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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

28 August 2013

Cindy Norris
City of Woodland
300 First Street
Woodland, CA 95695

CERTIFIED MAIL
7012 2210 0002 1419 4529

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT NEGATIVE DECLARATION,
CITY OF WOODLAND 2013-2021 HOUSING ELEMENT UPDATE PROJECT,
SCH NO. 2013082057, YOLO COUNTY**

Pursuant to the State Clearinghouse's 20 August 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Negative Declaration* for the City of Woodland 2013-2021 Housing Element Update Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGLEY ScD, P.E., CIAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



for Trevor Cleak
Environmental Scientist

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

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



September 10, 2013

Cindy Norris
City of Woodland
300 First Street
Woodland, CA 95695

Dear Ms. Norris:

Re: SCH 2013082057 Woodland 2013-2021 Housing Element Update - DND

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the Draft *Negative Declaration (DND)* for the proposed City of Woodland (City) 2013-2021 Housing Element Update project.

The project area includes active railroad tracks. RCES recommends that the City add language to the Housing Element Update so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Chiang'.

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse



Jeffrey K. Dorso
Partner

Joel Patrick Erb
Partner

Andrea A. Matarazzo
Partner

Blair W. Will
Of Counsel

September 18, 2013

Via Electronic and U.S. Mail
cindy.norris@cityofwoodland.org

Cindy Norris, Principal Planner
Community Development Department
City of Woodland
300 First Street
Woodland, CA 95695

Re: *City of Woodland General Plan Update and Climate Action Plan*
Our File No. 5053-001

Dear Ms. Norris:

This letter follows up on our previous correspondence to the City dated May 14, 2013, on behalf of property owners in the Spring Lake Specific Plan. The comments in those letters are incorporated by reference as if fully set forth herein. (Attachments A and B.)

We remain concerned that the City's proposed General Plan Update fails to adequately evaluate the existing and potential uses of key parcels in order to advance the City's goals and implement the community's vision. The City's Housing Element reflects a severe lack of housing options for the City's diverse population, and the proposed Update will perpetuate these deficiencies. In addition, while the City's description of the project characterizes the Update as merely "technical," the proposal and accompanying Negative Declaration show that the City is overlooking and understating this General Plan Update's significant short-term and long-term consequences.



Many of the fundamental defects in the City's proposed General Plan Update have been outlined in detail by housing experts, whose comments we incorporate by reference as if fully set forth herein. (Attachment C.) For example, the City's Housing Element fails to identify enough sites for higher density residential development to accommodate the community's housing needs. Although the Update outlines a conceptual program to rezone sites to meet those needs, it is unclear from the plan documents and the accompanying Negative Declaration whether and how the City will successfully implement the program. In particular, the proposed Update and Negative Declaration recognize that the City must "identify a minimum of 22 acres of land within the City for rezoning to allow 20 units per acre or higher residential development," and that the City still has not done so. (Negative Declaration, p. 3-17.) According to the Negative Declaration, "The City will be considering sites as a part of the General Plan Update process that is already underway," and the impacts of rezoning and development of specific parcels, once identified, will be analyzed in an environmental impact report ("EIR"). (*Ibid.*)

The City's deferral approach underscores the importance of sensible timing in order for community-building efforts to be effective. When a local government fails to adopt an adequate updated housing element, the general plan is invalid. Because all planning and development approval decisions must be consistent with the general plan, a local government may not proceed to make land use decisions and approve development until it has adopted a valid housing element. As noted in our previous comments, the City is in the process of making planning decisions that will have short-term and long-term consequences for the City in relation to virtually every element of its General Plan. The City should not allow review of individual development proposals to outpace or sidestep efforts to identify and appropriately zone sufficient acreage in the City to ensure housing needs are met in a manner that promotes the overall success of the Woodland community.

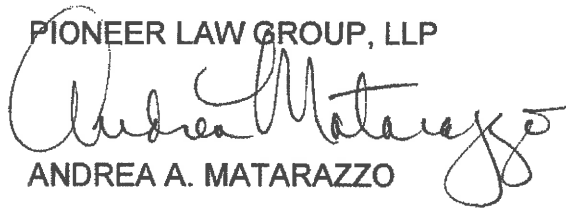
We appreciate the opportunity to provide these comments as the City strives to ensure that its General Plan will function as it should to enhance the quality of life in the City's existing and future neighborhoods.

Ms. Cindy Norris, Principal Planner
Community Development Department
September 18, 2013
Page 3

Pursuant to Public Resources Code section 21092.2, please continue to send all notices for the City's General Plan Update to me at the above address.

