

**CITY OF UKIAH
CITY COUNCIL AGENDA
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
September 2, 2015
6:00 p.m.**

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

- a. Minutes of August 19, 2015, a Regular Meeting.

6. RIGHT TO APPEAL DECISION

Persons who are dissatisfied with a decision of the City Council may have the right to a review of that decision by a court. The City has adopted Section 1094.6 of the California Code of Civil Procedure, which generally limits to ninety days (90) the time within which the decision of the City Boards and Agencies may be judicially challenged.

7. CONSENT CALENDAR

The following items listed are considered routine and will be enacted by a single motion and roll call vote by the City Council. Items may be removed from the Consent Calendar upon request of a Councilmember or a citizen in which event the item will be considered at the completion of all other items on the agenda. The motion by the City Council on the Consent Calendar will approve and make findings in accordance with Administrative Staff and/or Planning Commission recommendations.

- a. Report of Acquisition of Professional Services from Alpha Analytical Laboratories, Inc. for Quarterly Water Sampling and Completion of Chemical Examination Reports for the Ukiah Landfill.
- b. Authorize the City Manager to Negotiate and Execute a Lease Agreement with the Alliance for Rural Community Health for a Portion of the Ukiah Railroad Depot Located at 309 E. Perkins and Authorize the City Manager to Negotiate and Execute other Leases Administered by the Ukiah Valley Conference Center.
- c. Adoption of Resolution Removing 40 Lineal Feet of On-Street Parking at the Northwest Corner of North Pine Street and Gibson Street.
- d. Adoption of Resolution Setting the Limitation on City Expenditures (Gann Limit) For Fiscal Year 2015-2016.
- e. Notification of Publishing Services By *Ukiah Daily Journal* for Fiscal Year 2015/2016, in the Amount of \$6.25 per Column Inch for the First Insertion and \$4.26 per Column Inch for Each Subsequent Insertion of the Same Advertisement.

- f. Approval of Notice of Completion for ADA Curb Ramps Phase 6b, Specification No. 14-13.
- g. Adoption of Resolution Removing the Existing No Parking Zone on the East Side of Waugh Lane From 751 Waugh Lane to Cooper Lane.
- h. Approve Funding Request by Leadership Mendocino for Class 2015-16.

8. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The City Council welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Council when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

9. COUNCIL REPORTS

10. CITY MANAGER/CITY CLERK REPORTS

11. PUBLIC HEARINGS (6:15 PM)

- a. Consider Approving a Mitigated Negative Declaration, Adopting a Resolution and Introducing an Ordinance for the Mountanos Residential Planned Development Project Located At 334 North Main Street.
- b. Consider Adopting a Negative Declaration and Introducing an Ordinance Amending the Official Zoning Map and Ukiah Zoning Code to Establish a Homeless Shelter Overlay Zone and Amending Resolution 2001-15 (Homeless Shelter Facility Use and Development Guidelines).

12. UNFINISHED BUSINESS

- a. Introduction of Ordinance by Title Only to Give Citation Authority to Community Services Officers and Other City Employees Designated by the City Manager or City Council Resolution to Enforce Specified City Ordinances or State Laws and Approve Corresponding Budget Amendment.

13. NEW BUSINESS

- a. Introduce an Ordinance by Title Only adding Section 3020 to the Ukiah City Code Relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Systems.
- b. Adoption of Resolution Approving the Disaster Mitigation Act 2000 (DMA 2000) Mendocino County Multi-Hazard Mitigation Plan including Appendix J for the City of Ukiah.
- c. Approve and Authorize the City Manager to Enter into a New Electric Interconnection Agreement with P.G. & E. and Adopt Corresponding Resolution (EUD).
- d. Adoption of Resolution Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure.
- e. Presentation of Report of Services and Annual Report from the Economic Development Financing Corporation (EDFC) and Consideration of an Adjustment to Account 10017100.52100 to Read "Economic Development Services Provided by Outside Agencies."

- f. Discussion and Direction Regarding the Further Exploration of Participation in a Property Assessed Clean Energy (PACE) Program.

14. CLOSED SESSION – Closed Session may be held at any time during the meeting

- a. **Conference with Legal Counsel – Existing Litigation**
(Cal. Gov't Code Section 54956.9(d)(1))
Name of case: *City of Ukiah v. Questex, LTD, et al*, Mendocino County Superior Court, Case No. SCUK- CVPT-15-66036
- b. **Conference with Legal Counsel – Existing Litigation**
(Government Code Section 54956.9(d)(1))
Name of case: *Ukiah Valley Sanitation District v. City of Ukiah*, Mendocino County Superior Court Case No. SCUK-CVC-13-63024
- c. **Conference with Labor Negotiator**
(Government Code Section 54957.6)
Agency Representative: Sage Sangiacomo, City Manager
Employee Organizations: All Bargaining Units

15. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Dated this 28th day of August, 2015.
Kristine Lawler, City Clerk

**CITY OF UKIAH
CITY COUNCIL MINUTES
Regular Meeting
CIVIC CENTER COUNCIL CHAMBERS
300 Seminary Avenue
Ukiah, CA 95482
August 5, 2015
6:00 p.m.**

1. ROLL CALL

Ukiah City Council met at a Regular Meeting on August 19, 2015, having been legally noticed on August 14, 2015. Mayor Crane called the meeting to order at 6:00 p.m. Roll was taken with the following **Councilmembers Present:** Maureen Mulheren, Kevin Doble, Jim O. Brown, Vice Mayor Scalmanini and Mayor Crane. **Staff Present:** Sage Sangiacomo, City Manager; David Rapport, City Attorney; and Kristine Lawler, City Clerk.

MAYOR CRANE PRESIDING.

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS/INTRODUCTIONS/PRESENTATIONS

a. Proclamation and Presentation: National Health Center Week, August 9-15, 2015.

Presenter: Paula Cohen, Alliance for Rural Community Health (ARCH) President.

Public Comment: Carole Press, Mendocino Community Health Clinic, Inc., Chief Executive Officer.

b. Presentation: Retirement of Police Canine, Daisy.

Presenter: Chief Chris Dewey, Police Chief.

4. PETITIONS AND COMMUNICATIONS

5. APPROVAL OF MINUTES

- a. Minutes of July 29, 2015, a Special Meeting.
- b. Minutes of August 5, 2015, a Regular Meeting.

Motion/Second: Doble/Brown to approve the minutes of July 29, 2015, a Special Meeting and the minutes of August 5, 2015, a Regular Meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

6. RIGHT TO APPEAL DECISION

7. CONSENT CALENDAR

- a. Report of Disbursements for the Month of July – *Finance*.
- b. Notification of Purchase of a Police Dual Trained – Protection and Narcotics Canine from Golden Gate K9, LLC, in the Amount of \$17,243.75 Utilizing Police Asset Forfeiture Funds – *Police*.

- c. Adoption of Resolution (2015-31) Designating Human Resources Sr. Management Analyst as Alternate Director to the Redwood Empire Municipal Insurance Fund's (REMIF) Board of Directors – *Human Resources*.

Motion/Second: Doble/Brown to approve Consent Calendar Items 7a – c, as submitted. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

8. **AUDIENCE COMMENTS ON NON-AGENDA ITEMS**

Presenter: Phil Baldwin.

9. **COUNCIL REPORTS**

Presenter: Vice Mayor Scalmanini.

10. **CITY MANAGER/CITY CLERK REPORTS**

Presenters: Sage Sangiacomo, City Manager and Tim Eriksen, Public Works Director.

11. **PUBLIC HEARINGS**

12. **UNFINISHED BUSINESS**

a. **Award Construction Contract for Grace Hudson Museum Building Improvements Spec No. 15-08 – *Community Services*.**

Presenters: Katie Marsolan, Project Analyst; Mary Horger, Purchasing Supervisor; and Sherrie Smith-Ferri, Museum Director.

Public Comment:

Motion/Second: Doble/Brown to award contract (COU No. 1516-095) to FRC, Inc. in the amount of \$344,000 for Spec No. 15-08 Grace Hudson Museum Building Improvements, waiving the irregularities and subject to no bid protests being filed within 5 calendar days of bid opening, and approve corresponding budget authorization for the FY 15/16 budget. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

b. **Award Construction Contract for Grace Hudson Museum Parking and Storm Water Improvements Spec No. 15-09 – *Community Services*.**

Presenter: Katie Marsolan, Project Analyst and Sherrie Smith-Ferri, Museum Director.

Motion/Second: Brown/Doble to award contract (COU No. 1516-096) to Gregg Simpson Trucking in the amount of \$474,588, for Spec No. 15-09 Grace Hudson Museum Parking and Storm Water Improvements, subject to no bid protests being filed within 5 calendar days of bid opening, and approve corresponding budget authorization for the FY 15/16 budget. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

RECESS 6:48 – 6:54 P.M.

- c. Update Regarding Proposed Amendments to Professional Services Agreements with GHD, Inc. in an Amount not to Exceed \$8,318 for Construction Management and Inspection Services, and in an Amount not to Exceed \$24,967 for Re-Design of Construction Documents, for the Northwestern Pacific Rail Trail Project Phase 1, Specification No. 14-01 – Public Works.**

Presenter: Tim Eriksen, Public Works Director.

Public Comment: Amanda Devereux, Gregg Simpson Trucking.

Report was received.

RECESS: 8:56 – 9:07 P.M.

13. **NEW BUSINESS**

- a. Adoption of Resolution Making Appointments to the Paths, Open Space and Creeks Commission (POSCC) and the Parks, Recreation and Golf Commission (PRGC) – City Clerk.**

Presenter: Kristine Lawler, City Clerk.

Motion/Second: Mulheren/Doble to adopt the Resolution (2015-32) approving the listed table of nominations (*shown below*) and making appointments to the Paths, Open Space and Creeks Commission and the Parks, Recreation and Golf Commission. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

BOARD/ COMMISSION	NAME	POSITION	NOMINATED BY COUNCILMEMBER
Paths, Open Space and Creeks Commission	Beth Lang	Resident in City Limits	Councilmember Brown
Paths, Open Space and Creeks Commission	Deborah Edelman	Resident in City Limits	Councilmember Doble
Parks, Recreation and Golf Commission	Vicki Bitonti-Brown	At Large, City Resident	Vice Mayor Scalmanini

- b. Introduction of Ordinance by Title Only to Give Citation Authority to Community Services Officers and Other City Employees Designated by the City Manager or City Council Resolution to Enforce Specified City Ordinances or State Laws – Police.**

Presenter: Trent Taylor, Support Services Captain.

Public Comment: Tom Fletcher.

This item was continued to the September 2, 2015, meeting due to an administrative error in the agenda publication.

- c. Adopt Resolution Approving Application for Grant Funds for the California Cultural and Historical Endowment Museum Grant Program for the Grace Hudson Cultural Center – Community Services.**

Presenters: Katie Marsolan, Project Analyst and Sherrie Smith-Ferri.

Motion/Second: Mulheren/Doble to adopt the Resolution (2015-33) approving application for grant funds for the California Cultural and Historical Endowment's Museum Grant Program for the Grace Hudson Cultural Center. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- d. Award Purchase of 2016 Digger Derrick Line Truck to Altec Industries Western Division in the Amount of \$360,305.33 and Authorize Corresponding Budget Authorization for Fiscal Year 2015-2016 – Electric Utility.**

Presenter: Mel Grandi, Electric Utility Director.

Motion/Second: Brown/Doble to award purchase of 2016 digger derrick line truck to Altec Industries Western Division in the amount of \$360,305.33, and authorize corresponding budget authorization for Fiscal Year 2015-2016. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

- e. Retention of Steven Mitchell and Geary, Shea, O'Donnell, Grattan & Mitchell as Trial Counsel in Ukiah Valley Sanitation District v. City of Ukiah and Corresponding Budget Authorization for Fiscal Year 15/16 – Administration.**

Presenter: David Rapport, City Attorney.

Motion/Second: Doble/Brown to approve retainer agreement (COU No. 1516-097) with Geary, Shea, O'Donnell, Grattan & Mitchell contained in Attachment 1 and authorize the City Manager to sign the agreement, an association of counsel and the budget authorization for the 2015-16 fiscal year. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

12. UNFINISHED BUSINESS - Continued

- d. Discussion and Consideration of Adoption the Fiscal Year 2015-2016 Budget, Capital Improvement Plan and Cost Allocation Plan.**

Presenter: Karen Scalabrini, Finance Director.

Public Comment: Linda Sanders (*speaking as Ukiah resident*), Susan Knopf, and Phil Baldwin.

Motion/Second: Doble/Brown to approve: 1) The Cost Allocation Plan; 2) To adopt the Resolution (2015-34) adopting the Fiscal Year 2015-2016 Operations Budget; and 3) To adopt the Resolution (2015-35) approving the Fiscal Year 2015-2016 Capital Improvement Plan, with the amendment to add the Gobbi/Waugh Traffic Signal to the projects placed on hold until future discussion. Motion **carried** by the following roll call votes: AYES: Mulheren, Doble, Brown, Scalmanini, and Crane. NOES: None. ABSENT: None. ABSTAIN: None.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:04 P.M.

14. CLOSED SESSION

a. Conference with Legal Counsel – Existing Litigation

(Cal. Gov't Code Section 54956.9(d)(1))

Name of case: *City of Ukiah v. Questex, LTD, et al*, Mendocino County Superior Court, Case No. SCUK- CVPT-15-66036

b. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9(d)(1))

Name of case: *Ukiah Valley Sanitation District v. City of Ukiah*, Mendocino County Superior Court Case No. SCUK-CVC-13-63024

No action was taken on Closed Session items.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 8:38 p.m.

Kristine Lawler, City Clerk



ITEM NO.: 7a

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: REPORT OF ACQUISITION OF PROFESSIONAL SERVICES FROM ALPHA ANALYTICAL LABORATORIES, INC. FOR QUARTERLY WATER SAMPLING AND COMPLETION OF CHEMICAL EXAMINATION REPORTS FOR THE UKIAH LANDFILL

Summary: Council will consider a report regarding the acquisition of services for quarterly water sampling and preparation of chemical examination reports for the Ukiah Landfill.

Background: In accordance with the Waste Discharge Requirements issued by the North Coast Regional Water Quality Control Board, the City is mandated to complete quarterly water sampling and analysis for the Ukiah Landfill.

Discussion: In compliance with Section 1522 of the City Code, this report is submitted to the City Council for the purpose of reporting the acquisition of professional consulting services costing more than \$10,000. The Public Works Department requested Alpha Analytical Laboratories, Inc. to conduct quarterly water sampling and completion of chemical examination reports for the Ukiah Landfill. Alpha Analytical completed the quarterly water sampling and completion of chemical examination reports for the amount of \$14,278.80.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$200,000	Landfill	70024500.52100	Yes ☐ No ☒	

RECOMMENDED ACTION(S): Receive and file report of acquisition of professional services from Alpha Analytical Laboratories, Inc. for quarterly water sampling and completion of chemical examination reports for the Ukiah Landfill. Report is submitted pursuant to City Code.

ALTERNATIVES: N/A

Citizens advised: None.
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works / City Engineer
Attachments: None.

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted..

Approved: 
Sage Sangiacomo, City Manager



ITEM NO.: 7b

MEETING DATE: August 19, 2015

AGENDA SUMMARY REPORT

SUBJECT: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH THE ALLIANCE FOR RURAL COMMUNITY HEALTH FOR A PORTION OF THE UKIAH RAILROAD DEPOT LOCATED AT 309 E. PERKINS AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE OTHER LEASES ADMINISTERED BY THE UKIAH VALLEY CONFERENCE CENTER.

Summary: Council will consider standardizing lease protocol for leases administered by the Ukiah Valley Conference Center.

Background: For the past twenty-one years the Ukiah Valley Conference Center (UVCC) has operated as the leasing agent for City managed facilities. In cooperation with the NCRA, the City of Ukiah secured funding for the renovation of the Ukiah Railroad Depot Building and restored the facility to its original condition. As a result of the City's contribution, the City was granted possession and control over the building for a period not less than fifty years. In accordance with the lease agreement with NCRA, the City has the right to sublease the building. In addition, the City has assumed responsibility for the maintenance of the building until such time as NCRA reestablishes regular scheduled passenger rail service to Ukiah and has the need to utilize all or a portion of the building for use as a train depot.

Discussion: The Railroad Depot Building is currently occupied by the Arts Council of Mendocino County. The Alliance Rural Community Health has expressed interest in occupying vacant space at the Train Depot for their bookkeeper Carol Mordhorst. Staff recommends that the Council authorize the City Manager to negotiate and execute a lease with Alliance Rural Community Health, for the office space at the Railroad Depot referred to as the "Ladies Lounge" in the amount of \$380.00 per month. The agreement will include an initial one year term with an annual renewal option subject to a yearly consumer price index adjustment.

The Railroad Depot is currently managed by the Community Services Department. The Parks Division performs outside maintenance and the Conference Center Division administers the lease agreements and facility maintenance as part of their property management services.

Continued on Page 2

RECOMMENDED ACTION(S): Authorize the City Manager to negotiate and execute a lease agreement with the Alliance for Rural Community Health for a portion of the Ukiah Railroad Depot and authorize the City Manager to negotiate and execute other leases administered by the Ukiah Valley Conference Center.

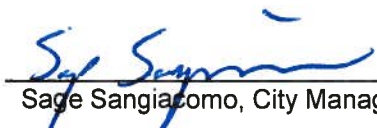
ALTERNATIVES: Determine this recommended action is not appropriate and provide staff with direction to Staff.

Citizens advised: n/a
Requested by: n/a
Prepared by: Kerry Randall, Facility Administrator
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Kerry Randall, Facility Administrator & Maya Simerson, Community Services Supervisor
Attachments: Proposed Lease Agreement

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

In accordance with past procedures on most of the administered agreements, and in an effort to create a standardized lease agreement protocol, we are requesting Council to authorize the City Manager to negotiate and execute these standard annual agreements that are administered by the UVCC. This would allow staff to standardize these routine agreements and make the process more efficient and timely for the lessees.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
\$3,192.00	Revenue (General Fund: Parks)	10022100.46340	Yes ☐ No ☒	
\$1,368.00	Revenue (Conference Center)	73000000.44934	Yes ☐ No ☒	

SUBLEASE AGREEMENT
BETWEEN THE CITY OF UKIAH
And
ALLIANCE FOR RURAL COMMUNITY HEALTH

The Sublease, made this twenty eighth day of May 2015, by and between the City of Ukiah, hereinafter referred to as "Sublessor" and the Alliance Rural Community Health in compliance with applicable state and federal laws, hereinafter referred to as "Subtenant".

WITNESSETH:

WHEREAS:

1. Sublessor leases from the North Coast Railroad Authority ("NCRA") certain premises ("the Leased Premises") in the City of Ukiah located at 309 East Perkins, Ukiah CA 95482 and known as the Ukiah Railroad Depot, which are described in Exhibit A to the Lease Between NCRA and the City of Ukiah, Dated August 25, 2009 ("the Lease").
2. At the commencement of each subsequent year, the rent shall be increased at a rate not to exceed 5%.
3. Under Section 8.02 of the Lease, Sublessor has the right to sublease all or any portion of the Leased Premises provided the subtenants use the Leased Premises for uses allowed under the Lease and otherwise are subject to the terms of the Lease that apply to subtenant.
4. Subtenant intends to use the portion of the Leased Premises subject to this sublease to serve the traveling public which is a use related to surface transportation as authorized by Section 2 of the Lease.

NOW, THEREFORE, the parties hereto agree that on the terms and conditions hereinafter expressed, Sublessor does hereby let to Subtenant and Subtenant does hereby hire from Sublessor, approximately 365 square feet of the Ukiah Railroad Depot Building ("the Building") located on the Leased Premises, along with access to the parking area on the Leased Premises.

1. TERM

The term of this Sublease shall be month-to-month, commencing on June 1, 2015.

2. RENT

- 2.1 Rent for the Subleased Premises shall be \$380.00 per month. If rent due under this paragraph is not received by Sublessor on or before the tenth day of the month, Subtenant shall pay Sublessor a late fee of 10% of the monthly rent. The imposition of this fee is in addition to any other remedies Sublessor may have for Subtenant's failure to pay rent when due under the terms of the Sublease.
- 2.2 Subtenant shall also pay any real property, possessory interest or personal property taxes, and assessments imposed on the Subleased Premises, property located on or affixed to the Sublease Premises or as a result of the Sublease, or the Subtenant's use of the Subleased Premises.

3. USE, UTILITIES, REPAIRS, MAINTENANCE

- 3.1 The Premises shall be used for general office business to be conducted by Subtenant. Subtenant shall not use or store in the Premises any hazardous or toxic substances, with the sole exception of reasonably necessary substances that are kept in reasonable necessary quantities for normal office operation, provided that their use and storage are in accordance with applicable laws. Subtenant shall not do or permit anything to be done on the Subleased Premises that will obstruct or interfere with the rights of other subtenants of the Leased Premises or injure or annoy them, or use or allow the Subleased Premises to be used for any unlawful purposes, nor shall Subtenant cause, maintain, or permit any nuisance or waste on or about the Subleased Premises.
- 3.1(a) At Subtenant's sole cost, Subtenant shall promptly comply with all laws and governmental rules now or later in force; with the requirements of any board of fire underwriters or other similar body now or in the future constituted; with any direction or occupancy certificate issued by public officers ("Legal Requirements"), insofar as they relate to the condition, use, or occupancy of the Subleased Premises. Excluded are (a) structural changes or changes to the electrical, mechanical, or plumbing systems of the Building, all to the extent not necessitated by Subtenant's acts or by improvements made for Subtenant, other than the tenant improvements to be made pursuant to this Sublease by Sublessor, if any; (b) alterations or improvements to the Building as a whole or

the Premises of tenants generally that are not by law the tenant's responsibility with which to comply; and work necessitated by defects in the construction of the Building. Sublessor shall comply in a timely manner with all Legal Requirements that are not Subtenant's responsibility under this Section to the extent noncompliance would adversely affect Subtenant's use or occupancy of the Premises.

3.1(b) Subtenant shall comply with all rules adopted by Sublessor regarding the use of the Leased Premises, the Building or the Subleased Premises which are furnished to Subtenant in writing (copy of the current rules are attached hereto as Exhibit "B"). Sublessor shall not be responsible to Subtenant for the nonperformance of any of these rules by any other tenant, subtenant or occupant of the Building, but Sublessor shall take reasonable steps to enforce any rules, the nonperformance of which by other subtenants, if any, materially and adversely affects Subtenant in the use of the Premises. However, if any rule conflicts with any term, covenant, or condition of this Sublease, this Sublease shall prevail. In addition, no rules, or any subsequent amendments adopted by Sublessor shall alter, reduce, or adversely affect any of Subtenant's rights or enlarge Subtenant's obligations under this Sublease.

3.1(c) Sublessor may enter the Premises at reasonable hours and, except in the event of an emergency, on reasonable prior notice, to: (a) inspect the Premises; (b) exhibit the Premises to prospective purchasers, lenders, or tenants; (c) determine whether Subtenant is complying with all obligations under this Sublease; (d) service alarm system; (e) post notices of no responsibility; and (f) make repairs or perform maintenance required of Sublessor by this Sublease, made repairs to any space or utility services, or make repairs, alterations, or improvements to any other portion of the Building. However, all this work shall be done as promptly as reasonable possible and cause as little interference to Subtenant as reasonably possible. Subject to Sublessor's undertakings in the previous sentence, Subtenant waives any damage claims for inconvenience to or interference with Subtenant's business or loss of occupancy or quiet enjoyment of the Premises caused by Sublessor's entry. At all times Sublessor shall have a key with which to unlock the doors on the Premises, excluding Subtenant's vaults, safes, and similar areas designated as secure areas. In an emergency, Sublessor shall have the right to use any means that Sublessor deems proper to open Subtenant's doors and enter the Premises. Entry to the Premises by Sublessor in an emergency shall not be construed as a forcible or unlawful entry, or an actual or constructive eviction of Subtenant.

4.2 Both parties agree that rent for the Premises includes all costs for utilities.

4.3 Any exterior damage must be reported to the Sublessor.

- 3.4 Damage by Subtenant shall be repaired by Sublessor at Subtenant's expense. The standard of maintenance shall equal that of commercial office buildings of a similar class in the City of Ukiah.
- 3.4(a) Sublessor shall furnish electricity for lighting and the operation of the office.
- 3.4(b) Sublessor shall not be in default under this Sublease, nor be liable for any damages resulting from, nor shall the required rental be abated because of: (I) the installation, use or interruption of use of any equipment in connection with furnishing the previously listed services; (II) failure to furnish or delay in furnishing these services, when failure or delay is caused by accident or conditions beyond the reasonable control of Sublessor or by necessary repairs or improvements to the Premises or to the Building; or (III) the limitation, curtailment, rationing, or restrictions on the use of water, electricity, gas or any other form of energy serving the Premises or the Building. Sublessor shall use reasonable efforts to diligently remedy interruptions in the furnishing of these services.
- 3.4(c) Upon receipt of a bill, Subtenant shall reimburse Sublessor for the cost of: (I) all heat or air conditioning provided to the Premises during hours requested by Subtenant when those services are not otherwise furnished by Sublessor; and (II) all power and cooling energy provided for supplementary air conditioning facilities in the Premises. Subtenant shall also pay the cost of any transformers, additional risers, panel boards, and other facilities, if reasonably required to furnish power for supplementary air conditioning facilities in the Premises. The cost of item shall be a per hour charge reflecting the electrical energy, labor and fixed plant costs (excluding depreciation) of operating the heating and air conditioning system.
- 3.4(d) In the event that Sublessor, at Subtenant's request, provides services to Subtenant that are not otherwise provided for in this Sublease, Subtenant shall pay Sublessor's reasonable charges for these services on billing of Sublessor.
- 3.5 In addition to the monthly rental and other charges to be paid by Subtenant under this Sublease, Subtenant shall pay Sublessor for all of the following items (collectively, "Impositions"); possessory interest or other taxes imposed on the Subleased premises, its contents or the activities conducted in them, to the extent not paid to the taxing entity by Subtenant.
- 3.6 Subtenant accepts the Premises as being in the condition in which Sublessor is obligated to deliver the Premises, subject to the tenant improvements, if any, that Sublessor has agreed to make. At all times during the term of this Sublease and at Subtenant's sole cost, Subtenant shall keep the Premises in good condition and repair; exceptions are ordinary wear and tear and damage to the

Premises by fire, earthquake, ordinary wear and tear and damage to the Premises by fire, earthquake, or act of God or the elements. Subtenant waives all rights to make repairs at the expense of Sublessor or instead to vacate the Premises, and Subtenant further waives the provisions of Civil Code §§1941 and 1942 with respect to Sublessor obligations under this Sublease. At the end of the term of the Sublease, Subtenant shall surrender to Sublessor the Premises and all Alterations that are to remain in the Premises in the same condition as when received; exceptions are ordinary wear and tear and damage by fire, earthquake, or act of God or the elements. Sublessor has no obligation and has made no promise to alter, remodel, improve, repair, decorate, or paint the Premises, except as specifically set forth in this Sublease. Sublessor has made no representations respecting the condition of the Premises or the Building, except as specifically set forth in this Sublease.

4. ALTERATIONS

- 4.1 Subtenant shall not make any alterations to the interior or exterior of the Subleased premises without the prior written consent of the Sublessor. Sublessor may, but need not, require the Subtenant to furnish drawings, plans or specifications for any proposed alterations, which the Sublessor may review prior to authorizing any such alterations.
- 4.2 Subtenant shall keep the Premises and the Building free from any liens arising out of any work performed, materials furnished, or obligations incurred by Subtenant. Sublessor may have posted on the Premises any notices that may be provided by Law or that Sublessor may deem proper for the protection of Sublessor, the Premises, and the Building from those liens. Subtenant may contest any lien for which Subtenant is responsible under this Section, provided that Subtenant shall have caused the lien to be bonded against.

5. HOLD HARMLESS AND LIABILITY INSURANCE

- 5.1 Indemnification. NCRA and Sublessor shall not be liable for and are free from the cost of any damages for personal injury or property damage resulting from the use made by Subtenant of the Subleased premises, any defective condition or faulty construction of the Subleased premises existing at the time of letting or arising thereafter and Subtenant covenants and agrees to indemnify and save harmless NCRA and Sublessor and their officers, agents and employees from and against any and all claims, liability, loss, cost, or other obligation, including reasonable attorneys' fees, on account of or arising out of Subtenant's use of the Subleased Premises.

- 5.2 Liability insurance. Subtenant covenants and agrees during the life of this Sublease at Subtenant's sole expense to comply with the requirements of Exhibit B, Insurance Requirements for Subtenants (No Auto Risks) attached hereto and incorporated herein by reference.

6. ASSIGNMENT

Subtenant will not assign this Sublease, or any interest therein, and will not let or underlet the said Premises, or any part thereof, without the prior written consent of the Sublessor.

7. OWNERSHIP OF IMPROVEMENTS

If Subtenant installs any permanent improvements, in accordance with paragraph 4 of this Sublease, or otherwise, such improvements shall become a part of the Subleased Premises and title to said improvements shall be vested in the Sublessor upon termination of this Sublease. Sublessor shall have the right to demand that Subtenant restore the premises to the condition it was in prior to the date this Sublease is made and if such demand is made, Subtenant shall so restore the premises within the (10) days of the date such notice is given.

8. TERMINATION

Notwithstanding any other provision of this Sublease to the Contrary, the parties shall have the right to terminate this Sublease under the following circumstances.

- 8.1 Upon thirty (30) days prior written notice to the other party, Sublessor and Subtenant shall have the mutual right to terminate the Sublease for any reason.
- 8.2 Either party shall have an immediate right to terminate this Sublease without prior notice to the other party other than that required by law for any breach of a term of the Sublease by the other party, including, but not limited to, the Subtenant's obligation to pay rent or provide liability insurance.
- 8.3 The remedies provided in this Sublease are in addition to any other remedies available to Sublessor at law, in equity, by statute, or otherwise.
- 8.4 Agreements and provisions to be performed by Subtenant under this Sublease shall be at Subtenant's sole cost and without abatement of rental, except as specifically provided in this Sublease. If Subtenant (I) fails to pay any sum of money, other than rental, required under this Sublease, or (II) fails to perform any other act under this Sublease, Sublessor may, without waiving or releasing

Subtenant from any obligations of Subtenant, make payment or perform other acts required by this Sublease on Subtenant's behalf. All sums paid by Sublessor and all necessary incidental costs shall be payable to Sublessor on demand and shall constitute additional rental under this Sublease.

- 8.5 If, over Sublessor's objection, Subtenant holds possession of the Premises after expiration of the term of this Sublease or expiration of the holdover tenancy, Subtenant shall be deemed to be a tenant-at-sufferance and, without limiting the liability of Subtenant for unauthorized occupancy of the Premises, Subtenant shall indemnify Sublessor and any replacement tenant for the Premises for any damages or loss suffered by either Sublessor or the replacement tenant for the Premises for any damages or loss suffered by either Sublessor or the replacement tenant resulting from Subtenant's failure to vacate the Premises in a timely manner.

9. ATTORNEY'S FEES

If either party to this Sublease prevails in any legal proceeding arising under or in connection with the terms of the Sublease, that party shall recover its reasonable attorney's fees from the other party.

10. NOTICE

Whenever notice is required to be given under this Sublease, it shall be deemed given when personally delivered by fax, email or when deposited in the U.S. Mail with first class postage properly affixed and addressed as follows:

Sublessor

City Of Ukiah , UVCC
200 South School Street
Ukiah, CA 95482

Subtenant

Alliance Rural Community Health
309 Perkins Street
Ukiah, CA 95482

11. WAIVER

Waiver of any breach of this Sublease, including the failure to pay rent or obtain prior approval for an assignment of the Sublease, shall not be deemed a waiver of any subsequent breach of the same or a different provision of the Sublease.

12. PARAGRAPH HEADING

Paragraph headings are included for the convenience of the parties and are not intended to define or limit the scope of this Sublease.

13. PREVIOUS AGREEMENT

Any and all existing statements or agreements, whether oral or written, or renewals thereof between the parties hereto, covering the same subject matter, are hereby cancelled and superseded by the terms of this Sublease, and such prior agreements, statements or understandings shall have no further force or effect.

14. DUPLICATE ORIGINALS

This Sublease may be executed in one or more duplicate originals bearing the original signature of both parties and when so executed any such duplicate original shall be admissible as proof of the existence and terms of this Sublease.

Entered on the date reference above: May 28, 2015

Jane Chambers, City Manager
City of Ukiah



Paula Cohen, Chairman of the Board
Alliance Rural Community Health



ITEM NO.: 7c

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF RESOLUTION REMOVING 40 LINEAL FEET OF ON-STREET PARKING AT THE NORTHWEST CORNER OF NORTH PINE STREET AND GIBSON STREET

Summary: Council will consider adopting a resolution that establishes a no parking zone at the northwest corner of N. Pine St. and Gibson St.

Background: The Traffic Engineering Committee (TEC) received a request from Carol K. Gottfried to establish a no parking zone at the northwest corner of N. Pine St. and Gibson St.

Discussion: Per Ms. Gottfried, vehicles parked near the corner of Pine and Gibson reduce sight distance and make it difficult to maneuver around the corner. With the proposed no parking zone there will be a net loss of 2 on-street parking spaces. Staff notified by letter Ms. Gottfried and nine adjacent neighbors/property owners of the proposed no parking zone. In addition, staff posted a notice of the proposed no parking zone at the corner of N. Pine St. and Gibson St. Of those receiving notification, four people spoke in favor of the no parking zone. No one spoke against the no parking zone.

The TEC reviewed this request at its meeting of August 11, 2015. The TEC recommends approval of the no parking zone to the City Council. A location photomap of the area is included for reference as Attachment 2.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A		Yes ☐ No ☐	N/A

RECOMMENDED ACTION(S): Adopt resolution removing 40 lineal feet of on-street parking at the northwest corner of N. Pine St. and Gibson St.

ALTERNATIVES: Do not adopt resolution and provide direction to staff.

Citizens advised: Carol K. Gottfried and nine adjacent neighbors/property owners
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works / City Engineer
Attachments: 1. Resolution for Adoption
2. Location photomap

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH REMOVING 40 LINEAL FEET OF ON-STREET PARKING AT THE NORTHWEST CORNER OF NORTH PINE STREET AND GIBSON STREET.

WHEREAS, the City Council may by resolution designate portions of streets upon which the standing, parking, or stopping of vehicles is prohibited or restricted pursuant to Article 11, Chapter 1, Division 8 of the Ukiah City Code; and

WHEREAS, the Traffic Engineering Committee (Traffic Engineer) considered the request to establish a no parking zone at the northwest corner of N. Pine St. and Gibson St. at its meeting on August 11, 2015; and

WHEREAS, the Traffic Engineer recommends the request to establish a no parking zone at the northwest corner of N. Pine St. and Gibson St.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the City Council of the City of Ukiah does establish a no parking zone at the northwest corner of N. Pine St. and Gibson St. The City Engineer shall direct installation of signage and curb painting as necessary;

PASSED AND ADOPTED this 2nd day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk



ATTACHMENT "2"
Proposed No Parking Zone
Northwest Corner of N. Pine St. & Gibson St.

Gibson St.

Between N. Bush St. & Pine St.

Street Width: 31 feet

Google Image—August 2013





ITEM NO.: 7d
MEETING DATE: September 02, 2014

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF RESOLUTION SETTING THE LIMITATION ON CITY EXPENDITURES (GANN LIMIT) FOR FISCAL YEAR 2015-2016

Summary: Council will consider a resolution adopting Gann Limit for Fiscal Year 2015-2016 Budget.

Background: The passage of Proposition 4 in 1979 (Article XIIB of the California Constitution), requires local governments to annually adopt an appropriation limit pursuant to state law. This limit is commonly known as the "Gann Limit" and limits the proceeds of taxes for government. The limit is adjusted each year based on economic factors and must be adopted by the governing body of the agency.

Discussion: Exhibit A, attached to the Fiscal Year 2015-16 Proposed Resolution (Attachment 1), sets forth the history and calculations necessary to establish the appropriations limit for the City of Ukiah's 2015-2016 fiscal year.

Adoption of the Fiscal Year 2015-2016 Resolution (Attachment 1) assures the community and the State of California that the appropriations approved did not exceed the City's annual appropriations limit. For fiscal year 2015-2016 the calculations showed a limit of \$36,654,917 and appropriations subject to the limit of \$11,795,038. This provides a large margin of safety 67.82% or (\$24,859,878) before compliance with this law would become a concern.

Staff recommends the City Council adopt the attached resolution establishing an appropriation limit on City expenditures for Fiscal Years 2015-2016.

Fiscal Impact:

☐ Budgeted FY 15/16 ☐ New Appropriation ☒ Not Applicable ☐ Budget Amendment Required

Amount Budgeted	Source of Funds (title and #)	Account Number	Addit. Appropriation Requested
\$			\$

Recommended Action(s): Adopt resolution fixing limitation on City expenditures for Fiscal Year 2015-16.

Alternative Council Option(s): N/A

Citizens advised: N/A
Requested by: N/A
Prepared by: Karen Scalabrini, Finance Director
Coordinated with:
Attachments: FY 2015-2016 Appropriation Limitation Resolution (Attachment 1), with attachment Exhibit "A".

Approved: 
Sage Sangiacomo, City Manager

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH FIXING LIMITATION ON CITY EXPENDITURES FOR FISCAL YEAR 2015-2016

WHEREAS, the provisions of Proposition 4, (Article XIII B of the California Constitution), the spending initiative, passed by the voters of the State of California, place a limitation on the expenditures of governmental agencies; and

WHEREAS, the above referenced legislation requires the City of Ukiah to establish its appropriation limit for the 2015-2016 fiscal year; and

WHEREAS, the Director of Finance of the City of Ukiah has computed the limitation of the City of Ukiah for the 2015-2016 fiscal year in accordance with the provisions thereof in the amount of \$36,654,917.

NOW, THEREFORE, BE IT RESOLVED, that the budgetary appropriation limitation of the City of Ukiah for fiscal year 2015-2016 is hereby fixed at \$36,654,917, as set forth on Exhibit "A" attached hereto and made a part hereof by this reference.

PASSED AND ADOPTED this 2nd day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Douglas F. Crane, Mayor

Kristine Lawler, City Clerk

CITY OF UKIAH
APPROPRIATIONS LIMITATION SUMMARY
Fiscal Year 2015/2016

PROCEEDS OF TAXES	\$11,795,038
EXCLUSIONS	0
APPROPRIATIONS SUBJECT TO LIMITATION	\$11,795,038
CURRENT YEAR LIMIT	\$36,654,917
OVER (UNDER) LIMIT	(\$24,859,878)
AVAILABLE CAPACITY AS A % OF LIMIT	67.82%

In November, 1979, the voters of the State of California approved Proposition 4, commonly known as the Gann Initiative. The Proposition created Article XIII B of the State Constitution placing limits on the amount of revenue which can be spent by all entities of government. Prop 4 became effective for the 1980/81 fiscal year, but the formula for calculating the limits was based on the 1978/79 "base year" revenues.

In order to deal with an increasing number of complaints about the restrictions of Prop 4, and to increase the accountability of local government in adopting their limits, the voters approved Prop 111 in June 1990. Among other things, Prop 111 provides new adjustment formulas which should make the Appropriations Limit more responsive to local growth issues. It also requires an annual review of Limit calculations.

The Appropriations Limitations imposed by Propositions 4 and 111 creates a restriction on the amount of revenue which can be appropriated in any fiscal year. The Limit is based on actual appropriations during the 1978/79 fiscal year, and is increased each year using the growth of population and inflation. Not all revenues are restricted by the Limit, only those which are referred to as "Proceeds of Taxes."

CITY OF UKIAH
Spending Limit Calculation
Fiscal Year 2015/16

APPROPRIATIONS SUBJECT TO LIMIT

Fiscal year 2015/16 estimated revenues	\$15,249,652
Less:	
Nonproceeds of tax	(\$3,454,614)
Plus:	
User fees in excess of costs	0
Total appropriations subject to limit:	\$11,795,038

APPROPRIATION LIMIT

Fiscal year 2014/15 appropriation limit:	\$35,302,689
A. Cost of living adjustment *	1.0382
B. Population adjustment **	1.0001
Change Factor (A x B)	1.0383
Increase (decrease) in appropriation limit	\$1,352,228
FISCAL YEAR 2015/16 APPROPRIATION LIMIT	\$36,654,917
REMAINING APPROPRIATION CAPACITY	\$24,859,878
Available capacity as a percent of limit	67.82%

* Based on percentage change in California per capita income.

** Based on annual population change for Ukiah.

CITY OF UKIAH
Spending Limit Calculation
Fiscal Year 2015/2016

REVENUE SOURCE	PROCEEDS OF TAX	NON-PROCEEDS OF TAX	TOTAL
Property tax	\$ 1,341,155	\$	1,341,155
Retail sales/use tax	5,162,724		5,162,724
Transient occupancy tax	1,052,621		1,052,621
Business license tax	354,972		354,972
Real property transfer tax	30,000		30,000
Motor vehicle in-lieu	1,277,963		1,277,963
Measure S	2,506,738		2,506,738
Tobacco Retailers Lic Tax	800		800
Licenses & permits		134,650	134,650
Franchise fees		1,500,360	1,500,360
Rental Income/Program Fees		669,002	669,002
Charges for services		758,571	758,571
Other revenue		372,095	372,095
SUBTOTAL	\$ 11,726,973	\$ 3,434,678	\$ 15,161,651
PERCENT OF TOTAL	77.35%	22.65%	100.00%
INTEREST INCOME	\$68,065	\$19,936	\$88,001
TOTAL-GENERAL FUND	\$11,795,038	\$3,454,614	\$15,249,652

(excludes interfund transfers & Central Services Allocations)

CITY OF UKIAH
Appropriation Limitation Adjustments for the Last Ten Years

BUDGET YEAR	PRICE FACTOR	POPULATION FACTOR	CHANGE FACTOR	PRIOR YEAR APPROP LIMIT	CURRENT APPROP LIMIT
2006/2007	1.0396	0.9966	1.0361	\$27,346,687	\$28,486,475
2007/2008	1.0442	1.0017	1.0460	\$28,486,745	\$29,894,305
2008/2009	1.0429	1.0010	1.0439	\$29,894,305	\$31,401,243
2009/2010	1.0062	1.0016	1.0078	\$31,401,243	\$31,760,230
2010/2011	0.0975	1.0010	0.0976	\$31,760,230	\$31,074,238
2011/2012	1.0251	1.0025	1.0277	\$31,074,238	\$31,997,546
2012/2013	1.0377	1.0021	1.0399	\$31,997,546	\$33,273,581
2013/2014	1.0512	1.0049	1.0564	\$33,273,581	\$35,148,577
2014/2015	0.9977	1.0067	1.0044	\$35,148,577	\$35,302,689
2015/2016	1.0382	1.0001	1.0383	\$35,302,689	\$36,654,917



ITEM NO.: 7e
MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: NOTIFICATION OF PUBLISHING SERVICES BY *UKIAH DAILY JOURNAL* FOR FISCAL YEAR 2015/2016, IN THE AMOUNT OF \$6.25 PER COLUMN INCH FOR THE FIRST INSERTION AND \$4.26 PER COLUMN INCH FOR EACH SUBSEQUENT INSERTION OF THE SAME ADVERTISEMENT

Summary: Council is given the notification of the 2015-2016 legal publishing service rates from the Ukiah Daily Journal.

