to use and maintain its entire railroad right-of-way. There is reserved unto Licensor, its successors and assigns, the right to construct, maintain, repair, renew, use, operate, change, modify, or relocate railroad tracks, signals, communications equipment and lines, fiber optic or other wire lines, pipelines, and any other facilities upon, over, under, along, or across any or all parts of the Property, any of which may be freely done at any time by Licensor without liability to Licensee or to any other party for compensation or damages provided, however, that any of such uses installed or changed after the date of this agreement do not unreasonably interfere with the rights granted to Licensee herein, except that, in the event Licensor modifies its existing tracks or places new or additional tracks upon the licensed Property, Licensee shall, if deemed necessary by Licensor, and at Licensee's sole cost and expense, modify the Pipeline to conform with the rail line, in accordance with section 4 below.

1.2 Licensor makes no covenant or warranty of title for quiet possession, against encumbrances, or fitness for any particular use. The rights hereby granted are subject to existing encumbrances and rights, whether public or private, recorded or not, and also to any renewals thereof. Licensee shall not damage, destroy, or interfere with the Property or the rights of any other person or entity in, upon, or relating to the Property unless Licensee, at its own expense, settles with and obtains releases from such persons or entities. If any property or rights other than the right hereby granted are necessary for the construction, maintenance, or use of the Pipeline, or its appurtenances, or for the performance of any work in connection with the Pipeline project, Licensee will acquire all such other property and rights at its own expense and without expense to Licensor, provided that Licensor shall execute any necessary documents and provide such other assistance as may reasonably be requested by Licensee. Nothing herein shall obligate Licensor to sell or otherwise transfer any additional property rights to Licensee.

1.3 Licensor reserves the right to use, and to grant to others the right to use, the Property for any purpose which does not unreasonably interfere with or diminish the right granted under this agreement, including the right to construct, reconstruct, maintain, operate, repair, alter, renew or replace tracks, fiberoptic lines and equipment, power, communication, wire and pipe lines and equipment, any other equipment, facilities, or appurtenances on the Property, and the right to cross the Property with all kinds of equipment.

1.4 Licensee shall not use or permit use of any part of the Property for any purposes other than as described in this agreement. No communications or broadcast equipment may be placed on any part of the Property. No third party shall be admitted by Licensee to use or occupy any part of the Property or the Pipeline without Licensor's written consent. Nothing herein shall obligate Licensor to give such consent.

1.4 Licensee shall not install, maintain, or permit any sign or advertisement upon the Property.

1.5 The foregoing grant is also subject to all outstanding superior rights (including those in favor of other tenants on or licensees of Licensor's Property, and others) and the right of Licensor to renew and extend the same, and is made without covenant of title or for quiet enjoyment. It shall be Licensee's sole obligation to obtain such additional permission, license and grants necessary on account of any such existing rights.

Section 2. CONSTRUCTION, MAINTENANCE, AND OPERATION

2.1 The Pipeline shall be constructed, operated, maintained, repaired, renewed, modified, or reconstructed by Licensee in conformity with this agreement, the requirements of the Federal Railroad Administration, the general orders of the California Public Utilities Commission, Union Pacific Railroad Company's standards, and all other applicable laws, codes, and regulations. In the event of conflicting standards or requirements, the more stringent standard or requirement will apply.

2.2 All work performed on the Property in connection with the construction, maintenance, repair, renewal, modification, or reconstruction of the Pipeline shall be done to Licensor's satisfaction and in substantial conformity with the specifications and notes set forth in **Exhibit B**. Licensee, at its sole expense, shall at all times operate, maintain, and use the Pipeline in a good and safe condition. Upon completion of construction or other work, Licensee or its contractors or subcontractors, shall leave the Property in good condition. Licensee shall keep and maintain the soil under and adjacent to the Pipeline thoroughly compacted and the grade consistent with the adjacent ground surface.

2.3 Prior to the commencement of any work in connection with the construction, maintenance, repair, renewal, modification, relocation, reconstruction, or removal of the Pipeline, Licensee shall submit to Licensor plans setting out the method and manner of handling the work required to protect Licensor's operations and Property. Such work shall not proceed until Licensor and Licensee have agreed to the timing of the work and all applicable work procedures.

2.4 Licensor may provide such support or assistance (e.g., flaggers or inspectors) as it deems necessary for the safety of its tracks during construction,

maintenance, repair, renewal, modification, relocation, reconstruction, or removal of the Pipeline. Licensee shall cooperate with Licensor to ensure the safety of Licensor's tracks during such construction, maintenance, repair, renewal, modification, relocation, or reconstruction. In the event Licensor provides any support or assistance to Licensee, Licensee shall pay Licensor, within 30 days after bills have been rendered therefore, all reasonable expenses incurred by Licensor in connection therewith.

2.5 Licensee shall not cross Licensor's trackage with any vehicles except at existing, open, and public crossings.

2.6 Any contractor or subcontractor performing work relating to any construction, maintenance, repair, renewal, modification, or reconstruction of the Pipeline shall be conclusively deemed to be Licensee's servant and agent and acting on behalf and within the scope of such contractor's or subcontractor's employment by Licensee.

2.7 It is understood that Licensor's tracks at and in the vicinity of the Pipeline will be in constant or frequent use and that movement or stoppage of trains, engines, cars, or maintenance of way vehicles and equipment may delay Licensee's work during construction, maintenance, repair, renewal, modification, relocation, reconstruction, or removal of the Pipeline. Licensee hereby assumes the risk of any such delays and agrees that no claims for damage on account of any delay shall be made against Licensor.

2.8 The Pipeline and all parts thereof within and outside of the limits of the licensed Property shall be constructed and at all times maintained, repaired, renewed, modified, and operated in good condition and in such a manner as to cause no interference whatsoever with the constant, continuous, and uninterrupted use by Licensor and other persons or entities of the tracks, Property, and facilities of Licensor, and nothing shall be done or suffered to be done by Licensee at any time that would in any manner impair the safety thereof.

2.9 If Licensee or its contractors or subcontractors will have personnel or equipment within 20 feet of the centerline of any track, then Licensee's or such contractor's or subcontractor's employees who will be or are within such zone shall be trained in Licensor's trackworker safety program prior to working within such limits and shall follow all of Licensor's trackworker safety rules and procedures. If Licensee's or such contractor's or subcontractor's employees have been trained by another common carrier railroad within the last six months, only refresher training will be required on Licensor's trackworker safety program and rules.

Section 3. NOTICE OF COMMENCEMENT OF WORK

If an emergency should arise requiring immediate attention, Licensee shall provide as much notice as practicable to Licensor before commencing any work. In all other situations, Licensee shall notify Licensor at least 10 days (or such other time as Licensor may allow) in advance of the commencement of any work upon the Property in connection with the construction, maintenance, repair, renewal, modification, relocation, reconstruction, or removal of the Pipeline. All such work shall be prosecuted diligently to completion.

Section 4. RELOCATION OF THE PIPELINE

4.1 The license herein granted is subject to Licensor's needs and requirements in the operation of its railroad and in the improvement and use of its Property in relation thereto.

4.2 Licensee shall, at its sole expense, relocate all or any portion of the Pipeline, to such new location as Licensor may designate in the event that such relocation is required because of any federal, state, local, or administrative law, regulation, or enactment.

4.3 If Licensor requires Licensee to relocate all or any portion of the Pipeline, without such relocation being required because of any federal, state, local or administrative law, regulation, or enactment, Licensor shall, at its sole expense, pay Licensee the actual cost of such relocation.

4.4 Unless any federal, state, local, or administrative law, regulation, or enactment requires relocation in a shorter period of time, Licensor shall before requiring relocation of the Pipeline under this section 4 give Licensee at least 30-days' prior notice and allow a reasonable period of time for Licensee to accomplish the relocation.

4.5 All the terms, conditions, and stipulations herein expressed with reference to the Pipeline on Licensor's Property in the location hereinbefore described shall, so far as the Pipeline remains on the Property, apply to the Pipeline as modified, changed, or relocated within the contemplation of this section 4 or as otherwise agreed by the parties.

Section 5. INJURY AND DAMAGE TO PROPERTY

If Licensee, in connection with the construction, maintenance, repair, renewal, modification, relocation, reconstruction, operation, or removal of the Pipeline, or in the performance of any work contemplated by this agreement or by the failure to do or perform anything for which Licensee is responsible under the provisions of this agreement, injures, damages, or destroys any property of Licensor (including the Property) or of any other person lawfully occupying or using any such property,

such property shall be replaced or repaired by Licensee, to the reasonable satisfaction of Licensor, at Licensee's sole expense, or by Licensor if Licensor so desires, at Licensee's sole expense.

Section 6. LICENSEE TO BEAR ENTIRE EXPENSE

6.1 Except as otherwise set forth in section 4, Licensee shall bear any and all costs and expenses incurred in connection with the construction, maintenance, repair, renewal, modification, relocation, reconstruction, operation, or removal of the Pipeline, including any and all inspection, flagging, and other costs and expenses.

6.2 Licensee shall arrange, secure, and be responsible for all water, gas, heat, electricity, power, sewer, telephone, and any and all other utilities and services supplied or furnished to the Property in connection with Licensee's use of the Property, together with any and all taxes or assessments applicable thereto.

Section 7. PAYMENT FOR WORK BY LICENSOR

7.1 Bills for any work performed and materials provided by Licensor under this agreement shall be paid by Licensee within 30 days of the date of the initial invoice therefor. All fees or bills for work performed or materials provided, shall be paid in lawful money of the United States of America at the address of Licensor or at such other place as Licensor may designate in writing.

7.2 In the event that a fee or bill has not been paid by Licensee within 30 days after the due date such payment is due, a late payment charge of two percent of each unpaid payment shall be assessed immediately; a finance charge of two percent per month shall then also be assessed on any outstanding balance (payments, late payment charges and interest) owed. Payments shall be applied first to interest, second to late payment charges, and then to the outstanding payments.

7.3 Licensor may contract for the performance of any of its work by other than its own forces. Licensor shall notify Licensee of the contract price as soon as practicable after the contract is awarded, but normally within 10 working days. Licensee shall reimburse Licensor for the amount of any such contract plus Licensor's administrative and general costs and fees related to such contract.

Section 8. CLAIMS AND LIENS FOR LABOR AND MATERIAL, TAXES

8.1 Licensee shall fully pay, when due and before any lien shall attach to the licensed Property, if the same may lawfully be asserted, for all materials joined or affixed to, and labor performed upon, the Property of Licensor in connection with the construction, maintenance, repair, renewal, modification, relocation, reconstruction, or removal of the Pipeline, and shall not permit or suffer any mechanic's or materialman's or other lien of any kind or nature to be created or enforced against the Property for any work done or materials furnished thereon at the instance or request or on behalf of Licensee.

8.2 Licensee shall promptly pay or discharge all taxes, charges, and assessments levied upon, in respect to, or on account of the Pipeline, to prevent the same from becoming a charge or lien upon any Property of Licensor, and so that the taxes, charges, and assessments levied upon or in respect to such Property shall not be increased because of the location, construction or maintenance of the Pipeline, or any improvement, appliance or fixture connected therewith placed upon such Property, or on account of Licensee's interest therein. Where such tax, charge, or assessment may not be separately made or assessed to Licensee but shall be included in the assessment of the Property of Licensor, then Licensee shall pay to Licensor an equitable proportion of such taxes determined by the value of Licensee's Property upon Property of Licensor as compared with the entire value of such Property.