Very truly yours,

PIONEER LAW GROUP, LLP

A handwritten signature in black ink, appearing to read "Andrea Matarazzo", is written over the printed name and firm name.

ANDREA A. MATARAZZO

AAM:jis
Enclosures

cc: Heidi Tschudin, General Plan Project Manager
Ken Hiatt, Community Development Director
Paul Navazio, City Manager
Marlin H. "Skip" Davies, Mayor
Tom Stallard, Vice Mayor
William L. Marble, Council Member
Jim Hilliard, Council Member
Sean Denny, Council Member

ATTACHMENT A



Jeffrey K. Dorso
Partner

Joel Patrick Erb
Partner

Andrea A. Matarazzo
Partner

May 14, 2013

Marlin H. "Skip" Davies, Mayor
City of Woodland
300 First Street
Woodland, CA 95695

Re: *City of Woodland General Plan Update and Climate Action Plan*
Our File No. 5053-001

Dear Mayor Davies:

Thank you for the City of Woodland's ongoing efforts to seek input from a variety of stakeholders and the public at large to ensure that its General Plan will function as it should to enhance the quality of life in the City's existing and future neighborhoods. On behalf of property owners in the Spring Lake Specific Plan, we submit the attached comments for the City's consideration.

In particular, we urge your careful consideration of issues of policy and fundamental fairness associated with planning for the City's Mall Expansion site. This property, currently zoned for commercial use and located immediately outside the Spring Lake Specific Plan, is now proposed for a low-density residential subdivision. The recently resubmitted Prudler Tentative Map proposes a subdivision that will rely on services and infrastructure funded and constructed by the developers and residents of Spring Lake – indeed, the Project would not be possible but for the backbone infrastructure provided by Spring Lake – yet the developer's proposed impact fee structure is far less than the project's fair share. In essence, the developer expects Spring Lake homeowners to provide backbone infrastructure to the Mall Expansion site at no cost. The proposal flies in the face of the City's commitments to, and investment in, Spring Lake and its residents, who deserve the City's continued support and assurance that all members of the community stand on equal footing.

Like all others in the City, the Mall Expansion site developer must "pay its own way" and bear the project's fair share of the true cost of its infrastructure and public facilities. The current fee proposal is arbitrary and unfair, and wholly

contrary to the economic analysis supporting the City's nexus findings for the Spring Lake Specific Plan. Spring Lake homeowners cannot reasonably be required to subsidize a residential project on the Mall Expansion site, especially when that subsidy would substantially delay public services in Spring Lake. Allowing the Mall Expansion site development to go forward as proposed would severely set back the Spring Lake community, its parks, schools, and neighborhood amenities, and deprive existing City residents of the basic benefits for which they paid.

The Mall Expansion site development would adversely impact absorption of residential units in the Spring Lake area and thus would adversely affect the Spring Lake community's ability to finance infrastructure and public facilities. The City's planning framework focuses residential development in the Spring Lake Specific Plan area, and all other development not constituting infill must be deferred until Spring Lake is completed. Particularly given the nascent and tentative recovery of the housing market, as well as the complex Spring Lake infrastructure financing plan, it is imperative that the City support its investment in the Spring Lake community and carefully review all other residential proposals for consistency with City plans, codes, and policies. As the City's staff has recognized, creating residential development opportunities that are not subject to the same standards and requirements imposed on homeowners in the Spring Lake Mello Roos financing district will result in unfair competition, while making it more difficult to finance and build out areas in Spring Lake that are inherently better sites for residential development.¹ Based on the City's policies as well as fundamental principles of good faith and fair dealing, any residential development of the Mall Expansion site must pay its true fair share for infrastructure and public facilities and be consistent with fostering the Spring Lake Specific Plan's viability, financing plan, and absorption.

During this crucial planning process, the City should not proceed with review of proposed projects, such as the recently resubmitted Prudler Tentative Map, that unfairly expect existing City residents to subsidize their basic infrastructure costs; are fundamentally inconsistent with the City's planning history, existing General Plan, and voter-approved policies regarding land use,

¹ / See, e.g., City of Woodland, Planning Commission Staff Report, February 21, 2008, pp. 2-3.)