Background:

As the *Ukiah Daily Journal* is the only newspaper that qualifies for the designation as "a newspaper having general circulation" in Ukiah, a formal process requesting bids for legal publishing services was not used.

Discussion:

The *Ukiah Daily Journal* submitted a letter outlining its proposed 2015/2016 fiscal year contract rates for legal advertising with the City of Ukiah. There is no increase from the 2014/2015 rates. The proposal is \$6.25 for the first run, and \$4.26 per column inch for additional insertions, remaining the same as the last six years. Upon approval by the City Council, Staff will issue a Purchase Order to the Ukiah Daily Journal for legal advertising costs.

Fiscal Impact:

☒ Budgeted FY 15/16	☐ New Appropriation	☐ Not Applicable	☐ Budget Amendment Required
<u>Amount Budgeted</u>	<u>Source of Funds (title and #)</u>	<u>Account Number</u>	<u>Addit. Appropriation Requested</u>
\$9,500.00	Legal Advertising	1011100.52150	

Recommended Action(s): Receive notification of the legal publishing services of *Ukiah Daily Journal* for fiscal year 2015/2016, in the amount of \$6.25 per column inch for the first issue and \$4.26 per column inch for additional issues.

Alternative Council Option(s): N/A

Citizens advised: N/A
Requested by: N/A
Prepared by: Kristine Lawler, City Clerk
Coordinated with: Mary Horger, Purchasing Supervisor
Attachments: 1. Proposal letter from *Ukiah Daily Journal* dated August 25, 2015

Approved: 
Sage Sangracomo, City Manager

The Ukiah DAILY JOURNAL



Attachment 1

The Ukiah Daily Journal
P.O. Box 749
Ukiah, CA. 95482

August 25, 2015

Kristine Lawler
City of Ukiah
463-6213
Ukiah, California 95482

Dear Kristine Lawler,

This letter serves as our proposed rate structure between the Ukiah Daily Journal and the City of Ukiah for legal advertising for the period of July 1, 2015 to June 30, 2016.

The Legal Advertising rates for the City of Ukiah will remain the same, as the past years, at \$6.25 per column inch for the first insertion and \$4.26 per column inch for each subsequent insertion of the same advertisement.

In addition to the following guidelines, all contract terms, conditions and general information specified on The Ukiah Daily Journal's current rate card (available online) apply to this agreement between The Ukiah Daily Journal and the City of Ukiah:

Errors and omissions: The Ukiah Daily Journal is liable only for the cost of the space containing an error and is not responsible for costs associated with omissions. Legal ads received and published after established deadlines will not be eligible for credit or a re-run in case of error.

Copy Acceptance: copy for legal ads will be accepted from printed copy, via email (as a text attachment only), on a CD (in text format only), and via fax.

Proofs will be made available for copy received before deadline upon request. Second requests for tear sheets after 30 days from publication are to be provided by electronic means (adobe PDF format). These will incur an additional charge of \$5 per request.

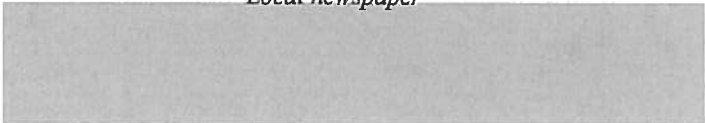
Requests for ads to run after published deadline will be considered as space and time allows, with no guarantee of publication. Cancellations: Ads canceled after published deadlines will incur a 25% cancellation penalty, if indeed we have not printed said ad, in those cases the charges will stand.

Advertiser must notify The Ukiah Daily Journal within 30 days of receipt of bill of any discrepancies. The bill will be due in full 15 days upon receipt. Finance charges will not be waived for amounts due over 60 days. Any previous contracted terms expire 30 days after the date of this notice.

Thank you,

Kevin McConnell
Publisher
The Ukiah Daily Journal

*Mendocino County's
Local newspaper*





ITEM NO.: 7f

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: APPROVAL OF NOTICE OF COMPLETION FOR ADA CURB RAMPS PHASE 6B, SPECIFICATION NO. 14-13

Summary: Staff is requesting the approval of a Notice of Completion for the ADA Curb Ramps Phase 6B project. Funding for this project is provided, in part, from the 2% LTF Bicycle and Pedestrian Fund provided by the Mendocino Council of Governments.

Background & Discussion: The City Council awarded a contract on June 3, 2015 to Darren Taylor Construction, Inc. of Anderson, CA in the amount of \$135,765.55 (with designation of funding in the amount of \$13,576.55 for authorized change orders) for the subject project. The work on the contract was completed by the contractor in substantial conformance with the approved plans and specifications on August 20, 2015. The final contract cost, based on actual quantities constructed is \$147,581.35, which was within the authorized amount. Final payment of the retention will be made to the contractor after 35 days from the date the Notice of Completion is filed with the County Recorder.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☐	N/A

RECOMMENDED ACTION(S): 1. Accept the work as complete; 2. Direct the City Clerk to file the Notice of Completion with the County recorder for ADA Curb Ramps Phase 6B, Specification No. 14-13.

ALTERNATIVES: N/A

Citizens advised: Brom Barker, Darren Taylor Construction, Inc.
Requested by: Tim Eriksen, Director of Public Works/City Engineer
Prepared by: Ben Kageyama, Senior Civil Engineer
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works/City Engineer
Attachments: 1. Notice of Completion

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted..

Approved: 
Sage Sangiacomo, City Manager

Please return to:

CITY OF UKIAH
300 Seminary Avenue
Ukiah, California 95482-5400
(707) 463-6200

No fee pursuant to Government Code 27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

1. That the real property described is owned by the following whose address is: City of Ukiah, a Municipal Corporation, 300 Seminary Avenue, Ukiah, California 95482-5400.
2. That the nature of the title to the ADA Curb Ramps Phase 6B, Specification No. 14-13 of all said owners is that of fee simple.
3. That on the 20th day of August, 2015, the Contract work for this project was actually completed.
4. That the name and address of the Contractor is Darren Taylor Construction, Inc., 5750 Pleasant View Drive, Anderson, CA 96007-8333.
5. That the real property herein referred to is situated in the County of Mendocino, State of California, and is described as follows: City-owned property located on various public streets and other City property within the City of Ukiah.

I hereby certify under penalty of perjury that the forgoing is true and correct:

City Council Approval

CITY OF UKIAH, a Municipal Corporation

Date

By: _____
Kristine Lawler, City Clerk

Date

State of California

County of Mendocino



ITEM NO.: 7g

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF RESOLUTION REMOVING THE EXISTING NO PARKING ZONE ON THE EAST SIDE OF WAUGH LANE FROM 751 WAUGH LANE TO COOPER LANE

Summary: The City Council is considering removing an existing no parking zone along the east side of Waugh Lane from 751 Waugh Lane to Cooper Lane.

Background: The Traffic Engineering Committee (TEC) received a letter from Ms. Rosie Santana requesting removal of the No Parking Zone on Waugh Lane near Creekside Village Senior Apartments. Waugh Lane adjacent to the Creekside Village Senior Apartments is 40 feet wide with no parking posted on the east side of the street. The width of Waugh Lane from the north property line of Creekside Village to Cooper Lane is sufficient to allow curbside parking.

Discussion: Staff notified by letter Ms. Santana, three residents, three employees of Rural Communities Housing Development Corporation, and Creekside Village Senior Apartments of the proposed removal of the no parking zone. In addition, staff posted three Notices of the proposed removal of the no parking zone along the frontage of 751 Waugh Lane. Lastly, staff coordinated with the Mendocino Transit Authority and the Ukiah Senior Center to identify locations to retain no parking zones for bus loading zones.

As a result of this outreach and coordination, staff identified two locations for bus stops shown in blue on the location photomap, Attachment 2. Staff also identified additional areas to retain the no parking zone to allow for sight distance for vehicles departing from Creekside Village Senior Apartments. These areas are shown in red on Attachment 2. The net result of the proposed removal of the no parking zone will be the addition of 18 on-street parking spaces as shown in green on Attachment 2.

The TEC reviewed this request at its meetings of July 14, 2015 and August 11, 2015. Since there is already a no parking zone, the TEC was authorized to approve the two bus stop locations. The TEC recommends approval of the removal of the no parking zone, consistent with Attachment 2, to the City Council.

FISCAL IMPACT:

Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☐	N/A

RECOMMENDED ACTION(S): Adopt resolution removing the existing no parking zone on the east side of Waugh Lane from 751 Waugh Lane to Cooper Lane.

ALTERNATIVES: 1) Do not adopt resolution and provide direction to staff.

Citizens advised: Rosie Santana and nine adjacent neighbors/property owners
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works / City Engineer
Attachments: 1. Resolution for Adoption
2. Location Photomap

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH REMOVING THE EXISTING NO PARKING ZONE ON THE EAST SIDE OF WAUGH LANE FROM 751 WAUGH LANE TO COOPER LANE

WHEREAS, the City Council may by resolution designate portions of streets upon which the standing, parking, or stopping of vehicles is prohibited or restricted pursuant to Article 11, Chapter 1, Division 8 of the Ukiah City Code; and

WHEREAS, there is an existing no parking zone along the east side of Waugh Lane from 751 Waugh Lane to Cooper Lane; and

WHEREAS, the Traffic Engineering Committee (Traffic Engineer) considered the request to remove the no parking zone on the east side of Waugh Lane from 751 Waugh Lane to Cooper Lane at its meetings on July 14, 2015 and August 11, 2015; and

WHEREAS, the Traffic Engineer recommends the request to remove the no parking zone on the east side of Waugh Lane from 751 Waugh Lane to Cooper Lane.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the City Council of the City of Ukiah does remove the no parking zone on the east side of Waugh Lane from 751 Waugh Lane to Cooper Lane. The City Engineer shall direct the signage to be removed as necessary.

PASSED AND ADOPTED this 2nd day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas F. Crane, Mayor

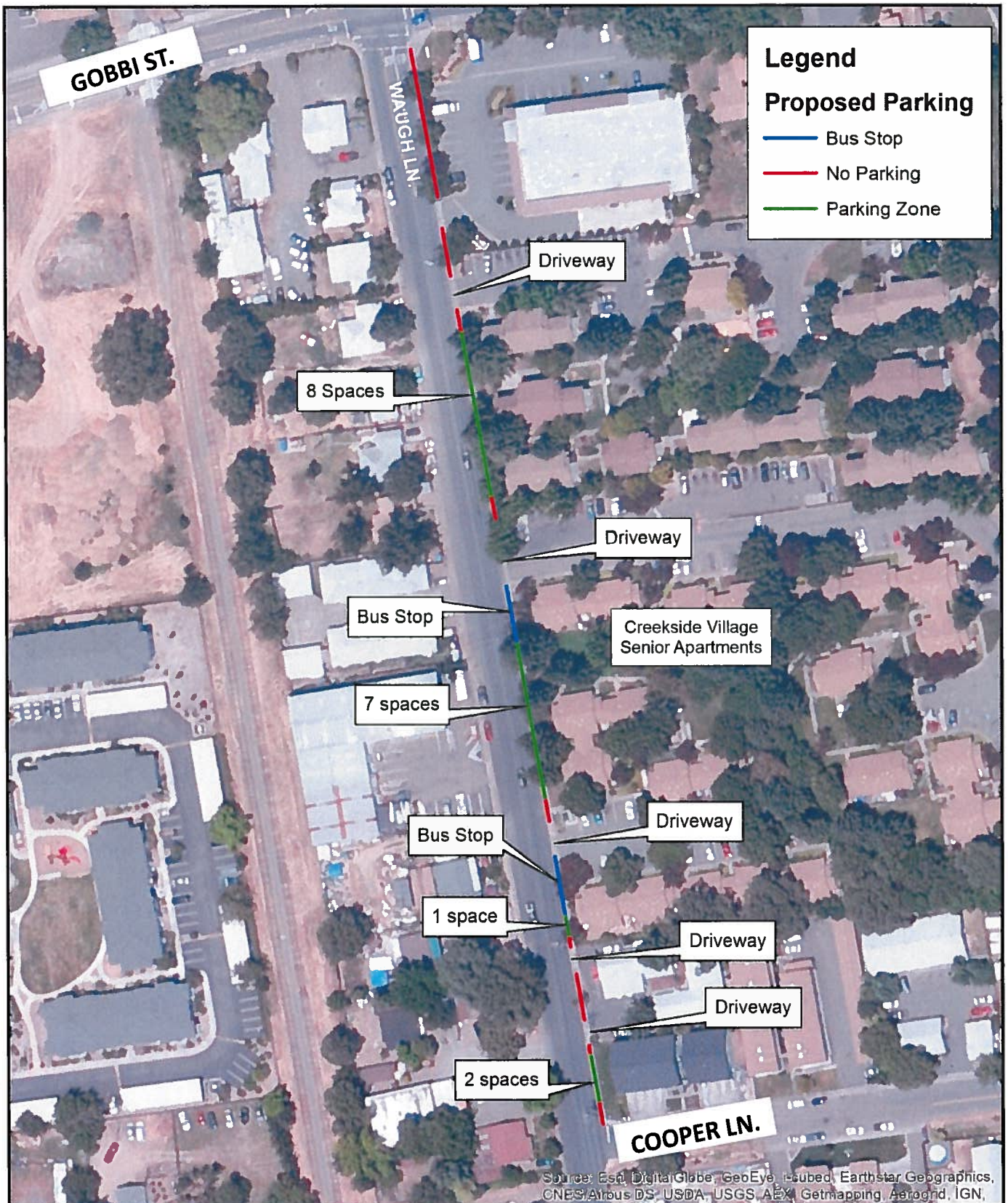
ATTEST:

Kristine Lawler, City Clerk



ATTACHMENT "2"

Waugh Lane Parking Restrictions





ITEM NO.: 7h

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT**SUBJECT: APPROVE FUNDING REQUEST BY LEADERSHIP MENDOCINO FOR CLASS 2015-16****Summary:** Consider approval of Leadership Mendocino's support request for the 2015-2016 Class Program.**Discussion:** The City of Ukiah has participated for many years in Leadership Mendocino with program support and class participation. Attached is the request letter from Leadership Mendocino for support of the 2015-16 Class Program.**Program Overview:** Leadership Mendocino believes that strong communities need informed, progressive leaders. As a community-based program Leadership Mendocino creates opportunities to educate and inspire local people who believe in the future of Mendocino County and who are ready to make a difference.

Each year up to 32 applicants are accepted into the Leadership Mendocino program. The program's monthly classes are held August through May, each with a different focus. As the classes move throughout Mendocino County, participants experience a leadership skills workshop, team building, and access to an impressive network of existing leaders, visionaries and policy makers. Additional program information is available at: <https://www.ncoinc.org/programs/leadership-mendocino/>.

The City Council authorized this item in the Fiscal Year 15-16 Budget in the amount of \$1,000; Miscellaneous General Government Account # 10012400.57300; Memberships and Subscription.

FISCAL IMPACT:			
Budgeted Amount in Current FY	Source of Funds (Title & No.)	Account Number	Budget Amendment Required
\$1,000	Misc. Gen. Gov. Memberships & Subscriptions	10012400-57300	Yes ☐ No X

RECOMMENDED ACTION(S): Approve funding request from Leadership Mendocino in the amount of \$1000,**ALTERNATIVES:** Do not approve request and provide direction to staff.

Citizens advised: Heidi Dickerson, Director Leadership Mendocino
Requested by: Leadership Mendocino
Prepared by: Sage Sangiacomo, City Manager
Coordinated with: Kristine Lawler, City Clerk
Attachments: Letter and Sponsorship Forms

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____**RECORDS APPROVED:** ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Approved: 
Sage Sangiacomo, City Manager

LEADERSHIP MENDOCINO

LM Steering Committee
Lucas Boek LMXVI, Chair
Fetzer Vineyards
Geri Burrell LMV
Retired Educator
Julia Conway LMXV
Assaggiare Mendocino
Nadine DeLapo
NCO
Jeri Erickson, LMXXI
*Mendo Coast Hospital
Found.*
Alison Glassey
Mendo Co. Museum
Richard Strom LM XVIII
Visit Mendocino
Ruth Valenzuela LMXVI
Asm. Wesley Chesbro
Vicky Watts LM XIX
KOZT
Carolyn Welch LMVII
North Coast Opportunities
Alyssum Wier LMXIX
*Arts Council of
Mendocino County*
Heidi Dickerson
LM Director
Patty Bruder LMI
NCO Executive Director

Circle of Leaders



Savings Bank
OF MENDOCINO COUNTY



413 North State Street
Ukiah, CA 95482
707-467-3230
lm@ncoinc.org

July 20, 2015

Sage Sangiacomo, LMVIII
City Manager
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

Dear Sage,

On behalf of Leadership Mendocino I want to thank you for the City's previous support of the Leadership Mendocino program. Due to community and business members like you, Leadership Mendocino is about to begin Class XXIII and the twenty-third year of a program attended by 556 residents of the county.

Acceptance letters have been sent to 28 members of Class XXIII and the caliber of individuals is high in their commitment to our county and their leadership experience. Fourteen are from Ukiah! You will be proud to be partners in their continued leadership development.

Enclosed is a copy of a column I wrote for the Ukiah Daily Journal that shares some of the projects members of Class XXII are working on.

Please let me know if you will continue at the \$1,000 level which is divided between class and general sponsorships.

Thank you again and I look forward to our continued partnership.

With appreciation,

Heidi Dickerson
Program Director



On Leadership by Heidi Cusick Dickerson
Leadership Mendocino Grads Give Back

Thirty three members of Class XXII graduated from Leadership Mendocino last month. They were honored by the Mendocino County Board of Supervisors for completing the ten-month program and for giving back through community projects. Here are a few examples.

Five class members joined boards of directors. Krista Robinson, co-proprietor of Husch Vineyards joined the Community Foundation of Mendocino County. She explains, "I have never served on a board, aside from a small local swimming pool board. Serving on this board feels like a big step. It's a small organization, but the Community Foundation is fiscally responsible and has been able to grow its assets over the last 10 years. I am excited to assist in channeling some of those assets to worthwhile community projects."

Alice Langton Sloan was approved by the Board of Supervisors to fill a vacancy on the Laytonville Municipal Advisory Commission. "This is an exciting and yet daunting time in the Laytonville area with the upcoming bypass nearing completion, the water shortage upon us, the lack of employment and housing opportunities, and the possibility of marijuana legalization in the near future," says Langton Sloan. "It is my hope to address all these issues together as a true and engaged community while honoring the vast array of differences so our voices may be heard."

Cathy Harpe was nominated and approved to be on the Mendocino County Mental Health Advisory Board. As a county employee of nearly 25 years Harpe says, "I am intimately aware of the trials people with mental illness face in this county. In particular the homeless have numerous challenges due to reduced services and rumored future cuts. I will try to make sure that the needs of the mentally ill population are well served. "

"By joining the Greater Ukiah Chamber of Commerce Board," says Gracia Brown, of Visit Mendocino County, "I will be able to learn more about local businesses and help contribute to a successful economy in the town that I reside."

Anastasia Simpson-Logg from Mendocino College has joined the Plowshares Board.

Other class members are doing individual and group projects. Emily Ellickson-Brown from Covelo is working with the Round Valley High School to create a Radio Club. The goal is to produce a monthly radio show to be broadcast on KYBU, the three-year old Round Valley community radio station. "There are not

many youth activities in Round Valley that encourage public speaking and leadership,” says Ellickson-Brown. “Having a place for young people to share their music and ideas with the community is very empowering.”

“School fundraisers are a part of the everyday school experience and vital in raising extra money to buy books and supplies,” says Nadine DeLapo of North Coast Opportunities (NCO). Noting that there are limited fundraising options for PTOs and teachers, she, along with David Weis, from Ukiah Valley Medical Center; Megan Watson, NCO Farm to School Coordinator; Traci Boyl, NCO Community Wellness coordinator; Joseph Brinkley and Carina LaDelle, Fetzer Vineyards; and Chris Watt, LACO & Associates. “We as a group believe that by offering fundraising ideas using local products, schools would be able still raise money and all the revenue will stay local.”

Paloma Patterson works at the Mendocino County Museum in Willits. Her project is to develop a comprehensive, county-wide arts education resource page on the Arts Council of Mendocino County website. “Student involvement in the arts is linked to higher academic performance, greater involvement in community service and lower dropout rates,” says Patterson. “Having a one-stop source for art curriculum makes art education easy for local educators to access.”

Jini Reynolds from Redwood Valley worked with a group from the Saturday Afternoon Club and was able to coordinate with the Redwood Valley Grange on the potential of a new community center.

Jen Dalton, NCO Partners in Community Health coordinator, and Bridget Harrington, co-owner of Patrona restaurant, joined the team at Ukiah Main Street to help redirect the focus of Ukiah’s popular Taste of Downtown in June. “We wanted to highlight local food as well as downtown businesses to promote local shopping and local wine,” says Dalton. This year restaurants teamed up with businesses to share tastes of locally made “signature” dishes.

Albion resident Chris Skyhawk coordinated an event on recognizing and dealing with children’s mental health issues. He assembled school counselors and administrators to focus on better integrating services at schools and coordinating practices among professional service providers. “As a community we need to build a resource base to assist children and their families when incidents occur,” says Skyhawk. “Intervention at a young age makes a huge difference.”

Lisa Bolton, from Trout Unlimited, Jamie Peters, from the Mendocino Coast Hospital Foundation, Dee Lynn Carpenter, from the Little River Inn and Jenny Heckeroth, director of the Mendocino Area Parks Association are volunteering to help with the third annual “Salmon Run” in November.

Heidi Cusick Dickerson is the director of Leadership Mendocino, a ten month program that explores Mendocino County issues, opportunities and challenges.



ITEM NO.: 11a

MEETING DATE: August 19, 2015

AGENDA SUMMARY REPORT

SUBJECT: CONSIDER APPROVING A MITIGATED NEGATIVE DECLARATION, ADOPTING A RESOLUTION AND INTRODUCING AN ORDINANCE FOR THE MOUNTANOS RESIDENTIAL PLANNED DEVELOPMENT PROJECT LOCATED AT 334 NORTH MAIN STREET

Summary: The owner of a small vacant parcel located at 334 North Main Street is proposing to develop an infill two-unit apartment project. In order to pursue the project, a General Plan Amendment is necessary, as is a Planned Development Rezoning and Precise Development Plan. The project would fulfill a major General Plan goal of providing much needed housing near the historic downtown. The proposed two residential units would be market rate rentals and would be located in close proximity to the downtown, shopping, medical facilities, offices, restaurants, major transportation corridors, and other important services.

The project involves two amendments to the General Plan and a rezoning from C-1 (Community Commercial) to PD-R3 (Planned Development /High Density Residential). The Planned Development includes a Precise Development Plan, which serves as the "Site Development Permit." The General Plan Amendment and Rezoning are described below:

Project Description: The project includes a General Plan amendment (2 components) and a Planned Development Rezoning/Precise Development Plan.

General Plan Amendment #1 (Map Correction): The project involves correcting the *Downtown Master Plan Area* map contained in the 1995 General Plan (Figure VI.2-KK: Downtown Master Plan Area) to be consistent with the 1992 City Council adopted *Downtown Master Plan Area Map* contained in the Downtown Revitalization Master Plan. It is assumed that the inconsistency between these two maps was inadvertent. The inconsistency adversely affects the proposed project, because parcels smaller than 1/2 acre are not eligible for the Planned Development tool unless they are located in the Downtown Master Plan area as depicted in the General Plan (See Resolution Exhibit B – General Plan Downtown Master Plan Area Map and Map from the Adopted Downtown Revitalization Master Plan).

Continued on Page 2

■ **RECOMMENDED ACTION(s):** 1) Conduct a public hearing; 2) Approve the Mitigated Negative Declaration; 3) Adopt the Resolution amending the General Plan; and 4) Introduce the Ordinance rezoning the property to Planned Development and approving the Precise Development Plan

■ **ALTERNATIVES:** 1) Provide alternative direction to Staff

Citizens advised:	Publically noticed according to the requirements of the Ukiah City Code.
Requested by:	Charley Stump, Director of Planning and Community Development
Prepared by:	Charley Stump, Director of Planning and Community Development
Coordinated with:	Sage Sangiacomo, City Manager
Presenter:	Charley Stump, Director of Planning and Community Development
Attachments:	1. Resolution 2. Ordinance 3. Mitigated Negative Declaration 4. Planning Commission Staff Report

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Approved: 
Sage Sangiacomo, City Manager

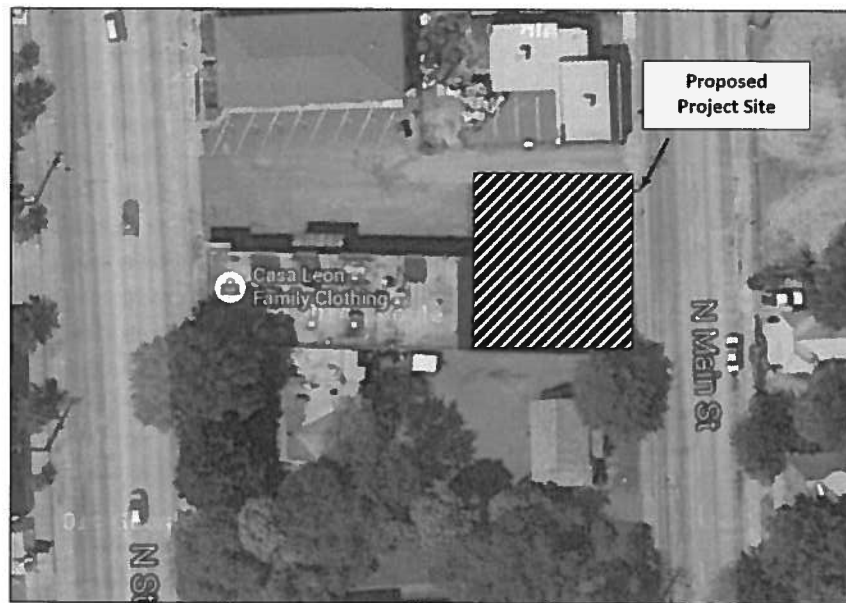
General Plan Amendment #2 (Land Use Designation Change): The General Plan Amendment also changes the land use classification of the project site from *Commercial* to *High Density Residential*.

Planned Development Rezoning/Precise Development Plan: The project involves the construction of two (2) 550 square foot one bedroom, one bathroom units located above individual garages on a non-conforming 5,128 square foot parcel on North Main Street. The zoning code requires a minimum of 6,000 square feet of site area for a residential building in the Community Commercial zoning district, so in order to receive flexibility from this standard, the applicant applied for a *Planned Development* rezoning.

However, the City Code also requires a minimum of ½ acre for Planned Development projects not located within the Downtown Master Plan area map contained in the General Plan. As noted above, the Downtown Master Plan area map contained in the 1995 General Plan is inconsistent with the 1992 Downtown Master Plan map adopted by the City as part of the Downtown Revitalization Master Plan. The 1992 Downtown Master Plan map includes the applicant's property, so if the General Plan is amended to reflect this map, the applicant can proceed with the Planned Development project on the 5,128 square foot parcel on North Main Street.

The Planned Development Rezone would change the zoning on the site from C-1 (Community Commercial) to PD/HDR (Planned Development/High Density Residential).

The Precise Development Plan serves as the "site development Permit" and includes the submitted plans, project information, and development regulations for the site (see Ordinance exhibits A, B and C).



Surrounding Land Uses and Setting: The subject parcel is located on the west side of Main Street south of Norton Street. The built environment in the area is varied and eclectic, and includes single family residential, high density apartments, medium density residential, commercial retail, professional offices, etc.

Planning Commission Review: On July 22, 2015, the Planning Commission conducted a public hearing and considered the proposed project. The only public testimony provided was in support of the proposal. At the conclusion of the hearing, the Commission voted unanimously to recommend approval to the City Council. In formulating its recommendation, the Commission found the project:

1. Consistent with the goals and policies of the General Plan (see Attachment 4);

2. Consistent with the Planned Development Criteria contained in the City Code;
3. Recommended for approval by the Design Review Board;
4. Compatible with Surrounding land uses;
5. Consistent with the Airport Master Plan/County Comprehensive Airport Land Use Plan

ENVIRONMENTAL (CEQA) REVIEW

Planning Department staff prepared an Initial Environmental Study (IS) in order to evaluate the potential impacts that could result from the Project (see attachment 3). The IS identified potential impacts to aesthetics, air quality, cultural resources, hydrology/water quality and noise. As part of the IS, mitigation measures were identified for potentially significant impacts that would reduce the impacts to less than significant levels; therefore, a Mitigated Negative Declaration (MND) was prepared for the Project.

The comment period for the Mitigated Negative Declaration was June 19, 2015 through July 10, 2015. No comments were received from outside agencies or citizens. The Planning Commission is recommending approval of the Mitigated Negative Declaration.

CONCLUSION

The owner of a small vacant parcel in close proximity to the downtown has proposed to construct a building with two separate 550 square foot apartment units over individual garages. Based on the requirements of the *Community Commercial* zoning classification, the parcel is too small in area to allow two separate dwelling units, and therefore the owner pursued lot size requirement relief through a Planned Development/Precise Development Plan application. However, Planned Development applications on parcels less than ½ acre in size can only be pursued if a number of criteria are satisfied. One of those is that the parcel falls within the Downtown Master Plan area as depicted on General Plan Figure VI.2-KK. It was discovered that this figure was inconsistent with the Downtown Master Plan Area Map found in City Council 1992 adopted Downtown Revitalization Master Plan. This necessitated a General Plan amendment to “correct” the map. The General Plan amendment also includes changing the land use designation from “C” (Commercial) to “HDR” (High Density Residential).

The Planning Commission, Design Review Board and staff have found the project consistent with the requirements for Planned Developments, the goals and policies of the General Plan, and compatible in terms of density, land use and design with the surrounding built environment.

FISCAL IMPACT:			
Budgeted Amount in Current FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
			Yes ☐ No ☒

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH APPROVING AN AMENDMENT TO THE UKIAH GENERAL PLAN LAND USE MAP AND AN AMENDMENT/MODIFICATION TO GENERAL PLAN FIGURE VI.2-KK: DOWNTOWN MASTER PLAN AREA MAP – MOUNTANOS GPA / 517 SOUTH MAIN STREET, UKIAH

WHEREAS, the City adopted its current General Plan, including land use maps in December, 1995; and

WHEREAS, the City adopted Figure VI.2-KK (Downtown Master Plan Area Map) when it adopted its General Plan in December, 1995; and

WHEREAS, Mr. Mark Mountanos has applied for a General Plan Amendment to change the land use designation on APN 002-186-02 (334 North Main Street) from Commercial ("C") to High Density Residential ("HDR") to facilitate a Planned Development housing project (see Exhibit "A"); and

WHEREAS, the proposed General Plan Amendment includes the replacement of General Plan Figure VI.2-KK (Downtown Master Plan Area Map) with the Downtown Master Plan Area map found in the 1992 City Council adopted Downtown Revitalization Master Plan (Exhibit "B"); and

WHEREAS, the proposed amendment is deemed to be in the public interest because it will facilitate an infill housing project in close proximity to alternative transportation, shopping, medical services, parks, and other important services as called for in the Ukiah General Plan Housing Element; and

WHEREAS, the proposed amendment is consistent and compatible with the other goals and policies of the General Plan, particularly the housing element, which identifies a strong need for housing in and near the historic downtown; and

WHEREAS, it appears that Figure VI.2-KK was included in error in the General Plan and that the Downtown Area Master Plan map found in the City Council adopted 1992 Downtown Revitalization Master Plan should have been included in the General Plan as Figure VI.2-KK when it was adopted; and

WHEREAS, the potential impacts of the proposed General Plan amendment have been assessed and have been determined not to be detrimental to the public health, safety, and general welfare because it would not create traffic, noise, or other impacts to the neighborhood, nor would it be out of character in terms of use and design because other high density residential development are in the area; and

WHEREAS, the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA). An Initial Study was prepared and demonstrated that there is no substantial evidence that supports a fair argument that the project, as mitigated, would have a significant effect on the environment. The Initial Study and the Notice of Intent to Adopt a Mitigated Negative Declaration were publicly notices as required. The amendment has been processed as required by the California Government including the requirement to provide public notice of the project and public hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 22, 2015, to consider the General Plan Amendment and after receiving testimony, considering the staff report, and due deliberation, the Planning Commission formulated a recommendation to the City Council to adopt the Resolution amending the General Plan.

NOW THEREFORE BE IT RESOLVED that:

1. The City Council hereby approves the Mitigated Negative Declaration and General Plan Amendment to change the land use designation on APN 002-186-02 from Commercial ("C") to High Density Residential ("HDR"), as shown on Exhibit "A"; and
2. The City Council hereby approves the replacement of General Plan Figure VI.2-KK with the Downtown Area Master Plan map found in the City Council adopted 1992 Downtown Revitalization Master Plan, as shown in Exhibit "B."

PASSED AND ADOPTED on _____ 2015 by the following Roll Call Vote:

Ayes:

Noes:

Abstain:

Absent:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

Resolution _____
Exhibit A
General Plan Land Use Map Modification



Commercial "C" changed to High Density Residential "HDR"

Resolution _____
Exhibit B – Page 1 of 2
Existing General Plan/Downtown Master Plan Map

City of Ukiah Mendocino County

Ukiah Valley General Plan and Growth Management Program
VI.2. Community Design ♦ Page 11

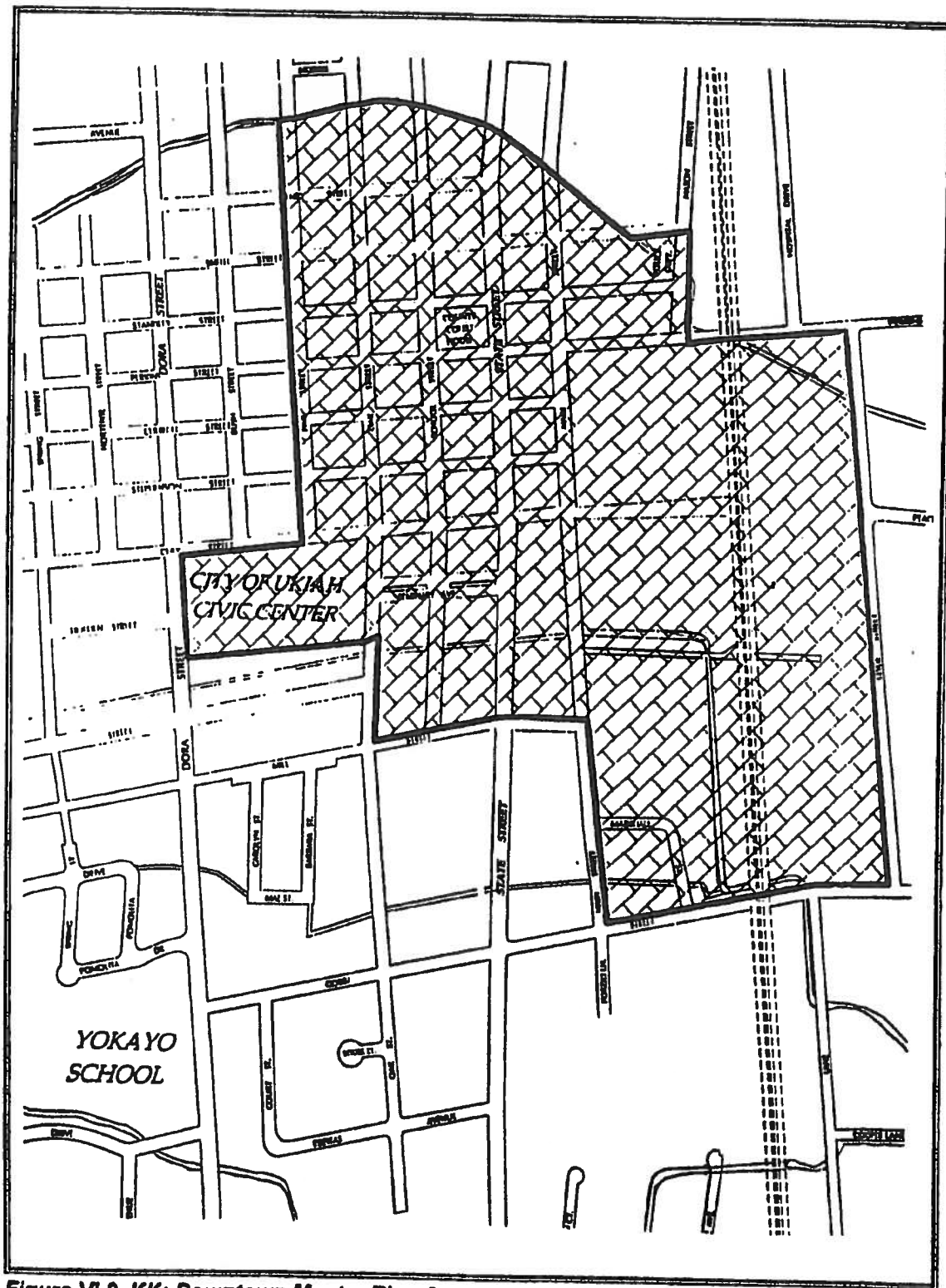
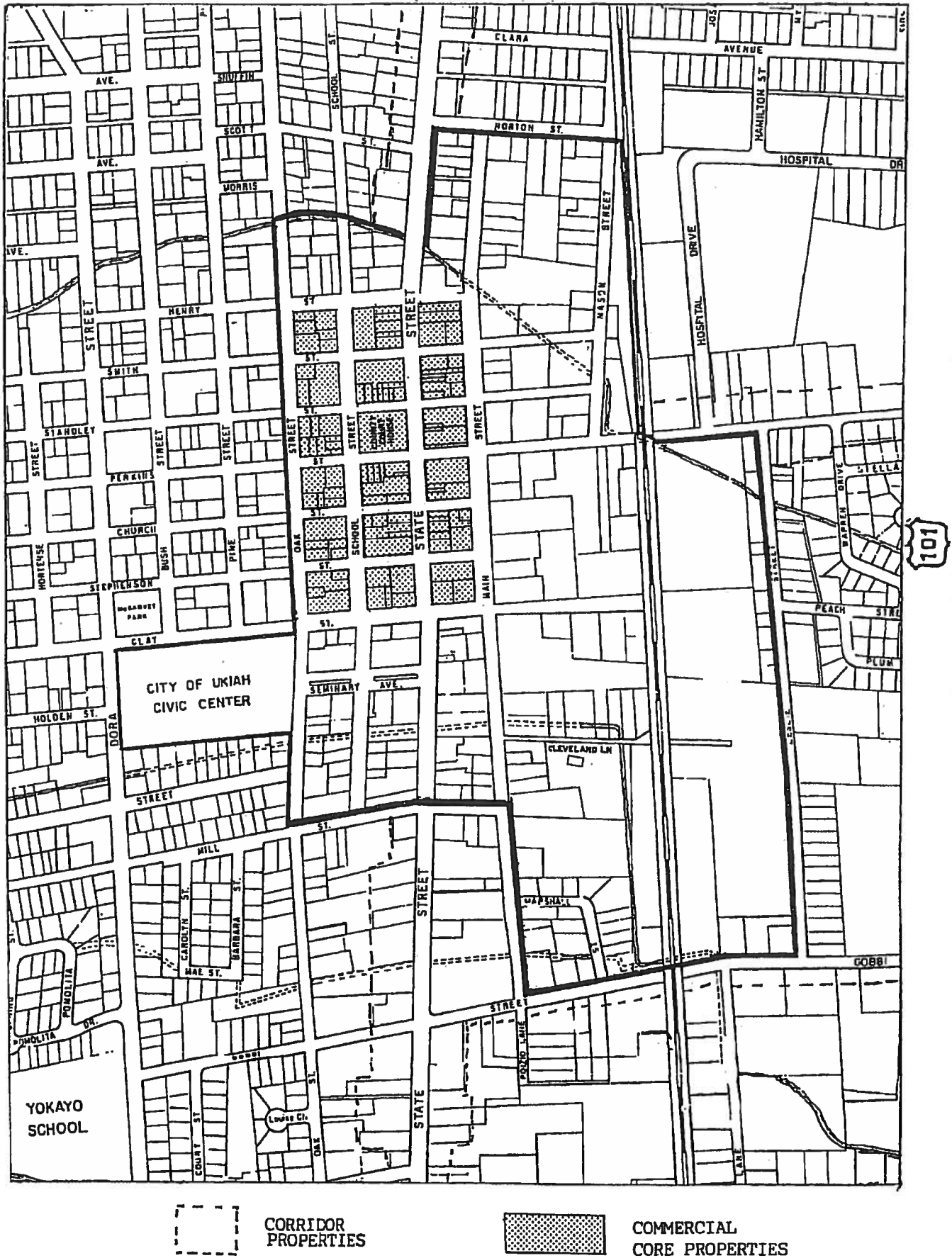


Figure VI.2-KK: Downtown Master Plan Area

Adopted by the City Council: December 6, 1995

Resolution _____
Exhibit B – Page 2 of 2
New General Plan/Downtown Master Plan Map



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF UKIAH AMENDING THE OFFICIAL
ZONING MAP FOR THE CITY OF UKIAH, CALIFORNIA****SECTION ONE**

Pursuant to the procedures set forth in the Ukiah Municipal Code sections 9167 and 9168, the Official Zoning Map for the City of Ukiah is amended to change the zoning of the parcel located at 334 North Main Street (APN 002-186-02) from Community Commercial (C-1) to Planned Development / High Density Residential (PD-R3).

SECTION TWO

The rezoning action and amendment to the Official Zoning Map of the City of Ukiah is necessary to allow a precise development plan for the parcel located at 334 North Main Street. The rezoning action includes the Mountanos North Main Street Apartments Precise Development Plan and PD zoning regulations ("Project") and will allow development of two apartment units within one building located on one parcel.