8.3 Licensee will assume, bear and pay all taxes and assessments of whatsoever nature or kind (whether general, local, or special) levied or assessed upon or against the licensed Property, excepting taxes levied upon and against the Property as a component part of Licensor's operating Property.

Section 9. SAFETY MEASURES; PROTECTION OF LICENSOR'S OPERATIONS

Licensee acknowledges and is aware that the Property is the site of heavy industrial activity, including railroad operations, which may involve the presence or use of heavy equipment, hazardous substances, or industrial wastes and Licensee knowingly and voluntarily assumes all risk of injury and damage to Licensee and Licensee's property from such activity, equipment, substances, or wastes. Licensee agrees to fully advise all persons and entities under its control, directly or indirectly, of the Property risks and of any required safety and health procedures. It is understood and recognized that safety and continuity of Licensor's operations and communications are of the utmost importance; and in order that the same may be adequately safeguarded, protected and assured, and in order that accidents may be prevented and avoided, it is agreed with respect to all of said work of Licensee that the work will be performed in a safe manner and in conformity with the following standards:

9.1 All references in this agreement to Licensee shall include the Licensee's contractors, subcontractors, officers, agents, and employees, and others acting under its or their authority; and all references in this agreement to work of Licensee shall include work both within and adjacent to the Property.

9.2 Licensee shall comply with all applicable federal, state and local laws, regulation and enactments affecting the work. Licensee shall use only such methods as are consistent with safety, both as concerns Licensee, Licensee's agents and employees, the officers, agents, employees and property of Licensee and the public in general. Licensee (without limiting the generality of the foregoing) shall comply with all applicable state and federal occupational safety and health acts and regulations. All Federal Railroad Administration regulations shall be followed when work is performed on the Property.

9.3 Licensee shall not do, suffer, or permit anything that will or may obstruct, endanger, interfere with, hinder, or delay maintenance or operation of the Property, tracks, or facilities, or any communication or signal lines, installations or any appurtenances thereof, or the operations of others lawfully occupying or using the Property or facilities.

9.4 Licensee, at its own expense, shall adequately police and supervise all work to be performed by Licensee, and shall not inflict injury to persons or damage to real or personal property for the safety of whom or of which Licensor may be responsible, or to any Property of Licensor. The responsibility of Licensee for safe conduct and adequate policing and supervision of the Pipeline project shall not be lessened or otherwise affected by Licensor's approval of plans and specifications, or by Licensor's collaboration in performance of any work, or by the presence at the work site of Licensor's representatives, or by compliance by Licensee with any requests or recommendations made by such representatives. If a representative of Licensor is assigned to the Pipeline project, Licensee will give due consideration to suggestions and recommendations made by such representative for the safety and protection of the Property and operations.

9.5 If at any time Licensee's engineers, Chief Engineer, or their respective representatives opine that any of Licensee's work is being or is about to be done or prosecuted without due regard and precaution for safety and security, Licensee shall immediately suspend the work until suitable, adequate, and proper protective measures are adopted and provided.

9.6 Licensee, at Licensee's expense, shall promptly remove any material or debris that it placed, or permitted to slide or fall, onto the Property as a result of its construction, maintenance, repair, renewal, modification, relocation, reconstruction, or removal of the Pipeline. Licensee, at Licensee's expense, will at all times keep the licensed Property, and any other portion of the Property used by Licensee, in a safe, neat, clean and presentable condition.

9.7 Licensee shall not discharge any explosives on or in the vicinity of the Property without the prior consent of Licensor's Chief Engineer, which shall not be given if, in the sole discretion of Licensor's Chief Engineer, such discharge would be dangerous or would interfere with the Property or facilities. For the purposes hereof, the "vicinity of the Property" shall be deemed to be any place on the Property or in such close proximity to the Property that the discharge of explosives could cause injury to Licensor's employees or other persons, or cause damage to or interference with the facilities or operations on the Property. Licensor reserves the right to impose such conditions, restrictions or limitations on the transportation, handling, storage, security and use of explosives as Licensor, in its sole discretion, may deem to be necessary, desirable or appropriate.

9.8 Except as otherwise specifically provided herein, Licensee shall not cause or permit the view along the tracks of Licensor to be obstructed, nor place any combustible material on the Property, nor erect any structures thereon. If public law or regulation requires control or removal of weeds or vegetation on the licensed Property, Licensee will perform such control or removal work without expense to Licensor or, if Licensee may not lawfully perform the control or removal work, reimburse Licensor for the cost of performing such control or removal.

9.9 Licensee shall not excavate from existing slopes nor construct new slopes that are excessive and may create hazards of slides or falling rock, or impair or endanger the clearance between existing or new slopes and the tracks of Licensor. Licensee shall not do or cause to be done any work that may disturb the stability of any area or adversely affect the Property, tracks, or facilities. Licensee, at its own expense, shall install and maintain adequate shoring and cribbing for all excavation or trenching performed by Licensee in connection with its construction, maintenance or other work. Any shoring and cribbing shall be constructed and maintained with materials and in a manner approved by Licensor's Chief Engineer to withstand all stresses likely to be encountered, including any stresses resulting from vibrations caused by Licensee's operations in the vicinity.

9.10 Licensee, at Licensee's own expense, shall provide and maintain suitable facilities for draining the licensed Property and its appurtenances, and shall not suffer or permit drainage water therefrom to flow or collect upon any Property of Licensor. Licensee, at Licensee's own expense, shall provide adequate passageway for the waters of any streams, bodies of water and drainage facilities (either natural or artificial, and including water from Licensee's facilities), so that said waters may not, because of any facilities or work of Licensee, be impeded, obstructed, diverted or caused to back up, overflow or damage the Property of Licensor or any part thereof, or the property of others. Licensee shall not obstruct or interfere with the existing ditches or drainage facilities.

9.11 Licensee shall comply with all federal, state and local environmental laws and regulations in its use of the Property. Licensee shall not treat, store or dispose of hazardous wastes on the Property or any other waste or trash. Licensee shall use

its best efforts and safety practices to prevent the release of oil, hazardous or other substances on the Property. Licensee assumes all responsibility for the investigation and cleanup of any such release by Licensee. This provision shall continue in full force and effect regardless of whether this agreement is terminated pursuant to any other provision, and regardless of whether the Property is abandoned and vacated by Licensee.

Section 10. PROTECTION OF FIBER OPTIC CABLE SYSTEMS

10.1 Fiber optic cable systems may be buried on the Property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Licensee shall contact USA (800-227-2600 / www.usanorth.org) or such alternate number as Licensor may designate, to determine if fiber optic cable is buried anywhere on the Property. If it is, Licensee or Union Pacific will telephone all telecommunications companies involved, arrange for a cable locator, and make arrangements for relocation of other protection of the fiber optic cable prior to beginning any work on the Property.

10.2 In addition to other indemnity provisions in this license, Licensee covenants and agrees to indemnify, defend, save, and hold Licensor free, clear, and harmless from and against any and all liabilities, losses, costs, expenses (including reasonable attorneys' fees), fines, judgments, claims, administration of claims, liens, and demands of any kind whatsoever caused by, resulting from, or in any way connected with or related to (1i) any damage to or destruction of any telecommunications system on or adjacent to the Property caused by Licensee's negligence pursuant to this agreement, (2ii) any injury to or death of any person employed by or on behalf of any telecommunications company, or its contractors, agents, or employees, on the Property as a result of Licensee's negligence pursuant to this agreement, or (3iii) any claim or cause of action for alleged loss of profits or revenue by, or loss of service by a customer or user of, such telecommunication company, occurring as a result of Licensee's acts, omissions, or negligence, or the acts, omissions, or negligence of Licensee's agents, contractors, subcontractors, or employees as a result of Licensee's negligence pursuant to this agreement.

Section 11. ASSUMPTION OF RISK; INDEMNITY

11.1 Licensee accepts the Property in its present condition and hereby assumes the risk of any injury to and death of persons and damage to or destruction of property resulting from the condition of or any defects anywhere in or upon the Property, regardless of whether such condition or defects are known or unknown, apparent or latent, and regardless of whether such condition or defects exist at the commencement of this agreement or at some later time.

11.2 Licensee covenants and agrees to indemnify, defend, save, and hold Licensor free, clear, and harmless from and against any and all liabilities, losses,

Contract No. 190426
Pump Station Force Main License Agreement

costs, expenses (including reasonable attorneys' fees), fines, judgments, claims, administration of claims, liens, and demands of any kind whatsoever caused by, resulting from, or in any way connected with or related to any claim of damages, whether or not suit has been filed: (i) ~~occurring as a result of Licensee's acts, omissions, or negligence, or the acts, omissions, or negligence of Licensee's agents, contractors, subcontractors, or employees, in connection with this agreement;~~ (ii) occurring as a result of Licensee's breach of this agreement or any of its representations or warranties contained herein; or (iii) otherwise in connection with the installation, construction, maintenance, repair, reconstruction, removal, use or existence of the Pipeline and any appurtenances thereto, or in connection with any other work performed on or in the vicinity of the Property by Licensee or Licensor's agents, contractors, subcontractors, or employees; ~~except to the extent resulting from Licensor's acts, omissions, or negligence, or the acts, omissions, or negligence of Licensor's agents, contractors, subcontractors, or employees.~~

Comment [TN4]: We have reinserted the original language.

11.3 If it so elects, Licensor shall have the right to engage its own counsel in connection with such liabilities, losses, costs, expenses, fines, judgments, claims, administration of claims, liens, and demands, or may assume defense on its own behalf, in the event Licensee fails to adequately defend or if Licensor's insurance carrier requires that such carrier defends any claim as a condition of coverage. The obligations under this section 11 shall survive the termination or expiration of this agreement.

Section 12. OTHER RAILROADS

All protective and indemnifying provisions of this agreement shall inure to the benefit of Licensor and any other person or entity, including any railroad company, lawfully using the Property, tracks, or facilities.

Section 13. IF WORK IS TO BE PERFORMED BY A CONTRACTOR OR SUBCONTRACTOR

If a contractor is to do any work on or related to the Pipeline on any part of the Property (including initial construction and subsequent relocation or substantial maintenance or repair work), Licensee shall require such contractor to execute Licensor's then-standard Contractor's Right of Entry Agreement (an example of which is attached as **Exhibit C** to this agreement ~~(but which Licensor may, in its sole discretion, modify in the ordinary course of its business)~~). Licensee will inform any contractors of the need to execute Licensor's Contractor's Right of Entry Agreement. Under no circumstances will any contractor be allowed onto the Property without first executing Licensor's Contractor's Right of Entry Agreement.

Comment [TN5]: As the prior portion of this sentence notes that the attachment is merely an example, and that the agreement to be signed will be the agreement that is standard at the relevant time, that agreement is impliedly open to being modified in the course of business.

Section 14. NOTICE OF COMMENCEMENT OF WORK - FLAGGING

Licensee agrees to notify Licensor at least 48 hours in advance of Licensee commencing any work on the Pipeline project and at least 24 hours in advance of

the proposed performance of any work by Licensee in which any person or equipment will be within 20 feet of any track, or will be near enough to any track that any equipment extension (including a crane boom) will reach to within 20 feet of any of Licensor's track. Upon receipt of such notice, Licensor will determine and inform Licensee whether a flagman need be present and whether Licensee need implement any special protective or safety measures. If any flagmen or other special protective or safety measures are performed by the Licensor, such services will be provided at Licensee's expense with the understanding that if the Licensor provides any flagging or other services Licensee shall not be relieved of any of its responsibilities or liabilities set forth herein. If an emergency arises requiring immediate attention, Licensee shall provide as much notice as practicable to the Licensor before commencing any work. Flagging costs are billed in hourly increments, currently \$100.00 per hour (which rate is subject to change).