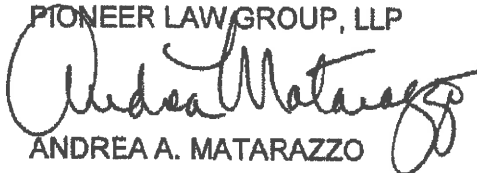
Marlin H. "Skip" Davies, Mayor
City of Woodland
May 14, 2013
Page 3

sustainability, infrastructure financing, and inclusionary housing, among others; and will be detrimental to and interfere with the General Plan Update. At a minimum, If the City determines the Mall Expansion site should be designated for residential use within the General Plan, then the City's policy framework calls for amendment of the Spring Lake Specific Plan to include the Mall Expansion site, subject to the same development impact fee and infrastructure financing requirements as other homeowners in the Spring Lake Mello Roos financing district. This approach would resolve the planning anomalies that occurred based on assumptions for commercial development of the Mall Expansion parcel that never materialized, and would rationally and fairly allocate the burden of financing the infrastructure and public facilities necessary for residential development as required under the City's policies and controlling law.

Thank you in advance for the City's careful consideration of these issues and concerns.

Very truly yours,

PIONEER LAW GROUP, LLP

A handwritten signature in cursive script, appearing to read "Andrea Matarazzo".

ANDREA A. MATARAZZO

AAM:jis
Enclosure

cc: Tom Stallard, Vice Mayor
William L. Marble, Council Member
Jim Hilliard, Council Member
Sean Denny, Council Member
Paul Navazio, City Manager
Ken Hiatt, Community Development Director

ATTACHMENT B



Jeffrey K. Dorso
Partner

Joel Patrick Erb
Partner

Andrea A. Matarazzo
Partner

May 14, 2013

Cindy Norris, Principal Planner
Community Development Department
City of Woodland
300 First Street
Woodland, CA 95695

Re: *City of Woodland General Plan Update and Climate Action Plan*
Our File No. 5053-001

Dear Ms. Norris:

Thank you for the opportunity to participate in the City of Woodland's visioning process as it sets out to prepare a General Plan Update and Climate Action Plan. As formulation of these plans begins in earnest, we request, on behalf of property owners in the Spring Lake Specific Plan, that the following critical issues be considered. In particular, we urge your careful consideration of issues of policy and fundamental fairness associated with planning for the City's Mall Expansion site. This property, currently zoned for commercial use and located immediately outside the Spring Lake Specific Plan, is now proposed for a low-density residential subdivision. The proposal would adversely impact absorption of residential units in the Spring Lake area and thus would adversely affect the Spring Lake community's ability to finance infrastructure and public facilities.

The City's planning framework focuses residential development in the Spring Lake Specific Plan area, and all other development not constituting infill must be deferred until Spring Lake is completed. Particularly given the nascent and tentative recovery of the housing market, as well as the complex Spring Lake infrastructure financing plan, it is imperative that the City support its investment in the Spring Lake community and carefully review all other residential proposals for consistency with City plans, codes, and policies. As the City's staff has recognized, creating residential development opportunities that are not subject to the same standards and requirements imposed on Spring Lake homeowners will

result in unfair competition, while making it more difficult to finance and build out areas in Spring Lake that are inherently better sites for residential development.¹ Based on the City's policies as well as fundamental principles of good faith and fair dealing, any residential development of the Mall Expansion site must pay its true fair share for infrastructure and public facilities and be consistent with fostering the Spring Lake Specific Plan's viability, financing plan, and absorption.

I. Existing Land Use Patterns, Resources, and Development Opportunity Sites

A. Spring Lake Specific Plan

The Spring Lake Specific Plan guides and control orderly and systematic development of over 1,000 acres located primarily south of Gibson Road and east of SR 113, immediately south of the City limits. The City adopted the Plan in order to create a desirable extension of Woodland's existing character and traditional neighborhoods. All individual development projects (including the issuance of any discretionary land use entitlement) in the area are subject to the requirements of the Plan.

The City's "Implementation Concept" set forth in the Spring Lake Specific Plan states:

New development is expected to "pay its own way", both in terms of capital costs (financing of infrastructure) and ongoing costs (generation of sufficient general fund revenue to support ongoing maintenance and operational costs). The General Plan goal for new development is "fiscal and financial neutrality" to the greatest feasible extent (General Plan Policy 4.B.1 and 4.B.3) in terms of impacts to the general fund, and financing of infrastructure. However, it is also important to note, that typically only "high end" housing would be able to do this assuming a primarily residential community. The clear goal of the General Plan, and the people of Woodland for this new growth area, is a rich, diverse,

¹ / See, e.g., City of Woodland, Planning Commission Staff Report, February 21, 2008, pp. 2-3.)

balanced community with a variety of housing and neighborhood opportunities, and a very large school component. As such, the General Plan policies also allow for leniency from the "neutrality rule" for development that generates "significant public benefit" provided an alternative source of funding can be obtained to offset foregone revenues.