SECTION THREE

The Planned Development rezoning includes the Mountanos North Main Street Apartments precise development plan, attached hereto as **Exhibit A**, and the Mountanos North Main Street Apartments PD zoning regulations, attached hereto as **Exhibit B**, which are the development plans and zoning regulations for the Project.

SECTION FOUR

Planning Department staff prepared an initial environmental study (IS) in order to evaluate the potential impacts that could result from the Project. The IS identified potential impacts to aesthetics, air quality, cultural resources, hydrology and water quality, and noise. As part of the IS, mitigation measures were identified that would reduce the impacts to less than significant levels; therefore, a mitigated negative declaration (MND) was prepared for the Project. The Project proponent has agreed to the mitigation measures included IS and MND.

SECTION FIVE

The Planning Commission held a duly noticed public hearing on July 22, 2015 after giving notice of said hearing in the manner, for the period, and in the form required by the Ukiah Municipal Code and Government Code sections 65090 and 65091 to consider the proposed Mountanos North Main Street Planned Development Rezoning with precise development plan and PD zoning regulations. After receiving public testimony, considering the staff report, and due deliberation, the Planning Commission **voted** _____ to recommend the City Council adopt the mitigated negative declaration for the project and approve the Mountanos North Main Street Apartment Planned Development Rezoning and Precise Development Plan with PD zoning regulations.

SECTION SIX

The precise development plan for the Mountanos North Main Street Apartments Planned Development, as required by Ukiah Municipal Code section 9167(E), and attached hereto as **Exhibit "A"**, is approved.

1 **SECTION SEVEN**

2 The PD zoning regulations for the Mountanos North Main Street Apartments
3 Planned Development required by Ukiah Municipal Code section 9167(D)(3) and
4 9167(E)(1) and attached hereto as **Exhibit "B"**, are approved.
5

6 **SECTION EIGHT**

7 The approval of the precise development plan attached hereto as **Exhibit "A"**
8 and the PD zoning regulations attached hereto as **Exhibit "B"** shall also be subject to
9 the specific conditions of approval attached hereto as **Exhibit "C"** which incorporate the
10 mitigation measures identified in the Initial Environmental Study and Mitigated Negative
11 Declaration which have been agreed to by the project proponent.
12

13 **SECTION NINE**

14 Based on the analysis and conclusions contained in the Initial Environmental
15 Study, the City Council concluded that the proposed Project would not have a significant
16 effect on the environment and adopted a Mitigated Negative Declaration.
17

18 **SECTION TEN**

19
20 The approval of the proposed Project is based on the following findings:
21

- 22 1. The Project, as conditioned, is consistent with the General Plan as described in the
23 *General Plan* section of the staff report, including Table 1.
24
- 25 2. The Project, as conditioned, is consistent with the findings required for adoption of an
26 ordinance establishing a Planned Development Combining Zone prescribed in Ukiah
27 City Code section 9168(C) based on the following:
28
 - 29 A. **General Plan:** The Project is consistent with general plan as described in the
30 *General Plan* section of the staff report, including Table 1.
31
 - 32 B. **Purpose and Intent of the Planned Development Combining Zone District:**
33 The precise development plan for the project includes two apartment units and
34 two garages within one building on one parcel. The proposed Project would
35 increase the supply of housing in Ukiah by constructing two new apartment units.
36 The Project is required to repair and curb, gutter, sidewalk that is in disrepair,
37 and install street trees which provide an amenity to the neighborhood. The
38 Project utilizes the parcel efficiently by constructing new 1-bedroom, 1 - bath
39 apartments with usable patio/yard space, storage space in the garage, and
40 onsite parking. The reduction in the minimum parcel size requirement for
41 constructing two units provides reasonable and marketable apartment unit sizes
42 and the smaller lot may reduce the overall cost to maintain the apartment units.
43 The applicant for this project has determined that the most marketable project for
44 the parcel is development of small and efficient apartment units as shown in the
45 proposed precise development plan and has estimated the rental prices of the
46 units would be affordable to a large number of Ukiah citizens. The project
47 responds to the current market demand for small apartment units, particularly
48 units in or near the historic downtown. The Project is consistent with the criteria
49 for evaluating the consistency of precise development plans with the purpose
50 and intent of the Planned Development combining district.

1 **C. Complements and Compatible with Existing and Potential Development:**

2 The Project would develop two (2) small apartment units on an existing small
3 vacant parcel. Single-family and multi-family homes are located in the immediate
4 neighborhood, as are commercial developments. The proposed PD Regulations
5 identify the uses and development standards for the parcel included in the PD.
6 The PD regulations are based on the uses and development standards of the R3
7 zoning district and modified to address the specific parcel and use (apartments)
8 included in the Project. The size and design of the apartment units, density, and
9 use are compatible with and complementary to other development in the area.
10 The Project was reviewed by the Design Review Board who found the Project
11 compatible with and complementary to other development in the area and
12 appropriate for the individual parcels on which the apartment units would be
13 constructed.

- 14
15 3. The Mountainos North Main Street Precise Development Plan, as conditioned, is
16 consistent with the criteria for evaluating the consistency of precise development
17 plans with the purpose and intent of the Planned Development combining district
18 identified in zoning ordinance section 9167(F).

19
20 A. **Circulation Needs and Impacts:** The Project would result in two (2) apartment
21 units. Each unit would be accessed from a stairway extending from the driveway
22 that has access to a public street (North Main Street). The repair of any
23 sidewalks improves pedestrian circulation in the neighborhood. The Project was
24 reviewed by the Public Works Department Staff, who did not identify any traffic
25 related issues related to construction or operation of the Project.

26
27 B. **Parking and Traffic Needs and Impacts:** Two (2) onsite garage parking spaces
28 would be provided for each apartment unit as required by the City Code. Since
29 the parking is for apartment units, the residents have the ability, through rental
30 agreements, to control visitor parking and move vehicles as needed.

31
32 C. **Utilities and Public Services Needs and Impacts:** City services are available
33 to serve the Project. The City has enacted mandatory water conservation
34 measures and the residents of the Project would be required to comply with any
35 water conservation measures in place. The Project includes drought tolerant
36 landscaping and water conserving irrigation. The Project has been reviewed by
37 Public Works Department, Electric Utility, Fire Marshal, and Building Official and
38 there are adequate services and utilities to serve the Project.

39
40 D. **Noise Needs and Impacts:** The proposed Project would be similar in use,
41 intensity, and density to the built environment and land uses in the surrounding
42 neighborhood. The City's noise ordinance would apply to this Project both
43 during construction and after occupancy. Mitigation measures and conditions of
44 approval have been applied to the Project to address construction related noise
45 impacts.

46
47 E. **Odor Needs and Impacts:** The Project is a residential Planned Development;
48 typically odors are not associated with residential uses.

49
50 F. **Private and Common Space Needs and Impacts:** The Project does not include
51 any common space since it is a small two (2) unit apartment development. Each

1 parcel includes a rear yard patio/yard space that provides private open space for
2 each residence.
3

4 **G. Trash Collection Needs and Impacts:** The precise development plan identifies
5 a location for the trash/recycling containers in the side yard. Each resident would
6 be responsible for placing containers at and removing containers from the curb
7 for trash and recycling collection.
8

9 **H. Security and Crime Deterrence Needs and Impacts:** Exterior lighting is
10 proposed for the small apartment building. The parcel includes fencing which will
11 define the private space/parcel from the public right-of-way. Development of the
12 vacant site as proposed could reduce the incidents of loitering in the area since
13 there would be fewer locations for loitering and more "eyes on the street." The
14 Project was reviewed by the Police Department and no concerns related to
15 security and crimes were identified.
16

17 **I. Energy Consumption Needs and Impacts:** The Project is subject to the
18 requirements of the California Green Building Code Standards which includes
19 specific requirements (materials and light fixtures) to reduce energy
20 consumption.
21

22 **J. Relationship to Physical Features:** The Project includes one small parcel
23 devoid of significant natural/physical features.
24

25 **K. Consistency of Architectural Features:** The Project would use a modern and
26 simple design with a number of exterior colors and materials. The Project was
27 reviewed by the DRB who found the design of the Project compatible with the
28 neighborhood
29

30 **L. Balance and Integration with Neighborhood:** The proposed Project includes
31 two (2) 550 sf apartment units over ground level garages. The size and height of
32 building is smaller than other apartment units in the area, but comparable in size
33 to nearby single family homes. The Project was reviewed by the Design Review
34 Board who found the Project to be consistent and compatible with other
35 residential development in the neighborhood and appropriate for the parcel.
36

37 **M. Building Design:** The design of the duplex structure is modern and simple. It
38 will have a 12/4 pitched roof, horizontal siding, double pane windows, outdoor
39 balconies and individual patios/yards.
40

41 **N. Density:** The parcel included in the Project is only 5,128 square feet in size.
42 The underlying zoning district Community Commercial (C1) requires a minimum
43 lot area of 6,000 sf for "each building or group of buildings." Based on a
44 minimum lot size of 6,000 sf, the maximum density for the R3 zoning district
45 would be 7.28 units per acre. The density of the proposed Project is 8.4 units per
46 acre due to the smaller lot size. The Project was reviewed by the DRB who
47 found the design and density of the Project compatible with the neighborhood
48 and appropriate for the parcels.
49

1 4. Planning Department staff prepared an Initial Environmental Study (IS) in order to
2 evaluate the potential impacts that could result from construction and implementation
3 of the Mountanos North Main Street Apartment Planned Development Rezoning,
4 Precise Development Plan and PD Zoning Regulations. The IS identified potential
5 impacts to aesthetics, air quality, cultural resources, hydrology and water quality, and
6 noise. As part of the IS, mitigation measures were identified that would reduce the
7 impacts to less than significant levels. A Mitigation Monitoring Reporting Program
8 has been prepared for the Project and the project proponent has agreed to the
9 mitigation measures.

10
11 5. Notice of the Rezoning and Precise Development Plan was provided in the following
12 manner:

- 13
14 ▪ posted at the County Clerk;
15 ▪ mailed to property owners within 300 feet of the parcels included in the Project;
16 ▪ published in the Ukiah Daily Journal;
17 ▪ posted on the Project site;
18 ▪ posted at the Civic Center (glass case).

19
20 **SECTION ELEVEN**

21 The ordinance shall be published as required by law in a newspaper of general
22 circulation in the City of Ukiah.

23
24 **SECTION TWELVE**

25 The ordinance shall become effective 30 days after its adoption.

26
27 **INTRODUCED BY TITLE ONLY** on _____ by the following roll call vote:

28
29 AYES:

30 NOES:

31 ABSENT:

32 ABSTAIN:

33
34
35 **ADOPTED** on _____ by the following roll call vote:

36
37 AYES:

38 NOES:

39 ABSENT:

40 ABSTAIN:

41
42
43 _____
44 Douglas F. Crane, Mayor

45
46
47 **ATTEST:**

48
49
50 _____
51 Kristine Lawler, City Clerk

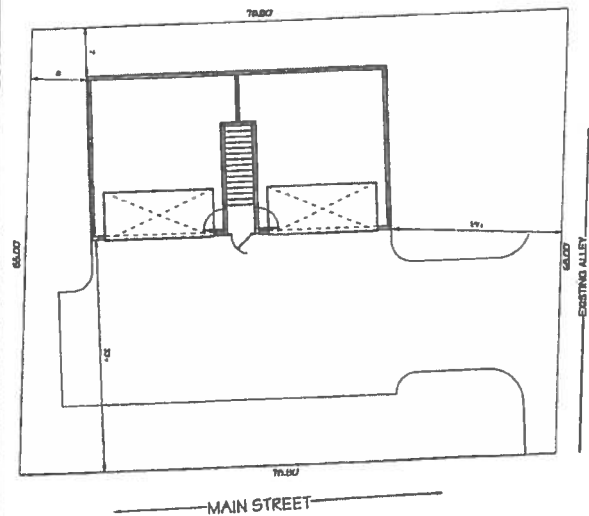
Exhibit A

Project Plans

**Mountanos Duplex Apartment Project
Planned Development Ordinance
Precise Development Plan**

GENERAL NOTES

- [illegible]



NOTE: OWNER TO BE RESPONSIBLE FOR ALL DRAINAGE AND MAINTENANCE ISSUES, INCLUDING MONITORING AND VERIFYING TRAINS ARE OPERATING CORRECTLY WITH NO EXCESSIVE FUEL OIL IN DRAINAGE DRAINS TO SLOW KURITA AS DESCRIBED. ALL DRAIN COUNTERS TO BE DRAIN AND SOLID FUEL OIL PLANTS NO NATURAL DRAINAGE. IF ALL DISPERSED SOIL TO BE SIFTED AND COUNTERED WITH STEAM PRESSURE RAIN.

SITE PLAN

NOTE: TRUSS CALCULATIONS ARE A DEFERRED SUBMITTAL
PROVIDE TRUSS MANUFACTURER'S SPECIFICATIONS
TO BUILDING DEPARTMENT PRIOR TO FABRICATION

FIRE SPRINKLERS TO BE A DEFERRED SUBMITTAL ITEM. PROVIDE TWO COPIES OF PLANS AND CALC'S TO BUILDING DEPARTMENT FOR APPROVAL PRIOR TO INSTALLATION OF FIRE SPRINKLERS.

GREEN BUILDING NOTES

- [illegible]

[illegible]

Worker's age	1994-1995	1996-1997
18-24	10	10
25-34	10	10
35-44	10	10
45-54	10	10
55-64	10	10
65-74	10	10
75 and older	10	10
Gender		
Male	10	10
Female	10	10
Marital status		
Married	10	10
Single	10	10
Widowed	10	10
Divorced	10	10
Never married	10	10
Education		
High school or less	10	10
Some college	10	10
College graduate	10	10
Postgraduate	10	10
Occupation		
Professional	10	10
Service	10	10
Production	10	10
Transportation	10	10
Health care	10	10
Education	10	10
Government	10	10
Other	10	10
Industry		
Manufacturing	10	10
Construction	10	10
Retail	10	10
Health care	10	10
Education	10	10
Government	10	10
Other	10	10

Source: Bureau of Labor Statistics, Bureau of Census, 1994-1995 and 1996-1997 Survey Data on the Number of Days in the Past 12 Months That Workers Were Unable to Work Due to Injury or Illness.

[illegible]Design Parameters per 2010 CBC

Floor Live Load:	40 psf
Roof Live Load:	20 psf
Ground Snow Load:	0 psf
Basic Wind Speed:	85 mph
Seismic Design Category:	E
Soil Site Class:	D

DEVIATION



ORION
 (உருது) உருது

RECEIVED

SEP 05 2014

CITY OF UTAH

BUILDING/ PLANNING DEPARTMENT

NOTE: BETWEEN OCTOBER 1ST AND JUNE 1ST, OR AT ANY OTHER TIME DURING THE YEAR THAT A SIGNIFICANT RAIN EVENT IS PENDING, EROSION CONTROL MEASURES SHALL BE IN PLACE PER THE SITE DEVELOPEMNT PLAN.

NOTE: BUILDINGS SHALL HAVE ATTACHED ADDRESS NUMBER, BUILDING NUMBERS OR ATTACHED NUMBER, APPROX. PLAT NUMBER, OR OTHER IDENTIFYING INFORMATION. IF THE STREET ADDRESS IS KNOWN, RECORD FURNISHING THE PROPERTY MUST CORRELATE WITH THAT INFORMATION. ADDRESS NUMBERS SHALL BE A MINIMUM OF 4 DIGITS WITH A MINIMUM STREET OR VEIN NO. WHERE ACT 66 50' BY 60' MEASURES OF A PRIVATE ROAD AND THE BUILDING ADDRESS CANNOT BE USED BECAUSE THE PLAT, MAP, A CITY MAP, TITLE OR OTHER RECORD INFORMATION IS USED IN DETERMINING THE SITE. IF THE

Drilling by:
Blueprints and Copies

Proposed 2-Hall Dwelling for
Mark Mountanos
334 North Main Street
Urbana, CA 95487
A.P.N. 002-185-07-00

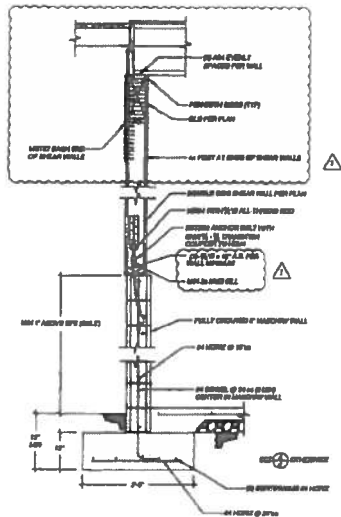
EDMUND BLADY

DATE: 12/24/2013

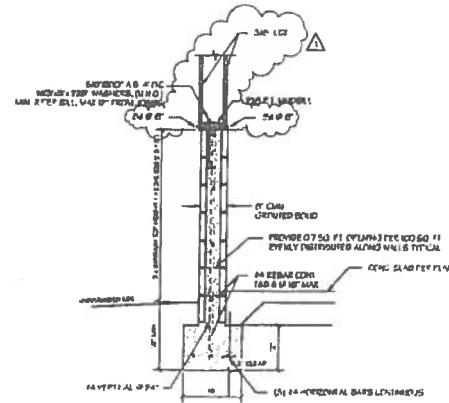
FIGURE 10.3.



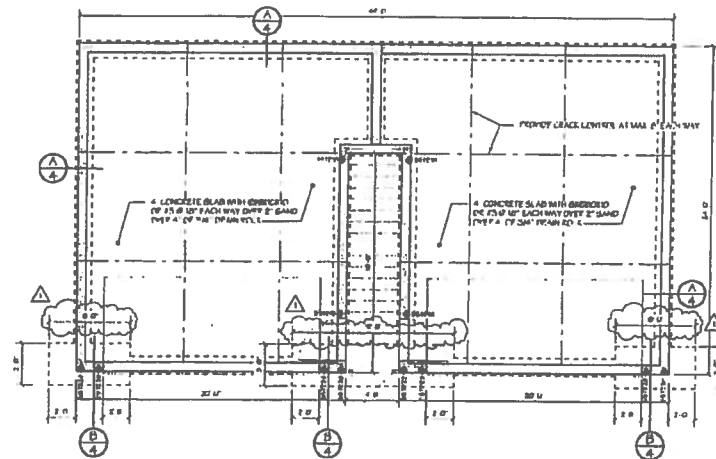




SHEAR WALL AND FOUNDATION AT GARAGE OPENING



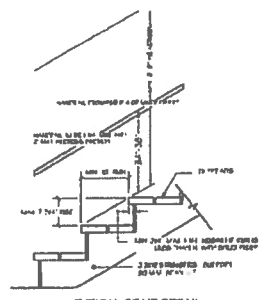
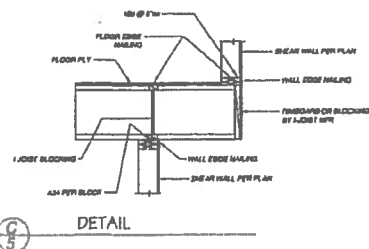
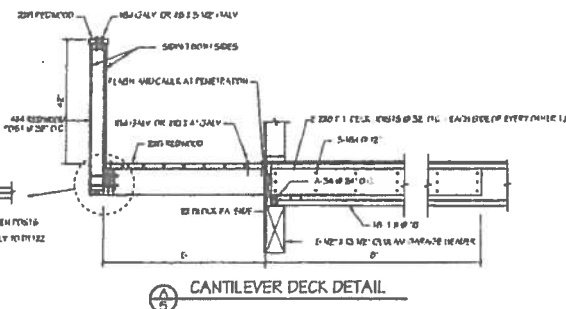
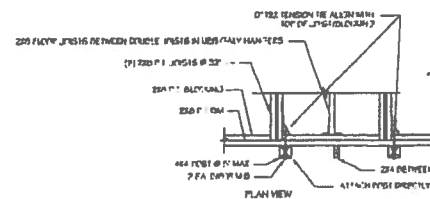
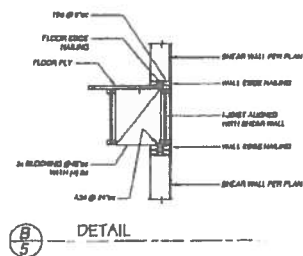
TWO-STORY FOUNDATION DETAIL



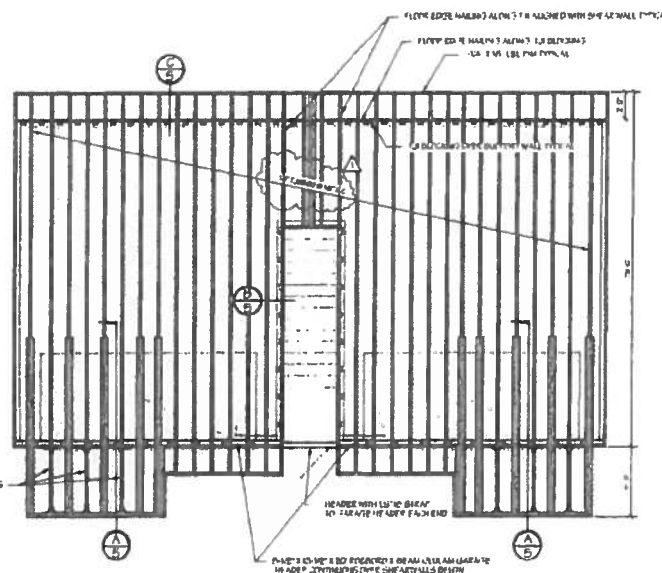
FOUNDATION PLAN SCALE 1/4" = 1'-0"

CONCRETE MASONRY

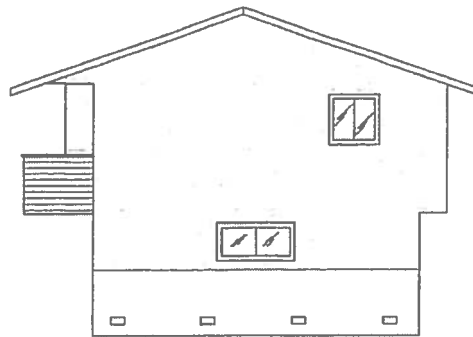
1. ALL CONCRETE MASONRY MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH CHAPTER 21 OF THE 2016 CBC.
2. ALL MASONRY UNITS SHALL BE LAID IN RUNNING BOND WITH FULL MORTAR JOINTS. COLUMNS, PIERS, AND ARCHES SHALL BE BONDED INTO ADJACENT WALLS WITH HORIZONTAL JOINT REINFORCING AND BOND BEAM STEEL SHALL BE CONTINUOUS.
3. THE REQUIRED COMPRESSIVE STRENGTH OF MASONRY (fm) SHALL BE 1500 psi, UNLESS NOTED OTHERWISE.
4. CONCRETE MASONRY UNITS SHALL CONFORM TO ASTM C90 FOR LOAD BEARING CONCRETE MASONRY UNITS.
5. MORTAR SHALL BE TYPE N OR S AS APPLICABLE AND CONFORM TO ASTM C270 AND ARTICLES 2.1 AND 2.8A OF THE SPECIFICATION FOR MASONRY STRUCTURES (TMS 602-601.300.1-08/ASCE 9-08).
6. GROUT SHALL COMPLY WITH ARTICLES 2.2 AND 2.8 OF THE SPECIFICATION FOR MASONRY STRUCTURES (TMS 602-601.300.1-08/ASCE 9-08) AND SHALL ATTAIN A 28-DAY COMPRESSIVE STRENGTH OF 3000 PSI OR THE REQUIRED MASONRY COMPRESSIVE STRENGTH (fm), WHICHEVER IS GREATER. COMPRESSIVE STRENGTH OF GROUT SHALL BE DETERMINED IN ACCORDANCE WITH ASTM C-1618.
7. REINFORCING BARS SHALL CONFORM TO ASTM A615, GRADE 60. REINFORCING SHALL BE HELD SECURELY IN PLACE PRIOR TO GROUTING.
8. LAP SPICES IN MASONRY REINFORCING SHALL BE 48 BAR DIAMETERS, U.N.O.
9. ALL VERTICAL WALL REINFORCEMENT SHALL HAVE DOWELS EQUAL IN SIZE EMBEDDED INTO FOOTING UNLESS NOTED OTHERWISE ON THESE PLANS.
10. PROVIDE MINIMUM 2 #5 BARS AT ALL CORNERS, JOINTS, JAMBS, AND INTERSECTIONS U.N.O.



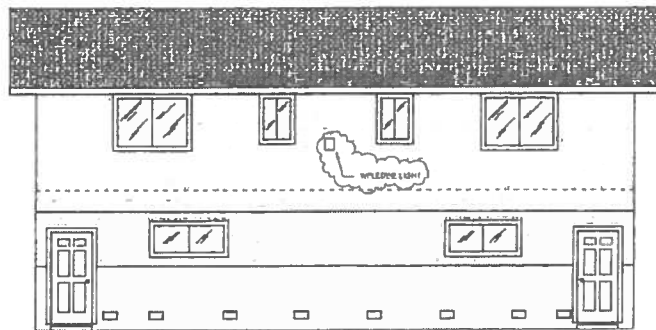
NOTE: ALL SHAVE MATERIAL BELOW
DUE TO BEST WOOD CRACKER
ATTACHED MATERIAL FOR "WHA"
WITH WARP



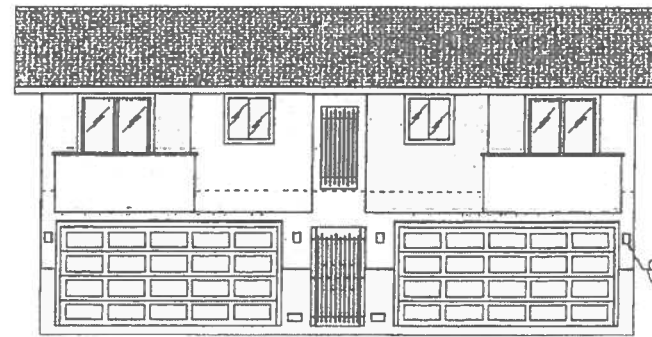
UPPER FLOOR FRAMING PLAN SCALE: $1/4" = 1'-0"$



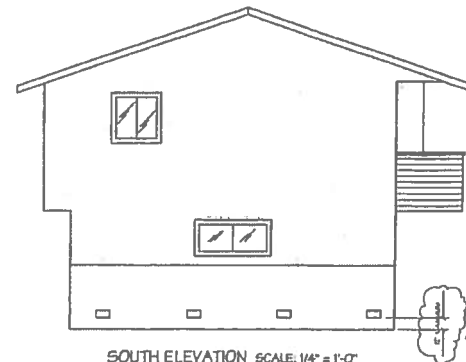
NORTH ELEVATION SCALE: 1/4" = 1'-0"



WEST ELEVATION SCALE: 1/4" = 1'-0"



EAST ELEVATION SCALE: 1/4" = 1'-0"



SOUTH ELEVATION SCALE: 1/4" = 1'-0"

PER 53 F1 - PARADES
10 FT 10" 1" VENT SHOWN - 2040 53 INCHES 1" VENT 1 PER 1 2 CP 53 IN PER 53 F1

27000
Plan Sheet
27000
Per 27000 - 27000

Drawing by
Macpherson and Co. Inc.
846 South Main Street
Ukiah, CA 95601
707-463-1571

Proposed 2 Unit Dwelling for
Mark Moulton
394 North Main Street
Ukiah, CA 95601
A.P.N. 002138-0700

DATE OF REV
DATE OF REV

REVISION

8

9

Conditional Floor area [sqft]	Bedrooms				
	0-1	2-3	4-6	6-7	≥7
1100	38	43	69	75	90
1201-1300	46	50	73	86	103
1401-1500	66	76	86	99	120
1601-1800	73	96	105	120	126
1901-2200	80	105	120	126	156
≥2300	100	130	120	150	195

Lamp Power	Number of Lamp Economy
43 W	20 Lamps / Fix
55 W	40 Lamps / Fix
13 40 W	30 Lamps / Fix
40 W	60 Lamps / Fix

Please the ratings of the ballast is not lighted when assembling lamp fixture

1. VARIATION OF SIZE OF AREA OF EXPOSED LIGHTING TO BE HIGH EFFICACY
 2. VARIATION OF THE HIGH EFFICACY LIGHTING TO BE SHOWN SEPARATELY
 3. LIGHTING IN BATHROOM, LAUNDRY ROOM, CLOSET, HALL, ELEVATOR
 4. CHANGES TO THE HIGH EFFICACY LIGHTS TO HIGH EFFICACY LIGHTS SHOWN
 5. ALL EXPOSED LIGHTING SHOWN ON THE BUILDING TO BE HIGH EFFICACY
 6. TO BE SHOWN SEPARATELY BY HIGH EFFICACY LIGHTS IN COMMERCE PART
 7. EXTERIOR LIGHTING, ALL EXTERIOR LIGHTS, ALL EXTERIOR LIGHTS TO BE
 8. CONTROL SYSTEM
 9. ALL OTHER EXTERIOR LIGHTS TO BE HIGH EFFICACY OF THE LIGHTS
 10. TO BE SHOWN SEPARATELY
 11. ALL EXTERIOR LIGHTS TO BE SHOWN SEPARATELY
 12. ALL EXTERIOR LIGHTS TO BE SHOWN SEPARATELY

These Calculations are a part of the Building Permit documents. Any change to the proposed building that would alter these calculations may void this document and require new Title 24 energy submittal. Changes in brand names have no bearing on compliance as long as the performance characteristics are equal or better than those in the report. Refer to Forms CE-IR and ME-IR for minimum requirements.

or 9

Florida Motor
For the FIRM Flood Insurance Rate Map
Panel 08045C014-07, dated June 2, 2014,
the Base Flood Elevation is 8.25 ft at 100

AP 002-106-C1

AP 007-126-03604

Field survey work done in Dec 2003

Prepared By
Ron H. Fries, RCE, R-L
2008 Alameda Blvd.
Oakland, CA 94602
707-462-1067



North Main Street

Sidewalk Notes

Edison note: Refer to City of Edison orders 707 and 712.

- [illegible]

EXERCISE UNDERSTANDING APPLES

1. The apple that he is ^{the} ~~most~~ (most) than that
ever ^{the} ~~other~~ other ones.
2. Great ^{the} ~~advent~~ advent has ^{the} ~~been~~ been a ^{the} ~~product~~ product of 3rd
millennium ^{the} ~~cover~~ cover of ^{the} ~~kind~~ kind of ^{the} ~~other~~ other.
3. ^{the} ~~Other~~ other ^{the} ~~that~~ that he is ^{the} ~~not~~ not ^{the} ~~with~~ with
4. ^{the} ~~Great~~ Great ^{the} ~~that~~ that he ^{the} ~~is~~ is ^{the} ~~not~~ not ^{the} ~~with~~ with

5. Refer to Standard Writing No. 122 for additional
rules on ^{the} ~~not~~ not and ^{the} ~~other~~ other.

Under Sidewalk Drain

Section A-A

Section B-B

New Driveway

Driveway Approach

Site Improvements and Grading Plan
for File No. 13-28-REZ-PD-PC-CC
at 394 North Main Street, Ukiah
April 22, 2014 AP 008-186-02

Figure 1 shows a schematic diagram of the experimental setup. It consists of a horizontal bar with a scale from 0 to 10. A vertical line is drawn at position 5, labeled "50 cm".

C1

* SEE PRIOR PLANT *
REF. NOTES ON
PLANT SELECTIONS. *

* Groups A & B could all be the same from a design aspect. However, a slightly smaller species could be used for locations B* to give some contrast!

AP 002-106-03004
Otherwise, Pistache Clinger
or Crataegus sp.

C) - slightly larger bush possible here such as *Viburnum*, *Arbutus unedo* (bush form); or even large species type of *Phormidium tenax* (N.Z. Flax)

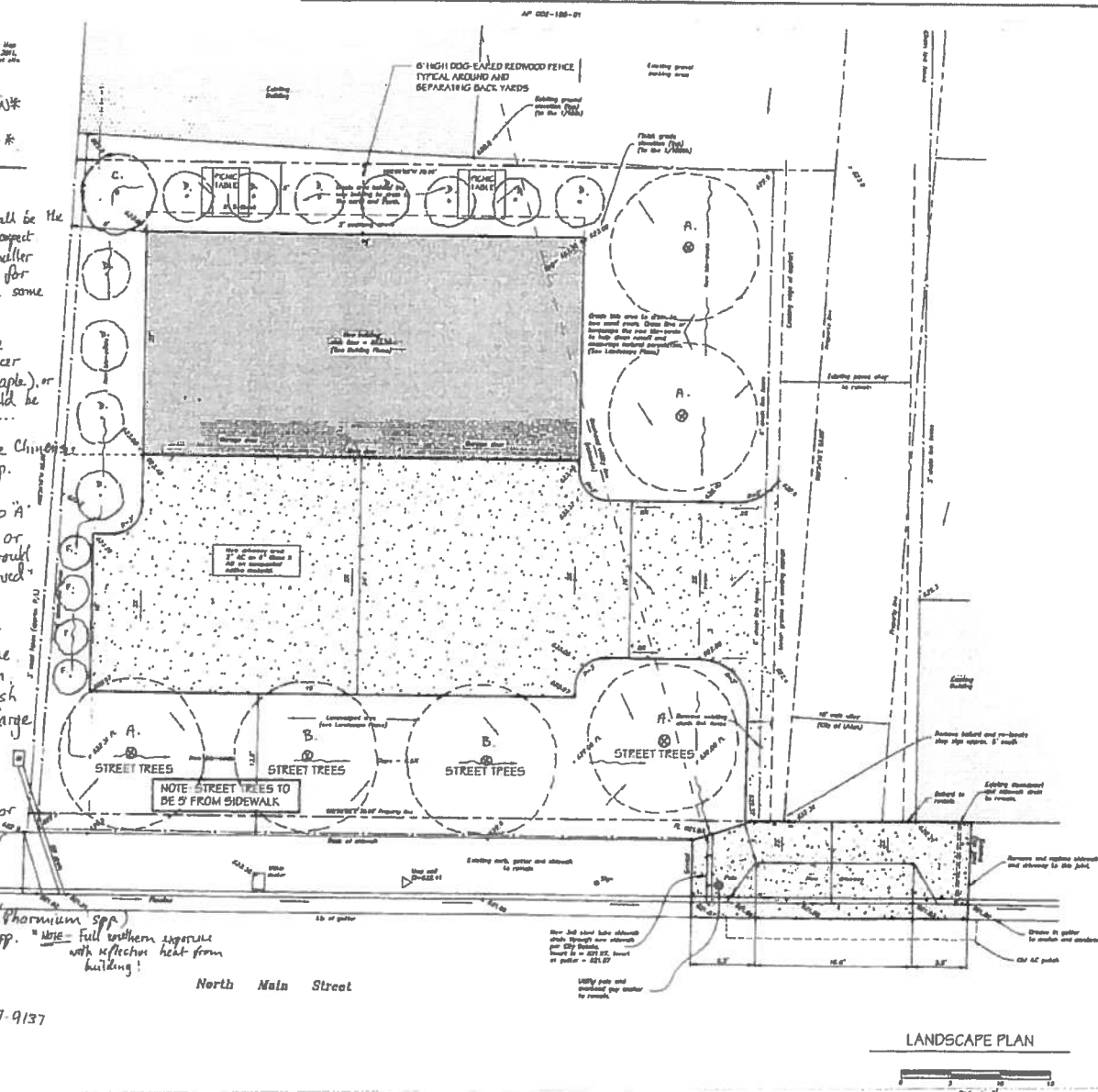
(D) Iceberg Roses or
Knockout Roses, or
Barber's atrop.

(F) - Smaller form of N.Z. Flax (*Phormium spp*) or Carex grasses spp. Note - Full northern exposure with reflective heat from building!

* SEE PRIOR LANDSCAPE PLAN FOR INSTRUCTIONAL DETAILS ON OVERALL SITE/LOCATION, REF. PLANTS & CHOICES AVAILABLE REF APPROVED LISTS!

* PLANT AVAILABILITY IS A MAJOR CONSTRAINT TO SELECTION OF SPECIES!

Michael Mattas 467-9137



LANDSCAPE PLAN

L

Exhibit B
Mountanos North Main Street Apartments
Planned Development Regulations
334 North Main Street, Ukiah

PURPOSE AND INTENT: The Mountanos Main Street Project is a Planned Development (PD) located on North Main Street adjacent to the historic Ukiah downtown. The PD consists of two (2) 550 square foot one bedroom, one bathroom units located above individual garages on a 5,128 square foot parcel. The development of the two residential apartment units will provide new rental stock in close proximity to the downtown. The PD will also fulfill the City's goal for "infill" -- to carefully develop high-density residential areas on empty lots within the City limits.

DESIGN: The North Main Street apartments are designed to assimilate and be compatible with the other residences, historic houses, apartment buildings, and commercial buildings in the surrounding neighborhood. The North Main Street apartments are contemporary and simple in design with a 12/4 pitched roof with horizontal lap siding. The units will include outdoor porches on the east elevation and patio's/yards on the west side of the building. The structure will be painted an earth tone color combination that will complement the existing houses and commercial buildings in the neighborhood.

Because the subject parcel is small, each unit will be constructed above a ground-floor garage. Each unit will also have a private patio for outdoor living space. Landscaping is provided to soften the effects of the building, and street trees, chosen from the City's Required Street Tree List, will be provided. These trees were also selected based on the constraints of the planting area, which include in-ground utilities and overhead power lines. As required, the street trees are planted approximately 30 feet apart along North Main Street.

ALLOWED USES: The following uses are allowed in the Mountanos Main Street Planned Development:

- High density residential apartment units

ACCESSORY BUILDINGS AND ACCESSORY USES: The following accessory uses are allowed in the Mountanos Main Street Planned Development:

- Home Occupations as defined by the Zoning Ordinance section 9278 and in compliance with Zoning Ordinance requirements. Home Occupations require a City of Ukiah Business License.
- Small family child daycare home as defined by Health and Safety Code section 1596.78.
- Detached Accessory Building, such as storage sheds, shops, green houses

PERMITTED USES: The following uses require approval of a Use Permit:

- Large family daycare home as defined by Health and Safety Code section 1596.78.

REQUIRED LOT AREA: The minimum lot area shall be as shown on the approved Planned Development Map. No further subdivision of the parcels is allowed.

BUILDING HEIGHT LIMITS: Building height shall be:

- **Apartment Units:** The height of the apartment building shall be as shown on the approved Precise Development Plan.
- **Detached Accessory Building:** Maximum of 15-feet measured from finished grade to the peak of the roof.

REQUIRED YARD SETBACKS:

A. **Apartment Units:** The minimum setbacks for the single-family home shall be as shown on the approved Precise Development Plan.

B. **Accessory Buildings:** The minimum setbacks for accessory buildings shall be:

- **Front:** Prohibited in front yard
- **Side:** 5 feet minimum
- **Rear:** 5 feet minimum

REQUIRED PARKING: The minimum on-site parking required shall be as follows:

- **Number of Spaces:** Two (2) parking spaces for each dwelling unit within the garages.
- **Dimensions of Garage Spaces:** The minimum size of a garage parking space shall be 10 feet wide by 20 feet deep with no obstructions.
- **No Conversion of Garage Space:** The area of the garage that is not needed in order to comply with the parking requirement above may not be converted to additional living space.

DRAINAGE/BIOSWALES: The project may include drainage swales to provide adequate drainage and allow the infiltration and filtering of runoff prior to water entering the City's storm drain system. Maintenance of any drainage/bioswales is the responsibility of the property owner. Drainage/bioswales shall not be removed or modified without review and approval of the Public Works Department and Planning Department in order to ensure adequate drainage.

LANDSCAPING: The parcel includes twenty percent (20%) of the gross area available for landscaping coverage.

- A. **FRONT YARD LANDSCAPING:** A minimum of fifty percent (50%) of the landscaped area must live plantings.
- B. **REAR YARD LANDSCAPING:** The remaining area available for landscaping, in the fenced-in backyard patio areas, is the responsibility of the new home owners.
- C. **STREET TREES:** As required by City Code, four (4) street trees are provided in the Mountanos Main Street PD, and are located on the subject parcel.

Street Trees are required to be maintained by the residents of the parcels on which the trees are located. Removal of street trees is prohibited. In the event a street tree may require removal (such as disease or death of a tree), the tree shall be promptly replaced.

- D. **PLANT SPECIES:** In order to protect existing native plants in the area the habitat they provide, the planting of known invasive species and species identified in the California Invasive Plant Council's data base (<http://www.cal-ipc.org/paf/>) is prohibited.

No lawn/turf is permitted. Landscaping plants shall be drought tolerant and primarily native species. All landscaped areas shall be heavily mulched and every effort shall be made to conserve water.

- E. **IRRIGATION:** The landscaping installed as part of the development shall include a water efficient automatic irrigation system and shall be properly maintained by the property owner/resident.

EXTERIOR LIGHTING: Outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall be International Dark Sky Association (IDA) approved or equivalent.

FENCES/HEDGES: Fences and hedges and other screen shall comply with the following:

- A. Fences and hedges located within the required front setback shall not exceed three feet (3') in height measured from the original grade on the lot.
- B. Fences and hedges located outside of the required front setback shall not exceed 6 feet in height measured from the finished grade on the parcel. The front setback is the front building wall, not including front porch (see precise development plan).

STANDARDS NOT ADDRESSED: Standards not addressed herein shall default to the Zoning Ordinance and Ukiah City Code.

Exhibit C
Mountanos North Main Street Apartments Precise Development Plan
Project Conditions of Approval
334 North Main Street

1. Approval is granted for the Mountanos Duplex Apartment Housing project as shown on the approved Precise Development Plan date stamped September 5, 2014 and the Mountanos Duplex Apartment Housing project Planned Development Zoning regulations approved herein except as modified by the following conditions of approval.
2. Development and operation of the Project shall comply with the approved Mountanos Duplex Apartment Housing project Precise Development Plan and associated Planned Development zoning regulations. Any items not addressed by the approved precise development plan and zoning regulations shall default to the zoning ordinance and City Code.
3. The mitigation measures included in the Mountanos Duplex Apartment Housing project and Precise Development Plan have been agreed to by the project proponent and are hereby included as conditions of approval. The mitigation measures are listed below.