Section 15. WAIVER OF BREACH

Licensor's waiver of the breach of any condition, covenant, or agreement herein contained to be kept, observed, and performed by Licensee shall in no way impair the Licensor's right to avail itself of any action, legal or otherwise, in response to any subsequent breach thereof.

Section 16. ACTS OF GOD, ETC.

Except for the payment of money, neither party shall be liable for any failure or delay in its performance under this agreement due to causes beyond its reasonable control, including acts of God, acts of military authority, acts of terrorism, fire, epidemic, flood, earthquake, riot, war, and sabotage, provided that the delayed party: (i) promptly gives the other party written notice of such cause and, in any event, within 15 days of discovery thereof; and (ii) uses its reasonable efforts to correct such failure or delay in its performance.

Section 17. TERMINATION UPON BREACH OR ABANDONMENT

17.1 The breach of any covenant, stipulation, or condition herein contained to be kept and performed by Licensee, shall, at the option of Licensor, forthwith work a termination of this agreement, and all of Licensee's rights hereunder; provided, however, that Licensee shall not be deemed in default under this agreement unless Licensor has furnished written notice to Licensee of Licensee's default, and Licensee has failed to begin to cure that default within five working days after receipt of Licensor's default notice or after commencing a cure, has failed to proceed diligently with its cure efforts. A waiver by Licensor of Licensee's breach of any covenant of conditions of this agreement shall not impair Licensor's right to avail itself of any subsequent breach thereof. Termination of this agreement for any reason shall not affect any of the rights or obligations of the parties hereto that may have accrued, or any liabilities, accrued or otherwise, which may have arisen prior thereto.

17.2 In the event Licensee abandons the license granted by this agreement, the license shall terminate.

17.3 In the event that Licensee or any other person or entity asserts that the Pipeline is located in or creates (either alone or in conjunction with any other crossing right) a public right-of-way, Licensors may, at its option, forthwith immediately terminate this agreement by written notice. In such event, Licensors may remove or demand the removal of the Pipeline, at the sole expense of Licensee, without liability to Licensee or to any other person or entity.

Comment [TN6]: As noted above, we cannot take the risk that this will create a public utility crossing.

17.4 If Licensee does not use the right herein granted or the Pipeline for one year, Licensors may, at its option, forthwith immediately terminate this agreement by written notice.

Section 18. PRESERVATION OF OBLIGATIONS

All obligations that have been incurred prior to the termination of this agreement, and the removal and disposal of the Pipeline obligations of Licensee upon termination of this agreement, shall be preserved until satisfied.

Section 19. REMOVAL OF THE PIPELINE UPON TERMINATION

If this agreement terminates for any reason, Licensee shall, at Licensee's sole expense, remove the Pipeline from the Property and shall restore, to Licensors' satisfaction, such portions of the Property to as good a condition as they were in at the time of the construction of the Pipeline. If Licensee fails to do the foregoing, Licensors may do such work of removal and restoration at the cost and expense of Licensee. Licensors may, at its option, upon such termination, at the entire cost and expense of Licensee, remove the Pipeline and restore the Property to as good a condition as it was in at the time of the construction of the Pipeline, or it may permit Licensee to do such work of removal and restoration under Licensors' supervision. In the event of Licensors' removal of the Pipeline or any other property of Licensee, or Licensors' restoration of the Property as herein provided, Licensors shall in no manner be liable to Licensee for any damage sustained by Licensee for or on account thereof, and such removal or restoration shall in no manner prejudice or impair any right of action for damages, or otherwise, that Licensors may have against Licensee.

Section 20. ASSIGNMENT

Licensors may assign this agreement to any third party subject to 30 days written notice to Licensee. Licensee may assign this agreement to any third party (provided such third party is in good standing with Licensors and not involved in any dispute with Licensors) subject to 30 days written notice to Licensors and subject to such assignee's written agreement to be bound by all of the terms and conditions of this

agreement. However, in the event of any such assignment, Licensee shall remain secondarily liable for the obligations set forth as to Licensee under this agreement.

Subject to the provisions of this section, this agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Comment [TN7]: We do not know who this assignee may be and can only agree to an assignment if it contains this clause. The alternative would be to prohibit assignment.

Section 21. CONSENT

Unless otherwise specified, wherever the consent, approval, judgment, or determination of a party is required or permitted under this agreement, that party shall exercise good faith and reasonable business judgment in granting, withholding, or making such consent, approval, judgment, or determination and shall not unreasonably withhold or delay the same.

Section 22. INSURANCE

22.1 Licensee shall, at its own cost and expense, provide and procure General Public Liability and Workman's Compensation insurance in accordance with this section 22. The following insurance shall be kept in force during the life of this license:

(i) General Public Liability insurance providing bodily injury, including death, personal injury and property damage coverage having a combined single limit of at least \$2 million each occurrence or claim and at all times an unimpaired aggregate limit of at least \$4 million, or such higher amounts as may be determined to be reasonable in the future. This insurance shall contain broad form contractual liability covering the indemnity provisions contained in this agreement, coverage for construction or demolition work on or near railroad tracks, a waiver of governmental immunity (if applicable), and shall name Licensor as an additional named insured.

22.2 Licensee's insurance shall be primary with respect to any insurance carried by Licensor.

22.3 Licensee's insurance shall not contain any exclusion for work performed, or any contractor's activities, on or near a railroad or railroad track.

22.4 Licensee shall furnish to Licensor certificates of insurance hereto evidencing the required coverage and endorsements and upon request a certified duplicate original of any of those policies. Any insurance company issuing such policies shall notify Licensor in writing of any material alteration including any change in the retroactive date in any "claims made" policies of substantial reduction of aggregate limits, if such limits apply, or cancellation thereof at least 30 days prior thereto.

22.5 All applicable insurance policies shall be written by a reputable insurance company or companies acceptable to the Licensor or with a current Best's Insurance Guide Rating of B and Class VII or better. Such insurance company shall be authorized to transact business in the state of California.

Section 23. PERMITS AND APPROVAL

This agreement is contingent on Licensee's ability to secure within 180 days all required licenses, permits, and approvals from applicable governmental authorities necessary for the construction of the Pipeline, if applicable. This agreement shall immediately terminate, without any need for further notice, if Licensee fails to obtain the required approvals within this time.

EXHIBIT B
MAP OF LICENSE AREA

Map(s) and drawing(s) annotated as required attached, and other details of pipeline installation as necessary.

EXHIBIT C
SAMPLE FORM OF CONTRACTOR'S RIGHT OF ENTRY AGREEMENT



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.8
SUBJECT: Lower Cache Creek Flood Feasibility Study, CIP 09-15; Approve Contract Amendment #12 with Wood Rodgers for Consulting Services.

Recommendation for Action: Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to execute Amendment #12 to the consultant services agreement with Wood Rodgers for the Lower Cache Creek Feasibility Study for an additional amount up to \$50,000.

Staff Contact:

Tim Busch, Principal Utilities Civil Engineer, 530-661-5963, tim.busch@cityofwoodland.org

Fiscal Impact:

Wood Rodgers has been involved in the City's flood protection and storm water management efforts for several years including development of flood protection alternatives and hydraulic modeling. Approval of amendment #12 for Project 09-15 will bring the total not to exceed cost for the Lower Cache Creek Feasibility Study (LCCFS) services to \$1,377,984. The amendment covers Wood Rodgers' services through the attached scope of work.

This project is included in the Capital Budget approved by Council with \$5,050,000 being advanced from the sewer enterprise fund with a future repayment from the storm drain enterprise fund as approved by Council on July 2, 2019. The budget includes approximately \$600,000 in funding that is expected to be reimbursed through the Urban Flood Risk Reduction (UFRR) grant. In addition, as part of the long-term financing plan for the project, the team will pursue cost-sharing, including project management services, with public agency and private property stakeholders with an interest in partnering on a flood solution for Lower Cache Creek.

Background:

The Army Corps of Engineers led Lower Cache Creek Feasibility Study is working toward the Agency Decision Milestone (ADM). The majority of the work between completion of the Tentatively Selected Plan (TSP) Milestone and the ADM is refinement of engineering work and advancement of the environmental documentation under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The Woodland Flood Risk Reduction Project (Project) collects floodwater that leaves Cache Creek, intercepts the water prior to entering Woodland, and directs the flood water to the Yolo Bypass. The Project conveys the flood water into the Cache Creek Settling Basin (CCSB) and partially into the City's storm drainage system. Additionally, local modifications are necessary to enhance the Corps Alternative 2A to provide a 200-year level of flood protection as required by California SB-5.

Contract Amendment #12 with Wood Rodgers includes the scope of work necessary to coordinate with both the design and environmental teams and complete the analyses necessary to reach the ADM Milestone. The Amendment reflects additional work tasks requested by the environmental team to accommodate the Woodland Flood Risk Reduction Project.

Discussion:

Wood Rodgers has been requested by the environmental team to complete additional analyses for the CEQA

document and additional engineering analyses for the project. The schedule contemplates the circulation of the CEQA document through June 20, 2020. The Supplemental Environmental Impact Statement (NEPA) prepared by the Corps has been completed and comments have been received. The majority of the remaining work involves the refinement of earlier engineering work, incorporating updates to the hydraulic model, and preparation of the CEQA document. Wood Rodger's work focuses in these work areas and coordination with the flood management team. Portions of the work covered under this amendment are included in the cost sharing agreements with the Corps of Engineers and California Department of Water Resources – Urban Flood Risk Reduction Grant.

Conclusion:

Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to execute Amendment #12 to the consultant services agreement with Wood Rodgers for the Lower Cache Creek Feasibility Study for an additional amount up to \$50,000.

Prepared by: Tim Busch, Principal Utilities Civil Engineer

Reviewed by: Brent Meyer, Acting Community & Economic Development Director/City Engineer

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
Interim City Manager

Attachments:

1. Resolution
2. LCCFS Budget

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING AMENDMENT #12 WITH WOOD RODGERS FOR ENGINEERING
CONSULTING SERVICES**

WHEREAS, the City of Woodland wishes to enter into an engineering consulting services amendment with Wood Rodgers for Engineering Services (“Agreement”); and

WHEREAS, Wood Rodgers was selected through a quality based selection process; and

WHEREAS, Wood Rodgers has been working on the Lower Cache Creek Feasibility Study and has assisted the City of Woodland in flood management since 2013; and

WHEREAS, Wood Rodgers will continue providing engineering design services, including coordination with Department of Water Resources and City consultants to advance the feasibility studies and environmental documents that are currently underway; and

WHEREAS, the contract amendment with Wood Rodgers authorizes an additional contract amount of \$50,000 to cover the additional scope of work. The current contract amount is \$1,327,984. With this amendment, the new contract amount is \$1,377,984; and

WHEREAS, the City Council wishes to approve the Agreement and authorize its execution through the 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 approves the Amendment with Wood Rodgers in the amount of \$50,000 for a total contract amount of \$1,377,984. The City Manager is hereby authorized and directed to execute the Agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized in the Agreement does not change.