As described herein, assuming full implementation of the vision and intent of this Plan, this test would clearly be met in the Specific Plan boundaries. The new community will offer significant housing opportunities for all economic segments with affordability by design as well as by market manipulation. It will also offer responsibly designed neighborhoods that minimize the need for vehicles, emphasize sustainable design, encourage defacto neighborhood policing by increasing activity, and replicate in the modern world the best characteristics of Woodland's favorite original neighborhoods. If adhered to and accomplished, these are significant public benefits.

It is also important to point out that full build-out of the General Plan was determined to be fiscally balanced when the General Plan adoption occurred in 1996, and this Specific Plan is consistent with that Plan. Revenue-generating land uses (e.g. commercial and industrial) designated elsewhere in the City (e.g. the Mall expansion property and the commercial property on the north side of Gibson Road) were found to balance the location of this mixed density, primarily residential community at the subject location. Additionally, the large acreage of public sector and exempt land uses which generate no property taxes, and the high level of development amenities expected from this development are highly relevant factors. Both affect fiscal balance, as well as the ability to finance the Plan.

Therefore, the final determination regarding net fiscal impact must look at how the General Plan balanced land uses overall, and acknowledge as well, the contribution this Plan will make to the livability and social health of the community.

(Spring Lake Specific Plan, p. 8-1.)

The City's Implementation Concept makes clear that as it evaluates existing land use patterns, resources, and development opportunity sites as part of the General Plan Update, it must carefully consider how a General Plan Amendment for the Mall Expansion Property would affect the balance of land uses and the livability and social health of the community. Further, the City must consider how designating the Mall Expansion Property for residential rather than commercial use would ensure that the new development "pay its own way," without undermining the City's fiscal balance or build-out of the Spring Lake Specific Plan and its significant public benefits.

The City likewise must consider how designating the Mall Expansion Property for residential rather than commercial use would undermine the phasing considerations that were a focus of the Spring Lake Specific Plan. The General Plan Update should discourage development that does not contribute to the sense of an integrated community in accordance with the phasing factors identified by the City, including property owner financial commitment and participation and equity between property owners in order to secure cooperation.

B. "Mall Expansion" Site

1. Site History

The 38-acre property commonly known in the City as the "Mall Expansion" site (APN 041-070-42) was excluded from the Spring Lake Specific Plan on the basis of representations at the time that it would "immediately" be developed with big-box commercial uses as an extension of the existing shopping mall, and therefore should not be part of a comprehensively planned community. No logical basis to exclude this parcel from the Spring Lake Specific Plan was presented other than the asserted imminent development of the property to expand the mall, which the City summarized during the 1998-2000 proceedings essentially as follows:

- a) The 38-acre parcel south of the existing mall (one-half of the original parcel) was already designated for commercial use in the 1996 General Plan and earlier in City policies supporting the mall.

- b) Public services for the 38-acre site would be provided through existing mall infrastructure.
- c) The site developer had identified commercial tenants ready to move into the mall expansion.
- d) Projected sales tax revenue from the mall expansion would not be credited to the Spring Lake Specific Plan for the purpose of determining neutrality, because the commercial development would proceed well before Spring Lake and was not contingent on a Spring Lake residential development.

The site thus was excluded from the Spring Lake Specific Plan, which the City adopted in December 2001. No commercial development of the Mall Expansion site materialized, however. In the years that followed, several proposals for development of the site have come forward, but none have come to fruition. The rationale for excluding the site from the Spring Lake Specific Plan no longer exists, and indeed, there is none. As the City updates its General Plan (of which the Spring Lake Specific Plan is a crucial part), alternative scenarios for the Mall Expansion site should be considered. If residential uses are appropriate for the Mall Expansion site and will use services and infrastructure funded by development of the Spring Lake Specific Plan, then the site should be included in Spring Lake, subject to the same obligations as homeowners in the Spring Lake Mello Roos financing district.

2. Current Development Proposal

The Mall Expansion site, currently zoned for commercial use and located immediately outside the Spring Lake Specific Plan, is proposed for residential development. The proposed subdivision will rely on services and infrastructure funded and constructed by the developers and homeowners of Spring Lake, however the impact fee structure proposed by the developer is far less than the project's fair share and undermines the basic assumptions in the nexus study the City used to establish development impact fees imposed on the Spring Lake community.