From the Department of Public Works (Ben Kageyama 707-463-6284)

4. Prior to construction of site improvements, a final grading and drainage plan, and an erosion and sediment control plan, prepared by a Civil Engineer, shall be submitted for review and approval by the Department of Public Works. The plan shall detail post-construction best management practices, including the use of vegetated swales, and infiltration of roof drain run-off.
5. The project engineer shall provide oversight and inspection during project construction, with special attention to: site grading; bio-swale installation and landscaping; downspout drainage; and the installation of erosion control measures. Upon completion of the work, a report shall be submitted by the project engineer to the Department of Public Works stating that the improvements have been completed in accordance with the approved plans and conditions of approval, and all areas have been permanently stabilized to prevent sediment and erosion.
6. All public sidewalks shall meet current ADA requirements. Any existing curb, gutter and sidewalk in disrepair that is adjacent to the subject property shall be repaired. All work shall be done in conformance with the City of Ukiah Standard Drawings 101 and 102 or as directed by the City Engineer.

Mountanos North Main Street Planned Development Zoning Regulations
334 North Main Street, Ukiah

7. All existing and widened portions of the driveway along the northerly parcel boundary which are not contained within the 10 foot wide City "alley" shall be dedicated to the City as a roadway and public utility easement.
8. Standard street tree requirements include street trees spaced approximately every 30 feet along the public street, within tree wells where feasible, otherwise within 5 feet of the back of sidewalk. Street trees shall be in accordance with Standard Detail 602 – tree types to be approved by the City Engineer.
9. All driveway and parking areas shall be paved with asphaltic concrete, concrete, or other alternative surfacing, subject to approval by the City Engineer. If heavy truck traffic is anticipated from the solid waste company, delivery trucks, or other heavy vehicles, the pavement section should be calculated appropriately to ensure that it can withstand the loading.
10. Concentrated site run-off over the public sidewalk is not allowed. Under-sidewalk drains (Standard Drawing 410) may be used where necessary.
11. All work within the public right-of-way shall be performed by a licensed and properly insured contractor. The contractor shall obtain an encroachment permit for work within this area or otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3% of estimated construction costs.
12. The proposed development is located within the City of Ukiah sanitary sewer service area and subject to applicable sewer connection fees.
13. Capital improvement fees for water services are based on the water meter size. A fee schedule for water meter sizes is available upon request. Additional charges for water service construction are also applicable.
14. The property is located within the floodplain, and is subject to the floodplain provisions of the California Building Code and National Flood Insurance Program requirements. The following shall be required:
 - a. A pre-construction elevation certificate, based on the plans, will be required prior to the issuance of a building permit.
 - b. A post construction elevation certificate based on construction will be required prior to final inspection.

From the Electric Utility Department (Jimmy Lazano 467-5774)

15. The existing 37Kva Transformer located at the northeast corner of the lot will be feeding the new duplex via underground.

16. If a change in the scope of the project increases the number of residential units, the property owner/applicant shall upgrade the existing 37Kva Transformer to a 50Kva Transformer.
17. The property owner/applicant shall incur the cost (labor, materials, equipment and any transformer upgrade) to extend the City's secondary Services (underground feed) to the service panels for the project.
18. The electric services panels for the project must have test-by-pass facilities and the owner/applicant will need to provide panel specifications and the appropriate EUSERC drawings numbers for the panels, prior to purchase.

From the Fire Department (Kevin Jennings 707-463-6271)

19. "No Parking" signs shall be posted within the alley way for its entire length.
20. Plans submitted for a building permit shall include fire extinguishers, residential sprinkler systems, Knox Box, etc.).

From the Department of Planning and Community Development

21. Plans submitted for a Building Permit shall be in substantial conformance with the Plans approved in the Precise Development Plan, dated September 14, 2014 (Revisions).
22. The colors and materials used for the structure shall be in substantial conformance with the "Colors and Materials" folder submitted with the application, including, but not limited to the "Oakwood" base color and "Cargo" trim color.
23. The property owner/applicant shall use the "Colonial" panel design or other similar design for the garage doors which would make the two units look more like two separate homes.
24. Prior to issuance of a building permit, a Management Plan for the Project shall be prepared and submitted to the Planning and Community Development Department. The Management Plan shall include, but is not limited to, the following items and is subject to staff review and approval:
 - A. Trash collection responsibilities, frequency, and type (toters, bins, dumpsters, etc.).
 - B. Use of private outdoor spaces (balconies, decks, etc.) and how they will be kept clean and not used for storage.
 - C. Parking for residents and guests.
 - D. The garages shall be available for parking of two cars at all times. Any storage shall be incidental and shall not preclude the parking of two cars in each garage.
 - E. The Management Plan shall be subject to the review and approval by the Director of Planning and Community Development.

25. The approved Management Plan shall be provided to tenants of the Project as part of their rental agreement.
26. Prior to issuance of a building permit, the applicant/project proponent shall apply for and receive an address assignment for the new apartment and the second unit from the Planning and Community Development Department.
27. Protective tree fencing shall be installed around any trees that are in proximity of construction activities. The protective tree fencing required shall be metal, a minimum of 5-feet in height and secured with in-ground posts. The approved tree fencing shall be installed prior to construction/grading activities and shall remain in place until construction has been completed.
28. Plans submitted for building permit for the apartments and associated improvements located on the subject parcel, shall include a Final Landscape and Irrigation Plan that demonstrates compliance with Cal Green and the State Model Water Efficiency Landscape Ordinance requirements for landscaping and irrigation.
29. The property owner/project proponent is responsible for the installation and maintenance of the irrigation system, and for the health and vitality of all trees and shrubs. All landscaping shall be maintained in a viable condition.
30. No lawn or turf shall be used in the Final Landscaping Plan.
31. Weed killers shall not be used on or near trees.
32. The tree ties/stakes shall be checked every six months to ensure they do not constrict the trunks and damage the trees.
33. All trees shall be properly pruned as appropriate. No topping cuts shall be made. All pruning shall follow standard industry methods and techniques to ensure the health and vitality of the trees.
34. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
35. All construction activities shall comply with all fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
36. The property owner shall obtain and maintain any permit or approval required by law, regulation, specification, or ordinance of the City of Ukiah and other Local, State, or Federal agency as applicable.
37. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.

38. All lighting shall be downcast, full cut-off, and shall not spill beyond the property lines or shine towards the night sky.
39. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

Mitigation Measures (imposed as additional conditions of approval)

Aesthetics

1. All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall be International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting and area subject to review and approval at time of building permit.

Air Quality

2. All activities involving site preparation, excavation, filling, grading, road construction, and building construction shall institute a practice of routinely watering exposed soil to control dust, particularly during windy days.
3. All inactive soil piles on the project site shall be completely covered at all times to control fugitive dust.
4. All activities involving site preparation, excavation, filling, grading, and actual construction shall include a program of washing off trucks leaving the construction site to control the transport of mud and dust onto public streets.
5. Low emission mobile construction equipment, such as tractors, scrapers, and bulldozers shall be used for earth moving operations.
6. All earth moving and grading activities shall be suspended if wind speeds (as instantaneous gusts) exceed 25 miles per hour.

Cultural Resources

7. If, during site preparation or construction activities, any historic or prehistoric cultural resources are unearthed and discovered, all work shall immediately be halted, and the

City shall be notified of the discovery. The applicant shall be required to fund the hiring of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program if deemed necessary.

8. If human remains are encountered during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to PRC Section 5097.98. If the remains are to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.

Noise

9. Construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4 p.m. on Saturday. Construction hours are prohibited on Sunday and all holidays recognized by the City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above.

Approval of additional construction hours may be requested in writing from the Planning and Community Development Director and Public Works Director for extenuating circumstances. The written request must be submitted a minimum of 14 days prior to the date for which the change in construction hours/days is being requested and shall explain the need for the extended construction hours, describe the extenuating circumstances, and identify the additional construction hours requested, including the duration.

10. Signs shall be posted at the Project site prior to commencement of construction of the proposed Project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise.
11. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems.
12. An onsite complaint and enforcement manager shall be designated for the Project and shall respond to and track complaints and questions related to noise.
13. Equipment and trucks used for proposed Project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible).
14. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
15. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled.

16. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site during Project construction.

Hydrology and Water Quality

17. All plans submitted for Building Permits shall indicate the finished floor elevations, which shall be a minimum of 1-foot above the 100-year flood elevation (582.5).
18. All new construction and substantial improvements shall conform to the City of Ukiah Low Impact Development standards adopted by the City of Santa Rosa Low Impact Design Technical Design Manual, if not specifically exempted. As it relates to storm water, LID features aim to mimic the hydrologic function of the undeveloped site by capturing, treating, and infiltrating storm water as close to the source as possible by using small scale landscape-based features located throughout the project site.
19. Substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
20. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
21. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
22. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
23. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet (2') if no depth number is specified. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the Building Official to be properly elevated. Such certification or verification shall be provided to the Flood Plain Administrator.
24. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
25. Either a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be

equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

26. Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration.

**Exhibit B: Mountanos Duplex Apartment Planned Development
Regulations
334 North Main Street, Ukiah**

PURPOSE AND INTENT: The Mountanos Main Street Project is a Planned Development (PD) located on North Main Street adjacent to the historic Ukiah downtown. The PD consists of two (2) 550 square foot one bedroom, one bathroom units located above individual garages on a 5,128 square foot parcel. The development of the two residential apartment units will provide new rental stock in close proximity to the downtown. The PD will also fulfill the City's goal for "infill" - to develop high-density residential areas on empty lots within the City limits.

DESIGN: The North Main Street apartments are designed to assimilate and be compatible with the other residences, historic houses, apartment buildings, and commercial buildings in the surrounding neighborhood. The North Main Street apartments are contemporary and simple in design. Each unit has one bedroom, one bathroom, and 550 square feet of living space. The units will include a simple modern design with a 12/4 pitched roof with horizontal lap siding. The units will include outdoor porches on the east elevation and patio's/yards on the west side of the building. The structure housing the units will be painted an earth tone color combination that will complement the existing houses and commercial buildings in the neighborhood.

Because the subject parcel is small, each unit will be constructed above a ground-floor garage. Each unit will also have a private patio for outdoor living space. Landscaping is provided to soften the effects of the building and street trees, chosen from the City's Required Street Tree List, will be provided. These trees were also selected based on the constraints of the planting area, which include in ground utilities and overhead power lines. As required, the street trees are planted approximately 30 feet apart along North Main Street.

ALLOWED USES: The following uses are allowed in the Mountanos Main Street Planned Development:

- High density residential apartment units

ACCESSORY BUILDINGS AND ACCESSORY USES: The following accessory uses are allowed in the Mountanos Main Street Planned Development:

- Home Occupations as defined by the Zoning Ordinance section 9278 and in compliance with Zoning Ordinance requirements. Home Occupations require a City of Ukiah Business License.
- Small family child daycare home as defined by Health and Safety Code section 1596.78.
- Detached Accessory Building, such as storage sheds, shops, green houses

PERMITTED USES: The following uses require approval of a Use Permit:

- Large family daycare home as defined by Health and Safety Code section 1596.78.

PROHIBITED USES: The following uses are prohibited:

- Second units

REQUIRED LOT AREA: The minimum lot area shall be as shown on the approved Planned Development Map. No further subdivision of the parcels is allowed.

BUILDING HEIGHT LIMITS: Building height shall be:

- **Apartment Units:** The height of the apartment building shall be as shown on the approved Precise Development Plan.
- **Detached Accessory Building:** Maximum of 15-feet measured from finished grade to the peak of the roof.

REQUIRED YARD SETBACKS:

A. **Apartment Units:** The minimum setbacks for the single-family home shall be as shown on the approved Precise Development Plan.

B. **Accessory Buildings:** The minimum setbacks for accessory buildings shall be:

- **Front:** Prohibited in front yard
- **Side:** 5 feet minimum
- **Rear:** 5 feet minimum

REQUIRED PARKING: The minimum on-site parking required shall be as follows:

- **Number of Spaces:** Two (2) parking spaces for each dwelling unit within the garages.
- **Dimensions of Garage Spaces:** The minimum size of a garage parking space shall be 10 feet wide by 20 feet deep with no obstructions.

- **No Conversion of Garage Space:** The area of the garage that is not needed in order to comply with the parking requirement above may not be converted to additional living space.

DRAINAGE/BIOSWALES: The project may include drainage swales to provide adequate drainage and allow the infiltration and filtering of runoff prior to water entering the City's storm drain system.. Maintenance of any drainage/bioswales is the responsibility of the property owner. Drainage/bioswales shall not be removed or modified without review and approval of the Public Works Department and Planning Department in order to ensure adequate drainage.

LANDSCAPING: The parcel includes twenty percent (20%) of the gross area available for landscaping coverage.

- A. **FRONT YARD LANDSCAPING:** A minimum of fifty percent (50%) of the landscaped area must live plantings.
- B. **REAR YARD LANDSCAPING:** The remaining area available for landscaping, in the fenced-in backyard patio areas, is the responsibility of the new home owners.
- C. **STREET TREES:** As required by City Code, four (4) street trees are provided in the Mountanos Main Street PD, and are located on the subject parcel.

Street Trees are required to be maintained by the residents of the parcels on which the trees are located. Removal of street trees is prohibited. In the event a street tree may require removal (such as disease or death of a tree), the tree shall be promptly replaced.

- D. **PLANT SPECIES:** In order to protect existing native plants in the area the habitat they provide, the planting of known invasive species and species identified in the California Invasive Plant Council's data base (<http://www.cal-ipc.org/paf/>) is prohibited.

No lawn/turf is permitted. Landscaping plants shall be drought tolerant and primarily native species. All landscaped areas shall be heavily mulched and every effort shall be made to conserve water.

- E. **IRRIGATION:** The landscaping installed as part of the development shall include a water efficient automatic irrigation system and shall be properly maintained by the property owner/resident.

1 **EXTERIOR LIGHTING:** Outdoor light fixtures shall be located, aimed, and shielded so
2 as to minimize light trespassing over property lines and avoid directing light towards
3 motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall
4 be International Dark Sky Association (IDA) approved or equivalent.

5
6 **FENCES/HEDGES:** Fences and hedges and other screen shall comply with the
7 following:

8
9 A. Fences and hedges located within the required front setback shall not exceed
10 three feet (3') in height measured from the original grade on the lot.

11
12 B. Fences and hedges located outside of the required front setback shall not
13 exceed 6 feet (6') in height measured from the original grade on the lot. The
14 front setback is the front building wall, not including front porch (see precise
15 development plan).
16

17 **STANDARDS NOT ADDRESSED:** Standards not addressed herein shall default to the
18 Zoning Ordinance and Ukiah City Code.

1 **Exhibit C: Mountanos Duplex Apartment Project Conditions of Approval**
2
3

- 4 1. Approval is granted for the Mountanos Duplex Apartment Housing project as
5 shown on the approved Precise Development Plan date stamped September 5,
6 2014 and the Mountanos Duplex Apartment Housing project Planned
7 Development Zoning regulations approved herein except as modified by the
8 following conditions of approval.
9
- 10 2. Development and operation of the Project shall comply with the approved
11 Mountanos Duplex Apartment Housing project Precise Development Plan and
12 associated Planned Development zoning regulations. Any items not addressed
13 by the approved precise development plan and zoning regulations shall default to
14 the zoning ordinance and City Code.
15
- 16 3. The mitigation measures included in the Mountanos Duplex Apartment Housing
17 project and Precise Development Plan have been agreed to by the project
18 proponent and are hereby included by reference as conditions of approval. The
19 mitigation measures are listed below.
20

21 From the Department of Public Works (Ben Kageyama 707-463-6284)
22

- 23 4. Prior to construction of site improvements, a final grading and drainage plan, and
24 an erosion and sediment control plan, prepared by a Civil Engineer, shall be
25 submitted for review and approval by the Department of Public Works. The plan
26 shall detail post-construction best management practices, including the use of
27 vegetated swales, and infiltration of roof drain run-off.
28
- 29 5. The project engineer shall provide oversight and inspection during project
30 construction, with special attention to: site grading; bio-swale installation and
31 landscaping; downspout drainage; and the installation of erosion control
32 measures. Upon completion of the work, a report shall be submitted by the
33 project engineer to the Department of Public Works stating that the
34 improvements have been completed in accordance with the approved plans and
35 conditions of approval, and all areas have been permanently stabilized to prevent
36 sediment and erosion.
37
- 38 6. All public sidewalks shall meet current ADA requirements. Any existing curb, gutter and
39 sidewalk in disrepair that is adjacent to the subject property shall be repaired. All work
40 shall be done in conformance with the City of Ukiah Standard Drawings 101 and 102 or as
41 directed by the City Engineer.
42

- 1 7. All existing and widened portions of the driveway along the northerly parcel
2 boundary which are not contained within the 10 foot wide City "alley" shall be
3 dedicated to the City as a roadway and public utility easement.
4
- 5 8. Standard street tree requirements include street trees spaced approximately
6 every 30 feet along the public street, within tree wells where feasible, otherwise
7 within 5 feet of the back of sidewalk. Street trees shall be in accordance with
8 Standard Detail 602 – tree types to be approved by the City Engineer.
9
- 10 9. All driveway and parking areas shall be paved with asphaltic concrete, concrete,
11 or other alternative surfacing, subject to approval by the City Engineer. If heavy
12 truck traffic is anticipated from the solid waste company, delivery trucks, or other
13 heavy vehicles, the pavement section should be calculated appropriately to
14 ensure that it can withstand the loading.
15
- 16 10. Concentrated site run-off over the public sidewalk is not allowed. Under-sidewalk drains
17 (Standard Drawing 410) may be used where necessary.
18
- 19 11. All work within the public right-of-way shall be performed by a licensed and
20 properly insured contractor. The contractor shall obtain an encroachment permit
21 for work within this area or otherwise affecting this area. Encroachment permit
22 fee shall be \$45 plus 3% of estimated construction costs.
23
- 24 12. The proposed development is located within the City of Ukiah sanitary sewer service area
25 and subject to applicable sewer connection fees.
26
- 27 13. Capital improvement fees for water services are based on the water meter size. A fee
28 schedule for water meter sizes is available upon request. Additional charges for water
29 service construction are also applicable.
30
- 31 14. The property is located within the floodplain, and is subject to the floodplain
32 provisions of the California Building Code and National Flood Insurance Program
33 requirements. The following shall be required:
34
 - 35 a. A pre-construction elevation certificate, based on the plans, will be
36 required prior to the issuance of a building permit.
37
 - 38 b. A post construction elevation certificate based on construction will be
39 required prior to final inspection.
40
41

42 From the Electric Utility Department (Jimmy Lazano 467-5774)
43

- 44 15. The existing 37Kva Transformer located at the northeast corner of the lot will be
45 feeding the new duplex via underground.

1
2 16. If a change in the scope of the project increases the number of residential units,
3 the property owner/applicant shall upgrade the existing 37Kva Transformer to a
4 50Kva Transformer.

5
6 17. The property owner/applicant shall incur the cost (labor, materials, equipment
7 and any transformer upgrade) to extend the City's secondary Services
8 (underground feed) to the service panels for the project.

9
10 18. The electric services panels for the project must have test-by-pass facilities and
11 the owner/applicant will need to provide panel specifications and the appropriate
12 EUSERC drawings numbers for the panels, prior to purchase.

13
14
15 From the Fire Department (Kevin Jennings 707-463-6271)

16
17 19. "No Parking" signs shall be posted within the alley way for its entire length.

18
19 20. Plans submitted for a building permit shall include fire extinguishers, residential
20 sprinkler systems, Knox Box, etc.).

21
22 From the Department of Planning and Community Development

23
24
25 21. Plans submitted for a Building Permit shall be in substantial conformance with
26 the Plans approved in the Precise Development Plan, dated September 14, 2014
27 (Revisions).

28
29 22. The colors and materials used for the structure shall be in substantial
30 conformance with the "Colors and Materials" folder submitted with the
31 application, including, but not limited to the "Oakwood" base color and "Cargo"
32 trim color.

33
34 23. The property owner/applicant shall use the "Colonial" panel design or other
35 similar design for the garage doors which would make the two units look more
36 like two separate homes.

37
38 24. Prior to issuance of a building permit, a Management Plan for the Project shall be
39 prepared and submitted to the Planning and Community Development
40 Department. The Management Plan shall include, but is not limited to, the
41 following items and is subject to staff review and approval:

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43 A. Trash collection responsibilities, frequency, and type (toters, bins, dumpsters,
44 etc.).

1 B. Use of private outdoor spaces (balconies, decks, etc.) and how they will be
2 kept clean and not used for storage.

3
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7 storage shall be incidental and shall not preclude the parking of two cars in
8 each garage.

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10 E. The Management Plan shall be subject to the review and approval by the
11 Director of Planning and Community Development.

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13 25. The approved Management Plan shall be provided to tenants of the Project as
14 part of their rental agreement.

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16 26. Prior to issuance of a building permit, the applicant/project proponent shall apply
17 for and receive an address assignment for the new apartment and the second
18 unit from the Planning and Community Development Department.

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20 27. Protective tree fencing shall be installed around any trees that are in proximity of
21 construction activities. The protective tree fencing required shall be metal, a
22 minimum of 5-feet in height and secured with in-ground posts. The approved
23 tree fencing shall be installed prior to construction/grading activities and shall
24 remain in place until construction has been completed.

25
26 28. Plans submitted for building permit for the apartments and associated
27 improvements located on the subject parcel, shall include a Final Landscape and
28 Irrigation Plan that demonstrates compliance with Cal Green and the State Model
29 Water Efficiency Landscape Ordinance requirements for landscaping and
30 irrigation.

31
32 29. The property owner/project proponent is responsible for the installation and
33 maintenance of the irrigation required in condition # 5A above and for the health
34 and vitality of all trees and shrubs. All landscaping shall be maintained in a
35 viable condition.

36
37 30. No lawn or turf shall be used in the Final Landscaping Plan.

38
39 31. Weed killers shall not be used on nor near trees.

40
41 32. The tree ties/stakes shall be checked every six months to ensure they do not
42 constrict the trunks and damage the trees.

43
44 33. All trees shall be properly pruned as appropriate. No topping cuts shall be made.
45 All pruning shall follow standard industry methods and techniques to ensure the
46 health and vitality of the trees.

47
48 34. All conditions of approval that do not contain specific completion periods shall be
49 completed prior to building permit final.

50

- 1 35. All construction activities shall comply with all fire, building, electric, plumbing,
2 occupancy, and structural laws, regulations, and ordinances in effect at the time
3 the Building Permit is approved and issued.
4
- 5 36. The property owner shall obtain and maintain any permit or approval required by
6 law, regulation, specification, or ordinance of the City of Ukiah and other Local,
7 State, or Federal agency as applicable.
8
- 9 37. No permit or entitlement shall be deemed effective unless and until all fees and
10 charges applicable to this application and these conditions of approval have been
11 paid in full.
12
- 13 38. The project shall comply with the following requirements to reduce air quality
14 impacts related to project construction:
15
- 16 A. All grading shall comply with Mendocino County Air Quality Management
17 District Rule 1-430, Fugitive Dust Emissions.
18
 - 19 B. All activities involving site preparation, excavation, filling, grading, road
20 construction, and building construction institute a practice of routinely
21 watering exposed soil to control dust, particularly during windy days.
22
 - 23 C. All inactive soil piles on the project site shall be completely covered at all
24 times to control fugitive dust.
25
 - 26 D. All activities involving site preparation, excavation, filling, grading, and actual
27 construction shall include a program of washing off trucks leaving the
28 construction site to control the transport of mud and dust onto public streets.
29
 - 30 E. Low emission mobile construction equipment, such as tractors, scrapers, and
31 bulldozers shall be used for earth moving operations.
32
 - 33 F. All earth moving and grading activities shall be suspended if wind speeds (as
34 instantaneous gusts) exceed 25 miles per hour.
35
 - 36 G. Adjacent roadways exposed to dust, dirt, or other soil particles by vehicles
37 tires, poorly covered truck loads, or other construction activities shall be
38 cleaned each day prior to the end of construction activities using methods
39 approved by the Director of Public Works/City Engineer.
40
- 41
- 42 39. All lighting shall be downcast, full cut-off, and shall not spill beyond the property
43 lines or shine towards the night sky.
44
- 45 40. This approval is contingent upon agreement of the applicant and property owner
46 and their agents, successors and heirs to defend, indemnify, release and hold
47 harmless the City, its agents, officers, attorneys, employees, boards and
48 commissions from any claim, action or proceeding brought against any of the
49 foregoing individuals or entities, the purpose of which is to attack, set aside, void
50 or annul the approval of this application. This indemnification shall include, but

not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

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7. If, during site preparation or construction activities, any historic or prehistoric cultural resources are unearthed and discovered, all work shall immediately be halted, and the City shall be notified of the discovery. The applicant shall be required to fund the hiring of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program if deemed necessary.
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11. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems.
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13. Equipment and trucks used for proposed Project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible).
14. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
15. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled.

- 1 16. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site
2 during Project construction.
3

4 Hydrology and Water Quality
5

- 6 17. All plans submitted for Building Permits shall indicate the finished floor
7 elevations, which shall be a minimum of 1-foot above the 100-year flood
8 elevation (582.5).
9

- 10 18. All new construction and substantial improvements shall conform to the City of
11 Ukiah Low Impact Development standards adopted by the City of Santa Rosa
12 Low Impact Design Technical Design Manual, if not specifically exempted. As it
13 relates to storm water, LID features aim to mimic the hydrologic function of the
14 undeveloped site by capturing, treating, and infiltrating storm water as close to
15 the source as possible by using small scale landscape-based features located
16 throughout the project site.
17

- 18 19. Substantial improvements shall be anchored to prevent flotation, collapse or
19 lateral movement of the structures resulting from hydrodynamic and hydrostatic
20 loads, including the effects of buoyancy.
21

- 22 20. All new construction and substantial improvements shall be constructed with
23 materials and utility equipment resistant to flood damage.
24

- 25 21. All new construction and substantial improvements shall be constructed using
26 methods and practices that minimize flood damage.
27

- 28 22. All new construction and substantial improvements shall be constructed with
29 electrical, heating, ventilation, plumbing and air conditioning equipment and other
30 service facilities that are designed and/or located so as to prevent water from
31 entering or accumulating within the components during conditions of flooding.
32

- 33 23. New construction and substantial improvement of any structure shall have the
34 lowest floor, including basement, elevated above the highest adjacent grade at
35 least as high as the depth number specified in feet on the FIRM, or at least two
36 feet (2') if no depth number is specified. Upon completion of the structure, the
37 elevation of the lowest floor including basement shall be certified by a registered
38 professional engineer or surveyor or verified by the Building Official to be
39 properly elevated. Such certification or verification shall be provided to the Flood
40 Plain Administrator.
41

- 42 24. Require, for all new construction and substantial improvements, that fully
43 enclosed areas below the lowest floor that are subject to flooding shall be
44 designed to automatically equalize hydrostatic flood forces on exterior walls by
45 allowing for the entry and exit of floodwaters. Designs for meeting this
46 requirement must either be certified by a registered professional engineer or
47 architect or meet or exceed the following minimum criteria:
48

- 49 25. Either a minimum of two (2) openings having a total net area of not less than one
50 square inch for every square foot of enclosed area subject to flooding shall be

provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

26. Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration.



INITIAL ENVIRONMENTAL STUDY

Mitigated Negative Declaration

Project Title: General Plan Amendment: Downtown Master Plan Area Map Correction and Land change.
Mountainos Planned Development Rezone and Precise Development Plan 13-28-GPA-REZ/PD-CC

Lead Agency Name and Address: City of Ukiah Department of Planning and Community Development
300 Seminary Avenue
Ukiah, CA 95482

Project Location: GP Amendment: The area north of Gibson Creek to Norton Street; east of the NWP railroad R-O-W; and west Oak Street.
PD/Precise Development Plan: 334 North Main Street, APN 002-186-02 Ukiah, Mendocino County, CA

Project Sponsor's Name and Address: Richard Ruff, Ruff and Associates
100 West Standley Street, Ukiah, CA 95482

General Plan Designation(s): Commercial (C)

Zoning: Community Commercial (C1)

Contact Person: Michelle Johnson, Assistant Planner

Phone Number: 707-463-6206

Date Prepared: May 27, 2015

Public Review Period: June 1 through June 22, 2015

PROJECT DESCRIPTION

General Plan Amendment (Map Correction): The project involves correcting the *Downtown Master Plan Area* map contained in the 1995 General Plan (Figure VI.2-KK: Downtown Master Plan Area) to be consistent with the 1992 City Council adopted *Downtown Master Plan Area Map* contained in the Downtown Revitalization Master Plan. It is assumed that the inconsistency between these two maps was inadvertent. The inconsistency adversely affects an infill Planned Development housing project proposed at 334 North Main Street as described below. The General Plan Amendment also changes the land use classification of the Planned Development project site from *Commercial* to *High Density Residential*.

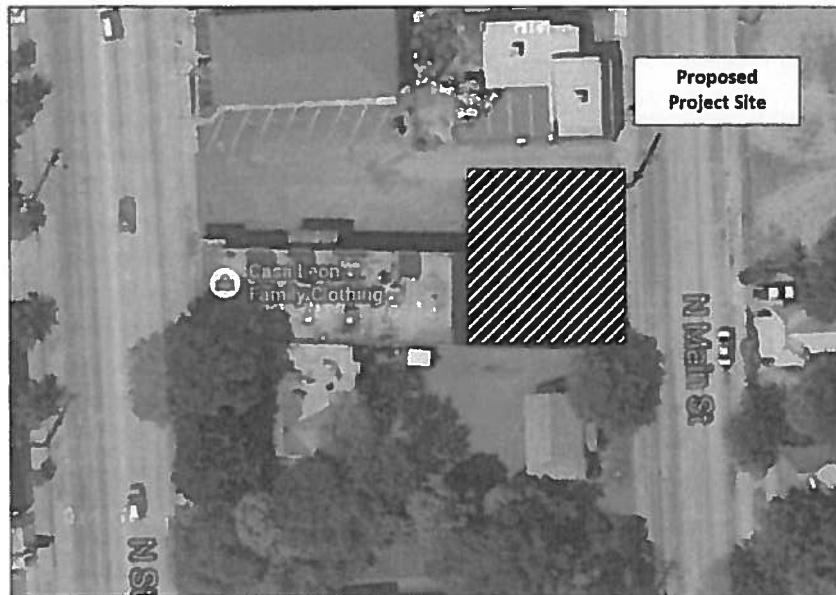
See Attachment 3 (General Plan Downtown Master Plan Area Map) and Attachment 4 (Downtown Revitalization Master Plan Map).

Planned Development/Precise Development Plan: The City received an application to construct two (2) 550 square foot one bedroom, one bathroom units located above individual garages on a 5,128 square foot parcel on North Main Street near the downtown. The zoning code requires a minimum of 6,000 square feet of site area per dwelling unit in the Community Commercial zoning district, so the applicant proceeded to make application for a *Planned Development* rezoning to allow for flexibility and relief from the site area requirement. However, the City Code also requires a minimum of ½ acre for Planned Development projects not located within the Downtown Master Plan area map contained in the General Plan. As noted above, the Downtown Master Plan area map contained in the 1995 General Plan

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General Plan Amendment and Mountanos PD Rezoning

is inconsistent with the 1992 Downtown Master Plan map adopted by the City as part of the Downtown Revitalization Master Plan. The 1992 Downtown Master Plan map includes the applicant's property, so if the General Plan is amended to reflect this map, the applicant can proceed with the Planned Development project on the 5,128 square foot parcel on North Main Street.

The Planned Development Rezone would change the zoning on the site from C-1 (Community Commercial) to PD/HDR (Planned Development/High Density Residential).



**Mountanos Planned Development/Precise Development Plan
Residential Duplex Project Site**

Surrounding Land Uses and Setting: The subject parcel is located on the west side of Main Street between Norton/Scott streets to the north and Henry/Smith streets to the south. This section of Main Street is developed primarily with residential uses. Commercial uses are located to the west on State Street and to the east. An alley along the north side of the parcel connects Main Street and State Street. The alley is between Nuestra Casa (north side of the alley) and a retail store (south side of the alley) on State Street.

Other Public Agencies With Approval Authority (e.g., permits, financing approval, or participation agreement):

- City of Ukiah Building Department
- City of Ukiah Department of Water and Sewer
- City of Ukiah City Engineer/Department of Public Works
- City of Ukiah Electrical Department
- Mendocino County Airport Land Use Commission (Airports Comprehensive Land Use Plan consistency review)

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Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussions.

- | | | |
|--|---|--|
| ☒ Aesthetics | ☐ Agricultural Resources | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☒ Geology / Soils |
| ☐ Hazards & Hazardous Materials | ☐ Hydrology / Water Quality | ☒ Land Use / Planning |
| ☐ Mineral Resources | ☒ Noise | ☒ Population / Housing |
| ☒ Public Services | ☒ Recreation | ☒ Transportation / Traffic |
| ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature:

Date:

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

Significance Criteria: Aesthetic impacts would be significant if the project resulted in the obstruction of any scenic view or vista from the public right-of-way, damage to significant scenic resources within a designated State scenic highway, creation of an aesthetically offensive site from the public right-of-way, substantial degradation to the existing visual character or quality of the site and its surroundings, or new sources of light or glare that would adversely affect day or nighttime views in the area, including that which would directly illuminate or reflect upon adjacent property or could be directly seen by motorists or persons residing, working or otherwise situated within sight of the project.

Discussion:

- a) The Planned Development (Duplex) Project is located in an established commercial/residential area and the Project would be consistent with other development in the surrounding neighborhood, both in terms of use and density, and would be an improvement in terms of visual quality/aesthetics
- b) The Planned Development (Duplex) Project is not located within a scenic area and therefore would not damage scenic resources including but not limited to trees, rock outcroppings, and historic buildings. Furthermore the project is not located in or visible from a scenic highway.
- c) As required by City Code the Project was reviewed by the Design Review Board (DRB). The project was reviewed by the DRB on September 18, 2014 and the applicant incorporated some of the recommendations into the Project. Furthermore, some of the DRB recommendations will be included as conditions of approval. Therefore the project would not degrade the existing visual character or quality of site and its surroundings and the project would infill a vacant lot and the proposed density would be consistent with existing development in the area.
- d) The project would create a new sources of light which potentially could impact nearby streets/motorists and land uses. In order to ensure that there would be a less than significant impact related to light and glare, the standard mitigation measure related to light and glare has been added to the Planned Development/Precise Development Plan project.
- e) The General Plan Amendment to rectify the two maps would not, in and of itself, result in new aesthetic impacts not previously considered, because both maps were adopted by the City Council and the purpose of the maps is to identify an area in need of revitalization, which is what the project would

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accomplish. Additionally, future proposed projects seeking to upgrade the North Main State neighborhood would be subject to discretionary (CEQA) review, at which time the potential aesthetic impacts could be evaluated based on the scope and intensity of the particular project.

Mitigation Measures:

1. All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall be International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting and area subject to review and approval at time of building permit.

Impact Significance After Mitigation: Less than Significant

2. AGRICULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Significance Criteria: Significant impacts would occur to agricultural resources if the proposed project would hamper existing agricultural operations or convert agricultural land to urban uses. Significant impacts would occur to agricultural resources and non-farmland to non-agricultural.

- a) **Discussion:** The Planned Development project parcel and the parcels that would be affected by the General Plan Amendment are designated *Urban and Built Up Land* on the Mendocino County Important Farmland Map 2010 (sheet 2 of 2) maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/men10_so.pdf).
- b) APN 002-186-02 is zoned C1 Community Commercial and is not under a Williamson Act contract. There are no parcels within the City of Ukiah zoned Agriculture.
- c) The parcels included in the Project are located in an urbanized area, and development of the Project would infill an existing commercial/residential area. There are no agricultural uses or parcels zoned Agricultural within the City limits. Agricultural uses are not allowed or permitted in the C1 zoning district.

Mitigation Measures: None required.

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3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Significance Criteria: Air Quality Impacts would be significant if the project results in any of the following:

- Conflicts with or obstructs implementation of any applicable Air Quality Plan;
- Violates any air quality standard or contributes substantially to an existing or project air quality violation, including a cumulatively considerable net increase of any criteria for which the region is in nonattainment as defined by Federal or State regulations. For the Mendocino County Air Quality Management District, the applicable daily thresholds for criteria pollutants would be significant if they exceed any of the following:
 - Reactive organic gases (ROG) 220 lbs.
 - Nitrogen oxides (Nox) 220 lbs.
 - Sulfur oxides (Sox) 220 lbs.
 - Particulates (PM10) 80 lbs.
 - If carbon monoxide (CO) exceeds 550 lbs./day, dispersion modeling is recommended to determine the significance of the impact upon Federal or State standards.
- Exposes sensitive receptors to substantial pollutant concentrations; or
- Creates objectionable odors affecting a substantial number of people.

Discussion:

a-e) The proposed Planned Development residential project would not be a sources of pollutant concentration or objectionable odors to which people can be exposed, nor will it conflict or obstruct implementation of the application to conflict with or obstruct any applicable air quality plan, because it is a small infill duplex project that would not generate substantial vehicle trips.

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The General Plan Amendment and Planned Development project is not expected to create long-term sources of pollutants or odor due to the small number of units proposed with the project and the lack of any established sources of pollutants or odors in the area or building designs expected with future building upgrades. Furthermore the driveway and parking area will be paved and landscaping will be added which will minimize the potential for long-term dust creation for the duplex project. Similar requirements will pertain to any similar projects in the revitalization area. Based on these factors, the project is not expected to cause substantial or long-term conflicts with applicable air quality plans, violate any air quality standards, result in a cumulatively considerable net increase of pollutants, or exceed state ambient air quality standards.

However, short-term construction activities could create emissions, ranging from exhaust from heavy equipment to the air-bound organic gases from solvents, insulating materials, caulking materials, and "wet" pavement.

Mitigation Measures:

1. All activities involving site preparation, excavation, filling, grading, road construction, and building construction shall institute a practice of routinely watering exposed soil to control dust, particularly during windy days.
2. All inactive soil piles on the project site shall be completely covered at all times to control fugitive dust.
3. All activities involving site preparation, excavation, filling, grading, and actual construction shall include a program of washing off trucks leaving the construction site to control the transport of mud and dust onto public streets.
4. Low emission mobile construction equipment, such as tractors, scrapers, and bulldozers shall be used for earth moving operations.
5. All earth moving and grading activities shall be suspended if wind speeds (as instantaneous gusts) exceed 25 miles per hour.

Impact Significance After Mitigation: Less than Significant

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒

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4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Significance Criteria: Project impacts upon biological resources would be significant if any of the following resulted:

- Substantial direct or indirect effect on any species identified as a candidate, sensitive, or special status species in local/regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service or any species protected under provisions of the Migratory Bird treaty Act;
- Substantial effect upon sensitive natural communities identified in local/regional plans, policies, or regulations or by the agencies listed above;
- Substantial effect (e.g., fill, removal, hydrologic interruption) upon Federally protected wetlands under Section 404 of the Clean Water Act;
- Substantially interfere with movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies/ordinances that protect biological resources (e.g., tree preservation policy or ordinance).

Discussion:

- a) The Planned Development project site and General Plan Amendment area is surrounded by existing commercial/residential development and the project site are not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Department.

During the most recent General Plan revision program, a natural habitat technical study was prepared as background material for the Open Space and Conservation Element. This Study, entitled, "General Plan Revision and Growth Management Program - Natural Habitat Section", and dated October 31,

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1991, was prepared by Michael W. Skenfield, a Consulting Biologist and Registered Professional Forester. The Study did not identify any species identified as a candidate, sensitive, or special status in the vicinity of the project area, therefore the Project would have no impact on candidate, sensitive, or special status species.

- b) There are no riparian areas or riparian habitat on the subject parcels or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. Therefore, the Project would have no impact on these resources.
- c) There are no wetlands, marshes, vernal pools, or other water courses on the parcels included in the Planned Development or general Plan Amendment Project. Therefore, the Project would have no impact on these resources.
- d) No migratory path for wildlife species, no connection with any wildlife habitat, no water courses are located on the parcels included in this Project. No trees would be removed as part of this project.
- e) The City does not have a tree preservation ordinance that applies to this Project.
- f) The parcels included in the project are not subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation Measures: None required.

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

Significance Criteria: A significant impact to historic and cultural resources would occur if implementation of the project would:

- Cause a substantial change in the significance of a historical or cultural resource;
- Result in the removal or substantial exterior alteration of a building or structure or district that may be eligible for listing in the National Register or California Register;
- Result in the removal or substantial exterior alteration of a building or structure so that it results in the loss of a designated county landmark in the City of Ukiah;
- Result in the destruction of a unique paleontological resource, site or unique geological feature, or disturbs any human remains.

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Discussion:

- a) The General Plan amendment area is adjacent to the historic Wagonseller neighborhood, but including it in the area where small Planned Development projects could potentially be located does not mean they would impact the historic neighborhood. It is highly speculative to attempt to identify the scope and intensity of potential future Planned Development projects. In addition these types of future projects are discretionary in nature and require individual CEQA review.

The Planned Development project site includes one vacant lot containing a single family home that does not meet the definition of historical resources defined by 15064.5 or included the City of Ukiah Historical Inventory. The Project would have no impact on historical resources as defined by 15064.5

- b) The parcels included in the Project are not located in an area of "High" archeological sensitivity as identified in Figure V.3-DD: Areas of High Archeological Sensitivity in the City of Ukiah General Plan. Although the discovery of archeological resources is unlikely, a standard mitigation measure has been applied to the Planned Development Project in order to ensure that any potential resources are not significantly impacted. A similar standard mitigation measure would be imposed on any future Planned Development project.
- c) The project site does not contain any unique paleontological resources or unique geological features.
- d) The parcels included in the Project are not known to include any human remains. Although it is highly unlikely that human remains, including Native American remains, would be discovered on the parcel included in the Project, due to the sensitive nature of this type of discovery, a mitigation measure has been applied to the Project. Implementation of this mitigation measure would reduce any potential impact to less than significant. A similar standard mitigation measure would be imposed on any future Planned Development project.

Mitigation Measure

1. If, during site preparation or construction activities, any historic or prehistoric cultural resources are unearthed and discovered, all work shall immediately be halted, and the City shall be notified of the discovery. The applicant shall be required to fund the hiring of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program if deemed necessary.
2. If human remains are encountered during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to PRC Section 5097.98. If the remains are to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.

Impact Significance After Mitigation: Less than significant

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6. GEOLOGY AND SOILS

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

Significance Criteria: A significant geologic impact would occur if a project exposed people or structures to major geologic features that pose a substantial hazard to property and/or human life, or hazards such as earthquake damage (rupture, groundshaking, ground failure, or landslides), slope and/or foundation instability, erosion, soil instability, or other problems of a geologic nature that cannot be mitigated through the use of standard engineering design and seismic safety design techniques.

A significant geologic impact would occur if a project exposed people or structures to major geologic features that pose a substantial hazard to property/or human life, or hazards such as earthquake damage.