Section 2. Copies of the Consultant Agreement for Design Services are available and on file in the City Clerk’s office, and are incorporated herein by reference and made a part of this Resolution.

PASSED AND ADOPTED this 7th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk



March 18, 2020

Mr. Tim Busch, P.E.
City of Woodland
300 First Street
Woodland, California 95695

Dear Mr. Busch,

Subject: City of Woodland, Lower Cache Creek Feasibility Study, Request for Supplemental Budget Authorization

The City of Woodland (City), with the US Army Corps of Engineers (USACE), is engaged in the Lower Cache Creek Feasibility Study (LCCFS) to address flooding from Cache Creek in the City of Woodland, California. Wood Rodgers has been assisting this effort by preparing Alternative Project Descriptions and performing other analyses as directed in support of California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documentation efforts.

By way of this letter, Wood Rodgers is requesting a budget augmentation in the amount of \$50,000 to supplement its existing budget in providing Work-In-Kind services to the USACE on behalf of the City. This additional work will be performed on a Time-and-Materials basis not to exceed the authorized amount without written consent of the City. If you are in concurrence with this budget augmentation request, please issue a contract amendment at your earliest convenience. Wood Rodgers appreciates the opportunity to be of continued support to the City on the LCCFS.

If you have any questions regarding this proposal, please contact me at 916-326-5294.

Sincerely,

Jonathan Kors, P.E.
Vice President

J:\Jobs\8303\8303.032 LCCFS_Alts_2A_2B_2C\Civil\Docs\Proposals\20200316_Budget_Augm



TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA: City Council Regular Meeting

DATE: April 7, 2020

ITEM #: G.9

SUBJECT: Amend the FY 20/21 Capital Budget to appropriate funds to the 2020 Road Rehabilitation Project, CIP 19-05

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, amending the FY 20/21 Capital Budget to appropriate Road Maintenance and Rehabilitation Account funds to the 2020 Road Rehabilitation Project, CIP 19-05.

Staff Contact

Diana Ayón, Senior Associate Civil Engineer, (530) 661-5967, diana.ayon@cityofwoodland.org

Fiscal Impact

The 2020 Road Rehabilitation Project, CIP #19-05, is an estimated \$7.14 million project for road work on Matmor and Gum. A significant portion of this funding (\$2.3 million) is planned to come from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017. To date, the City has been allocated and collected \$2.4 million in RMRA funding.

Due to the requirements of SB1, the City must establish priority projects for use of RMRA funds prior to May 1 each year. These projects must receive Council action and appropriation as a stand-alone item and cannot be adopted only as a part of the City's overall budget. Staff will return annually (prior to May 1 each year) to revisit and update, as necessary, priority RMRA projects.

Background

In April 2017, Senate Bill 1 (SB1) was passed by the Legislature and signed into law by Governor Jerry Brown to address the significant funding shortfall for road maintenance and repair in the state. The bill includes funding for State transportation infrastructure, public transportation and cities and counties. The bill includes annual accountability provisions for cities and counties that ensure the community has access to information on projects proposed for SB1 funding and requirements to report on actual funding expenditures. Beginning in November 2017, the State Controller began depositing SB1 funding into the RMRA, a portion of which is distributed by formula directly to cities and counties.

For the City of Woodland to continue receiving its allocation, the City must annually amend each fiscal year's budget to include SB1 funded projects and appropriate RMRA funding. Additionally, Staff submits project details and budget documentation to the CTC by May 1 each year for verification of compliance with SB1 requirements. The process of including projects in the Capital Budget and reporting to the CTC is an annual requirement of SB1 funding.

Discussion

The SB1 funded 2020 Road Rehabilitation Project is defined as the rehabilitation of Matmor Road from Main Street to Gibson Road and Gum Avenue from East Street to Matmor Road. The project will rehabilitate the existing asphalt roadway, repair damaged curb, gutter and sidewalk as needed and improve ADA access at

intersections within the corridors. The project will widen and improve delineation of the existing bike lanes to encourage bicycle transportation to nearby shopping centers and elementary schools within the project area. Construction is anticipated to begin in 2023.

The Matmor Road and Gum Avenue corridors were identified as the 2020 Road Rehabilitation project because these segments are known to be failing and are identified in the City's pavement management system with pavement condition indexes (PCI) at or below 55.

The annual submittal of project details to the CTC does not preclude the City from amending the funded projects to align with City needs and priorities as long as all projects are consistent with RMRA priorities and are eligible road maintenance and rehabilitation projects.

SB1 funding has a requirement that funded projects be identified in the City's Capital Improvement Budget. However, the City is only required to identify one year at a time. Thus, the current Council action for budget amendment and appropriation only addresses the next fiscal year. Future year's project funding shown in the project budget is for informational purposes and will be appropriated annually as the SB1 funding is received.

The City was estimated to receive \$990,000 for FY19 and the actual revenue received was \$1,108,104. The estimated revenue for FY20 was \$1 million and for FY21 is \$1.14 million. The actual gas tax revenue in FY20 and FY21 is likely to decrease due to the current COVID-19 pandemic and the actual revenue will be reported by staff with the next annual appropriation. The projected revenue to the City of Woodland for the first ten years of SB1 is just over \$16 million.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, amending the FY 20/21 Capital Budget to appropriate Road Maintenance and Rehabilitation Account funds to the 2020 Road Rehabilitation Project, CIP 19-05.

Prepared By: Diana Ayón, Senior Associate Civil Engineer

Reviewed By: Brent Meyer, Acting Community Development Director/City Engineer



Ken Hiatt
Interim City Manager

Attachments:

1. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO
AMEND THE FY 20/21 CAPITAL BUDGET TO APPROPRIATE ROAD
MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) FUNDING TO THE
2020 ROAD REHABILITATION PROJECT, CIP 19-05**

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 was signed into law by the Governor in April 2017 to address the statewide transportation funding shortfall; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure residents are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include in the Capital Budget all projects proposed for RMRA funding including a complete project description, estimated schedule and useful life; and

WHEREAS, the City will receive an estimated \$1.14 million in RMRA funding in Fiscal Year 2020/21 from SB1; and

WHEREAS, the 2020 Road Rehabilitation project will rehabilitate Matmor Road and Gum Avenue which are identified as needs in the City's Pavement Management Program; and

WHEREAS, the City has a desire to continue accruing RMRA funds towards the cost of design and construction of the 2020 Road Rehabilitation Project, CIP 19-05, utilizing the projected RMRA revenue.

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

Section 1. The City Council hereby approves the amendment to the FY 20/21 Capital Budget to appropriate Road Maintenance and Rehabilitation Account funding to fund the 2020 Road Rehabilitation Project, CIP 19-05, in the estimated amount of \$1.14 million, to be adjusted to equal the actual revenue.

PASSED AND ADOPTED this 7th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.10
SUBJECT: Authorize a \$17,058 increase to the Vehicle Replacement Budget (Fund 012) Towards the Purchase of a New Ford F350 Service Truck for the Spring Lake Lighting and Landscaping District

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) The purchase of a new Ford F350 Service Truck and required equipment for a total purchasing price of \$67,058; and 2) award the vehicle purchase to Team Ford of Woodland for being the lowest bidder; and 3) authorize an additional appropriation of \$17,058 from the Spring Lake Lighting and Landscape Fund (389) as a transfer to the Vehicle Replacement Fund to assist with the funding gap; and 4) authorize an additional appropriation of \$17,058 from the Vehicle Replacement Reserve Fund (012) to allow for the full purchase of the vehicle.

Staff Contact

Troy Thompson, Fleet & Facilities Manager, troy.thompson@cityofwoodland.org , 530-661-5956

Fiscal Impact

The City Council approved FY2019/20 appropriations for a new Ford F350 Service Truck for storm drain related work in the Spring Lake Lighting and Landscaping (L&L) District. The purchase price of the new truck, including upfit and radio equipment, totals \$67,058. The FY 19/20 budget included \$50,000 from the Spring Lake L&L for the anticipated purchase of this vehicle. The difference of \$17,058 is needed to fully purchase the fully equipped vehicle and will be funded by the Spring Lake L&L fund (389). Funds will be transferred from the Spring Lake L&L Fund budget to the Vehicle Replacement Reserve fund (012) to actually complete the purchase.

Background

The City Council approved a \$50,000 budget for a new Ford F350 Service Truck for storm drain related work in the Spring Lake Lighting and Landscaping District in FY2019/20. The new truck will be utilized to support two new Utilities Maintenance Worker positions also funded in FY2019/20. Fleet Services pursued a competitive bidding process for the new truck and received two proposals: Team Ford of Woodland for \$60,285 and Downtown Ford of Sacramento for \$64,827. Team Ford wins the bid based on being the lowest bidder. A full list of specifications and uplift costs are included with this report for Council's review.

Discussion

Per the City's Purchasing Ordinance, all materials, supplies and equipment purchases greater than \$50,000 must be awarded by the City Council. Fleet Services will create a purchase order for the vehicle purchase and purchase of required equipment upon Council approval. The dealership will place the vehicle on order once the purchase order is received from the City. Fleet Services will need about two weeks to in-process the vehicle before it is released to the using department for use.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) The purchase of a new Ford F350 Service Truck and required equipment for a total purchasing price of \$67,058; and 2) award the vehicle purchase to Team Ford of Woodland for being the lowest bidder; and 3) authorize an additional appropriation of \$17,058 from the Spring Lake Lighting and Landscape Fund (389) as a transfer to the Vehicle Replacement Fund to assist with the funding gap; and 4) authorize an additional appropriation of \$17,058 from the Vehicle Replacement Reserve Fund (012) to allow for the full purchase of the vehicle.