Ms. Cindy Norris, Principal Planner
Community Development Department
May 14, 2013
Page 6

The revised Mall Expansion project seeks a General Plan Amendment and rezone from General Commercial (GC) to Low Density Residential (LDR) (as well as other significant discretionary land use approvals, including a conditional use permit and amendment to the Spring Lake Specific Plan) in order to develop approximately 204 conventional single-family units on about 38 acres (5.37 du/ac) in the City of Woodland. The proposed development will rely on infrastructure funded and constructed pursuant to the Spring Lake Specific Plan. The developer proposes to make a pro-rata reimbursement for the Spring Lake infrastructure based on its capacity of use, which results in a fee differential to the proposed project's advantage of approximately \$14,280 per unit. The developer proposes to pay half of that difference (approximately \$7,140 per unit) as a voluntary contribution to the City, for unrestricted use by the City to fund public improvements or services. The developer's pro-rata calculation fails to satisfy the City's requirement that new development "pay its own way," because it does not reflect the revised Mall Expansion project's fair share of the true cost of its infrastructure and public facilities. The funding proposal is arbitrary and contrary to the economic analysis supporting the City's nexus findings for the Spring Lake Specific Plan. The developer's proposed "voluntary contribution" is insufficient to reflect the project's fair share contribution, even if it was properly characterized as an impact fee and not improperly "unrestricted."

In addition to the elements of the revised Mall Expansion proposal that undermine the economics of the City's comprehensive planning efforts, the project raises a host of other significant policy concerns. Among them are the mischaracterization of the proposal as "infill" and the fundamental inconsistency of the currently proposed General Plan Amendment and rezone with the City's planning framework and policies regarding sustainability and housing, among others.

In prior discussions of a proposed General Plan Amendment and rezone for the Mall Expansion site, City staff has characterized the project site as "infill." Although the site does not represent "leapfrog" development, it does not satisfy any contemporary definition of infill and conflicts with the urban development policy adopted by Woodland's voters. For example, the project conflicts with the City's existing General Plan, which designates the Mall Expansion site as General Commercial ("GC"). The revised Mall Expansion project seeks a General Plan Amendment to Low Density Residential ("LDR"). As such it

conflicts with the sustainable communities strategy set forth in the regional "Blueprint" adopted by the Sacramento Area Council of Governments ("SACOG"), which designates the Mall Expansion site for retail use and designates the surrounding areas for high-density residential and mixed uses to promote transit-oriented development. Because it conflicts with the sustainability and smart growth principles embodied in the City's zoning regulations as well as the SACOG Blueprint, the revised Mall Expansion project is not properly characterized as infill.

As currently proposed, the revised Mall Expansion project would adversely impact absorption of residential units in the Spring Lake area and thus would adversely affect the Spring Lake community's ability to finance infrastructure and public facilities. The City's planning framework focuses residential development in the Spring Lake Specific Plan area, and all other development not constituting infill must be deferred until Spring Lake is completed. Particularly given the nascent and tentative recovery of the housing market, as well as the complex Spring Lake infrastructure financing plan, it is imperative that the City support its investment in the Spring Lake community and carefully review all other residential proposals for consistency with City plans, codes, and policies.

II. Alternative Growth and Development Scenarios

From a land use policy and community sustainability perspective, the appropriateness of an LDR designation (already abundant in the City) for the Mall Expansion site is highly questionable. Particularly in light of the new grocery store opening at the County Fair Mall this summer, which will provide a neighborhood market as well as at least 75 jobs, the City should carefully evaluate whether the Mall Expansion site should retain its commercial designation, and if not, whether it is more suitable for higher-density residential development. The City's General Plan Update process should consider alternative development scenarios for the site that are more consistent with the City's vision, sustainability goals, and policies regarding land use, housing, transportation, and public services.

From an economic development perspective, the City cannot promote and sustain growth consistent with its vision if developers and homeowners who invest in the City's comprehensive planning efforts, such as the Spring Lake

Ms. Cindy Norris, Principal Planner
Community Development Department
May 14, 2013
Page 8

Specific Plan, then face arbitrary and fundamentally inequitable treatment. Rather, the City must ensure that its development policies and fee structure are consistent with the constitutional principles of equal protection and substantive due process as well as nexus and rough proportionality.

III. Conclusion

The City's General Plan Update process must evaluate the existing and potential uses of key parcels in order to advance the City's goals and implement the community's vision. The process thus should include a meaningful evaluation of the Mall Expansion Site and alternatives for its development as primarily a commercial or residential project. If the City determines the Mall Expansion Site should be designated for residential use within the General Plan, then the City's policy framework calls for amendment of the Spring Lake Specific Plan to include the Mall Expansion Site, subject to the same development impact fee and infrastructure financing requirements as other homeowners in the Spring Lake Specific Plan and its Mello Roos financing district. This approach would resolve the planning anomalies that occurred based on assumptions for commercial development of the Mall Expansion parcel that never materialized, and would rationally and fairly allocate the burden of financing the infrastructure and public facilities necessary for residential development as required under the City's policies and controlling law.