Discussion:

The Ukiah Valley is part of an active seismic region that contains the Maacama Fault, which traverses the valley to the east and north of the City and according to resource materials maintained by the Ukiah Planning Department, the projected maximum credible earthquake along this fault would have an approximate magnitude of 7.4 on the Richter scale. However, the subject property area is not situated directly on or near an Alquist-Priolo fault zone and the relatively flat area has no known slope and/or foundation instability, soil instability, or other geologic hazards that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- a) **Fault Rupture.** No known active fault zones cross the Project parcels based on official fault maps. The Macaama fault zone is located to the east of the project site and therefore fault rupture hazard is considered low since research has shown that the Maacama Fault is confined to a limited zone with little or no splaying. Impacts related to fault rupture are less than significant.

Seismic. The Planned Development Project, as well as future development in the area is required to comply with the seismic design standards included in the California Building Code. Compliance with these requirements would reduce impacts resulting from strong seismic ground shaking to less than significant.

Liquefaction. According to the Soil Survey of Mendocino County, Eastern Part, and Trinity County Southwestern Part published by the U.S. Soil Conservation Service, the subject property is underlain by an "urban mix" that includes native soils mixed with non-native fill materials that are only partially covered by patches of asphalt and hard-packed gravel. However, the project area is not in an area with any known deposits of soils that are unstable, or that would become unstable as a result of the project, or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse

Landslide. The Project parcels and surrounding area are relatively flat and no new slopes would be created as a result of the Project; therefore, there are no impacts related to landslides related to seismic activity.

- b) It is possible that soil erosion and/or loss of topsoil could increase on the site if soils are left exposed to winds or storm waters for any substantial period of time during the construction. Such impacts would generally be short-term in nature, but could cause significant erosion if normal grading and site preparation techniques are not utilized during the development phase of the Planned Development project, as well as any future Planned Development projects in the area. In this case, however, the soil protection measures included as Mitigation Measures 1-5 in the Air Quality discussion, above will sufficiently reduce soil impacts to less than significant levels.

The Project is required to comply with Division 9, Chapter 7, Sediment and Erosion Control of the Ukiah City Code which includes requirements intended to reduce erosion and sedimentation. Implementation of these requirements through the building permit process would reduce impacts to less than significant.

- c) The Project would not result in on- or off-site landslide since the Project site as well as the surrounding area is relatively flat and the Project would not create any new slopes.
- d) There are no known deposits of expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Additionally, the project area is relatively flat, so it is not anticipated that its development would require extensive grading, cutting or filling, or other site preparation activities that would cause substantial soil erosion or the loss of topsoil.
- e) The Project does not include any septic tanks or alternative wastewater disposal systems; therefore, there is no impact.

Mitigation Measures: Refer to Mitigation Measures 1-5 in the Air Quality discussion above.

Impact Significance After Mitigation: Less than Significant

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

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Significance Criteria: A significant impact to the environment and the public associated with hazards and hazardous materials would result from a project if any of the following occurred:

- Creation of a significant hazard to the public or environment by routine transport, use or disposal of hazardous materials or from foreseeable upset and accident conditions;
- Emission and/or handling of hazardous, acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;
- Location of a project on a listed hazardous materials site compiled pursuant to Government Code Section 65962.5;
- Be located within an adopted Airport Land Use Plan and expose people to a safety hazard;
- Be located within the vicinity of a private airstrip and expose people to a safety hazard;
- Impairment/interference with adopted emergency response plan or emergency evacuation plan; or
- Be located in or near a wildland area and expose people to risk due to wildland fire.

Discussion:

- a) The proposed Planned Development project would construct residential units and would not involve the use of hazardous materials therefore the project would not create significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b) The parcels included in the Project area are not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- c) The project site not located within the vicinity of a private airstrip.
- d) The Project has been reviewed by the Police Department and Fire Marshal and no comments were received related to emergency response or evacuation.
- e) The project site is located within an established residential/commercial neighborhood and surrounded by urban development. The project site is not located in or adjacent to a wild land area. Therefore, the Project would have no impact related to exposing structures or people to risk related to wild land fires.
- f) Airport Compatibility Zone: The majority of parcels in the General Plan Amendment area, including the Mountainous parcel are located within the B2 Infill area of the Ukiah Airport Master Plan and the Mendocino County Airports Comprehensive Land Use Plan. The area is situated in the northernmost portion of the B2 zone.

The B2 infill policy allows new development of a similar intensity to that of the surrounding, already existing, uses. While new residential development is discouraged in the zone, multi-family is acceptable because of its lower sensitivity to noise as compared with single family residential development.

Surrounding land uses include low, medium and high density residential development, commercial retail, professional offices, heavy commercial, and commercial – restaurants. In terms of the proposed Planned Development, the density is similar to the existing high density residential in the vicinity.

In terms of the General Plan Amendment and the potential for an estimated 23 additional Planned Development units, these, too, would be similar in density to the existing high density residential development in the area.

The application was referred to the Mendocino County Airport Commission for a B2 Infill area consistency determination as required by State law. On May 21, 2015, the Commission considered the proposal and found it to be consistent with the County Airports Comprehensive Land Use Plan.

Mitigation Measures: None required.

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8. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	☐	☒	☐	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

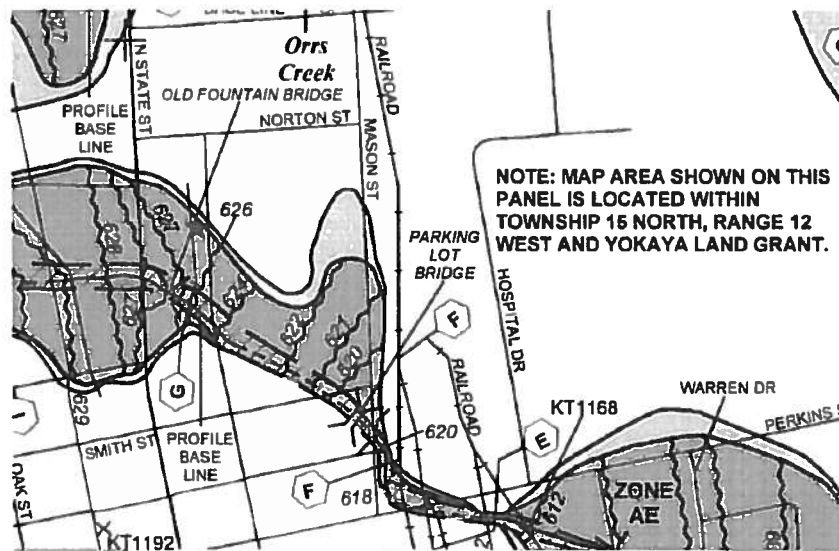
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8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Significance Criteria: Significant impacts associated with hydrology and water quality would result from a project if water quality standards or waste discharge requirements were violated; groundwater and surface water quality and quantity were substantially altered; drainage patterns were substantially altered that would increase erosion/siltation and increase surface runoff; increase runoff that would exceed capacity of existing or planned drainage systems or add a substantial source of pollution; located on a 100-year floodplain; or expose people to hydrological hazards such as flooding or inundation by seiche, tsunami, or mudflow.

Special Flood Hazard Area (SFHA) – an area in the floodplain subject to a one percent or greater chance of flooding in any given year, and is shown on the Flood Insurance Rate Maps (FIRMs) as Zone 'A', 'AO', 'A1-A30', 'AE', 'A99', 'AH', 'V1-V30', or 'V'.



Discussion:

The proposed Planned Development Project and any future Planned Development project enabled by the proposed General Plan Amendment are required to comply with the requirements of the Ukiah City Code (UCC). Division 9, Chapter 7, Erosion and Sediment Control regulates grading on public and private property in order to control erosion and sedimentation, protect water quality, and safeguard health, safety and the public welfare. The requirements of this chapter require Projects subject to a grading permit to include specific design standards as part of the plans including requirements for: general site and good housekeeping; erosion control; sediment control; waterway and watercourse protection; and construction site access (section 9703). This Chapter also requires the holder of the grading permit to establish and implement construction site management practices that prevent toxic materials and other debris from entering the storm drain and waterway systems (section 9704).

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- a) Building permits from the City of Ukiah are required for development projects. The permits require compliance with specific standards designed to comply with water quality standards and to avoid illicit discharge. Compliance with these requirements would result in no impacts.
- b) Construction of the new residential units and associated site improvements would not impact groundwater because new landscaping would be included along with drainage swales that would provide opportunity for groundwater infiltration. The project drainage plan has been reviewed and accepted by the Public Works Department. Any future Planned Development projects would be subject to the same requirements.
- c) The Project was reviewed by Public Works and the existing stormwater system has adequate capacity to serve the Project.
- d) The Project would not degrade water quality. The Project is subject to compliance with requirements Ukiah City Code and are included as part of the Project design. These requirements are intended to protect water quality. Compliance with these requirements would result in no degradation of water quality.
- e) The subject site is located within the 100-year flood hazard area. It is located in Flood Zone AE. The project would not expose people or structures to flooding because per the City Code it must (1) elevate the lowest floor above the flood level {or flood proof the structure above the flood level}, (2) elevate the building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities above the flood level or protect from flood damage. Any future Planned Development projects enabled by the General Plan Amendment would also be subject to these City Code requirements.
- f) The Project is located inland and therefore would not be subject to inundation by seiche, tsunami, or mudflow.

Mitigation Measures:

1. All new construction and substantial improvements shall conform to the City of Ukiah Low Impact Development standards adopted by the City of Santa Rosa Low Impact Design Technical Design Manual. As it relates to storm water, LID features aim to mimic the hydrologic function of the undeveloped site by capturing, treating, and infiltrating storm water as close to the source as possible by using small scale landscape-based features located throughout the project site.
2. Substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
5. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet (2') if no depth number is specified. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the Building Official to be properly elevated. Such certification or verification shall be provided to the Flood Plain Administrator.

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7. All new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
8. Either a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Significance Criteria: Significant land use impacts would occur if the project substantially conflicted with established uses, disrupted or divided an established community, or resulted in a substantial alteration to present or planned land uses. Proposed project consistency with the Ukiah General Plan and zoning and any other applicable environmental plans and policies is also evaluated in making a determination about potential land use impacts.

Discussion:

- a. The proposed Planned Development project would create one duplex with two new residential units within an established commercial/residential area. The new units would be similar in density to the surrounding neighborhood therefore the project would not divide an established community. Furthermore the project would infill a vacant lot in a commercial/residential area.
- b. The proposed General Plan Amendment would allow similar small Planned Development applications on property within the project area. These applications, if any, are unknown at this time and it is highly speculative to assume their scope and intensity. If these applications were similar to the proposed Planned Development, they would be adding small dwelling units to an area adjacent to the historic downtown, which is a goal of the General Plan Housing Element.

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- c. The project site is not located within a specific plan area or coastal zone and is zoned Planned Development.

Zoning: The Project includes the rezoning of the parcels from Community Commercial (C1) to Planned Development (PD) / Community Commercial (C1) Combining. The intention of the PD zoning designation is "to allow flexibility in design and development in order to promote economical and efficient use of land; ... preserve the natural environment... It generally provides a method for deviating from standardized zoning requirements to foster well-planned, creative, and quality development." The Project was reviewed by the Design Review Board (DRB). The DRB found the Project compatible with the site and the neighborhood and recommended approval of the Project. Based on the above, the Planned Development Project is consistent with the intent of the PD combining district and would have a less than significant impact related to compliance with the zoning ordinance.

A similar conclusion can be reached for the general Plan Amendment project, which seeks to rectify/correct the Downtown Master Plan area map contained in the General Plan.

General Plan: The General Plan land use designation is Commercial (C). This land use designation allows a maximum of 28 units per acre and is intended for apartments and townhome projects to meet the diverse needs of the population by providing mixed and affordable housing types. Residential uses with a maximum density of 28 units per acre are allowed in the Commercial land use designation. Based on an approximately 5,070 square foot parcel, a maximum of three (3) units would be allowed. The Project is consistent with the density and uses intended for the Commercial (C) general plan land use designation.

The General Plan Housing Element encourages infill projects (See table below) when approved through the discretionary review process, provided the substantial compliance with applicable development standards and compatible with the surrounding neighborhood. In this case, it is the opinion of staff that this goals and policy are met.

Goal/Policy # Goal/Policy Text	Consistency Determination
Housing	
Goal H-5 – Use land effectively to meet housing needs and to implement smart growth, green building, and sustainable development policies with a focus on infill H-5.1 Assure that new housing is well-designed to enhance Ukiah's neighborhoods and community as a whole. H-5.3: Support and encourage compact infill developments that provide extremely low, very low, low or moderate income level housing that is safe and livable. H-5.6: Support careful well-designed infill housing development in areas currently served by City Services H-5.7: Encourage and support sustainable site planning and development	The proposed project site is a vacant undeveloped parcel located within an existing commercial/residential neighborhood. Development of the site would infill a vacant lot. The project was reviewed by the Design Review Board and design comments were incorporated into the project in the effort to enhance the existing neighborhood. The proposed project would provide housing opportunities for low and moderate income levels. The project site is located within an existing neighborhood that is currently served by City Services. The project will be subject to the requirements Cal Green building code during the building permit process. While the potential for additional similar small Planned Development projects in the affected area is low, there is some potential to add additional housing stock.

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Goal/Policy # Goal/Policy Text	Consistency Determination
Open Space and Conservation	
Goal OC-23: Native plant landscaping shall be encouraged. Implementation Measure OC-23.1(c): Landscaping standards for new development and redevelopment projects shall be applicable to all but individual single-family residential development. Compliance with landscaping standards shall be required as a condition of discretionary approvals or a condition of issuing a building permit. This implementation measure does apply to single family residences located within planned developments or subdivisions for which landscaping standards where incorporated as conditions of project approval.	The landscaping includes some native planting. As part of the review of the Project, the Planning Commission may recommend the planting of additional native plants, and the City Council may include this as a condition of Project approval. The Planned Development zoning regulations for the Mountainous Main Street Duplex will include language that encourages native planting and prohibits the planting of known invasive species. The same conditions would be imposed on any future Planned Development projects in the area. Based on the above, the Project is consistent with this goal.
Energy	
Goal EG-6: Promote energy efficiency features in the design of all new structures.	All development Projects are required to comply with the California Green Building Code, including Title 24 which is intended to promote energy efficiency.

- d. No habitat conservation plan or natural community conservation plan has been adopted for the parcels included in the Project. Therefore the Project would have no impact on a habitat conservation plan or natural community conservation plan.

General Plan Amendment – Development Potential Survey/Analysis

The proposed General Plan Amendment involves replacing the current "Downtown Master Plan Area" General Plan map with the "Downtown Master Plan Area" map from the 1992 adopted Downtown Revitalization Master Plan. It is assumed that the General Plan map intended to reflect the Revitalization Master Plan map, but a mapping error occurred. By using the Revitalization Master Plan map, an additional 49 parcels would be added to the map in the General Plan. By including these parcels, any that were less than ½ acre in size would become eligible for a future Planned Development project similar to the Mountainous proposal at 344 North Main Street.

Staff conducted a survey and analysis of these parcels to determine how many of the parcels were less than ½ acre in size, and of those, how many had additional development potential in terms of number of housing units. Of the 49 parcels, 37 were determined to be under ½ acre in size. However, of these 37 parcels, only one (1) was vacant (owned by the City of Ukiah) and only 4 were deemed to have additional development potential. These four parcels all had existing development and constraints such as narrow access and mature trees, but staff was able to determine that approximately 23 additional housing unit could potentially be constructed on these parcels via the Planned Development process.

APN	Size	Developed?	Constraints	Potential Units
002-153-05	>½ acre	Yes – SFD	Access, mature trees	8
002-153-16	>½ acre	Yes – SFD	Access	4
002-153-17	>½ acre	Yes – SFD	Access, mature trees	4
002-153-22	>½ acre	Yes - SFD	Mature trees	7
Total Potential Units				23

NOTE: Development Potential Survey on file with the Department of Planning and Community Development

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Airport Master Plan: The application was referred to the Mendocino County Airport Commission for a B2 Infill area consistency determination as required by State law. On May 21, 2015, the Commission considered the proposal and found it to be consistent with the County Airports Comprehensive Land Use Plan (see complete discussion in Section 7 (hazards and Hazardous Materials)).

Mitigation Measures: None required.

10. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Significance Criteria: Impacts to Mineral and Natural resources would be substantial if the proposed project resulted in the loss of significant or locally important materials such as minerals, gravel, sand, and heritage trees. Impacts to mineral and natural resources would be substantial if the proposed project resulted in the loss of significant or locally important materials such as minerals, gravel, sand, and heritage trees. Impacts to mineral natural resources would be.

Discussion:

- a) The parcels included in the Project area are located in a commercial/residential area and surrounded by existing commercial/residential development. There are no known natural or mineral resources on the site.
- b) The parcels included in the Project area are not delineated as an important natural or mineral resource recovery site on the City's General Plan Map or on any specific plan or other land use plan.

Based on the above, the Project would have no impact on natural or mineral resources.

Mitigation Measures: None required.

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

Significance Criteria: A project will typically have a significant noise impact if it meets any of the following criteria:

- Exposes people to or generate noise levels in excess of standards established in the local General Plan or Noise Ordinance.
- Causes a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Expose people to excessive ground borne vibration or noise levels.
- Causes a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project.
- If located within an airport land use plan or within 2 miles of a public airport, expose people to excessive noise levels.
- If located within the vicinity of a private strip, expose people to excessive noise levels.

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Discussion

The Ukiah City Code includes the following noise regulations that apply to the Project:

Section 6048: Ambient Noise Level: Where the ambient noise level is less than designated in this Section the respective noise level in this Section shall govern.

Sound Level A, decibels		
Zone	Time	Ambient Noise Level
R1 and R2	10 p.m. to 7 a.m.	40 decibels
R1 and R2	7 p.m. to 10 p.m.	45 decibels
R1 and R2	7 a.m. to 7 p.m.	50 decibels
R3	10 p.m. to 7 a.m.	45 decibels
R3	7 a.m. to 10 p.m.	50 decibels
Commercial	10 p.m. to 7 a.m.	60 decibels
Commercial	7 a.m. to 10 p.m.	65 decibels
Industrial	Anytime	70 decibels

Section 6053: Machinery, Equipment, Fans and Air Conditioning: It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five (5) decibels between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. (Ord. 748, Article 1, adopted 1980)

Section 6054: Construction of Buildings and Projects: It shall be unlawful for any person within a residential zone, or within a radius of five hundred feet (500') therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device (between the hours of 7:00 P.M. of one day and 7:00 A.M. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefore has been duly obtained from the Director of Public works. No permit shall be required to perform emergency work as defined in §6046 of this Article. (Ord. 748, Article 1, adopted 1980)

- a) The proposed and any future similar development enabled by the General Plan Amendment will place an increased number of persons on the Planned Development project property and will expose them to various sources of noise commonly found in urbanized areas. In this case, the primary noise sources are expected to come from street traffic and residential sources within the units once they are constructed. However, there is no evidence that any of these noise sources will cause significant or long-term increase in noise levels or the exposure of persons to hazardous noise levels.
- b) During construction there may be exposure to groundborne vibration however this would be temporary and it is not anticipated that this would be long lasting and that the applicant does not intend to use unusual construction methods or tools, such as blasting or drilling. Furthermore construction activities are required to adhere to the City's noise standards.
- c) The proposed Planned development project would not have a permanent increase in ambient noise levels because the new residential development would be similar to the surrounding neighborhood and typically residential uses do not create noise that exceed the noise standards of the City. The same conclusion could be reached for any similar small planned development projects enabled by the General Plan Amendment map resolution. Any similar future small development would be subject to discretionary review and the CEQA process.
- d) The Project would result in periodic and temporary increases in noise as a result of Project construction however this would only be short term. Project construction would be required to adhere to the City's noise standards and the allowed hours of construction. In order to reduce construction related noise

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impacts, especially impacts to sensitive receptors which in this case would be the adjacent residential uses, to a less than significant level, the City's standard mitigation measure limiting construction hours has been applied to the Project.

- e) The project is not located within the vicinity of a private airstrip.

Mitigation Measures:

1. Construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4 p.m. on Saturday. Construction hours are prohibited on Sunday and all holidays recognized by the City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above.
2. Signs shall be posted at the Project site prior to commencement of construction of the proposed Project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise.
3. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
4. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled.
5. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site during Project construction.

Impact Significance After Mitigation: Less than Significant

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

Significance Criteria: Population and housing impacts would be significant if the project induced substantial direct or indirect (e.g., road extensions) population growth in an area and/or displaced substantial numbers of existing houses and/or substantial numbers of people, thus requiring replacement housing elsewhere.

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Discussion:

- a-b) The approval of the proposed Planned Development project would establish two new residential apartments resulting in no substantial population growth.
- c) The proposed Planned Development project parcel is vacant therefore no existing housing would be displaced as a result of the new units.

Mitigation Measures: None required.

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

Significance Criteria: Impacts to public services would be significant if the project resulted in adverse physical impacts upon capacity that would lead to construction of new public facilities or substantial alteration to existing governmental facilities to maintain acceptable service levels or performance levels.

Discussion:

a-e) The project will result in nominal impacts to municipal services, schools, and parks, given the small number of new units, as well as possible future small Planned Development projects in the immediate area. The Project has been reviewed by Public Works, the Police Department, Fire Marshal, and Electric Utility. The Project would not require the need for substantial new city facilities or services. Therefore, the Project would have no impact on public services.

Mitigation Measures: None required.

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14. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Significance Criteria: Impacts to recreation would be significant if the project resulted in an impact upon the quality or quantity of existing recreational opportunities or required the creation of new recreational facilities.

Discussion:

- a-b) The proposed Planned Development project would only create one duplex with two new residential units with small outdoor recreation areas and therefore the project would not create a substantial demand for parks and recreational facilities. The General Plan Amendment would correct a mapping error and would allow for potential Planned Development projects in the vicinity of the project site.

The General Plan identifies the adjacent Wagonseller neighborhood as a neighborhood in need of a park. Since the proposed Planned Development project does not involve a subdivision, park fees cannot be required per the City Code. In response to neighborhood concerns about the need for a park, especially as housing projects are proposed in or near the neighborhood, the City has established a Wagonseller Neighborhood park fund and is undertaking a Wagonseller Park Identification Study. Staff is able to conclude that while the project site/area is not located within the General Plan identified historic Wagonseller neighborhood, it is a nearby residential project and therefore continued planning for a Wagonseller Park is important. The Wagonseller Park Identification Study will include close neighborhood involvement and is due to be completed in 2015.

Mitigation Measures: None required.

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15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	☐	☐	☒	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Significance Criteria: According to the Ukiah General Plan Circulation Element, the minimum acceptable level of service (LOS) on City commercial streets/intersections like those within the project area is LOS "D." Other criteria include whether the project would have substantial effects upon air traffic patterns; whether the project would increase traffic hazards due to design features; whether the project has inadequate emergency access; and whether the project would create conflicts with adopted policies, programs and plans for alternative transportation.

Discussion:

- a) Given the small size of the Planned Development project it would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- b) According to the Department of Public Works, given that only a total of two new units would be created as a result of the Planned Development project the level of service standards for traffic would not be exceeded.
- c) The Planned Development project does not involve the creation or realignment of the existing roadways. A new driveway and curb cut would be created however the project has been reviewed by the Public Works Department and any comments that they had will be included as a project condition of approval.

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- d) The Project was reviewed by Public Works, the Fire Marshal, and the Police Department and no concern related to emergency access was identified. Therefore, there is no impact to emergency access.
- e) As required by the Zoning Ordinance the Planned Development project will provide the required amount of on-site parking.
- f) The proposed General Plan Amendment would correct a mapping error and allow for potential future small Planned Development projects. A review of potential small Planned Development sites within the area revealed minimal potential due to a lack of vacant parcels.

Mitigation Measures: None required.

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

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16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Significance Criteria: Impacts to utilities and service systems would be significant if the proposed project results in a physical need to develop new systems or causes a substantial physical alteration to existing facilities.

Discussion:

a-g) The proposed project is not expected to result in a significant increase in wastewater generation or require the construction of storm water facilities in association with the proposed project. The Public Works Department has reviewed the project and indicated that the two residential duplex units and potential small Planned Development projects in the area could be served by existing water supplies and will not require the construction of large-scale water supply mains or new water treatment facilities. The area is served by the Mendocino Solid Waste Authority, which maintains a waste transfer station south of City limits. As part of the requirements of the California Green Building Code the applicant is required to recycle or reuse 50% of the construction waste and furthermore the applicant is required prior to building permit final on the disposal of the materials. Based on the size and scale of the complex, this agency will be able to serve the site with existing resources and will require no expansion of services or facilities.

Mitigation Measures: None required.

17. GLOBAL CLIMATE CHANGE / GHG	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Significance Criteria: GHG impacts would be significant if the Project would:

- generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Discussion:

- a) The proposed Project would not result in a considerable contribution to cumulative GHG emission because the project is a small residential project located on an infill parcel, and the potential for additional similar small Planned Development projects in the immediate area is low. The Planned

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Development project would add two duplex units to the community. As such, it would not significantly increase the vehicle trips in the community. The amount of increased vehicle trips would be minimal.

Additionally, it has been concluded that the potential for additional similar small Planned Development projects in the project area is low due to a lack of available land and development constraints.

- b) The City of Ukiah does not have an adopted climate action plan. The City of Ukiah does have General Plan goals and policies that address energy use which may reduce or minimize GHG emission. The Project would not conflict with any plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. Based on this, the Project would not substantially increase GHG emissions directly or indirectly.

Mitigation Measures: None required.

MITIGATION MONITORING AND REPORTING: AB 3180 requires all public agencies to adopt a monitoring and reporting program whenever they adopt an EIR or "Mitigated Negative Declaration." The Mitigation Monitoring and Reporting Program for this Mitigated Negative Declaration, which is included below as Attachment 2 of this analysis, require the applicants to incorporate or comply with the important Mitigation Measures listed in the table (see Attachment 1).

MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion:

- a) The Project would not have an impact on habitat, plant or animal communities. The Project site and area does not include any habitat, fish or wildlife population, and is not known to include any cultural resources. The Project location is not identified as an area of high significance in the City's General Plan. In the unlikely event, cultural resources are discovered as a result of construction of the Project, a mitigation measure has been included to reduce this impact to a less than significant level.
- b) The project would not have cumulative impacts because the project site is located within an established commercial/residential area and there are currently no other projects or projects in the foreseeable future planned within the immediate vicinity that would create combined cumulative impacts. In terms of the larger community future projects include the Ukiah Courthouse Relocation and Costco. While these two projects have identified impacts the proposed small Project would continue to be less than significant when added to the cumulative impacts.
- c) The project would not have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly because of the small size of the project.

CONCLUSION: Staff is able to conclude that a Mitigated Negative Declaration is appropriate for the project.

RESOURCES USED TO PREPARE THIS ANALYSIS

1. City of Ukiah General Plan
2. Ukiah City Code
3. City of Ukiah Zoning Ordinance
4. City of Ukiah Noise Ordinance
5. Ukiah Municipal Airport Master Plan Report, Shutt Moen Associates, *July 1996*
6. Hazardous Waste and Substance Sites List from California Department of Toxic Substances
7. City of Santa Rosa Low Impact Design Technical Design Manual, *August 2011*
8. Referral comments from the following City staff and Agency representatives:
 - A. Kevin Jennings, Fire Marshal
 - B. David Willoughby, Building Official
 - C. Ben Kageyama, Senior Civil Engineer, Public Works
 - D. Jimmy Lozano, Electric Utility Department
 - E. Trent Taylor, Administrative Captain, Police Department

ATTACHMENTS

1. Recommended Mitigation Measures
2. Mitigation Monitoring Program Report
3. Diagram #1 of the Ukiah Downtown Revitalization Master Plan (*adopted in 2004*)
4. Figure VI.2-KK is identified as the Downtown Master Plan Area (*adopted in 1994*)
5. Project Plans date stamped September 05, 2014

Attachment 1

**General Plan Amendment: Downtown Master Plan Area Map Correction
Mountainous Planned Development Rezone and Precise Development Plan
Initial Study for File No.: 13-28-REZ-PD-CC**

Recommended Mitigation Measures

Aesthetics

1. All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall be International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting and area subject to review and approval at time of building permit.

Air Quality

2. All activities involving site preparation, excavation, filling, grading, road construction, and building construction shall institute a practice of routinely watering exposed soil to control dust, particularly during windy days.
3. All inactive soil piles on the project site shall be completely covered at all times to control fugitive dust.
4. All activities involving site preparation, excavation, filling, grading, and actual construction shall include a program of washing off trucks leaving the construction site to control the transport of mud and dust onto public streets.
5. Low emission mobile construction equipment, such as tractors, scrapers, and bulldozers shall be used for earth moving operations.
6. All earth moving and grading activities shall be suspended if wind speeds (as instantaneous gusts) exceed 25 miles per hour.

Cultural

7. If, during site preparation or construction activities, any historic or prehistoric cultural resources are unearthed and discovered, all work shall immediately be halted, and the City shall be notified of the discovery. The applicant shall be required to fund the hiring of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program if deemed necessary.
8. If human remains are encountered during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to PRC Section 5097.98. If the remains are to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.

Noise

9. Construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4 p.m. on Saturday. Construction hours are prohibited on Sunday and all holidays recognized by the

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City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above.

Approval of additional construction hours may be requested in writing from the Planning and Community Development Director and Public Works Director for extenuating circumstances. The written request must be submitted a minimum of 14 days prior to the date for which the change in construction hours/days is being requested and shall explain the need for the extended construction hours, describe the extenuating circumstances, and identify the additional construction hours requested, including the duration.

10. Signs shall be posted at the Project site prior to commencement of construction of the proposed Project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise.
11. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems.
12. An onsite complaint and enforcement manager shall be designated for the Project and shall respond to and track complaints and questions related to noise.
13. Equipment and trucks used for proposed Project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible).
14. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
15. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled.
16. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site during Project construction.

HYDROLOGY AND WATER QUALITY

17. All plans submitted for Building Permits shall indicate the finished floor elevations, which shall be a minimum of 1-foot above the 100-year flood elevation (582.5).
18. All new construction and substantial improvements shall conform to the City of Ukiah Low Impact Development standards adopted by the City of Santa Rosa Low Impact Design Technical Design Manual, if not specifically exempted. As it relates to storm water, LID features aim to mimic the hydrologic function of the undeveloped site by capturing, treating, and infiltrating storm water as close to the source as possible by using small scale landscape-based features located throughout the project site.
19. Substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
20. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
21. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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22. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
23. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet (2') if no depth number is specified. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the Building Official to be properly elevated. Such certification or verification shall be provided to the Flood Plain Administrator.
24. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
25. Either a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
26. Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration.

**MITIGATION MEASURE
MONITORING AND REPORTING PROGRAM**

**Mountanos North Main Street GPA/PD Rezoning
And Precise Development Plan
334 North Main Street, Ukiah**

MITIGATION MEASURES	MONITORING RESPONSIBILITY	HOW AND WHEN	VERIFICATION SIGNATURE	FUNDING RESPONSIBILITY
<u>Aesthetics:</u> 1. All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light trespassing over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall be International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting and area subject to review and approval at time of building permit.	Applicants and Staff	Inclusion of a final landscaping / lighting plan prior to the submittal of a Building Permit	Planning Department staff	Applicants
<u>Air Quality</u> 1. All activities involving site preparation, excavation, filling, grading, road construction, and building construction shall institute a practice of routinely watering exposed soil to control dust, particularly during windy days. 2. All inactive soil piles on the project site shall be completely covered at all times to control fugitive dust.	Applicants and Grading/Site Preparation Contractors	During all phases of construction	Planning and Public Works Departments staff	Applicants

3. All activities involving site preparation, excavation, filling, grading, and actual construction shall include a program of washing off trucks leaving the construction site to control the transport of mud and dust onto public streets. 4. Low emission mobile construction equipment, such as tractors, scrapers, and bulldozers shall be used for earth moving operations. 5. All earth moving and grading activities shall be suspended if wind speeds (as instantaneous gusts) exceed 25 miles per hour.				
<u>Cultural Resources</u> 1. If, during site preparation or construction activities, any historic or prehistoric cultural resources are unearthed and discovered, all work shall immediately be halted, and the City shall be notified of the discovery. The applicant shall be required to fund the hiring of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program if deemed necessary. 2. If human remains are encountered during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to PRC Section 5097.98. If the remains are to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission	Applicants and Staff	During site preparation activities	Planning Department staff	Applicants

(NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.				
<u>Noise</u> 1. Construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4 p.m. on Saturday. Construction hours are prohibited on Sunday and all holidays recognized by the City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above. Approval of additional construction hours may be requested in writing from the Planning and Community Development Director and Public Works Director for extenuating circumstances. The written request must be submitted a minimum of 14 days prior to the date for which the change in construction hours/days is being requested and shall explain the need for the extended construction hours, describe the extenuating circumstances, and identify the additional construction hours requested, including the duration. 2. Signs shall be posted at the Project site prior to commencement of construction of the proposed Project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise.	Applicants with Staff oversight	During all site preparation and construction phases	Planning Department staff	Applicants

3. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems. 4. An onsite complaint and enforcement manager shall be designated for the Project and shall respond to and track complaints and questions related to noise. 5. Equipment and trucks used for proposed Project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible). 6. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. 7. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled. 8. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site during Project construction.				
<u>Hydrology and Water Quality</u> 1. All new construction and substantial improvements shall conform to the City of Ukiah Low Impact Development standards	Applicants and Grading/Site Preparation Contractors	Prior to the approval of permits for site preparation and construction phases of project	Public Works Department staff	Applicants

adopted by the City of Santa Rosa Low Impact Design Technical Design Manual, if not specifically exempted. As it relates to storm water, LID features aim to mimic the hydrologic function of the undeveloped site by capturing, treating, and infiltrating storm water as close to the source as possible by using small scale landscape-based features located throughout the project site. 2. Substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. 3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. 4. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. 5. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. 6. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or				
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at least two feet (2') if no depth number is specified. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the Building Official to be properly elevated. Such certification or verification shall be provided to the Flood Plain Administrator. 7. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: 8. Either a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or 9. Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration.				
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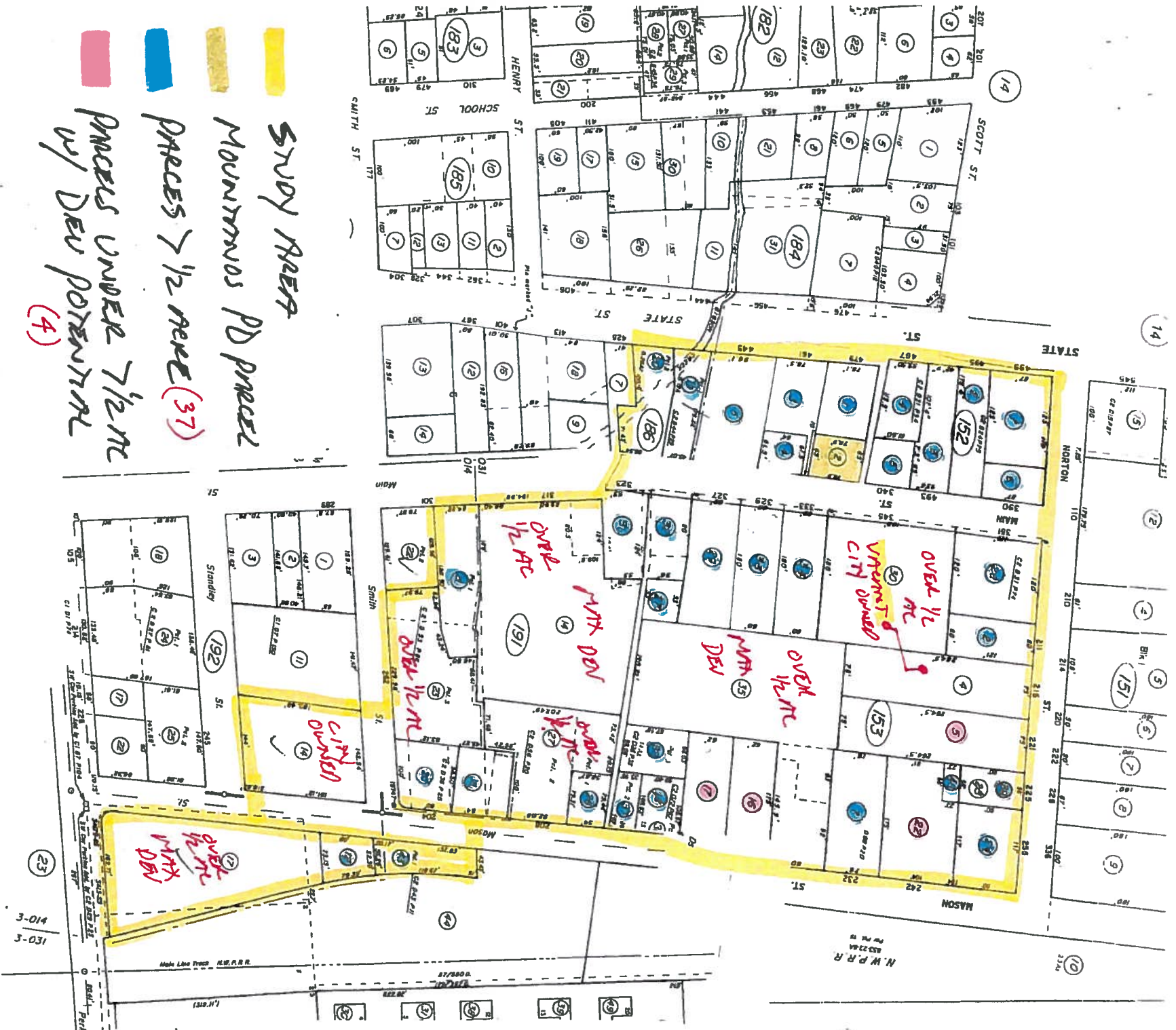
General Plan Amendment 13-28 – Development Potential Survey/Analysis

The proposed General Plan Amendment involves replacing the current "Downtown Master Plan Area" General Plan map with the "Downtown Master Plan Area" map from the 1992 adopted Downtown Revitalization Master Plan. It is assumed that the General Plan map intended to reflect the Revitalization Master Plan map, but a mapping error occurred. By using the Revitalization Master Plan map, an additional 49 parcels would be added to the map in the General Plan. By including these parcels, any that were less than ½ acre in size would become eligible for a future Planned Development project similar to the Mountainous proposal at 344 North Main Street.

Staff conducted a survey and analysis of these parcels to determine how many of the parcels were less than ½ acre in size, and of those, how many had additional development potential in terms of number of housing units. Of the 49 parcels, 37 were determined to be under ½ acre in size. However, of these 37 parcels, only one (1) was vacant (owned by the City of Ukiah) and only 4 were deemed to have additional development potential. These four parcels all had existing development and constraints such as narrow access and mature trees, but staff was able to determine that approximately 23 additional housing unit could potentially be constructed on these parcels via the Planned Development process.