Prepared by: Troy Thompson, Fleet & Facilities Manager

Approved by: Craig Locke, Public Works Director



Ken Hiatt
Interim City Manager

Attachments:

1. Team Ford Quote
2. #931 Lehr Quote
3. Radio Quote
4. Seat Cover Quote
5. Resolution for New Sewer Truck #931

Sent 2/21/2020

Prepared for: , City of Woodland

655 N.Pioneer Ave

Woodland, CA 95776

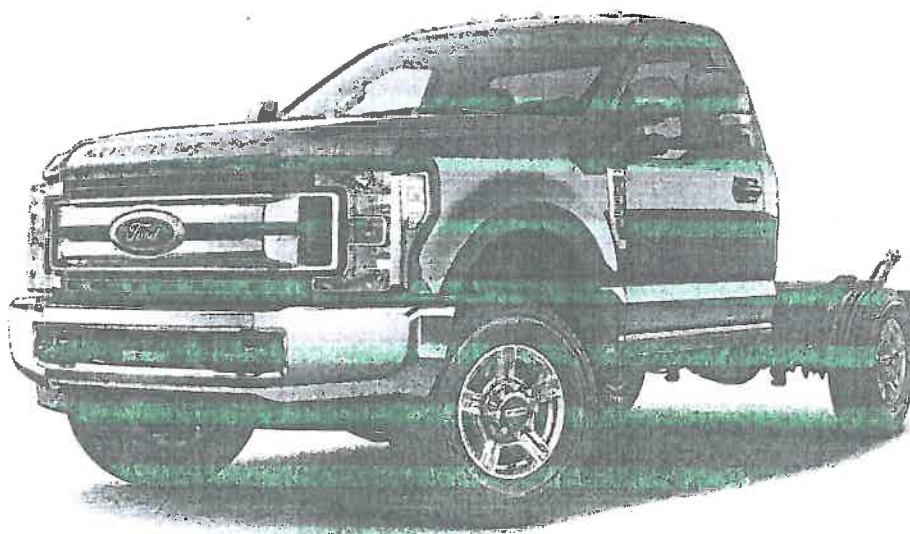
Office: 530-665-0382 | Mobile: 530-661-5956

Email: troy.thompson@cityofwoodland.org

Ordering FIN Code: QC339

2020 F-350 Chassis 4x2 SD Super Cab 168" WB SRW XL (X3E)

VIN: QC339 | Price Level: 35 | Stock No: f350-2020



Client Proposal

Prepared by:

Freddie Garcia

Office: 530-723-2059

Email: freddie@teamfordca.com

Quote ID: QC339-2020

Date: 02/20/2020



PREPARED FOR:

TROY THOMPSON

CITY OF WOODLAND

03/19/2020

2020 F-350 CHASSIS 4X2 SUPER CAB 168" WB DRW XL (X3G)

MSRP VEHICLE PRICING	\$52,545.00
2 ADDITIONAL KEYS (4 TOTAL)	500.00
SPRAY ON BEDLINER	699.00
WINDOW TINT	450.00
RUBBER FLOOR MATS FRONT & REAR	450.00
KNAPHEIDE SERVICE BODY	\$11,118.00
(SEE ATTACHMENT)	

TOTAL	\$65,762.00
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DISCOUNT ADJUSTMENT	-\$10,063.40
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SELLING PRICE	\$55,698.60
---------------	-------------

TAX	4,462.69
-----	----------

DOC FEE	85.00
---------	-------

DMV ELEC. FILING	30.00
------------------	-------

TIRE FEE	8.75
----------	------

UNPAID BALANCE	\$60,285.04
----------------	-------------

Prepared for:
City of Woodland
Prepared by: Freddie Garcia
02/21/2020



2020 F-350 Chassis 4x2 SD Super Cab 168" WB DRW XL (X3G)
Price Level: 35

Ford | 9945 Auto Center Drive | California | 95757-705

Major Equipment

(Based on selected options, shown at right)

- | | |
|--|--|
| Powerstroke 6.7L V-8 OHV w/diesel direct injection 475hp | Exterior: Oxford White |
| TorqShift 10 speed automatic w/OD | Interior: Medium Earth Gray |
| * 4-wheel ABS | * Brake assistance |
| * Traction control | * LT 245/75R17 E BSW AS S-rated tires |
| * Battery with run down protection | * Firm suspension |
| * Air conditioning | * Tinted glass |
| * AM/FM stereo with seek-scan, external memory control | * Bluetooth streaming audio |
| * Daytime running | * Dual power remote heated mirrors |
| * Variable intermittent wipers | * 17 x 6.5 steel wheels |
| * Dual front airbags w/passenger cancel | * Driver and front passenger seat mounted side airbags |
| * Securilock immobilizer | * Tachometer |
| * Message Center | * Underseat ducts |
| * Reclining front split-bench seats | * 60-40 folding rear split-bench |
| * Vinyl seats | * Side steps |
| * Audio control on steering wheel | * Front axle capacity: 5250 lbs. |
| * Rear axle capacity: 10400 lbs. | * Front spring rating: 5250 lbs. |
| * Rear spring rating: 10040 lbs. | * Frame section modulus: 12.7 cu.in. |
| * Frame Yield Strength 50000 psi | * Cab to axle: 60" |
| * Axle to end of frame: 47.2" | * Engine retarder |

Fuel Economy

As Configured Vehicle

	MSRP
STANDARD VEHICLE PRICE	\$38,090.00
Order Code 640A	N/C
Transmission: TorqShift 10-Speed Automatic	Included
3.73 Axle Ratio	Included
GVWR: 14,000 lb Payload Package	Included
Tires: LT245/75R17E BSW PLUS AS	Included
Wheels: 17" Argent Painted Steel	Included
HD Vinyl 40/20/40 Split Bench Seat	Included
Monotone Paint Application	STD
168" Wheelbase	STD
Radio: AM/FM Stereo w/MP3 Player	Included
50-State Emissions System	STD
SYNC Communications & Entertainment System	Included
Engine: 6.7L 4V OHV Power Stroke V8 Turbo Diesel B20	\$10,250.00
Dual 78-AH 750 CCA Batteries	Included
240 Amp Alternator	Included
XL Value Package	\$395.00
XL Decor Group	Included

Prices and optional availability as shown are subject to change and should be treated as estimates only. Actual used vehicle, package and option pricing may vary from this estimate because of special local pricing, availability, or price adjustments not reflected in the dealer's computer system. See website for the most current information.

Prepared for:

City of Woodland

Prepared by: Freddie Garcia

02/21/2020



2020 F-350 Chassis 4x2 SD Super Cab 168" WB DRW XL (X3G)

Price Level: 35

9845 Auto Center Drive Elk Grove California | 957572705

City	N/A		Hwy	N/A	As Configured Vehicle	MSRP
					Chrome Front Bumper	Included
					Steering Wheel-Mounted Cruise Control	Included
					Power Equipment Group	\$915.00
					Accessory Delay	Included
					Advanced Security Pack	Included
					Trailer Tow Mirrors w/Power Heated Glass	Included
					MyKey	Included
					Power Front & Rear Side Windows	Included
					Power Locks	Included
					Remote Keyless Entry	Included
					Extra Heavy-Service Suspension Package	\$125.00
					Trailer Brake Controller	\$270.00
					Platform Running Boards	\$445.00
					Rear View Camera & Prep Kit	\$415.00
					Oxford White	N/C
					Medium Earth Gray	N/C
					SUBTOTAL	\$50,905.00
					Destination Charge	\$1,595.00

* Prices and content availability are shown are subject to change and should be treated as estimates only. Actual base vehicle, package and other pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for:

City of Woodland

Prepared by: Freddie Garcia

02/21/2020



2020 F-350 Chassis 4x2 SD Super Cab 168" WB DRW XL (X3G)

Price Level: 35

16245 Auto Center Drive Elk Grove California | 957578705

<i>As Configured Vehicle</i>	MSRP
TOTAL	\$52,500.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Knapheide Truck Eq Co - CA
 405 Gandy Dancer Rd
 Tracy CA 95377
 Phone: 209-855-8400
 Fax: 209-835-2128
 www.tracy.knapheide.com

QUOTATION

Quote ID: JM00000660-1

Page 1 of 2

Customer: TEAM FORD WOODLAND
 346 MAIN ST.
 WOODLAND CA 95695

Quote Number: JM00000660-1

Quote Date: 3/24/2020

Quote valid until: 4/23/2020

Contact: FEDDIE GARCIA

Phone: 530-662-2817

Fax: 1-530-668-1162

By:

Prepared hcarnevale

Salesperson: HUNTER CARNEVALE

PO#:

Enduser:

Make: FORD	Model: F-350	Year: 2020	Single/Dual: SRW
Cab Type: REGULAR	Wheelbase: 145.0	Cab-to-Axle: 60.0	VIN: CUSTOMER SUPPLIED CHASSIS

QTY	PART NUMBER	DESCRIPTION	UNIT PRICE	AMOUNT
1		MODEL 6108FJ SERVICE BODY 9' SERVICE BODY FITS 60" CA SRW CHASSIS KNAP-LINED GALVA-GRIP STRAIGHT BUMPER INTERIOR AND EXTERIOR FINISH PAINTED WHITE (SINGLE STAGE ENAMEL) LED FLUSH MOUNT LIGHTS WITH AUTOMOTIVE WIRE HARNESS STANDARD 600 SERIES SHELVE PACKAGE STAINLESS STEEL RIVET-LESS LATCHES K-COAT CORROSION PROTECTION WITH KNAPHEIDE'S EXCLUSIVE 12-STAGE ELECTRO-COATING PRIME PAINT SYSTEM AUTOMOTIVE DOOR SEALS PREMIUM "SLAMMABLE" TAILGATE WITH CENTER RELEASE	\$7,095.00	\$7,095.00
1		LADDER RACK PAINTED BLACK MOUNTED CURBSIDE	\$850.00	\$850.00
1		CTECH DRAWER UNIT (2) - 6" DRAWERS IN CURBSIDE FRONT VERTICAL COMPARTMENT AS HIGH AS POSSIBLE	\$880.00	\$880.00
1		RIDGID BENCH CHAIN VISE 1/4" TO 6" INSTALLED ON VISE MOUNT CURBSIDE REAR BUMPER	\$1,010.00	\$1,010.00
1		97 dB BACK UP ALARM	\$80.00	\$80.00
1		CLASS IV RECEIVER HITCH WITH 7 WAY PLUG	\$503.00	\$503.00

Quote Total: \$10,418.00

Discount: \$0.00

Deal reviewed + 700
 Total Due(Sales tax not included): \$10,418.00

11,118⁰⁰

The following options may be added:

QUANTITY	DESCRIPTION	PRICE EACH	AMOUNT	ADD TO QUOTE
				Yes / No

Notes:

This Quote is subject to the following terms and conditions:

Credit Card Policy

We do not accept credit cards for payment of any order in excess of \$3,000.00. For other orders, we do accept MasterCard, American Express, Visa and Discover cards for payment.



Sales Quote

Page: 1

4707 Northgate Blvd Sacramento, CA 95834
Phone: 916-646-6626 Fax: 916-646-6656

Quote Number: 22248
Document Date: 2/12/2020
Terms: Net 30
Payment Method:

Sell City of Woodland
To: Carrie
300 First Street
Woodland, CA 95695
Phone: 530-661-5847

Ship Woodland City Public Works
To: 655 North Pioneer Ave.
Woodland, CA 95776
USA
Phone:

Ship Via Ship from Warehouse
Location: Lehr - Sacramento
Blanket PO:

Customer ID 70175
SalesPerson Steve Adair

Vehicle Information:

Item No.	Description	Category	Quantity	Unit Price	Total Price
	unit 931 2020 F350				
	Front End Equipment				
VTX609A	VERTEX SUPER-LED LIGHT AMBER	WHELENPR	2	72.90	145.80
VTXFC	VERTEX BEZEL CHROME Grill mount	WHELENAE	2	16.02	32.04
I	INSTALLATION CHARGES	LABOR	3	95.00	285.00
	Roof Equipment				
JY2AAAA	56" JUSTICE LIGHTBAR, WC, ALL AMBER, TA, TD, AL	WHELENLB	1	1,095.00	1,095.00
STPKT94	STRAP KIT	WHELEN	1		
QWFT120	118-970MHZ 1/4 WV ANTENNA FT	RADIO	1	19.00	19.00
NMO-K-DS	COAX CABLE	RADIO	1	29.64	29.64
	Customer Supplied Materials				
	radio				
I	INSTALLATION CHARGES	LABOR	2.5	95.00	237.50
	Drivers Compartment				
TADCTL1	CONTROL HEAD FO	WHELEN	1	81.60	81.60
TADSW2	TADSW2 SWITCH, switch radio	WHELEN	1	9.90	9.90
HSN4038	7.5W MOTOROLA SPEAKER WATER RESISTANT	RADIO	1	86.22	86.22
	Radio				
I	INSTALLATION CHARGES	LABOR	2	90.00	180.00
	Back End Equipment				
D34/78	YELLOW DEEP CYCLE BATTERY	OPTIMA	2	239.00	478.00
813-5000-UL	XPOWER 5000	XANTREX	1	604.10	604.10
1314-200	SURE POWER BATTERY SEPARATOR 12V W AUX	SUREPOWE	1	225.00	225.00
	START 200AM	R			
090-0150-0	150A CIRCUIT BREAKER, WATERPROOF	KUSSMAUL	1	35.34	35.34
5161B	FUSE ANL 600A	BLUE SEA	1	28.22	28.22
5503B	FUSE BLOCK ANL	BLUE SEA	1	42.43	42.43
05308	TERMINAL MARINE POSTIVE	DEKA	2	2.53	5.06
05307	TERM MARINE UN	DEKA	1	2.53	2.53
INSTALL	INSTALL MATERIALS & welding cable for inverter	OTHER	1	375.00	375.00
VTX609A	VERTEX SUPER-LED LIGHT AMBER	WHELENPR	2	72.90	145.80