Thank you in advance for the City's careful consideration of these issues and concerns, which play an important role in the City's evaluation and update of virtually every element of its General Plan, including but not limited to Land Use and Community Design; Housing; Public Facilities and Services; Recreational, Educational, and Community Services; Environmental Resources; and Economic Development.

Ms. Cindy Norris, Principal Planner
Community Development Department
May 14, 2013
Page 9

Pursuant to Public Resources Code section 21092.2, please send all
notices for the City's General Plan Update to me at the above address.

Very truly yours,

PIONEER LAW GROUP, LLP



ANDREA A. MATARAZZO

AAM:jis

cc: Heidi Tschudin, General Plan Project Manager
Ken Hiatt, Community Development Director
Paul Navazio, City Manager
Marlin H. "Skip" Davies, Mayor
Tom Stallard, Vice Mayor
William L. Marble, Council Member
Jim Hilliard, Council Member
Sean Denny, Council Member

ATTACHMENT C



Legal Services
of
NORTHERN CALIFORNIA

Yolo County Office
619 North Street
Woodland, CA 95695
Phone: (530) 662-1065
Fax: (530) 662-7941
West Sacramento: (916) 447-5798
woodland-office@lsnc.net

July 29, 2013

Robin Huntley
Department of Housing and Community Development
Division of Housing Policy Development
1800 Third Street, Room 430
P.O. Box 952052
Sacramento, CA 94252-2052

Sent via email

Re: City of Woodland's Draft Housing Element

Dear Ms. Huntley,

Legal Services of Northern California provides civil legal assistance to low income households throughout Yolo County. We submit the following comments regarding the City of Woodland's Draft Housing Element ("Draft"). We did not have the opportunity to meet with City staff to discuss our comments but have copied the City on this correspondence.

These comments are intended to strengthen the commitment Woodland has made to affordable housing in its previous planning period and assure the Housing Element's compliance with state law.

Statement of Goals, Quantified Objectives and Programs

1. Quantified Objectives

Quantified objectives designate how many units in each income category the housing element policies and programs are expected to create during the planning period through new construction, rehabilitation or preservation. The City's draft Programs and Policies do not quantify any units. Instead, the City lists the quantified objectives in Table 1-1, stating their objective to construct 75 extremely low income units, 80 very low income units, 90 low income units, 349 moderate income units, and 864 above moderate income units. The planned development accounts for the entire Regional Housing Needs Allocation for moderate and above-moderate income units but a deficit of 205 extremely low and low income units and 159 low income units compared to the need. The City has not provided the basis for the conclusion that it can only produce a fraction of the need for extremely low, very low, and low income units. The City should include a quantitative analysis demonstrating its limited capacity based on assessments of current and anticipated economic conditions and available resources.

2. Programs

The City's proposed programs overall represent a watered down version of the previous programs, and contain very few required actions. As mentioned above, the City removed the quantified objectives in most of the proposed programs, which weakens the programs as a whole. The implementation actions also lack specificity. An adequate program should require a specific action by a specific date and have measureable outcomes. The proposed programs lack these important elements. The following is a list of the City's proposed programs and recommended revisions:

- 2.A.1— This program should be strengthened by adding back the higher densities and mixed uses in the innovative approaches consistent with the previous program that the City has indicated it will continue (2.1).
- 2.A.2—The City removed the multi-family language and added “any income group.” Land is not zoned by income group, so multi-family zoned land should be included, which is consistent with the previous program that the City said it would continue (2.6).
- 2.A.7—The City should add using financial assistance from the Housing Trust Fund as well as other federal and state sources.
- 2.A.10—The City eliminated contact with non-profit builders and agricultural stakeholders. Since there is no indication that this program is being discontinued, it should be added back to this program consistent with previous program 2.18.
- 2.A.11—The City should use the previous program’s language addressing the affordable housing ordinance, as it is much stronger than this scaled back version. (See Previous Program 2.15)
- 2.A.12— This program should be strengthened by adding that the City participate in the County-wide Ten Year Plan to End Homelessness.
- 2.A.13—This program should be strengthened by including language about allocating funds from the Housing Trust Fund.
- 2.A.14— This program should be strengthened by adding that the City contract for the services of the Homeless Coordinator and eliminate the use of the vague term “support,” consistent with the previous program (2.13).
- 2.A.15—This program should be strengthened by stating the City will allow residential care homes with more than six mentally disordered or otherwise handicapped persons as a permitted use in the R-M zone. The City states on page 66 of the Draft that the City will need to amend the zoning ordinance to permit such use to remove the constraint but the current proposed program only states the City “shall consider options” to allow such homes.
- 2.B.1—In the evaluation of the previous program, the City indicated it will continue to fund repair and renovation programs. The proposed program, as written, does not require the set aside of funding to support this program.