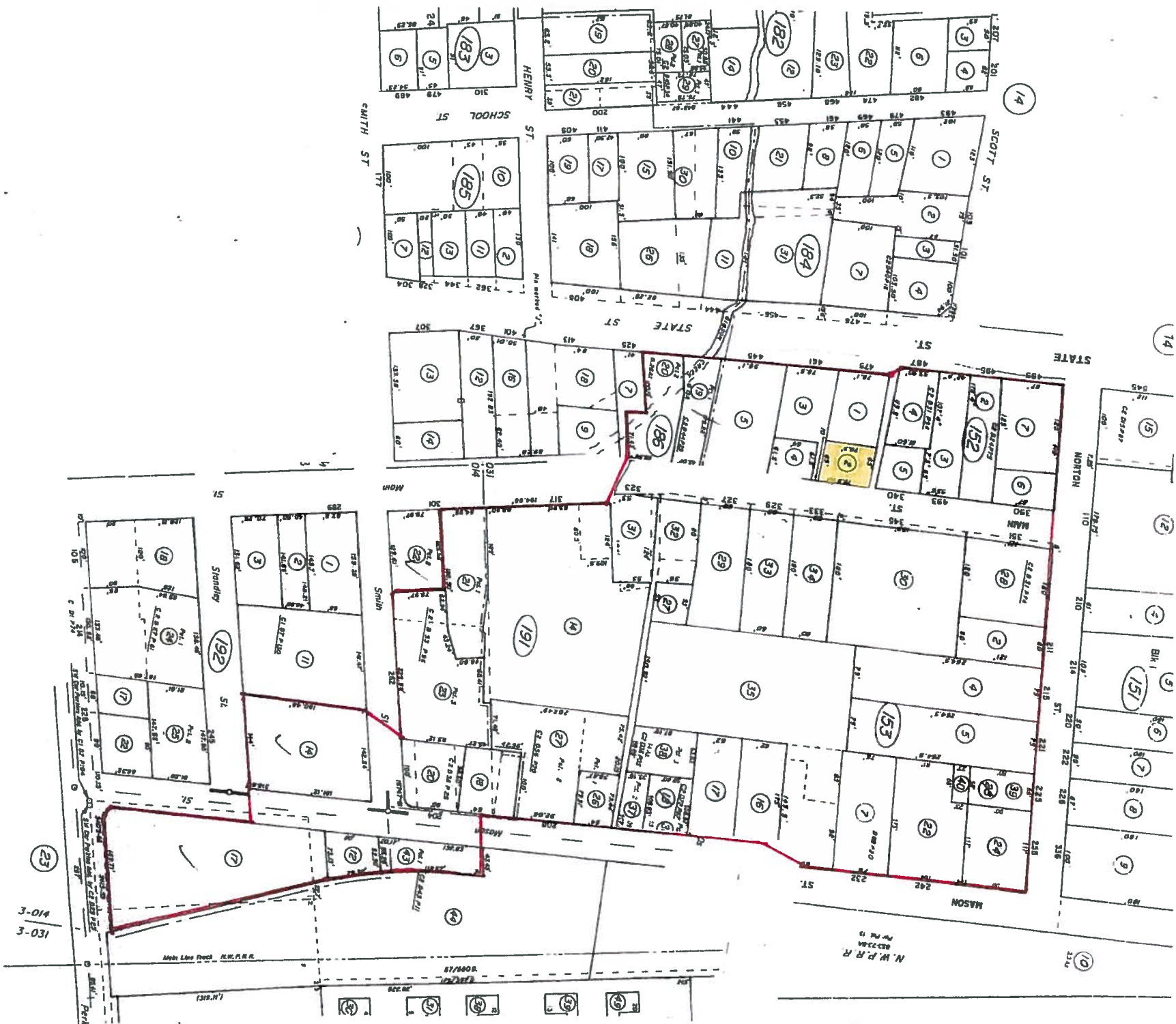
APN	Size	Developed?	Constraints	Potential Units
002-153-05	>½ acre	Yes – SFD	Access, mature trees	8
002-153-16	>½ acre	Yes – SFD	Access	4
002-153-17	>½ acre	Yes – SFD	Access, mature trees	4
002-153-22	>½ acre	Yes - SFD	Mature trees	7
Total Potential Units				23

NOTE: Development Potential Survey on file with the Department of Planning and Community Development

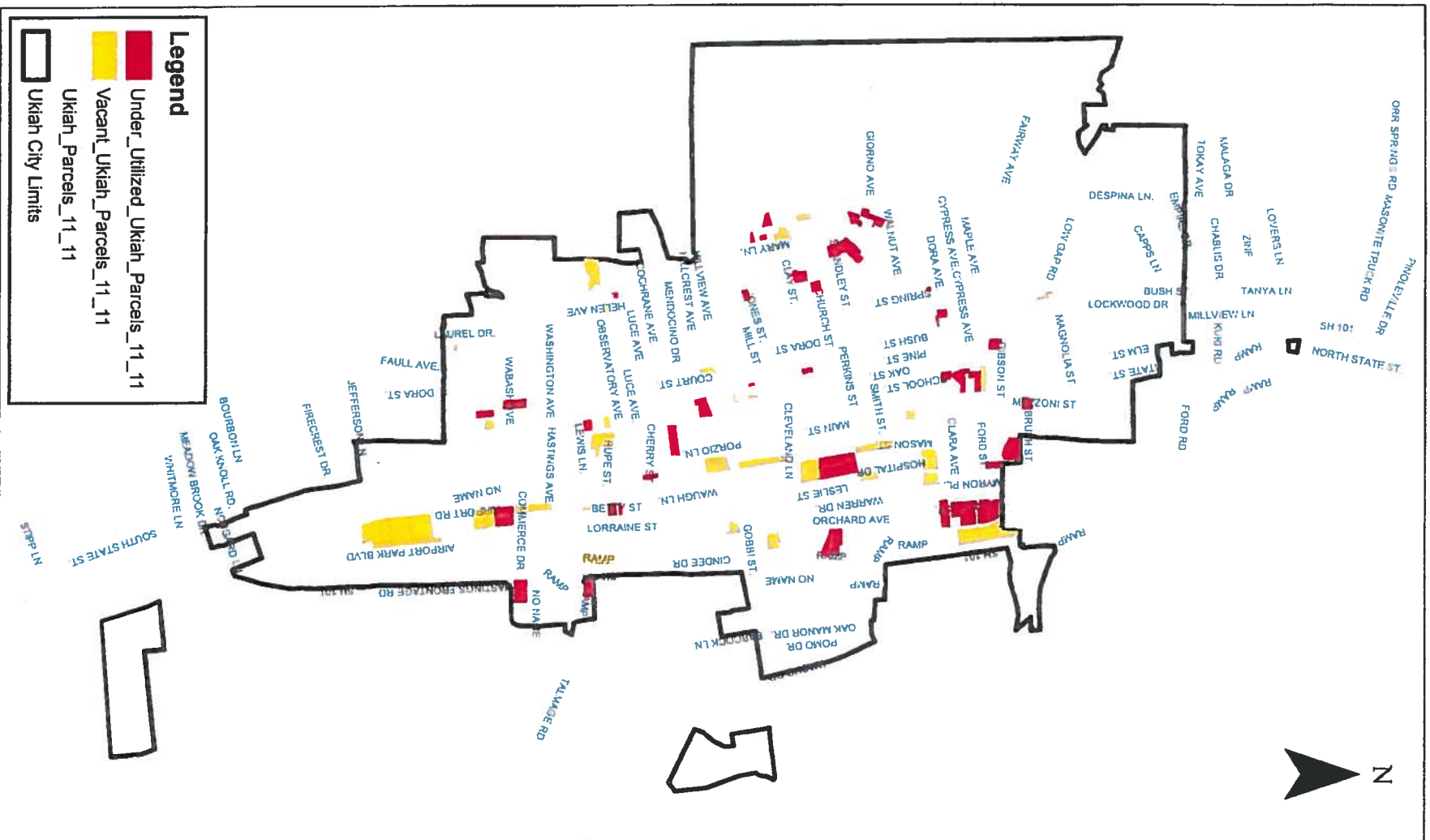


STUDY AREA
 MOUNTAIN PD PRECINCT
 PRECINCT 7 1/2 HERE (37)
 PRECINCT UNDER 7 1/2 HERE
 BY DEN PORTLAND (4)

3-014
 3-031



**CITY OF UKIAH
VACANT & UNDERUTILIZED LAND 2014-2019
GENERAL PLAN HOUSING ELEMENT UPDATE**



Mountainos Zoning Text Amendment Additional Parcels

APN	Address	General Plan	Max. Density	Zoning	Lot Size	Acres	Historic Inventory	Airport	Development
002-152-02	495 North State	Commercial		C-1			No	B2	Multi-Family Dwelling
002-152-03	493 North State	Commercial	6	C-1	9,631	0.22	No	B2	Multi-Family Dwelling
002-152-04	487 North State	Commercial	4.5	C-1	6,991	0.16	No	B2	Multi-Family Dwelling
002-152-05	340 North Main	Commercial	2.9	C-1	4,453	0.1	No	B2	Multi-Family Dwelling
002-152-06	390 North Main	Commercial		C-1			No	B2	Light Manufacturing, Retail
002-152-07	499 North State	Commercial	7	C-1	10,875	0.25	No	B2	Retail Services
002-153-02	211 Norton	HDR	4.7	R-3	7,260	0.17	No	B2	Single Family Residential
002-153-04	215 Norton	HDR	12.7	R-3	19,837.50	0.46	No	B2	Single Family Residential
002-153-05	221 Norton	HDR	12.7	R-3	19,837.50	0.46	No	B2	Single Family Residential
002-153-07	232 Mason	Commercial	8.5	C-1	13,300	0.31	No	B2	Multi-Family Dwelling
002-153-16	226 Mason	Commercial	7	C-1	10,850	0.25	NO	B2	Undeveloped
002-153-17	224 Mason	Commercial	7	C-1	10850	0.25	Non-Significant 6Z1	B2	Single Family Residential
002-153-22	242 Mason	Commercial	11.7	C-1	18,200	0.42	No	B2	Single Family Residential
002-153-24	255 Norton	Commercial	6.8	C-1	10,530	0.24	No	B2	Services, Retail
002-153-27	No Address	Commercial	2	C-1	3,080	0.07	No	B2	Single Family Residential
002-153-28	351 North Main	HDR	9.3	R-3	14,520	0.33	No	B2	Apartment Building
002-153-29	327 North Main	Commercial		C-1			No	B2	Single Family Residential
002-153-30	345 North Main	Commercial		C-1			No	B2	Undeveloped
002-153-31	323 North Main	Commercial	4.2	C-1	6,572	0.15	No	B2	Retail
002-153-32	No Address	Commercial	4.5	C-1	6,944	0.16	No	B2	Single Family Residential
002-153-33		Commercial	6.9	C-1	10,800	0.25	No	B2	Single Family Residential
002-153-34	333 North Main	Commercial	6.9	C-1	10,800	0.25	No	B2	Single Family Residential
002-153-35	228 Norton	Commercial		C-1			No	B2	Trailer Park
002-153-36	218 Mason	Commercial	4.3	C-1	6750	0.15	No	B2	Personal Improvement Services
002-153-37	218 Mason	Commercial	2.6	C-1	4050	0.09	No	B2	Professional Offices
002-153-38	222 Mason	Commercial	3.8	C-1	5931	0.14	No	B2	Multi-Family Dwelling
002-153-39	225 Norton	HDR	3.4	R-3	5,220	0.12	No	B2	Single Family Residential
002-153-40	242 Mason	HDR	0.86	R-3	1,334	0.03	No	B2	Undeveloped
002-186-01	479 North State	Commercial	5.6	C-1	8,675	0.2	No	B2	Warehouse
002-186-02	334 North Main	Commercial	3.3	C-1	5,128.50	0.12	No	B2	Undeveloped
002-186-03	461 North State	Commercial	6.4	C-1	9,890	0.23	No	B2	Professional Offices, Personal Development Services
002-186-04	330 North Main	Commercial	2.5	C-1	3,936	0.09	No	B2	Single Family Residential
002-186-05	445 North State	Commercial	10.9	C-1	16,934.74	0.39	Significant 3S	B2	Professional Offices
002-186-20	429 North State	Commercial	7.3	C-1	11,417	0.26	No	B2	Retail
002-191-14	317 North Main	Commercial		C-1			No	B2	Trailer Park
002-191-18	206 Mason	Commercial	5.5	C-1	8,583	0.2	No	B2	Personal Improvement Services
002-191-20	204 Mason	Commercial		C-1	9,312	0.21	No	B2	Professional Offices, Retail
002-191-21	301 North Main	Commercial	9.7	C-1	15,044	0.35	No	B2	Professional Offices

Mountanos Zoning Text Amendment Additional Parcels

002-191-22	301 North Main	Commercial	6.4	GU	10,045	0.23	No	B2	Professional Offices
002-191-23	262 East Smith	Commercial		GU			No	B2	Church, Retail, Personal Development Services
002-191-26	208 Mason	Commercial	3	C-1	4,652	0.11	No	B2	Professional Offices
002-191-27	208 Mason	Commercial		C-1			No	B2	Medical Offices
002-193-12	185 Mason	Commercial	3.7	C-1	5,799	0.13	No	B2	Professional Offices
002-193-17	169 Mason	Commercial		C-1			No	B2	Professional Offices
002-193-43	No Address	Commercial	4.7	C-1	7,340	0.17	No	B2	
002-193-44	No Address	Commercial		C-2			No	B2	



Google

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Google earth

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100

500



- 1 ACCESS + MATURE TREES - CONSTRAINTS
19,500 \$
SFD
7 ADDITIONAL UNITS
- 2 MATURE TREES - CONSTRAINTS
17,500 \$
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6 ADDITIONAL UNITS
- 3 9,000 \$
SFD
3 ADDITIONAL UNITS
- 4 ACCESS + MATURE TREES - CONSTRAINTS
9,000 \$
SFD
3 ADDITIONAL UNITS



Planning and Community Development Department
300 Seminary Avenue
Ukiah, CA 95482
planning@cityofukiah.com
(707) 463-6203

DATE: July 22, 2015
TO: Planning Commission
FROM: Charley Stump, Director of Planning and Community Development
SUBJECT: Mountanos General Plan Amendment, Planned Development and Rezoning/
Precise Development Plan to allow the construction of two (2) 550 square foot
one bedroom, one bathroom units located above individual garages on a 5,128
square foot parcel located at 334 North Main Street, Ukiah - APN 002-186-02 -
File Number: 13-28-GPA-REZ/PD-CC

INTRODUCTION

The owner of a small vacant parcel located at 334 North Main Street is proposing to develop an infill two-unit apartment project. In order to pursue the project, a General Plan Amendment is necessary, as is a Planned Development Rezoning and Precise Development Plan. The project would fulfill a major General Plan goal of providing much needed housing near the historic downtown. The proposed two residential units would be market rate rentals and would be close to shopping, medical facilities, offices, restaurants, major transportation corridors, and other important services.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the project to the City Council. The recommendation includes 1) Approval of the Mitigated Negative Declaration; 2) Adoption of a Resolution amending the General Plan and 2) Introduction/adoption of a Planned Development Ordinance/Precise Development Plan.

PROJECT DESCRIPTION

The project involves two amendments to the General Plan and a rezoning from C-1 (Community Commercial) to PD-R3 (Planned Development /High Density Residential). The Planned Development includes a Precise Development Plan, which serves as the "Site Development Permit." The General Plan Amendment and Rezoning are described below:

General Plan Amendment (Map Correction): The project involves correcting the *Downtown Master Plan Area* map contained in the 1995 General Plan (Figure VI.2-KK: Downtown Master

1 Plan Area) to be consistent with the 1992 City Council adopted *Downtown Master Plan Area*
2 *Map* contained in the Downtown Revitalization Master Plan. It is assumed that the
3 inconsistency between these two maps was inadvertent. The inconsistency adversely affects
4 the proposed project, because parcels smaller than ½ acre are not eligible for the Planned
5 Development tool unless they are located in the Downtown Master Plan area (See Attachment 6
6 - General Plan Downtown Master Plan Area Map and Attachment 7 - 1992 Downtown
7 Revitalization Master Plan Map).

8
9 **General Plan Amendment (Land Use Designation Change):** The General Plan Amendment
10 also changes the land use classification of the Planned Development project site from
11 *Commercial* to *High Density Residential*.

12
13 **Planned Development Rezoning/Precise Development Plan:** The project involves the
14 construction two (2) 550 square foot one bedroom, one bathroom units located above individual
15 garages on a 5,128 square foot parcel on North Main Street. The zoning code requires a
16 minimum of 6,000 square feet of site area per dwelling unit in the Community Commercial
17 zoning district, so in order to receive flexibility from this standard, the applicant applied for a
18 *Planned Development* rezoning. However, the City Code also requires a minimum of ½ acre for
19 Planned Development projects not located within the Downtown Master Plan area map
20 contained in the General Plan. As noted above, the Downtown Master Plan area map
21 contained in the 1995 General Plan is inconsistent with the 1992 Downtown Master Plan map
22 adopted by the City as part of the Downtown Revitalization Master Plan. The 1992 Downtown
23 Master Plan map includes the applicant's property, so if the General Plan is amended to reflect
24 this map, the applicant can proceed with the Planned Development project on the 5,128 square
25 foot parcel on North Main Street.



1 The Planned Development Rezone would change the zoning on the site from C-1 (Community
2 Commercial) to PD/HDR (Planned Development/High Density Residential).

3
4 The Precise Development Plan serves as the "site development Permit" and includes the
5 submitted plans, project information, and development regulations for the site.
6

7 **Surrounding Land Uses and Setting:** The subject parcel is located on the west side of Main
8 Street south of Norton Street. The built environment in the area is varied and eclectic, and
9 includes single family residential, high density apartments, medium density residential,
10 commercial retail, professional offices, etc.

11
12 **GENERAL PLAN CONSISTENCY ANALYSIS:**
13
14

Table 1: General Plan Analysis	
General Plan Goal and Policies	Staff Analysis
Policy H-5.6: Infill Development. Support careful well-designed infill housing development in areas currently served by City services.	The project is a very good example of well-designed infill housing in a location close to the historic downtown.
Goal GP-5: Encourage housing in a price range to match the income of residents.	The project will provide two market rate priced apartment units that will increase the housing stock within the City limits.
Goal GP-6: Encourage housing for local workers and current residents.	The project will provide additional housing opportunities for local residents.
Goal GP-21: Conserve open space, hillsides, stream courses, and indigenous flora and fauna for the enjoyment of future generations.	The proposed housing project will contribute to the conservation of open space, hillsides, stream courses, and indigenous flora and fauna because it is an infill housing project on a vacant lot near the historic downtown. It will contribute to the lessening of pressure to develop in sensitive environmental areas.
Policy GP-25.2: In areas to be developed or redeveloped, ensure usable open space and common spaces.	The proposed small housing project in the dense urban core will include outdoor balconies and patios/yard space.
Goal GP-26: Require that landscaping be a significant component of development and redevelopment.	The proposed landscaping, particularly the trees and shrubs along Main Street will provide aesthetic appeal; will soften the development; and constitute a significant component to the development.
Policy OC-29.1: The development review process shall incorporate measures to maintain and enhance	The development review process requires landscaping and tree plantings and both have been included in the proposed project.

the urban tree canopy.	
Policy H-5.1: Housing Design: Assure that new housing is well-designed to enhance Ukiah's neighborhoods and the community as a whole.	The proposed design of the project is simple and modern, and will be compatible with the varied design of other buildings in the mixed-use neighborhood.

Staff is able to conclude that the proposed project is consistent with the Goals, Policies, and intent of the Ukiah General Plan.

PLANNED DEVELOPMENT ZONING CRITERIA:

Table 2: Planned Development Zoning Criteria	
Planned Development Standard	Project Consistent?
Circulation Needs and Impacts	Consistent: The Project would result in two (2) small residential units. Access to the project is from an alley way off of North Main Street. The Project provide the required off street parking spaces. The repair of any the sidewalk in disrepair and trail improves pedestrian circulation in the neighborhood. The Project was reviewed by the Public Works Department. Public Works Staff did not identify any traffic related issues related to construction or operation of the Project.
Parking and Traffic Needs and Impacts	Consistent: The proposed parking meets City Code requirements.
Utilities and Public Services Needs and Impacts	Consistent: City services are available to serve the Project. The Project has been reviewed by Public Works Department, Electric Utility, Fire Marshal, and Building Official and utilities and public services are available to serve the Project.
Noise Needs and Impacts	Consistent: The proposed Project would be similar in use, intensity, and density to the surrounding neighborhood. The City's noise ordinance would apply to this Project both during construction and after occupancy. Mitigation Measures and conditions of approval have been applied to the Project to address construction related noise impacts.
Odor Needs and Impacts	Consistent: The Project is a residential Planned Development; typically odors are not associated with residential uses.
Private and Common Space Needs and Impacts	Consistent: The Project includes individual patios/yards for each unit, which provides private open space.

Trash Collection Needs and Impacts	Consistent: The precise development plan identifies a location for the trash/recycling containers centrally located for the use of each unit.
Security and Crime Deterrence Needs and Impacts	Consistent: Minor exterior lighting is proposed for each of the residential units. Development of the site as proposed could reduce the incidents of loitering in the area since there would be fewer locations for loitering and more "eyes on the street." The Project was reviewed by the Police Department and no concerns related to security or crime were identified.
Energy Consumption Needs and Impacts	Consistent: The Project is subject to the requirements of the California Green Building Code Standards which includes specific requirements (materials and light fixtures) to reduce energy consumption
Design Needs and Impacts	Consistent: The design of the project is simple and modern. As required by City Code the Project was reviewed by the Design Review Board and the project was modified to incorporate design elements suggested by the DRB. Therefore the project would not degrade the existing visual character or quality of site and its surroundings and the project would infill a vacant lot.
Relationship to Physical Features: The location of the building and structures shall respect the natural terrain of the site and shall be functionally integrated with any natural features of the landscape to include the preservation of existing trees, where feasible.	Consistent: The infill project site is surrounded by existing residential development and commercial uses. The project site is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service and therefore the Project would have no impact on candidate, sensitive, or special status species. There are no riparian areas or riparian habitat on the infill subject parcel or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. Therefore, the Project would have no impact on these resources. The infill site is partially paved and contains no wetlands, marshes, vernal pools, or other water courses on the parcels included in the Project. Therefore, the Project would have no impact on these resources.

	No migratory path for wildlife species, no connection with any wildlife habitat, no water courses are located on the parcels included in this Project.
Consistency of Architectural Style: All buildings or structures shall be harmonious and consistent with the proposed architectural style regarding roofing, exterior materials, windows, doors, texture, colors, and other exterior treatment.	Consistent: The design of the project is simple and modern. The Project was reviewed by the DRB who found the design of the Project compatible with the neighborhood and made recommendations that were ultimately incorporated into the project.
Balance and Integration with Neighborhood: The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of the surrounding built environment.	Consistent: The size and height of the project is consistent with other structures in the neighborhood. The Project was reviewed by the Design Review Board who found the Project to be consistent and compatible with other residential development in the neighborhood and appropriate for the subject parcel. The Project is consistent with this requirement.
Security and Crime Deterrence Needs and Impacts	Consistent: Exterior lighting is proposed for each of the homes. Development of the site as proposed could reduce the incidents of loitering in the area since there would be fewer locations for loitering and more "eyes on the street." The Project was reviewed by the Police Department and no concerns related to security or crime were identified.
Energy Consumption Needs and Impacts	Consistent: The Project is subject to the requirements of the California Green Building Code Standards which includes specific requirements (materials and light fixtures) to reduce energy consumption.

ADDITIONAL ISSUES

Architecture and Site Planning - Design Review Board Review: As part of the review of the Precise Development Plan, the application was referred to the Design Review Board for review and comment. On September 18, 2014, the Design Review Board conducted a review of the proposal and after a brief discussion, unanimously supported the project (see minutes – Attachment 8). The Board liked the site planning and architecture and the creative design for such a small parcel. The board liked the alley access and the broad landscaping strip along Main Street.

The DRB recommended that the design use the "Colonial" panel design or other similar design for the garage door which would make the two units look more like two separate homes. A condition of approval has been added in support of this recommendation.

Compatibility with surrounding land uses: As indicated above, the land uses surrounding the project are varied and eclectic, and include single family residential, high density apartments, medium density residential, commercial retail, professional offices, etc. The project will develop a vacant parcel and improve the aesthetics of the area. Staff is able to conclude that the project would be compatible with the surrounding built environment and nearby land uses.

General Plan Amendment – Development Potential Survey/Analysis: The proposed General Plan Amendment involves replacing the current "Downtown Master Plan Area" General Plan map with the "Downtown Master Plan Area" map from the 1992 adopted Downtown Revitalization Master Plan. It is assumed that the General Plan map intended to reflect the Revitalization Master Plan map, but a mapping error occurred. By using the 1992 Downtown Revitalization Master Plan map, an additional 49 parcels would be added to the map in the General Plan. By including these parcels, any that were less than ½ acre in size would become eligible for a future Planned Development project similar to the subject project.

Staff conducted a survey and analysis of these parcels to determine how many of the parcels were less than ½ acre in size, and of those, how many had additional development potential in terms of number of housing units. Of the 49 parcels, 37 were determined to be under ½ acre in size and could potentially utilize the Planned Development tool to increase density. However, of these 37 parcels, only one (1) was vacant (owned by the City of Ukiah) and only 4 were deemed to have additional development potential. These four parcels all had existing development and constraints such as narrow access and mature trees, but staff was able to determine that approximately 23 additional housing unit could potentially be constructed on these parcels via the Planned Development process.

APN	Size	Developed?	Constraints	Potential Units
002-153-05	>½ acre	Yes – SFD	Access, mature trees	8
002-153-16	>½ acre	Yes – SFD	Access	4
002-153-17	>½ acre	Yes – SFD	Access, mature trees	4
002-153-22	>½ acre	Yes - SFD	Mature trees	7
Total Potential Units				23

NOTE: Development Potential Survey on file with the Department of Planning and Community Development

Staff is able to conclude that the increased development potential on affected parcels would not be significant or result in development out-of-character with the neighborhood.

Ukiah Municipal Airport Master Plan consistency: This project site is located in the B-2 Infill Area north of the Airport. According to the Infill policies contained in Chapter 7 (Land Use and Environmental Issues) of the City of Ukiah Airport Master Plan, residential land uses are an

1 acceptable use provided they are similar in intensity with existing residential land uses in the
2 area.

3
4 On May 21, 2015, the Mendocino County Airport Land Use Commission conducted a public
5 discussion and unanimously found the project to be consistent with the Airport Land Use
6 Commissions policies and B-2 Compatibility Zone requirements (Attachment 5).

7
8 **Preliminary Standard Urban Storm-Water Mitigation Plan:** The Public Works Department
9 has determined that the proposed project is exempt from the LID storm-water management
10 requirements because it includes less than four residential units. However, the applicants have
11 indicated that they will make every effort to include LID components in the final grading,
12 drainage, and landscaping plans for the project.

13
14 **Comments from Reviewing Departments.** City Department's submitted comments and
15 recommended conditions of approval (see attachment 9). The recommended conditions have
16 been shared with the applicant and are included in the Ordinance.

17 18 **ENVIRONMENTAL (CEQA) REVIEW**

19
20 Planning Department staff prepared an Initial Environmental Study (IS) in order to evaluate the
21 potential impacts that could result from the Project (see attachment 1). The IS identified
22 potential impacts to aesthetics, air quality, cultural resources, hydrology/water quality and noise.
23 As part of the IS, mitigation measures were identified for potentially significant impacts that
24 would reduce the impacts to less than significant levels; therefore, a Mitigated Negative
25 Declaration (MND) was prepared for the Project.

26
27 The comment period for the Mitigated Negative Declaration was June 19, 2015 through July 10,
28 2015. No comments were received from outside agencies or citizens.

29 30 **CONCLUSION**

31
32 The owner of a small vacant parcel in close proximity to the downtown has proposed to
33 construct a building with two separate 550 square foot apartment units over individual garages.
34 Based on the requirements of the *Community Commercial* zoning classification, the parcel is too
35 small in area to allow two separate dwelling units, and therefore the owner pursued lot size
36 requirement relief through a Planned Development/Precise Development Plan application.
37 However, Planned Development applications on parcels less than ½ acre in size can only be
38 pursued if a number of criteria are satisfied. One of those is that the parcel falls within the
39 Downtown Master Plan area as depicted on General Plan Figure VI.2-KK. It was discovered
40 that this figure was inconsistent with the Downtown Master Plan Area Map found in City Council
41 1992 adopted Downtown Revitalization Master Plan. This necessitated a General Plan
42 amendment to "correct" the map. The General Plan amendment also includes changing the
43 land use designation from "C" (Commercial) to "HDR" (High Density Residential).

44
45 Staff has found the project consistent with the requirements for Planned Developments, the
46 goals and policies of the General Plan, and compatible in terms of density, land use and design
47 with the surrounding built environment.

1 **PUBLIC NOTICE**

2
3 A notice of public hearing was provided in the following manner:

- 4
5 ▪ posted in three (3) places on the Project site on July 10, 2015;
6 ▪ mailed to property owners within 300 feet of the project site on July 10, 2015; and
7 ▪ published in the Ukiah Daily Journal on June 12, 2015.
8

9 As of the writing of this staff report, no correspondence has been received in response to the
10 notice.
11

12 **Attachments**

- 13
14 1. Resolution amending the General Plan
15 2. Ordinance: Planned Development/Precise Development Plan
16 3. Mitigated Negative Declaration
17 4. Project Information submitted by the Applicant (project description, colors/materials, etc.)
18 5. B-2 Infill Area consistency determination (MCALUC)
19 6. General Plan Downtown Master Plan Area Map (to be replaced)
20 7. 1992 Downtown Revitalization Master Plan Map (to replace GP Figure VI.2-kk)
21 8. Design Review Board Minutes, dated September 18, 2014
22 9. Staff Comments and Recommendations



ITEM NO.: 11b

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: ADOPT NEGATIVE DECLARATION AND INTRODUCE AN ORDINANCE BY TITLE ONLY AMENDING THE OFFICIAL ZONING MAP AND UKIAH ZONING CODE TO ESTABLISH A HOMELESS SHELTER OVERLAY ZONE AND AMENDING RESOLUTION 2001-15 (HOMELESS SHELTER FACILITY USE AND DEVELOPMENT GUIDELINES)

Summary: State law requires Cities to designate a zoning district or areas in the community where homeless shelters can be located without discretionary review (Use Permit). Complying with the law is required before the State Department of Housing and Community Development will certify the City's updated General Plan Housing Element. Staff is proposing to comply with this law by establishing a *Homeless Shelter Overlay Zone* that would include the Buddy Eller Center property and a number of nearby parcels.

Background: Senate Bill 2 (SB2) (Cedillo) was signed into law in 2008. As indicated above, SB 2 requires jurisdictions to allow emergency shelters and homeless shelters without a conditional use or other discretionary permits in at least one zoning district, or within a geographically designated overlay district. This proposed overlay district would establish an area in the northeast section of Ukiah that includes both commercially and manufacturing zoned properties (see map below).

Discussion: The following is a discussion of the proposed zoning code text amendments and amendment to the zoning map:

Amendments to the Zoning Code: To comply with the requirements of SB2, the following text amendments to the Zoning Code are required (shown in underline):

Continued on Page 2

■ **RECOMMENDED ACTION(S):** 1) Conduct a public hearing; 2) Adopt the Negative Declaration; 3) Introduce the Ordinance by title only amending the official zoning map and Ukiah zoning code to establish a homeless shelter overlay zone; and 4) Adopt the Resolution amending Resolution 2001-15

■ **ALTERNATIVES:** 1) Provide alternative direction to Staff

Citizens advised:	Publically noticed according to the requirements of the Ukiah City Code.
Requested by:	Kevin Thompson, Principal Planner
Prepared by:	Kevin Thompson, Principal Planner
Coordinated with:	Sage Sangiacomo, City Manager and Charley Stump, Director of Planning and Community Development
Presenter:	Kevin Thompson, Principal Planner
Attachments:	1. Ordinance 2. Amended Resolution 2001-15 3. Negative Declaration 4. Correspondence received from State Housing and Community Development

COUNCIL ACTION DATE: _____ : ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Approved: 
Sage Sangiacomo, City Manager

Section Number Section Title	Modification Staff Analysis
Section 9171 Article 15.5 Homeless Facilities	Current: A. All homeless facilities in the city of Ukiah require planning commission review and approval of a use permit, consistent with section 9262 of the zoning code. B. Actions by the planning commission relative to a homeless facility use permit may be appealed to the city council consistent with subsection 9262D4 of the zoning code. C. Homeless facilities may be proposed and approved in the following zoning districts: CN (Neighborhood Commercial); C-1 (General Commercial); C-2 (Heavy Commercial/Light Industrial); PF (Public Facilities); M (Manufacturing); R-1 (Single-Family Residential); R-2 (Medium Density Residential) and R-3 (High Density Residential). (Ord. 1031, §1, adopted 2000) Proposed Addition: <u>D. Homeless facilities are allowed without a Use Permit within the homeless shelter overlay district (<i>Attachment 1</i>).</u>
Section 9172 Article 15.5 Homeless Facilities	Current: A. The city council shall adopt and may, from time to time, amend use and development guidelines for homeless facilities. B. Such guidelines shall be adopted by resolution, which shall be made available to any applicant seeking to construct or install a homeless facility in the city. C. Such guidelines shall be utilized by applicants to design and organize any proposed homeless facility in the city. D. Such guidelines shall be utilized by the planning commission, or city council in its decision to approve, deny, or modify a homeless facility use permit. E. Conditions of approval established by the planning commission, or city council in its review and approval of any homeless facility shall be based on the adopted homeless facility guidelines. F. An approved homeless facility use permit may be revoked if the shelter is not being conducted in compliance with the conditions of approval, or in violation of any other ordinance pertaining to its operation. Revocation proceedings shall be conducted in accordance with subsection 9262H of the zoning code. (Ord. 1031, §1, adopted 2000)

Section Number Section Title	Modification Staff Analysis
	Proposed Addition: G. <u>A homeless facility operating within the homeless shelter overlay zone shall comply with Resolution No. "Homeless Shelter Facility Use Development Guidelines" (Attachment 2)</u>

Proposed Zoning Map Amendments: An amendment to the Official Zoning Map is proposed to depict the Homeless Shelter Overlay Zone Area:



Parcel	Size	Zoning	Use
002-010-11	2.64	Manufacturing	Distribution
002-040-36	.36	Manufacturing	Home
002-040-37	.96	Manufacturing	Irrigation supply
002-040-32	.86	Manufacturing	Steel manufacturing
002-040-38	1.07	Manufacturing	Steel manufacturing
002-093-25	3.09	Commercial	Religious
002-093-19	2.65	Commercial	Ford Street Project
TOTAL	11.6		

Planning Commission Review and Recommendations: Staff presented this item to the Planning Commission at two separate meetings: the first in a workshop format to receive direction, and the second in a formal public hearing. During the workshop, in May of 2015, staff presented two options for compliance with SB2. The first was to allow homeless shelters by right in the Manufacturing zoning district, the second option was to create a zoning overlay district. After discussion and public comment, the Commission decided the overlay district was the preferred alternative. The rationale included the proximity to services and transit, but the primary reason was the Ford Street Project's Buddy Eller campus was within the overlay area. Given Ford Street Project's history of providing homeless services, it was thought they could be the future service provider.

When staff presented the zoning overlay project to the Planning Commission on August 12, 2015, while seeking a recommendation of approval to the Council, the primary concern raised by Commission member Sanders, was potential construction within the creek setback, and how that might limit future creek access.

Notice to affected property owners A Notice of Intent to adopt the Negative Declaration (*Attachment 3*) and of the Planning Commission and City Council meeting dates was made available in the following manner: posted at the Mendocino County Clerk Recorder's Office on July 6, 2015; mailed to property owners within 300 feet of the parcels included in the Project on July 6, 2015; published in the Ukiah Daily Journal on July 5, 2015; and posted on the Project site on July 6, 2015.

Amendment to Resolution 2001-15: Current Operating Standards for Homeless Shelters: Resolution 2001-15 established the Use and Development Guidelines for the operation of homeless shelters with the City of Ukiah (*Attachment 2*). The Guidelines include: Use Permit requirements, distances from schools and residential areas, hours of operation, size, lighting and access. These guidelines would apply to a homeless shelter operating anywhere in the City, including within the proposed homeless shelter overlay zone. Included in this proposal is an amendment to Resolution 2001-15 indicating that a Use Permit would not be required with the Homeless Shelter Overlay zone.

Conclusion: The City is obligated to comply with SB2 in order to receive Housing Element certification by the Department of Housing and Community Development (HCD) (*Attachment 4*). This action would also implement 2011 Housing Element Implementation Measure H-2.f, which calls for the establishment of a zone or area in the community where homeless shelters can locate without discretionary review.

The affected property owners were notified of the proposal and while interest was expressed, staff received only objection from Mrs. Evens of Maple Street.

The Planning Commission conducted a public discussion of this matter in May of 2015 and selected the proposed overlay zone approach from a number of alternatives. The Commission provided direction to staff to hone the concept and return for further discussion. On August 12, 2015 after the conduct of a public hearing, the Planning Commission formally recommended approval to the City Council.

FISCAL IMPACT:			
Budgeted Amount in Current FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
N/A	N/A	N/A	Yes ☐ No X

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH
AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF UKIAH
ESTABLISHING THE HOMELESS SHELTER OVERLAY ZONE AND AMENDING SECTIONS
9171 AND 9172 OF THE UKIAH CITY CODE**

The City Council of the City of Ukiah does hereby ordain as follows:

Section One – Findings and Declarations

1. The proposed Ukiah City Code text amendment and zoning map amendment project is consistent with General Plan because it implements General Plan Housing Element Goal H-2.f.
2. The Project would fulfill the requirements of Senate Bill 2, requiring Cities and Counties to allow a homeless shelter by right in at least one zoning designation or within a defined overlay zone area.
3. The City of Ukiah as lead agency has prepared an Initial Environmental Study and a Negative Declaration according to the standards and requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts of the Zoning Ordinance text and zoning map amendments. The Initial Study determined that the proposed project would not result in significant effects on the environment.
4. Notice of the Intent to Adopt a Negative Declaration and notice of the rezoning was provided in the following manner:
 - posted at the County Clerk on July 6, 2015
 - mailed to property owners within 300 feet of the parcels included in the Project July 6, 2015
 - published in the Ukiah Daily Journal on July 5, 2015
 - posted at the Civic Center (glass case) on July 6, 2015
 - posted on the City's Web site July 6, 2015
5. On August 12, 2015 the Planning Commission held a public hearing as required by the Ukiah City Code to make a recommendation to the City Council for adoption of a Zoning Map Amendment and associated City Code text amendments.
6. On September 2, 2015 the City Council conducted a duly noticed public hearing and after receiving public testimony and conducting due deliberations, voted _____ to: adopt the Negative Declaration for Homeless Shelter Overlay zone.

Section Two

Pursuant to the procedures set forth in Ukiah City Code Section 9009, the Official Zoning Map for the City of Ukiah is amended to include a homeless shelter overlay zone as shown in Exhibit 1 attached herein.

Pursuant to the procedures set forth in Ukiah City Code Section 9009, Sections 9171 and 9172 contained in Article 15.5 of the City Code are amended to as shown in Exhibit 2 attached herein.

Section Three

This amendment to the Official Zoning Map for the City of Ukiah and City Code text amendments listed herein are necessary to comply with Senate Bill 2 (Cedillo, 2008) establishing a location for the placement of a homeless shelter by right, with no discretionary approvals.

Section Four

The standards for the operation of a homeless shelter will apply and were established in Resolution 2001-15 adopted by the Ukiah City Council in August 2000 and/or amended from time to time.

Section Five

On August 12, 2015 the Planning Commission held a duly noticed public hearing as required by the Ukiah City Code to make a recommendation to the City Council for adoption of a Zoning Map Amendment and associated City Code text amendments. The Commission voted 4-1 to recommend the City Council approve the Zoning Map Amendment and City Code text amendments.

Section Six

This ordinance shall be published as required by law in a newspaper of general circulation.

Section Seven

This ordinance shall become effective thirty (30) days after adoption.

Introduced by title only on September 2, 2015 by the following roll call vote:

AYES:

NOS:

ABSENT:

ABSTAIN:

Passed and adopted on _____ by the following vote:

AYES:

NOS:

ABSENT:

ABSTAIN:

Doug Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

Exhibit 1 Ordinance No.

Parcel APN	Size	Zoning
<u>002-010-11</u>	2.64	Industrial
<u>002-040-36</u>	0.36	Industrial
<u>002-040-37</u>	0.96	Industrial
<u>002-040-32</u>	0.86	Industrial
<u>002-040-38</u>	1.07	Industrial
<u>002-093-25</u>	3.09	Heavy Commercial
<u>002-093-19</u>	2.65	Heavy Commercial
<u>TOTAL</u>	11.63	



Exhibit 2
Ordinance No.

Amendments shown in underline

Section Number Section Title	Modification Staff Analysis
Section 9171 Article 15.5 Homeless Facilities	Current: A. All homeless facilities in the city of Ukiah require planning commission review and approval of a use permit, consistent with section 9262 of the zoning code. B. Actions by the planning commission relative to a homeless facility use permit may be appealed to the city council consistent with subsection 9262D4 of the zoning code. C. Homeless facilities may be proposed and approved in the following zoning districts: CN (Neighborhood Commercial); C-1 (General Commercial); C-2 (Heavy Commercial/Light Industrial); PF (Public Facilities); M (Manufacturing); R-1 (Single-Family Residential); R-2 (Medium Density Residential) and R-3 (High Density Residential). (Ord. 1031, §1, adopted 2000) Proposed Addition: <u>D. Homeless facilities are allowed with the homeless shelter overlay district.</u>
Section 9172 Article 15.5 Homeless Facilities	Current: A. The city council shall adopt and may, from time to time, amend use and development guidelines for homeless facilities. B. Such guidelines shall be adopted by resolution, which shall be made available to any applicant seeking to construct or install a homeless facility in the city. C. Such guidelines shall be utilized by applicants to design and organize any proposed homeless facility in the city. D. Such guidelines shall be utilized by the planning commission, or city council in its decision to approve, deny, or modify a homeless facility use permit. E. Conditions of approval established by the planning commission, or city council in its review and approval of any homeless facility shall be based on the adopted homeless facility guidelines. F. An approved homeless facility use permit may be revoked if the shelter is not being conducted in compliance with the conditions of approval, or in violation of any other ordinance pertaining to its operation. Revocation proceedings shall be

Section Number Section Title	Modification Staff Analysis
	conducted in accordance with subsection 9262H of the zoning code. (Ord. 1031, §1, adopted 2000) Proposed Addition: <u>G. A homeless facility operating within the homeless shelter overlay zone shall comply with Resolution 2001-15 "Homeless Shelter Facility Use Development Guidelines" as amended from time to time.</u>

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH
AMENDING THE HOMELESS SHELTER USE AND DEVELOPMENT GUIDELINES
FOR SITING, DESIGNING AND USING HOMELESS FACILITIES**

WHEREAS, on August 1, 2001, the City of Ukiah adopted Resolution 2001-15 (Homeless Facilities) establishing Homeless Shelter Use and Development Guidelines for Siting, Designing and Using Homeless Facilities; and

WHEREAS, the 2001 Homeless Shelter Use and Development Guidelines for Siting, Designing and Using Homeless Facilities required that a Use Permit be obtained prior to the establishment of a Homeless Facility; and

WHEREAS, effective January 1, 2008, Senate Bill No. 2 (SB2) was adopted requiring cities and counties to amend zoning to permit year-round emergency shelter (s) without discretionary action pursuant to Government Code section 65583 (a)(4)(A).; and

WHEREAS, the City of Ukiah's General Plan Housing Element H2-f requires a Zoning Ordinance amendment allowing the establishment of a homeless facility without discretionary action; and

WHEREAS, after the conduct of the public hearing, the Planning Commission voted unanimously to recommend City Council adoption of the Ordinance revising the Municipal Code, and approval of a Resolution amending the Homeless Shelter Use and Development Guidelines; and

WHEREAS, the required text amendment to Resolution 2001-15 includes additional language that eliminates the need for a Use Permit within the Homeless Shelter Overlay area; and

WHEREAS, On XX, the City Council, after conducting of a public hearing, approved a Negative Declaration and adopted an Ordinance revising Article 15.5 (Homeless Facilities) of Chapter 2, Division 9 of the Ukiah Municipal Code; and RESOLUTION XX

WHEREAS, the City Council has reviewed the amended Homeless Shelter Use and Development Guidelines, included as Exhibit "A" herein; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Ukiah hereby approves the amended Homeless Shelter Use and Development Guidelines to be used to guide the use, siting, and design of homeless shelter facilities in the City of Ukiah.

PASSED AND ADOPTED this the 2nd day of September, 2015 by the following roll call vote

**AYES
NOES
ABSTAIN
ABSENT**

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

Exhibit A

HOMELESS SHELTER FACILITY USE AND DEVELOPMENT GUIDELINES

I. Purpose and Intent

In recognition of the growing numbers of homeless persons in the Ukiah area, these guidelines are intended to provide a guide by which a temporary or long-term homeless shelter could be established within the City of Ukiah. They are also intended to ensure that the public's health, safety, and welfare are maintained. The term "homeless shelter" means the same as "homeless facility."

II. Permit and Planning Requirements

Use Permit: All homeless shelters require Planning Commission approval of a Use Permit, consistent with the provisions contained in Ukiah Municipal Code §9262 **except those located within the Homeless Shelter Overlay Zone.** Use Permit applications are on file in the office of the Planning Department. Conditions of approval shall be imposed by the Planning Commission in accordance with Article 15.5, Chapter 2 of the Ukiah Municipal Code. Decisions of the Planning Commission may be appealed to the City Council.

Shelter Management Plan: Shelter providers shall establish a Shelter Management Plan in conjunction with the required Use Permit. Shelter Management Plans shall address issues such as transportation needs, client supervision, food service (if any or if allowed), client services, interior and exterior building improvements for client and neighborhood welfare, pets, and any other component which might bear on ensuring that the shelter is operated in a safe, efficient, and sanitary manner. The Shelter Management Plan shall also include measures to be implemented that will ensure compatibility with surrounding land uses.