Sales Quote

Page: 2

4707 Northgate Blvd Sacramento, CA 95834
Phone: 916-646-6626 Fax: 916-646-6656

Quote Number: 22248
Document Date: 2/12/2020
Terms: Net 30
Payment Method:

Sell City of Woodland
To: Carrie
300 First Street
Woodland, CA 95695
Phone: 530-661-5847

Ship Woodland City Public Works
To: 655 North Pioneer Ave.
Woodland, CA 95776
USA
Phone:

Ship Via Ship from Warehouse
Location: Lehr - Sacramento
Blanket PO:

Customer ID 70175
SalesPerson Steve Adair

Vehicle Information:

Item No.	Description	Category	Quantity	Unit Price	Total Price
VTXFC	VERTEX BEZEL CHROME mounted on rear box	WHELENAE	2	16.02	32.04
I	INSTALLATION CHARGES	LABOR	7.5	95.00	712.50
TLIA	Side Equipment ION T AMBER mounted on front side fender	WHELENPR	2	74.49	148.98
I	INSTALLATION CHARGES	LABOR	3	95.00	285.00

Amount Subject to Sales Tax 5321.70
Amount Exempt from Sales Tax 0.00

Subtotal: \$5,321.70
Total Sales Tax: \$425.74

Total: \$5,747.44

445 Palora Avenue
Yuba City CA 95991

Date	Estimate #
1/30/2020	758

Name / Address
City Of Woodland 655 No. Pioneer Avenue Woodland CA 95776

			Project
Description	Qty	Rate	Total
Motorola CM200D VHF Radio, 45 Watt	1	495.00	495.00
Programming New Unit	1	45.00	45.00
HAD4008A Standard Antenna With 2880376E84 Mini UHF	1	40.00	40.00
5080388A02 Outside speaker (SPC-1Q)	1	67.00	67.00
Shipping	1	15.00	15.00
		Subtotal	\$662.00
		Sales Tax (7.25%)	\$43.65
		Total	\$705.65

Phone #	Fax #
(530) 673-3475	(530) 673-1085



ATTN: PHILIP

Great people, great products, great prices!SM

CO OF WOODLAND # 7536
320 ELM ST
WOODLAND, CA 95825
530-662-4691

PAGE 1 OF 1
REF# 661837

REMIT TO: CARQUEST AUTO PARTS
PO BOX 404B75
ATLANTA, GA 30384-4875

QUOTE



2020200130073310100898767000086 (837138)

ANY PRODUCT RETURNED FOR CREDIT MUST BE ACCOMPANIED BY THIS RECEIPT.

SEE CARQUEST STORE FOR DETAILS OF THE COAST TO COAST GUARANTEE.

CITY OF WOODLAND
ACCOUNTS PAYABLE 300 FIRST ST
300 FIRST ST
WOODLAND, CA 95695

CITY OF WOODLAND
ACCOUNTS PAYABLE 300 FIRST ST
300 FIRST ST
WOODLAND, CA 95695

INVOICE NO.	CUSTOMER NO.	DATE	CUST. P.O. NO.		SALES ID	TEAMMATE ID	FORM OF PYMT.	
7331-QUOTE	011750	1/30/2020	QUOTE			RP1393	QUOTE	
MFG. PART NUMBER		ORDERED	SHIPPED	LIST PRICE	NET	NET CORE	EXT. AMOUNT	TAX
1	KOT GRAY SEAT COVER FRONT SOUTHWEST STYLE	1	1		175.70	0.00	175.70	Y/Y
2	KOT GRAY REAR SEAT COVER SOUTHWEST STYLE	1	1		106.54	0.00	106.54	Y/Y
	FRT FREIGHT	1	1		15.00	0.00	15.00	N/N
	SHIPPING HANDLING							
WARRANTY DISCLAIMER: The manufacturer's warranty, if any, constitutes the only warranty with respect to the sale of all goods. SELLER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Seller does not authorize any person to grant any warranty or assume any liability by Seller.								
SHIP VIA	DELV. TIME	DELV. ID	FREIGHT	TAXABLE AMT.	SALES TAX	TOTAL CORE	PREV. DEPOSIT	
			15.00	282.24	22.58			

RECEIVED
BY

QUOTE ONLY! THIS IS NOT AN INVOICE!

PAY THIS AMOUNT

319.82

12:24 PM

RESOLUTION NO. _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AUTHORIZING THE PURCHASE OF A NEW FORD F350 SERVICE TRUCK AND
REQUIRED EQUIPMENT, AWARDED PURCHASE TO TEAM FORD, AND
AUTHORIZING ADDITIONAL APPROPRIATIONS FROM THE SPRING LAKE L&L
AND VEHICLE REPLACEMENT FUNDS

WHEREAS, the City Council already authorized a \$50,000 budget for a new Ford F350 Service Truck in FY2019/20 to support two new Utilities Maintenance Worker positions for the Spring Lake Lighting and Landscaping District; and

WHEREAS, the original budget request that was submitted by the Public Works Department was for \$70,000; the budget appropriation of \$50,000 was authorized as a result of an accounting error; and

WHEREAS, the purchasing price of the new truck, including required upfit and radio equipment, totals \$67,058; and

WHEREAS, the additional budget appropriation will be funded by transferring funds from the Spring Lake Lighting and Landscaping Fund (389) to the Vehicle Replacement Reserve fund (012); and

WHEREAS, the City Staff requests an additional \$17,058 budget appropriation from the Vehicle Replacement Reserve Fund (012) to purchase the new truck; and

WHEREAS the City Staff pursued a competitive bidding process for the new truck and received two proposals: Team Ford of Woodland for \$60,285 and Downtown Ford of Sacramento for \$64,827; and

WHEREAS the City Staff requests authorization to award the purchase to Team Ford of Woodland for being the lowest bidder

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

SECTION 1. That the City Council hereby authorizes the purchase of a new Ford F350 Service Truck and required equipment for a total purchasing price of \$67,058; and

SECTION 2. Awards the vehicle purchase to Team Ford; and

SECTION 3. Authorizes an additional appropriation of \$17,058 from the Spring Lake Lighting and Landscape Fund (389) as a transfer to the Vehicle Replacement Fund; and

SECTION 4. Authorizes an additional appropriation of \$17,058 from the Vehicle Replacement Reserve Fund (012) for the truck purchase.

PASSED AND ADOPTED by the City Council this 7th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:
ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzales, City Clerk

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.11
SUBJECT: Approve Consultant Agreement for Construction Inspection for the 2020 Sewer & Water Repair & Replacement Project, CIP #20-07

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, to approve a consultant agreement for construction inspection services with UNICO Engineering in an amount up to \$182,000; authorize a contingency of up to 10% (\$18,200); and authorize the City Manager to execute the agreement.

Staff Contact

Mark Miller, Assistant Engineer - (530) 661-5968; mark.miller@cityofwoodland.org

Fiscal Impact

The 2020 Sewer & Water Repair & Replacement Project (CIP 20-07) is fully funded in the approved Capital Improvement Program Budget. On February 2, 2020, the City Council approved the total project budget of \$5.5 million dollars to cover award of the construction contract to T&S Construction Co., Inc. in an amount of \$4,359,548, to cover authorization of up to 10% construction contract contingency (\$435,955), to cover construction inspection (estimated to be \$200,000), and to cover other project expenses.

There are no impacts to the City's General Fund.

Background

This project was scoped as a precursor to the West Gibson Road Bike-Pedestrian Mobility (Gibson Roadway Reconstruction) Project, CIP 20-01, which will reconstruct Gibson Road between East Street and West Street. It will complete the necessary water and sewer repairs and clear the way for pavement replacement. Elements of this project include installation of more than 6,500 linear feet of water main, connection for all residences to the new main with new polyethylene services, rehabilitation of more than 75 sewer laterals and the interior lining of more than 7,500 linear feet of sewer mains. Additionally, approximately 2,000 linear feet of new 18-inch sewer interceptor will be installed on East Street between Gibson Road and Gum Avenue and the existing sewer force main at the Gibson Ranch Sewer Lift Station will also be rerouted to a parallel sewer interceptor with larger capacity than what is currently afforded. A final element of the project includes replacement of the existing 10" water line that crosses the existing railroad right-of-way at the intersection of Gibson Road and East Street. A new 20-inch steel casing pipe will be installed via bore & jack construction methods, and a new 10-inch fusible PVC waterline will be inserted into the new casing pipe.

In September 2018, staff solicited qualifications for consulting firms to perform construction management and inspection services for various construction projects throughout the City. Staff reviewed the statements of qualification received and selected 8 firms for an on-call construction management and inspection list. Through this Quality Based Selection (QBS) process, the City selected UNICO Engineering to provide construction inspection services for the 2020 Sewer & Water Repair & Replacement Project (CIP 20-07).

Discussion

The staff estimate for construction inspection of the project was \$200,000. The City received a proposal from

UNICO Engineering to provide inspection for the project for an amount up to \$182,000.

UNICO Engineering is one of the firms on the new on-call list and has provided Construction Management and Inspection Services on a number of construction projects for the City of Woodland. They are very familiar with the City's engineering and construction standards and specifications. The proposed contract with UNICO Engineering is for inspection services only with costs based on a time and expense basis.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, to approve a consultant agreement for construction inspection services with UNICO Engineering in an amount up to \$182,000; authorize a contingency of up to 10% (\$18,200); and authorize the City Manager to execute the agreement.

Prepared by: Mark Miller, Assistant Engineer

Reviewed by: Tim Busch, Principal Utilities Civil Engineer

Brent Meyer, Acting Community Development Director/City Engineer

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
Interim City Manager

Attachments:

1. Resolution
2. UNICO - Inspection Proposal

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING A
CONSULTANT AGREEMENT WITH UNICO ENGINEERING FOR CONSTRUCTION
INSPECTION FOR CIP 20-07, THE 2020 SEWER & WATER REPAIR & REPLACEMENT
PROJECT**

WHEREAS, on February 4, 2020, the City Council approved the construction contract with T&S Construction Co., Inc. for construction of the 2020 Sewer & Water Repair & Replacement Project, CIP 20-07 (the “Project”); and

WHEREAS, the City Council wishes to approve a consultant agreement for construction inspection services with UNICO Engineering for the Project in an amount up to \$182,000 and authorize its execution through adoption of this Resolution; and

WHEREAS, the City Council wishes to approve a consultant agreement contingency of up to 10% (\$18,200).