- 2.C.3—The proposed program does not require an amendment of the Municipal Code, which was listed in the previous program. The evaluation should indicate whether or not it was amended during the previous planning period.
- 2.D.1—The proposed program uses discretionary language, unlike the previous program that the evaluation says the City will continue. As written, the program does not require the City to apply its energy conservation city-wide.

In addition, the City indicated it will continue program 2.33 but there does not appear to be a similar program in this Draft. The previous program required the City to initiate a change to the General Plan and Zoning Ordinance to allow for additional mobile home park units to be located in a mobile home park. The City also removed program 2.20, which required the City to amend the Municipal Code to allow SROs in certain districts but the City did not provide a rationale for its removal.

Analysis of Need

1. Disabled Households

The Draft identified 6,157 disabled households in the City but only 19 units to meet their needs at Summer House, Inc. and New Dimensions. The Draft did not discuss facilitating development or rehabilitation of units to accommodate disabled households, like fast-tracking the permit process for projects or waiving or deferring fees for disabled households since many are on a limited budget. Further, the Draft did not include an analysis of persons with disability by disability type, which is readily available through the County's Alcohol, Drug, and Mental Health Department, which compiles the information for its Mental Health Services Plan. The Draft also omits any viable program for meeting the need. Although the City lists Program 2.A.16, there is no such program in the Draft.

2. Elderly Households

According to the Draft, 2010 census data indicates a need in Woodland for additional programs to assist senior renters. (Page 32) However, the Draft omits any specific program to assist senior renters, nor does it contain a list of available resources or services addressing senior housing needs. The City cites program 2.A.16, which does not exist, and program 2.B.1, a home rehabilitation program, as an action to address the needs of older adults. The City should address the identified need of senior renters and draft a program or programs specific to the need.

3. Large Households

The Draft indicates that there are 439 rental units in the City with 4 or more bedrooms, while there are 1,463 renter occupied households with 5 or more persons. These numbers suggest that there is a deficit in units for large households. We commend the City for approving the Mutual Housing at Spring Lake project, which will provide 61 apartments and townhomes for agricultural workers and include some units for large families. However, the City has not provided any *programs* to address the need of large families. Further, the needs assessment is incomplete in that it does not include household size by income.

4. Farmworkers

The Draft quantifies the number of farmworkers, including seasonal and permanent workers who have different housing needs (3,953 and 1,928 respectively). The City also identified existing resources near Woodland for farmworker housing, including seasonal sites in Madison and Davis accommodating 152 farmworker households. The City did not include its Mutual Housing at Spring Lake multi-family farmworker housing project that will meet some of the need for permanent farmworker housing in Woodland. Full time agricultural workers have their housing needs best met through permanent affordable housing like Mutual Housing at Spring Lake. The program to amend the zoning code to facilitate farmworker housing as required by Health and Safety Code Section 17021.6 is a good start toward meeting the identified need, but the Draft should be strengthened by including other viable programs.

5. Homeless Persons

The analysis of special housing needs for families and persons in need of emergency shelter does not include a breakdown of the number of single males, single females, and families, all of which is available from the Homeless Poverty Action Coalition (HPAC), which serves as Yolo County's Continuum of Care. The analysis also omits important information relevant to identifying the needs of homeless persons, including the numbers of homeless persons who identify as mentally ill, substance abusers, victims of domestic violence, developmentally disabled, unaccompanied youth, and disabled. This information is available locally through HPAC and is imperative as the needs of each sub-group vary significantly. Further, the City's staff report covering a proposed Emergency Shelter Ordinance dated February 19, 2013 contains a detailed assessment of unmet need for shelters and bed count plus the sites that could support an emergency shelter by zoning, which should be included in the analysis of need.

In addition, the inventory of existing resources for homeless persons is incomplete. The information is readily available from HPAC and is divided into resources for emergency housing, transitional housing, and supportive housing by geographic location in the County.

Further, the Draft's programs to meet the needs of homeless persons are insufficient. The City's proposed programs include providing support for the homeless coordinator and considering options for residential care homes with more than six mentally disordered or otherwise handicapped persons or dependent and neglected children as a permitted use in the R-M zone. While supporting the homeless coordinator is commendable and should be continued, other programs should also be implemented to address the needs of homeless persons in Woodland. The City could include the zoning codes allowing emergency shelters, transitional housing and supportive housing as programs to meet the identified need of homeless persons. In addition, programs that address long-term solutions to homelessness, like serving on the County's Ten Year Plan to End Homelessness and participating in HPAC, are also potential programs to address the needs of homeless persons in Woodland. Another recommended program is implementing zoning code provisions that permit SROs, which was a program in the previous housing element (Program 2.20) and omitted in the Draft for this planning period with no explanation of the basis for the omission.