III. Operational Standards:

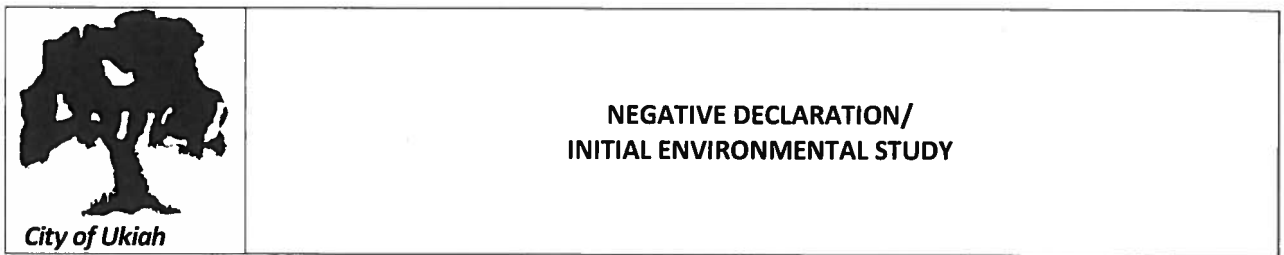
- A. **Minimum Distance to Nearest Residential Development:** Homeless facilities shall be located a sufficient distance from residential developments so that they will not create adversely impacts. Factors such as topography, landscaping, structures and other natural or man-made features shall help to determine whether or not a proposed facility could have an adverse impact on residential areas.
- B. **Minimum Distance to Nearest School or Public Park:** Homeless facilities shall be located a sufficient distance from schools and parks so that they will not create adversely impacts. Factors such as topography, landscaping, structures and other natural or man-made features shall help to determine whether or not a proposed facility could have an adverse impact on schools and parks. School and public park hours of use shall also be considered when determining the appropriate distance from schools and parks.
- C. **Hours of Operation:** Temporary homeless shelters typically are restricted to the hours of 6:00 p.m. to 8:00 a.m., during winter months (November to March). Hours can vary depending on the severity and/or duration of the winter, or any other unforeseen factor (e.g., natural disaster, etc.) which, individually or collectively, warrant different hours of operation. Permanent homeless shelters are allowed to have expanded hours of operation, depending upon the extent of in-residence services provided.

D. Shelter Separation from Other Shelters:

Shelter Size (Number of Beds)	Min. Separation from Other Shelters
25 or less	0.25 miles
26 – 75	0.50 miles
76 – 100	1.00 miles
101 – 125	1.50 miles
126 or more	2.00 miles

- E. Location: Shelters should be located within a reasonable distance or travel time from services and facilities used by the homeless (e.g., food service, bus stops, government offices, etc.). They should be in areas that are safe and have low crime rates. Shelters should be located so as to minimize travel routes through residential neighborhoods to get to transit facilities or other services needed by the homeless. Finally, they should be located so their operations do not conflict with nearby businesses.
- F. Shelter Site and Facility Size/Capacity: The size of the shelter site should be commensurate with the size of the proposed shelter structure and the activities attendant to its operation. To insure that the shelter operation is fully contained on site, the building should be of sufficient dimension and capacity to house the proposed number of residents and provide space for a variety of support activities, as well as other activities and facilities essential for its operation. This would include, but not be limited to, adequate shower/bath facilities, toilets, off-street parking, staff facilities, food preparation facilities, counseling center, health screening facilities, day care center, and the like.
- G. Enclosed and Screened Facilities: Shelter activities should be enclosed within buildings, except for outdoor waiting areas and play areas for shelters which accommodate families with children. Outdoor areas associated with the shelter should be enclosed and appropriately screened to ensure privacy and to provide comfortable waiting areas.
- H. Lighting: Adequate on- and off-site lighting should be provided.
- I. Access: Adequate pedestrian access should be provided between a homeless shelter and transit facilities and other services needed by the homeless.

ATTACHMENT 3



Project Title:	Zoning Ordinance Amendment for Homeless Shelters (SB2)
Lead Agency Name and Address:	City of Ukiah Department of Planning and Community Development 300 Seminary Avenue Ukiah, CA 95482
Project Location:	Homeless Shelter Overlay Zone- Northeast quadrant of Ukiah
Project Sponsor's Name and Address:	City of Ukiah
General Plan Designation(s):	Industrial, and Commercial
Zoning:	Industrial (I) and Heavy Commercial (C2)
Contact Person:	Kevin Thompson, Principal Planner
Phone Number:	707-463-6207
Date Prepared:	July 7, 2015
Public Review Period:	July 7, 2015, -July 27, 2015.

PROJECT DESCRIPTION

Per the requirements of Senate Bill 2 (SB2) (Cedillo 2008), this project proposes the establishment of a zoning overlay district that will provide a location where homeless shelters can locate by right, with no discretionary approvals. SB2 was effective January 1, 2008 and requires jurisdictions allow emergency / homeless shelters without a conditional use or other discretionary permits in at least one zoning district, or within a geographically designated overlay district.

This proposal would establish an overlay district in the northeast section of Ukiah that includes both commercially and manufacturing zoned properties (see map below). Further, this zoning ordinance amendment represents the last remaining item required by the Department of Housing and Community Development for Housing Element certification (see attachment 5). At the May 14, 2015 Planning Commission workshop, staff received direction to pursue the creation of an overlay district in this location. On August 12, 2015, the Planning Commission

INITIAL STUDY/ NEGATIVE DECLARATION

made a formal recommendation of approval to the City Council for the creation of a homeless shelter overlay district.

The following definition is excerpted from the Department of Housing and Community Development memo dated May 7, 2008.

Emergency Shelters (Health and Safety Code Section 50801 (e))

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

UKIAH HOUSING ELEMENT:

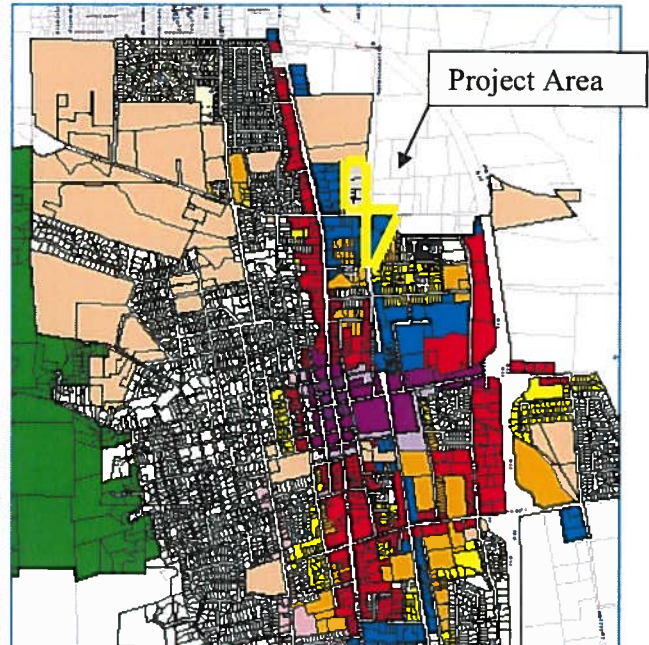
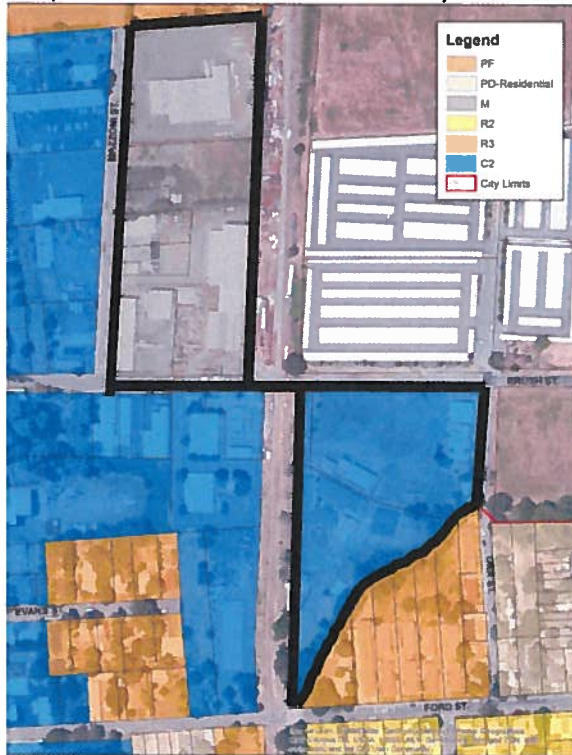
The Housing Element contains “Implementing Tasks” that support this proposal as follows:

H-2.f: The zoning code shall be amended to allow homeless facilities without the requirement for a Use Permit in the M Manufacturing zoning designation. The zoning code shall require a Site Development Permit and facility management plan, and reasonable site development standards for homeless facilities, pursuant to California Government Code Section 65583.

H-2.n: Amend the zoning ordinance to be consistent with Senate Bill 2. All transitional and supportive housing shall be considered a residential use and only those restrictions that apply to other residential uses of the same type (single family residential, duplex, multi-family, etc.) shall be imposed.

INITIAL STUDY/ NEGATIVE DECLARATION

Proposed Homeless Shelter Overlay



Parcels within the overlay include:

Parcel APN	Size	Zoning	Current Use
<u>002-010-11</u>	2.64	Manufacturing	Trucking / Vacant
<u>002-040-36</u>	0.36	Manufacturing	Single Family Home
<u>002-040-37</u>	0.96	Manufacturing	Irrigation Supply
<u>002-040-32</u>	0.86	Manufacturing	Steel Manufacturing
<u>002-040-38</u>	1.07	Manufacturing	Steel Manufacturing
<u>002-093-25</u>	3.09	Heavy Commercial	Religious
<u>002-093-19</u>	2.65	Heavy Commercial	Ford Street Project
<u>TOTAL</u>	11.63		

Zoning Text Amendments:

To implement this proposal, the following text amendments (shown in underline) to the zoning ordinance are required:

INITIAL STUDY/ NEGATIVE DECLARATION

Section Number Section Title	Modification Staff Analysis
9171 USE PERMIT REQUIRED	Current: A. All homeless facilities in the city of Ukiah require planning commission review and approval of a use permit, consistent with section 9262 of the zoning code. B. Actions by the planning commission relative to a homeless facility use permit may be appealed to the city council consistent with subsection 9262D4 of the zoning code. C. Homeless facilities may be proposed and approved in the following zoning districts: CN (Neighborhood Commercial); C-1 (General Commercial); C-2 (Heavy Commercial/Light Industrial); PF (Public Facilities); M (Manufacturing); R-1 (Single-Family Residential); R-2 (Medium Density Residential) and R-3 (High Density Residential). (Ord. 1031, §1, adopted 2000) Proposed Addition: <u>D. Homeless facilities are allowed within the homeless shelter overlay district.</u>
9172 USE PERMIT APPROVAL GUIDELINES	Current: A. The city council shall adopt and may, from time to time, amend use and development guidelines for homeless facilities. B. Such guidelines shall be adopted by resolution, which shall be made available to any applicant seeking to construct or install a homeless facility in the city. C. Such guidelines shall be utilized by applicants to design and organize any proposed homeless facility in the city. D. Such guidelines shall be utilized by the planning commission, or city council in its decision to approve, deny, or modify a homeless facility use permit. E. Conditions of approval established by the planning commission, or city council in its review and approval of any homeless facility shall be based on the adopted homeless facility guidelines. F. An approved homeless facility use permit may be revoked if the shelter is not being conducted in compliance with the conditions of approval, or in violation of any other ordinance pertaining to its operation. Revocation proceedings shall be conducted in accordance with

INITIAL STUDY/ NEGATIVE DECLARATION

Section Number Section Title	Modification Staff Analysis
	subsection 9262H of the zoning code. (Ord. 1031, §1, adopted 2000) Proposed Addition: <u>G. A homeless facility operating within the homeless shelter overlay zone shall comply with Resolution 2001-15 "Homeless Shelter Facility Use Development Guidelines"</u>

Other Public Agencies With Approval Authority (e.g., permits, financing approval, or participation agreement):

- City of Ukiah Building Department
- City of Ukiah Department of Water and Sewer
- City of Ukiah City Engineer/Department of Public Works
- City of Ukiah Electrical Department

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussions.

- | | | |
|--|--|--|
| ☐ Aesthetics
☐ Biological Resources
☐ Hazards & Hazardous Materials
☐ Mineral Resources
☐ Public Services
☐ Utilities / Service Systems | ☐ Agricultural Resources
☐ Cultural Resources
☐ Hydrology / Water Quality
☐ Noise
☐ Recreation
☐ Mandatory Findings of Significance | ☐ Air Quality
☐ Geology / Soils
☐ Land Use / Planning
☐ Population / Housing
☐ Transportation / Traffic |
|--|--|--|

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

INITIAL STUDY/ NEGATIVE DECLARATION

- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature:

Date:

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of Negative Declaration.

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

INITIAL STUDY/ NEGATIVE DECLARATION

Significance Criteria: Aesthetic impacts would be significant if the project resulted in the obstruction of any scenic view or vista from the public right-of-way, damage to significant scenic resources within a designated State scenic highway, creation of an aesthetically offensive site from the public right-of-way, substantial degradation to the existing visual character or quality of the site and its surroundings, or new sources of light or glare that would adversely affect day or nighttime views in the area, including that which would directly illuminate or reflect upon adjacent property or could be directly seen by motorists or persons residing, working or otherwise situated within sight of the project.

Discussion:

a-d The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The General Plan does not identify the proposed overlay area as containing scenic vistas, or scenic resources. The proposed overlay area is not located near any heritage trees, rock outcroppings, and historic buildings or within state scenic highways area. Any proposed project with the overlay would be subject to the City's lighting standards as follows:

All outdoor light fixtures shall be located, aimed, and shielded so as to minimize light spilling over property lines and avoid directing light towards motorists and pedestrians. Fixtures shall be full cutoff and nighttime friendly and shall be International Dark Sky Association (IDA) approved or equivalent. Prior to installation of the exterior lighting, the applicant shall prepare a photometric plan for review and approval by the Planning Department that demonstrates that the lighting will not spillover onto adjacent properties and that all lighting is shielded.

Mitigation Measures:

None required.

No Impact.

2. AGRICULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

INITIAL STUDY/ NEGATIVE DECLARATION

2. AGRICULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Significance Criteria: Significant impacts would occur to agricultural resources if the proposed project would hamper existing agricultural operations or convert agricultural land to urban uses. Significant impacts would occur to agricultural resources and non-farmland to non-agricultural.

Discussion:

a-c) The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The entire overlay area is within an urbanized area, there are no unique farmland or Williamson Act contracts located within the proposed overlay area.

Mitigation Measures: None required.

No Impact.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐		☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒

INITIAL STUDY/ NEGATIVE DECLARATION

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Significance Criteria: Air Quality Impacts would be significant if the project results in any of the following:

- Conflicts with or obstructs implementation of any applicable Air Quality Plan;
- Violates any air quality standard or contributes substantially to an existing or project air quality violation, including a cumulatively considerable net increase of any criteria for which the region is in nonattainment as defined by Federal or State regulations. For the Mendocino County Air Quality Management District, the applicable daily thresholds for criteria pollutants would be significant if they exceed any of the following:
 - Reactive organic gases (ROG) 220 lbs.
 - Nitrogen oxides (Nox) 220 lbs.
 - Sulfur oxides (Sox) 220 lbs.
 - Particulates (PM10) 80 lbs.
- If carbon monoxide (CO) exceeds 550 lbs./day, dispersion modeling is recommended to determine the significance of the impact upon Federal or State standards.
- Exposes sensitive receptors to substantial pollutant concentrations; or
- Creates objectionable odors affecting a substantial number of people.

Discussion:

a-c)The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits Any construction proposed as result of the overlay will be subject to the City's building permit process which requires dust control measures during construction. Further all grading shall comply with Mendocino County Air Quality Management District Rule 1-430, Fugitive Dust Emissions.

INITIAL STUDY/ NEGATIVE DECLARATION

d) Sensitive Receptors: "Sensitive Receptors" are defined as facilities where sensitive population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school, playgrounds, child care centers, retirement homes, convalescent homes, hospitals, and medical clinics. The creation of the homeless shelter overlay zone would have no effect on future development levels and therefore would not result in any impacts beyond those identified in the General Plan EIR. Future development will be required to comply with the Uniform Building Code during project construction.

e) Objectionable Odors: There would be no impact.

Mitigation Measures: None required.

No Impact.

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒

INITIAL STUDY/ NEGATIVE DECLARATION

4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Significance Criteria: Project impacts upon biological resources would be significant if any of the following resulted:

- Substantial direct or indirect effect on any species identified as a candidate, sensitive, or special status species in local/regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service or any species protected under provisions of the Migratory Bird treaty Act;
- Substantial effect upon sensitive natural communities identified in local/regional plans, policies, or regulations or by the agencies listed above;
- Substantial effect (e.g., fill, removal, hydrologic interruption) upon Federally protected wetlands under Section 404 of the Clean Water Act;
- Substantially interfere with movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies/ordinances that protect biological resources (e.g., tree preservation policy or ordinance).

Discussion:

a-f) The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The General Plan has not identified the area as containing any biologically sensitive areas or habitat within the proposed overlay area. The overlay area is urbanized containing industrial and service related uses.

Mitigation Measures: None required.

No Impact

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☐	☐	☒

INITIAL STUDY/ NEGATIVE DECLARATION

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Significance Criteria: A significant impact to historic and cultural resources would occur if implementation of the project would:

- Cause a substantial change in the significance of a historical or cultural resource;
- Result in the removal or substantial exterior alteration of a building or structure or district that may be eligible for listing in the National Register or California Register;
- Result in the removal or substantial exterior alteration of a building or structure so that it results in the loss of a designated county landmark in the City of Ukiah;
- Result in the destruction of a unique paleontological resource, site or unique geological feature, or disturbs any human remains.

Discussion:

a-d) The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. There are no known cultural resources within the proposed overlay area. The overlay area is built out containing industrial and service related uses. Any construction of a new homeless facility as a result of this overlay will require a building permit that will have the following building permit conditions:

Conditions:

1. If, during site preparation or construction activities, any historic or prehistoric cultural resources are unearthed and discovered, all work shall immediately be halted, and the City shall be notified of the discovery. The applicant shall be required to fund the hiring of a qualified professional archaeologist to perform a field reconnaissance and to develop a precise mitigation program if deemed necessary.
2. If human remains are encountered during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to PRC Section 5097.98. If the remains are to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.

INITIAL STUDY/ NEGATIVE DECLARATION

Mitigation Measures: None required.

No Impact

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

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Significance Criteria: A significant geologic impact would occur if a project exposed people or structures to major geologic features that pose a substantial hazard to property and/or human life, or hazards such as earthquake damage (rupture, groundshaking, ground failure, or landslides), slope and/or foundation instability, erosion, soil instability, or other problems of a geologic nature that cannot be mitigated through the use of standard engineering design and seismic safety design techniques.

A significant geologic impact would occur if a project exposed people or structures to major geologic features that pose a substantial hazard to property/or human life, or hazards such as earthquake damage.

Discussion:

The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The overlay area is urbanized containing industrial and service related uses. The proposed overlay results in the construction of a new homeless facility, the following condition will be required by the Uniform Building Code:

The Ukiah Valley is part of an active seismic region that contains the Maacama Fault, which traverses the valley to the east and north of the City and according to resource materials maintained by the Ukiah Planning Department, the projected maximum credible earthquake along this fault would have an approximate magnitude of 7.4 on the Richter scale. However, the subject property is not situated directly on or near an Alquist-Priolo fault zone and the relatively flat site has no known slope and/or foundation instability, soil instability, or other geologic hazards that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- a. **Fault Rupture.** No known active fault zones cross the Project parcels based on official fault maps. The Macaama fault zone is located to the east of the project site and therefore fault rupture hazard is considered low since research has shown that the Maacama Fault is confined to a limited zone with little or no splaying. Impacts related to fault rupture are less than significant.

Seismic. The Project is required to comply with the seismic design standards included in the California Building Code. Compliance with these requirements would reduce impacts resulting from strong seismic ground shaking to less than significant.

Liquefaction. According to the Soil Survey of Mendocino County, Eastern Part, and Trinity County Southwestern Part published by the U.S. Soil Conservation Service, the subject property is underlain by an "urban mix" that includes native soils mixed with non-native fill materials that are only partially covered by patches of asphalt and hard-packed gravel. However, the project site is not in an area with any known deposits of soils that are unstable, or that would become unstable as a result of the project, or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse

Landslide. The Project parcels and surrounding area are relatively flat and no new slopes would be created as a result of the Project; therefore, there are no impacts related to landslides related to seismic activity.

- b. It is possible that soil erosion and/or loss of topsoil could increase on the site if soils are left exposed to winds or storm waters for any substantial period of time during the construction. Such impacts would generally be short-term in nature, but could cause significant erosion if normal grading and site preparation techniques are not utilized during the development phase of the project. In this case, however, the soil protection measures included as Mitigation Measures 1-5 in the Air Quality discussion, above. Will sufficiently reduce soil impacts to less than significant levels.

The Project is required to comply with Division 9, Chapter 7, Sediment and Erosion Control of the Ukiah City Code which includes requirements intended to reduce erosion and sedimentation.

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Implementation of these requirements through the building permit process would reduce impacts to less than significant.

- c. The Project would not result in on- or off-site landslide since the Project area as well as the surrounding area is relatively flat and the Project would not create any new slopes.
- d. There are no known deposits of expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Additionally, the project site is relatively flat, so it is not anticipated that its development would require extensive grading, cutting or filling, or other site preparation activities that would cause substantial soil erosion or the loss of topsoil.
- e. The Project does not include any septic tanks or alternative wastewater disposal systems; therefore, there is no impact.

Mitigation Measures: None required

No Impact

7. HAZARDS & HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

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7. HAZARDS & HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Significance Criteria: A significant impact to the environment and the public associated with hazards and hazardous materials would result from a project if any of the following occurred:

- Creation of a significant hazard to the public or environment by routine transport, use or disposal of hazardous materials or from foreseeable upset and accident conditions;
- Emission and/or handling of hazardous, acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;
- Location of a project on a listed hazardous materials site compiled pursuant to Government Code Section 65962.5;
- Be located within an adopted Airport Land Use Plan and expose people to a safety hazard;
- Be located within the vicinity of a private airstrip and expose people to a safety hazard;
- Impairment/interference with adopted emergency response plan or emergency evacuation plan; or
- Be located in or near a wildland area and expose people to risk due to wildland fire.

Discussion:

Any proposed project within the Overlay Zone would be subject to the Uniform Building Code seismic requirements. The Ukiah Valley is part of an active seismic region that contains the Maacama Fault, which traverses the valley to the east and north of the City and according to resource materials maintained by the Ukiah Planning Department, the projected maximum credible earthquake along this fault would have an approximate magnitude of 7.4 on the Richter scale. However, the subject property is not situated directly on or near an Alquist-Priolo fault zone and the relatively flat site has no known slope and/or foundation instability,

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soil instability, or other geologic hazards that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- a. **Fault Rupture.** No known active fault zones cross the Project parcels based on official fault maps. The Macaama fault zone is located to the east of the project site and therefore fault rupture hazard is considered low since research has shown that the Maacama Fault is confined to a limited zone with little or no splaying. Impacts related to fault rupture are less than significant.
Seismic. The Project is required to comply with the seismic design standards included in the California Building Code. Compliance with these requirements would reduce impacts resulting from strong seismic ground shaking to less than significant.
Liquefaction. According to the Soil Survey of Mendocino County, Eastern Part, and Trinity County Southwestern Part published by the U.S. Soil Conservation Service, the subject property is underlain by an "urban mix" that includes native soils mixed with non-native fill materials that are only partially covered by patches of asphalt and hard-packed gravel. However, the project site is not in an area with any known deposits of soils that are unstable, or that would become unstable as a result of the project, or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
Landslide. The Project parcels and surrounding area are relatively flat and no new slopes would be created as a result of the Project; therefore, there are no impacts related to landslides related to seismic activity.
- b. It is possible that soil erosion and/or loss of topsoil could increase on the site if soils are left exposed to winds or storm waters for any substantial period of time during the construction. Such impacts would generally be short-term in nature, but could cause significant erosion if normal grading and site preparation techniques are not utilized during the development phase of the project. In this case, however, the soil protection measures included as Mitigation Measures 1-5 in the Air Quality discussion, above. Will sufficiently reduce soil impacts to less than significant levels.

The Project is required to comply with Division 9, Chapter 7, Sediment and Erosion Control of the Ukiah City Code which includes requirements intended to reduce erosion and sedimentation. Implementation of these requirements through the building permit process would reduce impacts to less than significant.
- c. The Project would not result in on- or off-site landslide since the Project area as well as the surrounding area is relatively flat and the Project would not create any new slopes.
- d. There are no known deposits of expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Additionally, the project site is relatively flat, so it is not anticipated that its development would require extensive grading, cutting or filling, or other site preparation activities that would cause substantial soil erosion or the loss of topsoil.
- e. The Project does not include any septic tanks or alternative wastewater disposal systems; therefore, there is no impact.
- f. The Project is not within the Airport Landuse Plan referral zone.
- g. The project is not within any emergency evacuation plan route.
- h. The project is within an urbanized area, not located near any wildlands.

Mitigation Measures: None required.

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No Impact

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒

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8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Significance Criteria: Significant impacts associated with hydrology and water quality would result from a project if water quality standards or waste discharge requirements were violated; groundwater and surface water quality and quantity were substantially altered; drainage patterns were substantially altered that would increase erosion/siltation and increase surface runoff; increase runoff that would exceed capacity of existing or planned drainage systems or add a substantial source of pollution; located on a 100-year floodplain; or expose people to hydrological hazards such as flooding or inundation by seiche, tsunami, or mudflow.

Discussion:

Any project constructed within the overlay zone will be required to comply with the requirements of the Ukiah City Code (UCC). Division 9, Chapter 7, Erosion and Sediment Control regulates grading on public and private property in order to control erosion and sedimentation, protect water quality, and safeguard health, safety and the public welfare. The requirements of this chapter require Projects subject to a grading permit to include specific design standards as part of the plans including requirements for: general site and good housekeeping; erosion control; sediment control; waterway and watercourse protection; and construction site access (section 9703). This Chapter also requires the holder of the grading permit to establish and implement construction site management practices that prevent toxic materials and other debris from entering the storm drain and waterway systems (section 9704).

- a. Building permits from the City of Ukiah are required. The permits require compliance with specific standards designed to comply with water quality standards and to avoid illicit discharge. Compliance with these requirements would result in no impact from the Project.
- b. Construction of the new residential units and associated site improvements would not impact groundwater because new landscaping would be included along with drainage swales that would provide opportunity for groundwater infiltration. The project drainage plan has been reviewed by the Public Works Department.
- c. Orr Creek is ½ block away to the north.
- d. The Project was reviewed by Public Works and the existing stormwater system has adequate capacity to serve the Project.
- e. The Project would not degrade water quality. The Project is subject to compliance with requirements Ukiah City Code and are included as part of the Project design. These requirements are intended to protect water quality. Compliance with these requirements would result in no degradation of water quality.
- f. The project is not located within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

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- g. The Project is not located within a 100 year flood zone. The Project is located within Zone X (areas determined to be outside of the 0.2% annual chance floodplain) on FEMA Flood Insurance Rate Map #06045C1512F, Panel #1512 of 2100, dated June 2, 2011.
- h. The Project is not located within a flood zone. Portions of the Ukiah Valley would be subject to inundation due to the failure of Coyote Dam at Lake Mendocino. In the highly unlikely event of a dam failure, inundation is predicted to occur within most creek channels from the river nearly to the base of the foothills on the west side of the valley. The main channel of flooding is expected to follow State Street or US 101, whichever is furthest west.
- i. The Project is located inland and therefore would not be subject to inundation by seiche, tsunami, or mudflow.

Mitigation Measures: None Required

No Impact

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

Significance Criteria: Significant land use impacts would occur if the project substantially conflicted with established uses, disrupted or divided an established community, or resulted in a substantial alteration to present or planned land uses. Proposed project consistency with the Ukiah General Plan and zoning and any other applicable environmental plans and policies is also evaluated in making a determination about potential land use impacts.

Discussion:

a-c) The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit. The proposed location for the overlay is concentrated in the northeast section of the City, and will not divide an established community. The overlay area is built out containing industrial and service related uses and is not subject to either habitat conservation or natural community conversation plans.

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Goal/Policy # Goal/Policy Text	Consistency Determination
Housing	
Goal CF-9 Help reduce public health costs through education and support programs knowledge of prevention and self-treatment of medical problems.	The project would promote good personal health and would help to reduce public health costs by curing substance abuse and providing preventative education
Goal H-2.e. Housing Element As Staff and resources allow, assist the Ukiah Homeless Services Planning Group in all ways possible.	Providing homeless services and other vital community services to the community

Mitigation Measures: None required.

No Impact

10. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Significance Criteria: Impacts to Mineral and Natural resources would be substantial if the proposed project resulted in the loss of significant or locally important materials such as minerals, gravel, sand, and heritage trees. Impacts to mineral and natural resources would be substantial if the proposed project resulted in the loss of significant or locally important materials such as minerals, gravel, sand, and heritage trees. Impacts to mineral natural resources would be.

Discussion:

- a. The parcels included in the overlay are located in an industrial area and surrounded by existing industrial and residential development. There are not identified in the General Plan as a location for natural or mineral resources.
- b. The parcels included in the overlay area are not delineated as an important natural or mineral resource recovery site on the City's General Plan Map or on any specific plan or other land use plan.

Based on the above, the Project would have no impact on natural or mineral resources.

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Mitigation Measures: None required.

No Impact

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

Significance Criteria: A project will typically have a significant noise impact if it meets any of the following criteria:

- Exposes people to or generate noise levels in excess of standards established in the local General Plan or Noise Ordinance.
- Causes a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Expose people to excessive ground borne vibration or noise levels.
- Causes a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project.

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- If located within an airport land use plan or within 2 miles of a public airport, expose people to excessive noise levels.
- If located within the vicinity of a private strip, expose people to excessive noise levels.

Discussion

The Ukiah City Code includes the following noise regulations that apply to the projects proposed within the Overlay zone.

Section 6048: Ambient Noise Level: Where the ambient noise level is less than designated in this Section the respective noise level in this Section shall govern.

Sound Level A, decibels		
Zone	Time	Ambient Noise Level
R1 and R2	10 p.m. to 7 a.m.	40 decibels
R1 and R2	7 p.m. to 10 p.m.	45 decibels
R1 and R2	7 a.m. to 7 p.m.	50 decibels
R3	10 p.m. to 7 a.m.	45 decibels
R3	7 a.m. to 10 p.m.	50 decibels
Commercial	10 p.m. to 7 a.m.	60 decibels
Commercial	7 a.m. to 10 p.m.	65 decibels
Industrial	Anytime	70 decibels

Section 6053: Machinery, Equipment, Fans and Air Conditioning: It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five (5) decibels between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. (Ord. 748, Article 1, adopted 1980)

Section 6054: Construction of Buildings and Projects: It shall be unlawful for any person within a residential zone, or within a radius of five hundred feet (500') therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device (between the hours of 7:00 P.M. of one day and 7:00 A.M. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefore has been duly obtained from the Director of Public works. No permit shall be required to perform emergency work as defined in §6046 of this Article. (Ord. 748, Article 1, adopted 1980)

- a. The proposed residential development will place an increased number of persons on the subject property and will expose them to various sources of noise commonly found in urbanized areas. In this case, the primary noise sources are expected to come from street traffic and residential sources within the units once they are constructed. However, there is no evidence that any of these noise sources will cause significant or long-term increase in noise levels or the exposure of persons to hazardous noise levels.
- b. During construction there may be exposure to groundborne vibration however this would be temporary and it is not anticipated that this would be long lasting and that the applicant does not

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intend to use unusual construction methods or tools, such as blasting or drilling. Furthermore construction activities are required to adhere to the City's noise standards.

- c. The proposed project would not have a permanent increase in ambient noise levels because the new residential development would be similar to the surrounding neighborhood and typically residential uses do not create noise that exceed the noise standards of the City.
- d. The Project would result in periodic and temporary increases in noise as a result of Project construction however this would only be short term. Project construction would be required to adhere to the City's noise standards and the allowed hours of construction. In order to reduce construction related noise impacts, especially impacts to sensitive receptors which in this case would be the adjacent residential uses, to a less than significant level, the City's standard mitigation measure limiting construction hours has been applied to the Project.
- e. The project is not located with the boundaries of the Airport Compatibility Zone.
- f. The project is not located within the vicinity of a private airstrip.

Building Permit Conditions:

1. Construction hours are limited to Monday through Friday from 8:00 a.m. to 6:00 p.m. and from 9:00 a.m. to 4 p.m. on Saturday Construction hours are prohibited on Sunday and all holidays recognized by the City of Ukiah. Interior work that generates negligible or no noise at the property line is allowed outside of the construction hours noted above.

Approval of additional construction hours may be requested in writing from the Planning and Community Development Director and Public Works Director for extenuating circumstances. The written request must be submitted a minimum of 14 days prior to the date for which the change in construction hours/days is being requested and shall explain the need for the extended construction hours, describe the extenuating circumstances, and identify the additional construction hours requested, including the duration.

2. Signs shall be posted at the Project site prior to commencement of construction of the proposed Project for the purpose of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the construction site(s) of the basic requirements of mitigation measures for Noise.
3. Signs shall be posted at the construction sites that include the permitted construction days and hours, day and evening contact number for the job site, and a contact number in the event of problems.
4. An onsite complaint and enforcement manager shall be designated for the Project and shall respond to and track complaints and questions related to noise.
5. Equipment and trucks used for proposed Project construction shall use the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuated shields or shrouds, wherever feasible).
6. Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.

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7. Stationary construction noise sources shall be located as far from sensitive receptors as possible and they shall be muffled.
8. No outside amplified sources (e.g. stereo "boom boxes") shall be used on site during Project construction.

Mitigation Measures: None required.

No Impact

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

Significance Criteria: Population and housing impacts would be significant if the project induced substantial direct or indirect (e.g., road extensions) population growth in an area and/or displaced substantial numbers of existing houses and/or substantial numbers of people, thus requiring replacement housing elsewhere.

Discussion:

a-c The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The population growth of Ukiah has been flat for the past 15 years, the City has not met its population growth trajectory as outlined in the General Plan. The proposed overlay district contains two zoning designations, Industrial and Commercial, either of which allow residential development.

Mitigation Measures: None required.

No Impact

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13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Significance Criteria: Impacts to public services would be significant if the project resulted in adverse physical impacts upon capacity that would lead to construction of new public facilities or substantial alteration to existing governmental facilities to maintain acceptable service levels or performance levels.

Discussion:

a-e. The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The project, a zoning overlay for homeless shelters, will result in minimal impacts to municipal services, schools, and parks. The Project has been reviewed by Public Works, the Police Department, Fire Marshal, and Electric Utility. The Project would not require the need for new city facilities or services. Therefore, the Project would have no impact on public services.

Mitigation Measures: None required.

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14. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Significance Criteria: Impacts to recreation would be significant if the project resulted in an impact upon the quality or quantity of existing recreational opportunities or required the creation of new recreational facilities.

Discussion:

a.-b. The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits. The project would not increase the use of existing neighborhood and regional parks to a level that would accelerate the deterioration of the facility or required the expansion of any existing recreational facilities.

Mitigation Measures: None required.

No Impact

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒

INITIAL STUDY/ NEGATIVE DECLARATION

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Significance Criteria: According to the Ukiah General Plan Circulation Element, the minimum acceptable level of service (LOS) on City commercial streets/intersections is LOS "D." Other criteria include whether the project would have substantial effects upon air traffic patterns; whether the project would increase traffic hazards due to design features; whether the project has inadequate emergency access; and whether the project would create conflicts with adopted policies, programs and plans for alternative transportation.

Discussion: The homeless shelter zoning overlay will allow the establishment of a homeless shelter within the overlay area without a conditional use permit or other discretionary permits

- a. Given the size of the project area and the limited need for a potential homeless shelter, the project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- b. Given the projected need for a homeless shelter, a potential project would not exceed the level of service standards for traffic.
- c. The existing flight pattern would not change as a result of this Project. The project is not located within the boundaries of the Ukiah Airport Master Plan.
- d. The project does not involve the creation or realignment of the existing roadways. A new driveway and curb cut would be created however the project has been reviewed by the Public Works Department and any comments that they had will be included as a project condition of approval.
- e. The Project was reviewed by Public Works, the Fire Marshal, and the Police Department and no concern related to emergency access was identified. Therefore, there is no impact to emergency access.
- f. As required by the Zoning Ordinance the project will provide the required amount of on-site parking.

INITIAL STUDY/ NEGATIVE DECLARATION

Mitigation Measures: None required.

No Impact

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

Significance Criteria: Impacts to utilities and service systems would be significant if the proposed project results in a physical need to develop new systems or causes a substantial physical alteration to existing facilities.

Discussion:

INITIAL STUDY/ NEGATIVE DECLARATION

a.-g.The proposed project would create a zoning overlay district that will allows the establishment of a homeless shelter without a use permit. The project would not increase the use of existing neighborhood and regional parks to a level that would accelerate the deterioration of the facility or required the expansion of any existing recreational facilities.

Mitigation Measures: None required.

No Impact

17. GLOBAL CLIMATE CHANGE / GHG	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Significance Criteria: GHG impacts would be significant if the Project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Discussion: The proposed project would create a zoning overlay district that will allows the establishment of a homeless shelter without a use permit.

- The proposed zoning overlay district would not result in a considerable contribution to cumulative GHG emission because no construction is proposed. The project would allow the establishment of a homeless shelter within the overlay boundary with requiring a use permit. If a homeless shelter is proposed, the construction will be subject to the California Building Code for energy and water efficiency.
- The City of Ukiah does not have an adopted climate action plan. The City of Ukiah does have General Plan goals and polices that address energy use which may reduce or minimize GHG emission. The Project would not conflict with any plan, policy or regulation adopted for the purpose of reducing the emissions of GHG.

Based on this, the Project would not substantially increase GHG emissions directly or indirectly.

INITIAL STUDY/ NEGATIVE DECLARATION

MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

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

Discussion:

- a. The Project would not have an impact on habitat, plant or animal communities. The Project does not include any habitat, fish or wildlife population, and is not known to include any cultural resources. The Project location is not identified as an area of High significance in the City's General Plan. In the unlikely event, cultural resources are discovered as a result of construction of the Project, a mitigation measure has been included to reduce this impact to a less than significant level.
- b. The project would not have cumulative impacts because the project site is located within an established residential neighborhood and there are currently no other projects or projects in the foreseeable future planned within the immediate vicinity that would create combined cumulative impacts. In terms of the larger community future projects include the Ukiah Courthouse Relocation and Costco. While these two projects have identified impacts the proposed Project would continue to be less than significant when added to the cumulative impacts.

INITIAL STUDY/ NEGATIVE DECLARATION

- C. The project would not have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly because of the small size of the project.

RESOURCES USED TO PREPARE THIS ANALYSIS

1. City of Ukiah General Plan
2. Ukiah City Code
3. City of Ukiah Zoning Ordinance
4. City of Ukiah Noise Ordinance
 - A. Kevin Jennings, Fire Marshal
 - B. David Willoughby, Building Official
 - C. Ben Kageyama, Senior Civil Engineer, Public Works
 - D. Trent Taylor, Administrative Captain, Police Department

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

Attachment #

4

May 11, 2015

Charley Stump, Director
Planning and Community Development
City of Ukiah
300 Seminary Ave
Ukiah, CA 95482

Dear Mr. Stump:

RE: City of Ukiah's 5th Cycle (2014-2019) Draft Housing Element

Thank you for submitting the City of Ukiah's draft housing element received for review on March 12, 2015, along with revisions received on May 8 and 11, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by various communications and a telephone conversation on April 24, 2015 with Mr. Kevin Thompson, Principal Planner.

While the draft element meets the statutory requirements of State housing element law, the Department cannot yet find the housing element in full compliance. Ukiah must complete actions required in the prior 4th cycle to amend its zoning ordinance to permit year-round emergency shelter(s) without discretionary action pursuant to GC Section 65583(a)(4)(A), amended by Senate Bill 2 (Chapter 633, Statutes of 2007). As noted in the current element on page 63, Program H-2.f, zoning has not been updated. The element will comply with housing element law once the City has completed this zoning amendment and submitted the adopted housing element to the Department pursuant to GC Section 65585(g).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available, considering and incorporating comments where appropriate.

The Department appreciates the hard work and dedication of Mr. Thompson during the course of our review. We are committed to assist Ukiah in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Hilda Sousa, of our staff, at (916) 263-1784.

Sincerely,


Glen A. Campora
Assistant Deputy Director



ITEM NO: 12a

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: INTRODUCTION OF ORDINANCE BY TITLE ONLY TO GIVE CITATION AUTHORITY TO COMMUNITY SERVICES OFFICERS AND OTHER CITY EMPLOYEES DESIGNATED BY THE CITY MANAGER OR CITY COUNCIL RESOLUTION TO ENFORCE SPECIFIED CITY ORDINANCES OR STATE LAWS AND APPROVE CORRESPONDING BUDGET AMENDMENT

Summary: City Staff is proposing the introduction of an ordinance that will give designated City employees, who are not sworn "peace officers," the authority to issue infraction and misdemeanor citations in aid of enforcing City ordinances and state laws promoting public health, safety and welfare.

Background and Discussion: The proposed Ordinance would add Section 6323 to the City Code in Division 7 (police regulations), Chapter 4 (procedure), Article 3 (citation procedure for enforcement of City ordinances) for this purpose. The adoption of the ordinance is a necessary part of developing an effective program to enforce property maintenance ordinances in the City.

The Police Department has undertaken the job of enforcing City ordinances regulating the condition of privately owned real property in the City. This function is often performed by the City Planning and Building Department, but the City has one Building Official who barely has time to perform inspections and other services related to the issuance of building permits.

There are numerous properties in the City which have dilapidated buildings, accumulations of trash, overgrown weeds, accumulations of discarded furniture, equipment, appliances, abandoned or improperly maintained swimming pools and other conditions creating an attractive nuisance. These conditions not only create health and safety hazards, but lower property values and cause blighted conditions in the City. The City Council has adopted ordinances to remedy these conditions, but it has not had a consistent program for enforcing them. For example, Chapter 10 in Division 3 of the City Code provides an administrative procedure to abate unsafe or dilapidated buildings, Chapter 11 addresses the maintenance of commercially zoned property and Chapter 12 addresses the abatement of nuisance conditions on residential as well as commercial property.