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

Section 1. The City Council hereby approves the consultant agreement for construction inspection services with UNICO Engineering for the Project in the amount of \$182,000 and approves a ten (10%) percent contingency in the amount of \$18,200. The City Manager is hereby authorized and directed to execute the agreement, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized herein does not change.

Section 2. Copies of the consultant agreement for construction inspection services are available and on file in the City Clerk’s office, and are incorporated herein by reference and made a part of this Resolution.

PASSED AND ADOPTED this 7th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

March 25, 2020

Mr. Tim Busch
Principal Utilities Engineer
City of Woodland
300 1st Street
Woodland, CA 95695

Re: 2020 Sewer & Water Repair & Replacement Project, CIP #20-07

Dear Mr. Busch:

Thank you for the opportunity to provide inspection services for the above referenced project. The attached proposal outlines the specific work effort required to meet the goals of your project as we understand them.

Our team is dedicated to partnering with our clients to develop trust-based relationships centered on moving their projects forward. Once we have worked with you to ensure that this proposal meets with your needs, we will meet with you to discuss the tasks to be done and your required schedule for completion. Please don't hesitate to contact me with any questions, or if we can help you further.

Sincerely,



Cesar Montes de Oca, PE
President

PROJECT UNDERSTANDING

Thank you for the opportunity to provide this proposal for inspection services for the 2020 Sewer & Water Repair & Replacement Project. UNICO understands that this project consists of the repair and replacement of more than 6,500 linear feet of existing mainline water pipe with new 8-inch, 10-inch, and 12-inch diameter water mains. This also includes approximately 130 new water services to residences that will be reconnected to the new water main. This project includes the installation of about 2,000 linear feet of new 18-inch diameter PVC sewer main line, lining more than 7,500 linear feet of existing sewer main line and the rehabilitation of approximately 75 sewer laterals. Also, at the intersection of Gibson Road and County Road 102 a new fused PVC line will be installed using directional drilling to reroute the existing force main flow to a sewer interceptor with larger capacity. In addition, it is also required that approximately 85 linear foot of 20 inch diameter steel casing is installed using the Bore and Jack method to facilitate the installation of the new 10-inch diameter fusible PVC water main underneath the existing railroad tracks located near East Street. UNICO's services will include providing full time inspection to ensure the project is completed in accordance with the project construction documents and in accordance with the City of Woodland's Standard Details and Construction Specifications. The materials testing will be provided by a third party.

A. CONSTRUCTION INSPECTION

\$182,000

- B. UNICO will provide full time inspection for 150 working days. The Construction Inspector will provide inspection services for all improvements. This includes all coordination with City of Woodland Staff and with the contractor.

Deliverables: ***Daily Inspection Reports***
Construction Photographs

TIME AND MATERIALS FEES FOR PROFESSIONAL SERVICES

2020 SEWER & WATER REPAIR & REPLACEMENT PROJECT, CIP #20-07

A. CONSTRUCTION INSPECTION \$182,000

TOTAL \$182,000

ASSUMPTIONS AND CLARIFICATIONS

1. Site will be accessible by vehicle.
2. Proposal is based upon 150 working days. Working days are defined as non-weekend and non-holiday days.
3. Proposal is based upon 8-hour days and 40-hour work weeks. No overtime is included in this proposal.
4. Construction Inspector Regular Time Billing Rate: \$151.33, Overtime Billing Rate: \$226.99



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.12
SUBJECT: Designate Agents for Submission of Disaster Related Reimbursement Claims

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, Designation of Applicant's Agent Resolution for Non-State Agencies, and designate the City Manager and Finance Officer as the City's Authorized Agents.

Staff Contact

Kim McKinney, Finance Officer, (530) 661-5849, kimberly.mckinney@cityofwoodland.org

Fiscal Impact

There is no fiscal impact for approving the resolution. Designating an authorized agent may ultimately have a positive fiscal impact because it will enable the City to request public assistance from federal and state agencies to seek recovery of costs related to the COVID-19 emergency.

Background

President Trump declared a major disaster for California for the COVID-19 pandemic on March 22. The major disaster declaration allows the Federal Emergency Management Agency (FEMA) to "assist state, local, tribal, territorial governments and other eligible entities with the health and safety actions they take on behalf of the American public." To be eligible to recover costs, there are certain steps that local government agencies must take.

FEMA has directed that eligible emergency proactive measures taken to respond to COVID-19 may be reimbursed under Category B of FEMA's Public Assistance program.

Discussion

The California Office of Emergency Services requires that non-state agencies, such as the City of Woodland, submit a Cal-OES Form 130 every three years. The Form documents the City Council's authorization of an agent to act on behalf of the City for purposes of receiving disaster assistance from state and federal agencies, including FEMA. Approving the Form now will enable the City to efficiently apply for and request public assistance as the need arises. The Form will be applicable to the COVID-19 emergency, as well as any other disaster over the next three years. Staff is proposing that the City Council designate the City Manager and Finance Officer as the City's authorized agents.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, Designation of Applicant's Agent Resolution for Non-State Agencies, and designate the City Manager and Finance Officer as the City's Authorized Agents.

Prepared by: Kimberly McKinney, Finance Officer



Ken Hiatt
Interim City Manager

Attachments:

1. Resolution - Authorized Agents CalOES Form 130

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF WOODLAND DESIGNATING APPLICANT’S AGENT
RESOLUTION FOR NON-STATE AGENCIES**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19, and on March 10, 2020, the Yolo County Board of Supervisors ratified a local and public health emergency, and on March 13, 2020, the President of the United States declared a state of national emergency; and

WHEREAS, on March 16, 2020, the City Council proclaimed the existence of a local emergency; and

WHEREAS, on March 18, 2020, pursuant to the authority granted under Health and Safety Code sections 101040, 101085 and 120175, the Health Officer of Yolo County issued an order directing individuals to shelter in place of residence and restricting non-essential activities in response to the COVID-19 pandemic, which ordered all individuals living in Yolo County to shelter in their place of residence, and ordered all businesses, with the exception of “Essential Businesses,” as defined in the order, to cease all activities except for minimum basic operations (the “County Shelter In Place Order”); and

WHEREAS, on March 22, 2020, the President of the United State declared a major disaster for the State of California; and

WHEREAS, the major disaster declaration allows the Federal Emergency Management Agency (FEMA) to “assist state, local, tribal, territorial governments and other eligible entities with the health and safety actions they take on behalf of the American public”; and

WHEREAS, FEMA has directed that eligible emergency proactive measures taken to respond to COVID-19 may be reimbursed under Category B of FEMA’s Public Assistance program; and

WHEREAS, the California Office of Emergency Services requires that non-state agencies submit a Cal-OES Form 130 every three years documenting the City Council’s authorization of an agent to act on behalf of the City for purposes of receiving disaster assistance from state and federal agencies; and

WHEREAS, approving the Form now will enable the City to efficiently apply for and request public assistance as the need arises.

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

A. The City Manager and Finance Officer are hereby authorized to execute for and on behalf of the City of Woodland the Applicant's Agent Resolution for Non-State Agencies and to file it with the California Governor's Office of Emergency Services for the purposes of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

PASSED AND ADOPTED by the City Council of the City of Woodland at a regular meeting of the City Council held on the 7th day of April, 2020, by the following vote

AYES:
NOES:
ABSENT:
ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: G.13
SUBJECT: Construction Contract for Community Center HVAC Project, CIP 19-21

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, to Award the construction contract in the amount of \$111,200 to Hometown Construction, Inc. (“Hometown”) and authorize the City Manager to execute the construction contract for the Community Center HVAC Project, CIP 19-21 (“Project”).

Staff Contact:

Sherry Kimura, Engineering Assistant, (530) 661-5883, sherry.kimura@cityofwoodland.org

Fiscal Impact:

The Project is funded partially from the current capital budget of \$104,612 with additional funding of \$6,588 from the current Facilities O&M contract services budget. Both funding sources are from the Facilities Fund (011).

Background:

The Community Center HVAC Project, CIP 19-21 was created to address cooling issues with the existing Geothermal System by replacing six (6) rooftop heat pump units with standard conventional units. Two of the heat pump units were successful replaced last year for improved cooling within the Community Center. Below are the remaining project goals:

- Remove and crane four (4) heat pump units
- Cap geothermal piping
- Fabricate and install modified curb adapter
- Crane and install four (4) new heat pump units
- New units installed and operational prior to June 1st

The City approved the building permit for the Project which consists of the new heat pump unit specifications and the structural calculations with modified curb adapter. City electrical staff is currently working on the electrical modifications needed to connect the new heat pump to the existing electrical system.

Discussion:

The Project was advertised for bid on March 13, 2020, following the public project informal bidding procedures as set forth by the California Public Contracting Code. The estimate of probable construction costs is \$98,000.

Bids were opened on March 24, 2020, and the City received 4 bids shown on the table below:

	CONTRACTOR	BASE BID
1	Hometown Construction, Inc.	\$111,200.00
2	Division 515	\$117,515.00
3	R.B. Spencer, Inc.	\$133,800.00
4	Air9	\$137,500.00

The City received a bid protest from Division 515 via email with a scan of a formal letter dated March 26, 2020 and another email dated March 27, 2020 alleging Hometown's bid was unresponsive due to lack of a sub-contractor with a C-10 (electrical) license listed in the bid and Hometown's own lack of a C-10 license. The email also indicated that electrical work was not indicated on the bid documents as not being performed as part of the construction contract. A copy of the Division 515 protest is attached hereto as Attachment C.

City staff determined the protest submitted by Division 515 is meritless with respect to Hometown's bid because an electrical scope of work was not mentioned anywhere in the bid documents, a C-10 license was not listed as a required license to perform the work, and a section of the documents clearly states only City electrical staff will connect building power to the units. The City delivered a Notice of Intent to Reject Bid Protest dated April 1, 2020 to Division 515 to inform them of the City's determination. A copy of the Notice of Intent to Reject Bid Protest is attached hereto as Attachment B.

Hometown Construction, Inc. is the lowest responsible bidder submitting a responsive bid with a total bid of \$111,200.00.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, to Award the construction contract in the amount of \$111,200 to Hometown Construction, Inc. ("Hometown") and authorize the City Manager to execute the construction contract for the Community Center HVAC Project, CIP 19-21 ("Project").

Prepared by: Sherry Kimura, Engineering Assistant

Reviewed by: Craig Locke, Public Works Director



Ken Hiatt
Interim City Manager

Attachments:

1. Resolution
2. Notice of Rejection of Bid Protest
3. Division 515 Bid Protest and Email

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AWARDING A CONSTRUCTION CONTRACT FOR THE COMMUNITY CENTER
HVAC PROJECT, CIP 19-21.**

WHEREAS, the project is identified in the current capital budget as Community Center HVAC Project, CIP 19-21 ("Project") with a budget of \$104,612 with the additional funding of \$6,588 from the current Facilities O&M Contract Services Budget; and

WHEREAS, the City opened bids on March 13, 2020, and received 4 bids;

WHEREAS, the City received a bid protest from Division 515 via email with a scan of a formal letter dated March 26, 2020 and another email dated March 27, 2020 alleging Hometown's bid was unresponsive due to lack of a sub-contractor with a C-10 (electrical) license listed in the bid and Hometown's own lack of a C-10 license. The email also indicated that electrical work was not indicated on the bid documents as not being performed as part of the construction contract; and

WHEREAS, Division 515 bid protest is meritless with respect to Hometown's bid because an electrical scope of work was not mentioned anywhere in the bid documents, a C-10 license was not listed as a required license to perform the work, and a section of the documents clearly states only City electrical staff will connect building power to the units; and

WHEREAS, the City has determined the lowest responsible bidder submitting a responsive bid is Hometown Construction, Inc. ("Hometown") in the amount of \$111,200; and

WHEREAS, the City wishes to award the construction contract to Hometown Construction Inc. in the amount of \$111,200; and.