Sites Inventory

Tables A.1 and A.2 contain the City's parcel inventory of vacant and redevelopable land zoned for residential and commercial use. There are multifamily sites that should be removed from the inventory because they are not available for immediate development and are inadequately sized for multifamily development. Also, neither the map provided nor the inventory identify the Spring Lake Specific Plan sites with sufficient detail to determine if they are available for development for housing affordable to a particular income group.

1. Site Designation

Most of the sites that are zoned for multi-family housing are in the Spring Lake Specific Plan area. The land inventory at Table A.2 lists the acreage of high density residential and estimated holding capacity of those four sites but does not include a unique reference or the requisite specificity required in order to evaluate the availability of sites for development. The sites map at Page 51 only shows vacant and developable parcels, not their zoning designation. Thus, it is impossible to determine whether the sites are contiguous or interspersed throughout the Spring Lake Specific Plan Area. To the extent possible, multi-family housing should be interspersed with lower density housing, which generates much less community opposition and fosters an integrated community.

2. Size and Occupied Sites

The City's land inventory by general plan designation and zoning district at Table 2-38 does not provide an accurate assessment of the residential holding capacity for multi-family housing. The City assumed very low and low income housing opportunities were provided by R-M and Spring Lake Specific Plan R-25 zones. (See Draft, Page 53) Yet, to arrive at the residential holding capacity, it appears that the City added up the size of all parcels located in each zone and multiplied by the maximum density, which provides an unrealistic assessment of the actual residential holding capacity. For example, in the ESD zone, the City added all ESD-zoned sites and multiplied the total acreage by 25, arriving at a residential holding capacity of 412. The City committed to not including 41 of the vacant and underutilized sites zoned ESD in its Draft at page 49 because they are not realistically developable during the planning period. The undevelopable parcels include all sites on the first page of Table A.1. Nonetheless, these sites were included in the realistic capacity assessment. Moreover, there are additional sites that should not be included in the sites inventory in the ESD zone. Parcel numbers 066-021-027-000, 063-060-001-000, 066-021-028-000, 066-021-004-000, 063-060-005-000 and 063-060-010-000 are listed as redevelopable but there is no analysis of the development potential of those occupied sites as required. The City must describe the extent to which the existing uses may impede residential development, recent development trends in the area and for similar sites, market conditions affecting development potential, and existing or proposed incentives to encourage residential development on the identified sites in order to count those sites as developable during the planning period. Consequently, there are currently no sites in the ESD zone that could realistically be developed for very low and low income households during the planning period.

The R-M sites should similarly be removed from consideration. As the City states in its Draft, 14 sites with R-M zoning are less than one acre and were removed from consideration, yet it appears that Table 2-38 includes those parcels. The only parcel that could potentially be considered is APN 066-030-033-000, although it is questionable whether it could support multi-family housing given its size of 1.09 acres. Affordable housing developers consider a site of five to ten acres to be ideal for an affordable multi-family development. A site of less than two acres is generally not feasible for development as a rental project. The size of the parcel is important because a project will need an economy of scale in order to be financially sound, especially with the limited funding sources available to support affordable housing projects.

3. Deficit in Very-Low and Low Income Sites

Even assuming the 1.09 acre parcel in the R-M zone is developable and adding the four unidentified R-25 sites in the Spring Lake Specific Plan Area, there is still a deficit in land suitable for development of housing for very-low and low income households within the planning period.

Page Seven
July 29, 2013

The realistic holding capacity of the R-M and Spring Lake Specific Plan Area sites is 584, leaving a deficit of 244 units for very-low and low income households. The City will need to take steps to address this issue including re-working the relevant tables and narrative in the draft.

Conclusion

The City of Woodland, like many jurisdictions, produced very few housing units during the last planning period as a result of economic conditions. Now that the economy, and in particular the housing market, is starting to recover, it is imperative that the City develop a housing element that furthers the goal of providing housing to all income levels in the 2013-2021 planning period. Although we would have appreciated the opportunity to meet with City staff to discuss our concerns prior to the Draft's submission to your office, we appreciate the opportunity to submit comments regarding the Draft Housing Element and thank you for considering them. We also welcome questions or comments from City staff.

With kind regards,

LEGAL SERVICES OF NORTHERN CALIFORNIA



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