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

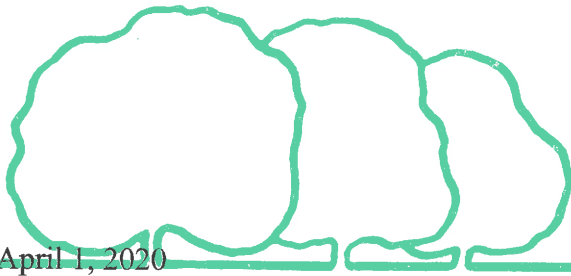
Section 1. The City Council hereby awards a construction contract to Hometown Construction, Inc. in the amount of \$111,200. The City Manager is hereby authorized and directed to execute the contract, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and conforming changes so long as the total dollar amount authorized herein does not change.

PASSED AND ADOPTED this 7th day of April 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rich Lansburgh, Mayor
ATTEST:

Ana B. Gonzalez, City Clerk



City of Woodland

PUBLIC WORKS DEPARTMENT

April 1, 2020

655 N PIONEER AVENUE ▪ WOODLAND CA 95776-6112 ▪ Telephone: 530-661-5962 ▪ FAX: 530-661-1290 ▪ www.cityofwoodland.org

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Division Construction Group, Inc.
32 Edelman
Irvine, CA 92618

SUBJECT: City of Woodland
Community Center HVAC Project (CIP 19-21)
Notice of Rejection of Bid Protest

Dear Miss Sandra Osborn:

The City of Woodland ("City") has reviewed the bid protest letter filed by Division 5-15, Inc. Inc. ("Division") dated March 26, 2020, as well as the email correspondence from Miss Sandra Osborn dated March 27, 2020 (collectively "Protest") with regards to the above captioned project ("Project"). Based on our review, the Protest is meritless as it pertains to the bid submitted by the lowest responsible bidder submitting a responsive bid on the Project – Hometown Construction, Inc. ("Hometown").

As a threshold matter, a bid must conform to the material terms of the bid package. (*DeSilva Gates Constr. v. Department of Transp.* (2015) 242 Cal.App.4th 1409; *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175.) A bid is responsive if it promises to do what the bidding instructions demand. (*Williams v. Clovis Unified Sch. Dist.* (2007) 146 Cal.App.4th 757; *Valley Crest Landscape Inc. v. City of Davis* (1996) 41 Cal.App.4th 1432, 1438.) Responsiveness should be determined from the face of the bid. (*Great W. Contractors, Inc. v. Irvine Unified Sch. Dist.* (2010) 187 Cal.App.4th 1425.) However, a bid may be responsive even if there is a discrepancy in the bid, as long as the discrepancy is inconsequential, that is, the discrepancy must not affect the amount of the bid or give a bidder an advantage over others. (*Ghilotti Constr. Co. v. City of Richmond* (1996) 45 Cal.App.4th 897; *Bay Cities Paving & Grading, Inc. v. San Leandro* (2014) 223 Cal.App.4th 1181.) A deviation must be capable of facilitating corruption or extravagance, or likely to affect the amount of bids or the response of potential bidders. These considerations must be evaluated from a practical rather than hypothetical standpoint, with reference to the factual circumstances of the case. (*Ghilotti Constr. Co. v. City of Richmond* (1996) 45 Cal.App.4th 897, 908-09, internal citations omitted.)

With the foregoing in mind and in reviewing the bid submitted by Hometown, it is clear the alleged errors in the bid are not errors at all and certainly do not amount to material mistakes requiring the City to reject the bid as nonresponsive.

Division alleges Hometown does not possess a C-10 electrical contractor's license. However, a review of the specifications clearly demonstrates no electrical work on the Project. No provisions in the Contract Documents reference an electrical scope of work. Section A-1 of the Contract Documents provides a

general description of the scope of work and does not reference electrical work of any form. Division references Page V-20 of the Contract Documents, which the City believes is intended to be a reference to Section G-1 of the Contract Documents. This provision includes a description of a lump sum bid item, which doesn't mention electrical work of any form. Connection work referenced in this section is in reference to the mechanical connections – no references to electrical work exist in this provision. We additionally note Section D-8 of the Contract Documents provides as follows "[t]he power connection to the City's building will be done by City Electrical staff only." This is the only reference to electrical work in the entire set of Contract Documents and clearly and unambiguously indicates the work is to be performed by the City. The Drawings provided as part of the Contract Documents show no new or existing electrical. There is no narrative or note indicating electrical work is part of the Project.

It is further notable the City did not specify a C-10 license as a specialty classification the prime contractor is required to possess to perform the work. The City specified a Class A license or the following specialty license classifications – C-20, C-34, C-36, and C-43 (none of these classifications involves electrical work). If Division believed the Project included electrical work, it is unclear why Division would not have requested clarification from the City during the bidding process. We note the clear policy and purpose associated with the review of bids and bid protests as dictated by the court in *Ghilloti, supra*:

They must also be viewed in light of the public interest, rather than the private interest of a disappointed bidder. 'It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, [and] cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy.' (*Judson Pacific-Murphy Corp. v. Durkee* (1956) 144 Cal.App.2d 377,383, 301 P.2d 97.)

(*Ghilloti, supra* 45 Cal.App.4th at 908-09.) Consistent with this policy, the City finds the Protest wholly meritless and rejects it in its entirety.

The City will consider award of this contract at its meeting on April 7th, 2020. City staff intends to recommend rejection of Division's Protest as meritless and award of the contract to the lowest responsible bidder submitting a responsive bid, Hometown.

Sincerely,



Craig Locke, PE
Public Works Director

cc: Troy Thompson, Sherry Kimura, Rob Sanders, Kevin Wang

March 26, 2020

Fleet & Facilities Manager
City of Woodland
655 North Pioneer Avenue
Woodland, CA 95776

Transmitted via Email: troy.thompson@cityofwoodland.org

RE: Bid Protest: Hometown Construction, Inc.
Ref. No. CIP 19-21, Community Center HVAC Project

Mr. Troy Thompson:

Division 5-15, Inc. is formally protesting Hometown Construction, Inc. bid submission for the City of Woodland Community Center HVAC Project, CIP No. 19-21 for the following reason:

Hometown Construction, Inc. (CSLB No. 704382) failed to list a subcontractor to perform the Electrical (C10) scope of work, per Bid Form "Bidder's List of Subcontractors". This discipline requires contractors performing this work to be licensed through CSLB. I have attached Hometown Construction, Inc. CSLB Contractors Detail for License #704382, which confirms they do not hold a C-10 License.

The value of the electrical work is more than ½ of 1% of Hometown Construction Inc. total bid price. The electrical scope of work for this project far exceeds \$556.00.

We appreciate your consideration in rendering Hometown Construction, Inc. a non-responsive bidder for the City of Woodland Community Center HVAC Project, CIP No. 19-21.

Respectfully, Submitted,
Division 5-15, A California Corporation



Sandra L. Osborn
President

Cc: Bid File
Attachment(s)



Contractor's License Detail for License # 704382

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 3/26/2020 4:59:22 PM

Business Information

HOMETOWN CONSTRUCTION INCORPORATED
2507 ELKHORN BLVD
RIO LINDA, CA 95673
Business Phone Number:(916) 991-2486

Entity Corporation
Issue Date 03/24/1995
Expire Date 03/31/2021

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- B - GENERAL BUILDING CONTRACTOR
- C20 - WARM-AIR HEATING, VENTILATING AND AIR-CONDITIONING
- C36 - PLUMBING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with WESTERN SURETY COMPANY.

Bond Number: 63806342

Bond Amount: \$15,000

Effective Date: 01/31/2019

[Contractor's Bond History](#)

Bond of Qualifying Individual

The qualifying individual JACK LELAND JOHNSTONE certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 09/06/2001

[BQI's Bond History](#)

Workers' Compensation

This license has workers compensation insurance with the [STATE COMPENSATION INSURANCE FUND](#)

Policy Number: 9218927

Effective Date: 10/01/2017

Expire Date: 10/01/2020

[Workers' Compensation History](#)

**Community Center HVAC Project, CIP 19-21
Preliminary Bid Results****Bids Opened: March 24, 2020
at 2:00 p.m.****Bids Received:**

	CONTRACTOR*	BASE BID
1	Hometown Construction, Inc.	\$111,200.00
2	Division 515	\$117,515.00
3	R.B. Spencer, Inc.	\$133,800.00
4	Air9	\$137,500.00

*Bids are listed in order from lowest to highest.

Low Bidder List of Subcontractors:

Maximum Crane Works, L.P.

Sherry Kimura

From: Troy Thompson
Sent: Monday, March 30, 2020 4:09 PM
To: Sherry Kimura
Subject: FW: Formal Bid Protest --City of Woodland Community Center HVAC Project, CIP No. 19-21

Here you go...

From: Sandra Osborn <s.osborn@division515.com>
Sent: Friday, March 27, 2020 2:08 PM
To: Troy Thompson <Troy.Thompson@cityofwoodland.org>
Cc: Brandon Dennis <b.dennis@division515.com>; Cindy Marvin <c.marvin@division515.com>; Renee Ramsey <rramsey@iwins.com>
Subject: RE: Formal Bid Protest --City of Woodland Community Center HVAC Project, CIP No. 19-21

Hello Troy,

Yes, our bid would certainly change if the electrical portion we included were to be removed. Our bid included \$8500 for electrical work associated with this project.

Division 515 reviewed the following bid documents available for review and download from CIPLIST.com:

- 1.) 7-page .pdf file containing equipment cut-sheets for (4) ea. 10 ton rooftop package units
- 2.) 33-page .pdf file containing permit, plan(s) details, structural details & calcs & cut-sheets
- 3.) 161-page .pdf file containing various contact documents

Based upon careful review of the available documents, Division 515 Inc. assumed that a turn-key project was required, and no specific labor and/or equipment were provided by the Owner. The general description of work provided, along with careful review of the 3 documents (reference list above), made no indication that electrical work was not to be included, or was to be performed by others. Page "V-20" of the Part V Supplemental Conditions provided, gives description of included work, and describes electrical related scope to disconnect & reconnect HVAC equipment as required.

Thank-you for your consideration in this matter.

Sandra Osborn
President

DIVISION 5-15, INC.

DIVISION 515
Steel and Mechanical Contracting Fabricators

2381 Gold River Road, Suite A

Gold River, CA 95670

916.638.1520 x10 (Office)

916.638.1521 (Fax)

916.869.6000 (Cell)

[email: s.osborn@division515.com](mailto:s.osborn@division515.com)



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: April 7, 2020
ITEM #: H.14
SUBJECT: Update on COVID-19 Response and Preparedness

Recommendation for Action: Staff recommends that the City Council receive an update and discuss the current status of the COVID-19 pandemic and the community's actions to prepare and respond to issues resulting from the emergency.



Ken Hiatt
Interim City Manager

Attachments:

None