Recommended Action(s): Introduce Ordinance by title only and adopt motion to introduce the ordinance adding section 6323 to division 7, chapter 4, article 3 of the Ukiah City Code, entitled "Citation Procedure for Violation of City Ordinances," and approve corresponding budget amendment.

Alternative Council Option(s): Decline to take these actions and provide direction to staff.

Citizens advised: N/A

Requested by: Trent Taylor, Police Captain

Prepared by: David J. Rapport, City Attorney

Coordinated with: Sage Sangiacomo, City Manager, Charley Stump, Planning Director

Attachments: 1. Ordinance of the City Council of the City of Ukiah adding section 6323 to division 7, chapter 4, article 3 of the Ukiah City Code, entitled "Citation Procedure for Violation of City Ordinances"

Approved: 
Sage Sangiacomo, City Manager

Chapter 12 creates an administrative procedure for correcting a variety of conditions which create unsafe or unhealthy conditions on private property which is to be administered by a "Code Compliance Manager." That role has been assigned to Captain Trent Taylor. However, the City has not budgeted funds to clean-up properties, after the administrative process has been completed.

The Police Department currently employs five Community Services Officers who can be trained to initiate and carry-out enforcement of these ordinances. Captain Taylor is prepared to train them. These ordinances allow the City to abate these nuisance conditions on private property, after giving the property owner written notice of the conditions and an opportunity for a hearing if the property owner disputes that the property is in violation of the ordinance. If the property owner does not appeal or a hearing officer decides after conducting the hearing that the property is in violation, the City can clean up or repair the property and impose a lien for those costs on the property. These liens are enforceable as property taxes. They are often collected when a property sells. As an alternative or in addition, the City can issue a citation which initiates a criminal proceeding against the property owner. No physical arrest is involved in the issuance of a citation. Rather, the person cited signs a promise to appear and, thereafter, must appear in court for arraignment or other disposition.

The power to arrest is generally granted to sworn peace officers, who have completed Peace Officer Standards and Training (POST) academy and are authorized to carry firearms. (See Penal Code §§ 930.1 and 832.1.) However, under Penal Code §829.5, a city employee who has enforcement authority for health, safety, and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints has that authority. The proposed ordinance will allow the City Manager or the City Council by resolution to designate specific employment positions with the City as responsible for enforcing ordinances or other state laws protecting health, safety and welfare and who will have the authority to issue citations in aid of enforcing those ordinances or laws.

Initially, the ordinance would give Community Services Officers in the Police Department the authority to issue citations, when violation of property maintenance ordinances is an infraction or a misdemeanor.

The adoption of this ordinance is part of putting in place a program for enforcing these property maintenance ordinances in the City. In addition, the City will need to retain a hearing officer to hear appeals. It will also need a fund to pay for clean-ups authorized through the administrative process. As these expenses are collected from properties which have been cleaned up, the account to pay these costs will be reimbursed by the property owner through direct billing or lien, if necessary. As such, a budget amendment in the amount of \$30,000 for expenses and \$30,000 in offsetting revenue is requested.

Fiscal Impact:

FISCAL IMPACT:					
Budgeted Amount in 15-16 FY	New Appropriation General Fund	Account Number	Budget Amendment Required		Previous Contract or Purchase Order No.
\$0	\$30,000 Expense	To be determined	Yes ☒	No ☐	N/A
\$0	\$30,000 Revenue	To be determined	Yes ☒	No ☐	N/A

ORDINANCE NO. 2015-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING SECTION 6323 TO DIVISION 7, CHAPTER 4, ARTICLE 3 OF THE UKIAH CITY CODE, ENTITLED "CITATION PROCEDURE FOR VIOLATION OF CITY ORDINANCES"

The City Council of the City of Ukiah hereby ordains as follows.

SECTION 1

Section 6323 is hereby added to Division 7, Chapter 4, Article 3 of the Ukiah City Code to read as follows.

§6323 CITATION AUTHORITY

Community Services Officers in the Police Department and other City employees, designated by the City Manager in consultation with the Police Chief and the Director of Planning and Community Development or designated by City Council resolution shall have the authority and responsibility to enforce specified City codes and ordinances and state laws protecting public health, safety, and welfare, and are hereby authorized pursuant to Penal Code Sections 829.5 and 836.5 to issue citations for violation of such codes, ordinances and laws, when such violations are declared infractions or misdemeanors, as authorized in chapter 5, title 3, part 2 of the California Penal Code, commencing with section 853.5. Such designations by the City Manager shall be recorded in writing and maintained as a permanent City record.

SECTION 2

This Ordinance shall become effective 30 days after its adoption and shall be published as required by law.

Introduced by title only on September 2, 2015 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Adopted on _____, 2015, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk



ITEM NO.: 13a

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: INTRODUCE AN ORDINANCE BY TITLE ONLY ADDING SECTION 3020 TO THE UKIAH CITY CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.

Summary: Assembly Bill No. 2188 was approved by the Governor and requires that local jurisdictions adopt on or before September 30, 2015, an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. City Council will consider the introduction of an ordinance, by title only, formally creating an expedited and streamlined permit process for small residential rooftop solar energy systems.

Discussion: AB 2188, now codified in part as Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems (*Attachment 3*). In furtherance of that objective, the law requires that, on or before September 30, 2015, every city, county, or city and county to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

Existing law required an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application that it has been acted on.

The new law enacted through AB 2188 instead requires the approving entity to notify the applicant in writing within 45 days of receipt of the application that it has been acted on.

The City currently expedites the review of such applications by reviewing and issuing applications within 10 working days for residential projects and within 15 working days for commercial projects. *On Rapid Review Wednesday*, a small residential rooftop solar system permit can be issued within 2 hours.

Continued on Page 2

RECOMMENDED ACTION(S): Introduce the Ordinance by title only adding section 3020 to the Ukiah City Code relating to expedited permitting procedures for small residential rooftop solar systems.

ALTERNATIVES: Provide alternative direction to staff.

Citizens advised:	Notice published in the UDJ
Requested by:	David Willoughby, Building Official
Prepared by:	David Willoughby, Building Official
Coordinated with:	Sage Sangiacomo, City Manager and Charley Stump, Director of Community Development
Presenters:	David Willoughby, Building Official; Charley Stump, Director of Community Development
Attachments:	1. Proposed Ordinance 2. Eligibility Checklist 3. Assembly Bill No. 1288

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted..

Approved: 
Sage Sangiacomo, City Manager

AB 2188 also requires the following:

- (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, but instead a statewide concern and it is the legislative intent to encourage this through this legislation.
- (b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit.
- (c) A city or county may not deny an application for a use permit to install a solar energy system unless it makes a written finding based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city or county.
- (e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.
- (f) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.
- (g) (1) On or before September 30, 2015 every city and county in consultation with the local fire department or district and the utility director if the city operates a utility shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review.
- (2) The checklist and required permitting documentation shall be published on a publically accessible Internet web site and shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications and other documentation in lieu of a wet signature. In developing the ordinance, the city shall substantially conform its expedited, streamlined permitting process with the recommendation for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook.
- (h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, except that a separate fire safety inspection may be performed. If the system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.
- (i) The following definitions apply to this section:
 - (2) "Electronic submittal" means the utilization of one or more of the following:
 - (A) Email.
 - (B) The Internet.
 - (C) Facsimile.
 - (3) "Small residential rooftop solar energy system" means all of the following:
 - (A) A solar system that is no larger than 10 kilowatts alternation current nameplate rating or 30 kilowatts thermal.
 - (C) A solar energy system that is installed on a single or duplex family dwelling.

Even though the City currently expedites permits for small residential rooftop solar systems, the City needs to adopt the ordinance mandated by Section 65850.5(g)(1) to be consistent with State law. The attached ordinance is intended to satisfy that requirement (*Attachment 1*). The ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the City's Building Official to develop a checklist (*Attachment 2*) of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

CEQA Compliance: The proposed ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed solar permit expediting ordinance would have a significant effect on the environment.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
			Yes ☐ No ☒	

ATTACHMENT 1

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF UKIAH ADDING SECTION 3020
TO THE UKIAH CITY CODE RELATING TO
EXPEDITED PERMITTING PROCEDURES FOR
SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.**

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, Ukiah General Plan includes Goal EG-6: Promote energy efficiency features in the design of all new structures and in the retrofitting of existing structures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UKIAH HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 3020 Added. Section 3020 is added to the City of Ukiah Municipal Code to read in full as follows:

Section 3020 Small Residential Rooftop Solar Energy System Review Process.

A. The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

1. E-mail,
2. The internet,
3. Facsimile.

“Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such

section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

"Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.

D. The checklist shall be published on the city's internet website together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

E. Prior to submitting an application, the applicant shall:

1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

SECTION 2. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 3. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 5. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION TWO. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall be in full force and effect on _____. Within fifteen days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within 15 days after its adoption.

Introduced by title only on _____, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Adopted on _____ by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk



Eligibility Checklist for Expedited Solar Photovoltaic Permitting for One- and Two-Family Dwellings

GENERAL REQUIREMENTS

A. System size is 10 kW AC CEC rating or less	Y	N
B. The solar array is roof-mounted on one or two family dwelling or accessory structure.	Y	N
C. The solar panel/module arrays will not exceed the maximum legal building height.	Y	N
D. Solar system is utility interactive and without battery storage.	Y	N
E. Permit application is completed and attached.	Y	N
F. Plan check deposit fee paid at time of submittal	Y	N

ELECTRICAL REQUIREMENTS

No more than four photovoltaic module strings are connected to each Maximum Power Point Tracking (MPPT) input where source circuit fusing is included in the inverter.

1. No more than two strings per MPPT input where source circuit fusing is not included.	Y	N
2. Fuses (if needed) are rated to the series fuse rating of the PV module.	Y	N
3. No more than one noninverter-integrated DC combiner is utilized per inverter.	Y	N
A. For central inverter systems: No more than two inverters are utilized.	Y	N
B. The PV system is interconnected to a single-phase AC service panel of nominal 120/220 Volt with a bus bar rating of 225 Ampere or less.	Y	N
C. The PV system is connected to the line side of the utility distribution equipment	Y	N
D. A solar PV standard plan and supporting documentation is completed and attached.	Y	N

STRUCTURAL REQUIREMENTS

A. A completed Structural Criteria and supporting documentation is attached (if required)	Y	N
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FIRE SAFETY REQUIREMENTS

A. Clear access pathways provided.	Y	N
B. Fire classification solar system is provided.	Y	N
C. All required markings and labels are provided.	Y	N
D. A diagram of the roof layout of all panels, modules, clear access pathways and Approximate locations of electrical disconnecting means and roof access points Is completed and attached.	Y	N

Notes:

1. These criteria are intended for expedited solar permitting process.
2. If any items are checked NO, revise design to fit within Eligibility Checklist, otherwise permit application may go through the standard process
3. If submitting electronically, an additional \$50.00 fee is required.

Assembly Bill No. 2188

CHAPTER 521

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

[Approved by Governor September 21, 2014. Filed with
Secretary of State September 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications to be certified by an accredited listing agency, as defined.

Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy

system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within 45 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread

adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state's Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the "implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair ... but is instead a matter of statewide concern," the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an "obstacle" to the state's clean energy and greenhouse reduction goals and a "burdensome cost" to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state's ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

SEC. 2. Section 714 of the Civil Code is amended to read:

714. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Solar energy systems used for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, "significantly" means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, "significantly" means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(2) "Solar energy system" has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney's fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this

section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

SEC. 3. Section 65850.5 of the Government Code is amended to read:

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, and city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(2) The checklist and required permitting documentation shall be published on a publically accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance

required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a city, county, or city and county that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Electronic submittal" means the utilization of one or more of the following:

- (A) Email.
- (B) The Internet.
- (C) Facsimile.

(3) "Small residential rooftop solar energy system" means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(4) "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(5) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



ITEM NO.: 13b

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF RESOLUTION APPROVING THE DISASTER MITIGATION ACT 2000 (DMA 2000) MENDOCINO COUNTY MULTI-HAZARD MITIGATION PLAN INCLUDING APPENDIX J FOR THE CITY OF UKIAH

Summary: Council will consider adopting a resolution which would approve a multi-hazard mitigation plan for the City.

Background: In 2000, the United States Congress passed the Disaster Mitigation Act of 2000 (DMA 2000) to emphasize the need for mitigation planning to reduce vulnerability to natural and human-caused hazards. DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

This plan includes community descriptions, a planning process, hazard analysis, vulnerability analysis, and mitigation strategy and plan maintenance. These areas are both countywide and specific to local jurisdictions.

The Federal Emergency Management Agency (FEMA) requires any local jurisdiction requesting post-disaster funds to have an approved hazard mitigation plan in place. This plan fulfills all of the requirements set by FEMA for post-disaster funding.

In addition to the DMA 2000 requirements the plan also addresses the Local Flood Mitigation Plan requirements of the Flood Mitigation Assistance (FMA) grant program.

Discussion: Currently five FEMA grant programs provide funding to the State, Tribes, and local entities that have a FEMA approved State or Local Mitigation Plan and to local entities that have a FEMA approved Local Mitigation Plan with a flood annex or a stand-alone Flood Mitigation Plan.

This plan presented was adopted by Mendocino County in May of 2014 and approved by FEMA on December 1, 2014. For the City of Ukiah to also be eligible for funding, it must also adopt the plan by resolution and forward the signed resolution to FEMA.

Continued on Page 2

RECOMMENDED ACTION(S): Approve Resolution Adopting the Mendocino County Hazard Mitigation Plan Including Appendix J for the City of Ukiah.

ALTERNATIVES: Do not Approve Resolution and Refer Back to Staff.

Citizens advised:

Requested by: Sage Sangiacomo, City Manager

Prepared by: John Bartlett, Fire Chief

Coordinated with:

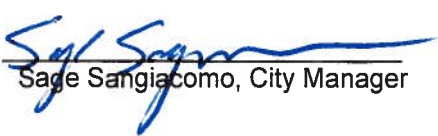
Presenter: John Bartlett, Fire Chief

Attachments: 1. Resolution 2. Mendocino County Multi- Hazard Mitigation Plan – Appendix J (City of Ukiah)
(Full Hazard Mitigation Plan can be seen here: <https://cityofukiah.box.com/hazardmitplan>)

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

The Multi-Hazard Mitigation Plan will work as a companion plan to the City of Ukiah's Emergency Operations Plan which also requires pre-planning, response and post emergency recovery.

The entire document is available for viewing in the City Clerk's Office at 300 Seminary Avenue, Ukiah, CA., and online at: <https://cityofukiah.box.com/hazardmitplan>.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☐	N/A

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF UKIAH APPROVING THE DIASATER MITIGATION ACT 2000 (DMA 2000) MENDOCINO COUNTY MULTI-DISASTER MITIGATION PLAN INCLUDING APPENDIX J FOR THE CITY OF UKIAH

WHEREAS, a County wide Local Hazard Mitigation Planning Team drafted a Local Hazard Mitigation Plan for Mendocino County and all the Cities therein; and

WHEREAS, the City of Ukiah was represented in the planning process and Appendix J contains the City's individual information; and

WHEREAS, Mendocino County is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and actions in the Plan; and

WHEREAS, the Ukiah City Council agrees to abide by the Disaster Mitigation Act 2000 guidance and grant guidelines and the Flood Mitigation Assistance grant program;

NOW, THEREFORE, BE IT RESOLVED, that the plan entitled "Mendocino County Multi-Hazard Plan" including Appendix J for the City of Ukiah is formally adopted as our hazard mitigation plan and road map to a more disaster resistant community.

PASSED AND ADOPTED this 2nd day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Douglas F Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

Appendix J

City of Ukiah Tables

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Table J-1. City of Ukiah, Total Population and Residential Buildings

Population ¹	Residential Buildings ¹	Total Residential Building Value (2013) ²
17,081	6,790	\$1,815,978,710

¹ Source U.S. Census Bureau: (2010 census block data)

² Median sales price for City of Ukiah, Feb-April 2013: \$267,449

Source: Trulia, Real Estate Overview, June 2013. http://www.trulia.com/real_estate/Ukiah-California/

Table J-2. City of Ukiah, Total Critical Facilities and Infrastructure

Facility Type	Name	Address	City	Value
Community	Giorno Park / Anton Stadium	506 Park Blvd.	Ukiah	\$237,238
Community	Grace Hudson Museum & Sun House	431 S Main Street	Ukiah	\$1,219,578
Community	Library - Ukiah	105 North Main Street	Ukiah	Unknown
Community	Low Gap Park	Low Gap Rd.	Ukiah	\$237,238
Community	Oak Manor Park	500 Oak Manor Dr.	Ukiah	\$237,238
Community	Todd Grove Park	600 Live Oak	Ukiah	\$237,238
Community	Ukiah Municipal Golf Course	599 Park Boulevard	Ukiah	Unknown
Community	Ukiah Softball Complex	River Rd. Exit	Ukiah	\$237,238
Community	Vinewood Park	1260 Elm St.	Ukiah	\$237,238
Education	New Hope School Advanced Education	225 S Hope Street	Ukiah	\$590,000
Education	West Hills School	2240 Eastside Road	Ukiah	\$590,000
Emergency Response	Ukiah Fire Dept.	300 Seminary Avenue	Ukiah	\$708,000
Emergency Response	Ukiah Highway Patrol	570 South Orchard Avenue	Ukiah	Unknown
Emergency Response	Ukiah Police Department	300 Seminary Avenue	Ukiah	\$1,652,000
Emergency Response	Ukiah Valley Fire Department - N State St	2690 North State Street	Ukiah	Unknown
Emergency Response	Ukiah Valley Fire Department - S State St	1500 South State Street	Ukiah	\$708,000

Table J-2. City of Ukiah, Total Critical Facilities and Infrastructure

Facility Type	Name	Address	City	Value
Emergency Response	Ukiah-Air Attack Base	1475 S State Street	Ukiah	Unknown
Government	Adult Probation	280 East Standley Street	Ukiah	Unknown
Government	Air Quality Management District	306 East Gobbi Street	Ukiah	Unknown
Government	Alternate Public Defender	327 North State Street	Ukiah	\$74,955
Government	Civic Center	300 Seminary Avenue	Ukiah	\$6,659,000
Government	Continuous Data Air Quality Monitoring Site - Ukiah	105 North Main Street	Ukiah	Unknown
Government	DOT Storage #C-63	151 East Lake Mendocino Drive	Ukiah	Unknown
Government	Employment and Family Assistance Services, Adult Services	737 South State St.	Ukiah	\$1,180,000
Government	Family and Children's Services, Child Protective Services	727 South State St.	Ukiah	\$1,180,000
Government	Public Defender - Ukiah	189/199 South School Street	Ukiah	\$1,180,000
Health	Mendocino Community Health Clinic-Hillside	333 Laws Avenue	Ukiah	Unknown
Health	Robert Rushton, M.D.	844 S Dora Street	Ukiah	Unknown
Health	Ukiah Valley Medical Center	275 Hospital Drive	Ukiah	\$8,260,000
Health	Ukiah Valley Primary Care Medical Group - Dora St	1165 S Dora Street	Ukiah	Unknown
Health	Ukiah Valley Primary Care Medical Group - Hospital Dr	260 Hospital Drive	Ukiah	Unknown
Health	Ukiah Valley Primary Care Medical Group - State St	1050 N State Street	Ukiah	Unknown
Transportation - Airport	Ukiah Airport	1 mi S of Ukiah	County	\$6,431,000
Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000

Table J-3. City of Ukiah, Vulnerable Population and Residential Buildings

Hazard	Population	Residential buildings	Total Residential Building Value
Dam Failure (Inundation Area)	7,918	3,227	\$863,057,923
Earthquake - Very Strong Shaking	17,212	6,790	\$1,815,978,710
Earthquake - Severe Shaking	0	0	\$0
Flooding - 100 Year Flood Zone	2,425	978	\$261,565,122
Flooding - 500 Year Flood Zone	1,015	453	\$121,154,397
Hazardous Materials - Fixed (1/4 mile radius around fixed sites)	1,125	466	\$124,631,234
Hazardous Materials - Transportation (1/4 mile radius around transportation corridors)	9,512	3,800	\$1,016,306,200
Hazardous Materials - Potential Naturally Occurring Asbestos	0	0	\$0
Landslide - Moderate Slope	12	5	\$1,337,245
Landslide - High Slope	16	8	\$2,139,592
Tsunami (run-up area)	0	0	\$0
Urban Conflagration - Medium Density	4,552	1,886	\$504,408,814
Urban Conflagration - High Density	265	152	\$40,652,248
Wildfire - Moderate Fuel Rank	16,081	6,435	\$1,721,034,315
Wildfire - High Fuel Rank	430	163	\$43,594,187
Wildfire - Very High Fuel Rank	77	32	\$8,558,368

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Dam Failure - Coyote Valley Dam	Community	Grace Hudson Museum & Sun House	431 S Main Street	Ukiah	\$1,219,578
Dam Failure - Coyote Valley Dam	Community	Library - Ukiah	105 North Main Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Community	Oak Manor Park	500 Oak Manor Dr.	Ukiah	\$237,238
Dam Failure - Coyote Valley Dam	Community	Ukiah Softball Complex	River Rd. Exit	Ukiah	\$237,238
Dam Failure - Coyote Valley Dam	Emergency Response	Ukiah Highway Patrol	570 South Orchard Avenue	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Emergency Response	Ukiah Valley Fire Department - N State St	2690 North State Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Emergency Response	Ukiah-Air Attack Base	1475 S State Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Government	Adult Probation	280 East Standley Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Government	Air Quality Management District	306 East Gobbi Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Government	Alternate Public Defender	327 North State Street	Ukiah	\$74,955
Dam Failure - Coyote Valley Dam	Government	Continuous Data Air Quality Monitoring Site - Ukiah	105 North Main Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Government	DOT Storage #C-63	151 East Lake Mendocino Drive	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Government	Employment and Family Assistance Services, Adult Services	737 South State St.	Ukiah	\$1,180,000
Dam Failure - Coyote Valley Dam	Government	Family and Children's Services, Child Protective Services	727 South State St.	Ukiah	\$1,180,000

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Dam Failure - Coyote Valley Dam	Health	Ukiah Valley Medical Center	275 Hospital Drive	Ukiah	\$8,260,000
Dam Failure - Coyote Valley Dam	Health	Ukiah Valley Primary Care Medical Group - Hospital Dr	260 Hospital Drive	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Health	Ukiah Valley Primary Care Medical Group - State St	1050 N State Street	Ukiah	Unknown
Dam Failure - Coyote Valley Dam	Transportation - Airport	Ukiah Airport	1 mi S of Ukiah	County	\$6,431,000
Dam Failure - Coyote Valley Dam	Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000
Earthquake - Severe Shaking	Community	Giorno Park / Anton Stadium	506 Park Blvd.	Ukiah	\$237,238
Earthquake - Severe Shaking	Community	Grace Hudson Museum & Sun House	431 S Main Street	Ukiah	\$1,219,578
Earthquake - Severe Shaking	Community	Library - Ukiah	105 North Main Street	Ukiah	Unknown
Earthquake - Severe Shaking	Community	Low Gap Park	Low Gap Rd.	Ukiah	\$237,238
Earthquake - Severe Shaking	Community	Oak Manor Park	500 Oak Manor Dr.	Ukiah	\$237,238
Earthquake - Severe Shaking	Community	Todd Grove Park	600 Live Oak	Ukiah	\$237,238
Earthquake - Severe Shaking	Community	Ukiah Municipal Golf Course	599 Park Boulevard	Ukiah	Unknown
Earthquake - Severe Shaking	Community	Ukiah Softball Complex	River Rd. Exit	Ukiah	\$237,238
Earthquake - Severe Shaking	Community	Vinewood Park	1260 Elm St.	Ukiah	\$237,238
Earthquake - Severe Shaking	Education	New Hope School Advanced Education	225 S Hope Street	Ukiah	\$590,000

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Earthquake - Severe Shaking	Education	West Hills School	2240 Eastside Road	Ukiah	\$590,000
Earthquake - Severe Shaking	Emergency Response	Ukiah Fire Dept.	300 Seminary Avenue	Ukiah	\$708,000
Earthquake - Severe Shaking	Emergency Response	Ukiah Highway Patrol	570 South Orchard Avenue	Ukiah	Unknown
Earthquake - Severe Shaking	Emergency Response	Ukiah Police Department	300 Seminary Avenue	Ukiah	\$1,652,000
Earthquake - Severe Shaking	Emergency Response	Ukiah Valley Fire Department - N State St	2690 North State Street	Ukiah	Unknown
Earthquake - Severe Shaking	Emergency Response	Ukiah Valley Fire Department - S State St	1500 South State Street	Ukiah	\$708,000
Earthquake - Severe Shaking	Emergency Response	Ukiah-Air Attack Base	1475 S State Street	Ukiah	Unknown
Earthquake - Severe Shaking	Government	Adult Probation	280 East Standley Street	Ukiah	Unknown
Earthquake - Severe Shaking	Government	Air Quality Management District	306 East Gobbi Street	Ukiah	Unknown
Earthquake - Severe Shaking	Government	Alternate Public Defender	327 North State Street	Ukiah	\$74,955
Earthquake - Severe Shaking	Government	Civic Center	300 Seminary Avenue	Ukiah	\$6,659,000
Earthquake - Severe Shaking	Government	Continuous Data Air Quality Monitoring Site - Ukiah	105 North Main Street	Ukiah	Unknown
Earthquake - Severe Shaking	Government	DOT Storage #C-63	151 East Lake Mendocino Drive	Ukiah	Unknown
Earthquake - Severe Shaking	Government	Employment and Family Assistance Services, Adult Services	737 South State St.	Ukiah	\$1,180,000

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Earthquake - Severe Shaking	Government	Family and Children's Services, Child Protective Services	727 South State St.	Ukiah	\$1,180,000
Earthquake - Severe Shaking	Government	Public Defender - Ukiah	189/199 South School Street	Ukiah	\$1,180,000
Earthquake - Severe Shaking	Health	Mendocino Community Health Clinic-Hillside	333 Laws Avenue	Ukiah	Unknown
Earthquake - Severe Shaking	Health	Robert Rushton, M.D.	844 S Dora Street	Ukiah	Unknown
Earthquake - Severe Shaking	Health	Ukiah Valley Medical Center	275 Hospital Drive	Ukiah	\$8,260,000
Earthquake - Severe Shaking	Health	Ukiah Valley Primary Care Medical Group - Dora St	1165 S Dora Street	Ukiah	Unknown
Earthquake - Severe Shaking	Health	Ukiah Valley Primary Care Medical Group - Hospital Dr	260 Hospital Drive	Ukiah	Unknown
Earthquake - Severe Shaking	Health	Ukiah Valley Primary Care Medical Group - State St	1050 N State Street	Ukiah	Unknown
Earthquake - Severe Shaking	Transportation - Airport	Ukiah Airport	1 mi S of Ukiah	County	\$6,431,000
Earthquake - Severe Shaking	Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000
Flooding - 100 Year Flood Zone	Community	Oak Manor Park	500 Oak Manor Dr.	Ukiah	\$237,238
Flooding - 100 Year Flood Zone	Community	Ukiah Softball Complex	River Rd. Exit	Ukiah	\$237,238
Flooding - 100 Year Flood Zone	Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000
Hazardous Materials - Fixed Incident*	Community	Oak Manor Park	500 Oak Manor Dr.	Ukiah	\$237,238
Hazardous Materials - Fixed Incident*	Government	DOT Storage #C-63	151 East Lake Mendocino Drive	Ukiah	Unknown

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Hazardous Materials - Trans Incident*	Community	Grace Hudson Museum & Sun House	431 S Main Street	Ukiah	\$1,219,578
Hazardous Materials - Trans Incident*	Community	Library - Ukiah	105 North Main Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Community	Ukiah Softball Complex	River Rd. Exit	Ukiah	\$237,238
Hazardous Materials - Trans Incident*	Community	Vinewood Park	1260 Elm St.	Ukiah	\$237,238
Hazardous Materials - Trans Incident*	Emergency Response	Ukiah Fire Dept.	300 Seminary Avenue	Ukiah	\$708,000
Hazardous Materials - Trans Incident*	Emergency Response	Ukiah Highway Patrol	570 South Orchard Avenue	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Emergency Response	Ukiah Police Department	300 Seminary Avenue	Ukiah	\$1,652,000
Hazardous Materials - Trans Incident*	Emergency Response	Ukiah Valley Fire Department - N State St	2690 North State Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Emergency Response	Ukiah Valley Fire Department - S State St	1500 South State Street	Ukiah	\$708,000
Hazardous Materials - Trans Incident*	Emergency Response	Ukiah-Air Attack Base	1475 S State Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Government	Adult Probation	280 East Standley Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Government	Air Quality Management District	306 East Gobbi Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Government	Alternate Public Defender	327 North State Street	Ukiah	\$74,955
Hazardous Materials - Trans Incident*	Government	Civic Center	300 Seminary Avenue	Ukiah	\$6,659,000

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Hazardous Materials - Trans Incident*	Government	Continuous Data Air Quality Monitoring Site - Ukiah	105 North Main Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Government	DOT Storage #C-63	151 East Lake Mendocino Drive	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Government	Employment and Family Assistance Services, Adult Services	737 South State St.	Ukiah	\$1,180,000
Hazardous Materials - Trans Incident*	Government	Family and Children's Services, Child Protective Services	727 South State St.	Ukiah	\$1,180,000
Hazardous Materials - Trans Incident*	Government	Public Defender - Ukiah	189/199 South School Street	Ukiah	\$1,180,000
Hazardous Materials - Trans Incident*	Health	Ukiah Valley Medical Center	275 Hospital Drive	Ukiah	\$8,260,000
Hazardous Materials - Trans Incident*	Health	Ukiah Valley Primary Care Medical Group - Hospital Dr	260 Hospital Drive	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Health	Ukiah Valley Primary Care Medical Group - State St	1050 N State Street	Ukiah	Unknown
Hazardous Materials - Trans Incident*	Transportation - Airport	Ukiah Airport	1 mi S of Ukiah	County	\$6,431,000
Hazardous Materials - Trans Incident*	Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000
Urban Conflagration - Medium Density	Community	Library - Ukiah	105 North Main Street	Ukiah	Unknown
Urban Conflagration - Medium Density	Emergency Response	Ukiah Highway Patrol	570 South Orchard Avenue	Ukiah	Unknown
Urban Conflagration - Medium Density	Emergency Response	Ukiah Valley Fire Department - N State St	2690 North State Street	Ukiah	Unknown
Urban Conflagration - Medium Density	Emergency Response	Ukiah Valley Fire Department - S State St	1500 South State Street	Ukiah	\$708,000
Urban Conflagration - Medium Density	Government	Adult Probation	280 East Standley Street	Ukiah	Unknown

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Urban Conflagration - Medium Density	Government	Alternate Public Defender	327 North State Street	Ukiah	\$74,955
Urban Conflagration - Medium Density	Government	Continuous Data Air Quality Monitoring Site - Ukiah	105 North Main Street	Ukiah	Unknown
Urban Conflagration - Medium Density	Health	Mendocino Community Health Clinic-Hillside	333 Laws Avenue	Ukiah	Unknown
Urban Conflagration - Medium Density	Health	Ukiah Valley Primary Care Medical Group - Dora St	1165 S Dora Street	Ukiah	Unknown
Urban Conflagration - Medium Density	Transportation - Airport	Ukiah Airport	1 mi S of Ukiah	County	\$6,431,000
Urban Conflagration - Medium Density	Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000
Urban Conflagration - High Density	Government	Air Quality Management District	306 East Gobbi Street	Ukiah	Unknown
Urban Conflagration - High Density	Government	Employment and Family Assistance Services, Adult Services	737 South State St.	Ukiah	\$1,180,000
Urban Conflagration - High Density	Government	Family and Children's Services, Child Protective Services	727 South State St.	Ukiah	\$1,180,000
Urban Conflagration - High Density	Government	Public Defender - Ukiah	189/199 South School Street	Ukiah	\$1,180,000
Urban Conflagration - High Density	Health	Ukiah Valley Medical Center	275 Hospital Drive	Ukiah	\$8,260,000
Wildfire - Moderate Fuel Rank	Community	Giorno Park / Anton Stadium	506 Park Blvd.	Ukiah	\$237,238
Wildfire - Moderate Fuel Rank	Community	Grace Hudson Museum & Sun House	431 S Main Street	Ukiah	\$1,219,578
Wildfire - Moderate Fuel Rank	Community	Library - Ukiah	105 North Main Street	Ukiah	Unknown

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Wildfire - Moderate Fuel Rank	Community	Oak Manor Park	500 Oak Manor Dr.	Ukiah	\$237,238
Wildfire - Moderate Fuel Rank	Community	Todd Grove Park	600 Live Oak	Ukiah	\$237,238
Wildfire - Moderate Fuel Rank	Community	Ukiah Municipal Golf Course	599 Park Boulevard	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Community	Vinewood Park	1260 Elm St.	Ukiah	\$237,238
Wildfire - Moderate Fuel Rank	Education	New Hope School Advanced Education	225 S Hope Street	Ukiah	\$590,000
Wildfire - Moderate Fuel Rank	Education	West Hills School	2240 Eastside Road	Ukiah	\$590,000
Wildfire - Moderate Fuel Rank	Emergency Response	Ukiah Fire Dept.	300 Seminary Avenue	Ukiah	\$708,000
Wildfire - Moderate Fuel Rank	Emergency Response	Ukiah Highway Patrol	570 South Orchard Avenue	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Emergency Response	Ukiah Police Department	300 Seminary Avenue	Ukiah	\$1,652,000
Wildfire - Moderate Fuel Rank	Emergency Response	Ukiah Valley Fire Department - N State St	2690 North State Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Emergency Response	Ukiah Valley Fire Department - S State St	1500 South State Street	Ukiah	\$708,000
Wildfire - Moderate Fuel Rank	Government	Adult Probation	280 East Standley Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Government	Air Quality Management District	306 East Gobbi Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Government	Alternate Public Defender	327 North State Street	Ukiah	\$74,955
Wildfire - Moderate Fuel Rank	Government	Civic Center	300 Seminary Avenue	Ukiah	\$6,659,000

Table J-4. City of Ukiah, Vulnerable Critical Facilities and Infrastructure

Hazard	Facility Type	Name	Address	City	Value
Wildfire - Moderate Fuel Rank	Government	Continuous Data Air Quality Monitoring Site - Ukiah	105 North Main Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Government	DOT Storage #C-63	151 East Lake Mendocino Drive	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Government	Employment and Family Assistance Services, Adult Services	737 South State St.	Ukiah	\$1,180,000
Wildfire - Moderate Fuel Rank	Government	Family and Children's Services, Child Protective Services	727 South State St.	Ukiah	\$1,180,000
Wildfire - Moderate Fuel Rank	Government	Public Defender - Ukiah	189/199 South School Street	Ukiah	\$1,180,000
Wildfire - Moderate Fuel Rank	Health	Mendocino Community Health Clinic-Hillside	333 Laws Avenue	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Health	Robert Rushton, M.D.	844 S Dora Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Health	Ukiah Valley Medical Center	275 Hospital Drive	Ukiah	\$8,260,000
Wildfire - Moderate Fuel Rank	Health	Ukiah Valley Primary Care Medical Group - Dora St	1165 S Dora Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Health	Ukiah Valley Primary Care Medical Group - Hospital Dr	260 Hospital Drive	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Health	Ukiah Valley Primary Care Medical Group - State St	1050 N State Street	Ukiah	Unknown
Wildfire - Moderate Fuel Rank	Transportation - Rail	Ukiah Rail	711 East Perkins St.	Ukiah	\$25,724,000

*1/4 mile radius around fixed sites and transportation corridors

Table J-5. City of Ukiah, Summary of Impacts for Population and Residential Buildings

Hazard	Population	% of Population	No. of Residential Buildings	% of Residential Buildings
Dam Failure (Inundation Area)	7,918	46.4%	3,227	48%
Earthquake - Very Strong Shaking	0	0.0%	0	0%
Earthquake - Severe Shaking	17,212	100.8%	6,920	102%
Flooding - 100 Year Flood Zone	2,425	14.2%	978	14%
Flooding - 500 Year Flood Zone	1,015	5.9%	453	7%
Hazardous Materials - Fixed (1/4 mile radius around fixed sites)	1,125	6.6%	466	7%
Hazardous Materials - Transportation (1/4 mile radius around transportation corridors)	9,512	55.7%	3,800	56%
Hazardous Materials - Potential Naturally Occurring Asbestos	0	0.0%	0	0%
Landslide - Moderate Slope	12	0.1%	5	0%
Landslide - High Slope	16	0.1%	8	0%
Tsunami (run-up area)	0	0.0%	0	0%
Urban Conflagration - Medium Density	4,552	26.6%	1,886	28%
Urban Conflagration - High Density	265	1.6%	152	2%
Wildfire - Moderate Fuel Rank	16,081	94.1%	6,435	95%
Wildfire - High Fuel Rank	430	2.5%	163	2%
Wildfire - Very High Fuel Rank	77	0.5%	32	0%

Table J-6. City of Ukiah, Summary of Impacts for Critical Facilities and Infrastructure

Hazard	No. of Critical Facilities and Infrastructure	% of Critical Facilities and Infrastructure
Dam Failure (Inundation Area)	19	55.9%
Earthquake - Very Strong Shaking	0	0.0%
Earthquake - Severe Shaking	34	100.0%
Flooding - 100 Year Flood Zone	3	8.8%
Flooding - 500 Year Flood Zone	0	0.0%
Hazardous Materials - Fixed (1/4 mile radius around fixed sites)	2	5.9%
Hazardous Materials - Transportation (1/4 mile radius around transportation corridors)	24	70.6%
Hazardous Materials - Potential Naturally Occurring Asbestos	0	0.0%
Landslide - Moderate Slope	0	0.0%
Landslide - High Slope	0	0.0%
Tsunami (run-up area)	0	0.0%
Urban Conflagration - Medium Density	11	33.4%
Urban Conflagration - High Density	5	14.7%
Wildfire - Moderate Fuel Rank	30	88.2%
Wildfire - High Fuel Rank	0	0.0%
Wildfire - Very High Fuel Rank	0	0.0%

Table J-7. City of Ukiah, Human and Technical Resources for Hazard Mitigation

Staff/Personnel Resources	Department or Agency	Principal Activities Related to Hazard Mitigation
Planner(s), engineer(s) and technical staff with knowledge of land development, land management practices, and human-caused and natural hazards.	City Planning and Community Development, and Public Works	Develops and maintains the General Plan, including the Safety Element. Develops area plans based on the General Plan, to provide more specific guidance for the development of more specific areas. Reviews private development projects and proposed capital improvements projects and other physical projects involving property for consistency and conformity with the General Plan. Anticipates and acts on the need for new plans, policies, and Code changes. Applies the approved plans, policies, code provisions, and other regulations to proposed land uses.
Engineer(s), Building Inspectors/Code Enforcement Officers or other professional(s) and technical staff trained in construction requirements and practices related to existing and new buildings.	City Planning and Community Development	Oversees the effective, efficient, fair, and safe enforcement of the California Building Code
Engineers, construction project managers, and supporting technical staff.	Public Works	Provides direct or contract civil, structural, and mechanical engineering services, including contract, project, and construction management.
Engineer(s), project manager(s), technical staff, equipment operators, and maintenance and construction staff.	Public Works	Maintains and operates of a wide range of local equipment and facilities as well as providing assistance to members of the public. These include providing sufficient clean fresh water, reliable sewer services, street maintenance, storm drainage systems, street cleaning, street lights and traffic signals.
Personnel skilled in GIS and/or HAZUS-MH	Public Works	Maintains/utilizes a system that integrates stores, edits, analyses, shares and displays geographic information. Can develop maps, assessments and spreadsheets that can inform decision making.

Table J-7. City of Ukiah, Human and Technical Resources for Hazard Mitigation

Staff/Personnel Resources	Department or Agency	Principal Activities Related to Hazard Mitigation
Floodplain Administrator	Public Works	Reviews and ensures that new development proposals do not increase flood risk, and that new developments are not located below the 100 year flood level. In addition, the Floodplain Administrator is responsible for planning and managing flood risk reduction projects throughout the local jurisdiction or tribal area.
Director of Emergency Services	Director of Public Safety	Maintains and updates the Emergency Operations Plan for the local jurisdiction. In addition, coordinates local response and relief activities within the Emergency Operation Center, and works closely with County, state, and federal partners to support planning and training and to provide information and coordinate assistance.
Procurement Services Manager	Finance	Provides a full range of municipal financial services, administers several licensing measures, and functions as the local jurisdiction's Procurement Services Manager.
Public Information Officers	Various	The communications coordinators or spokesperson for the organization. Provides information to the media and public.

Table J-8. City of Ukiah, Financial Resources for Hazard Mitigation

Type	Subtype	Administrator	Purpose	Amount
Local	General Fund	Finance Department	Program operations and specific projects.	Variable.
	General Obligation (GO) Bonds	Finance Department	GO Bonds are appropriately used for the construction and/or acquisition of improvements to real property broadly available to residents and visitors. Such facilities include, but are not limited to, libraries, hospitals, parks, public safety facilities, and cultural and educational facilities.	Variable.
	Lease Revenue Bonds	Finance Department	Lease revenue bonds are used to finance capital projects that (1) have an identified budgetary stream for repayment (e.g., specified fees, tax receipts, etc.), (2) generate project revenue but rely on a broader pledge of general fund revenues to reduce borrowing costs, or (3) finance the acquisition and installation of equipment for the local jurisdiction's general governmental purposes.	Variable.
	Public-Private Partnerships	City Manager and Emergency Services Coordinator	Includes the use of local professionals, business owners, residents, and civic groups and trade associations, generally for the study of issues and the development of guidance and recommendations.	Project-specific.
	Fire Mitigation Fees	Fire Department	Finance future fire protection facilities and fire capital expenditures required because of new development within Special Districts.	Variable.
Federal	Hazard Mitigation Grant Program (HMGP)	Federal Emergency Management Agency (FEMA)	Supports pre- and post-disaster mitigation plans and projects.	Available to California communities after a Presidentially declared disaster has occurred in California. Grant award based on specific projects as they are identified by eligible applicants.

Table J-8. City of Ukiah, Financial Resources for Hazard Mitigation

Type	Subtype	Administrator	Purpose	Amount
Federal (cont.)	Pre-Disaster Mitigation (PDM) grant program	FEMA	Supports pre-disaster mitigation plans and projects.	Available on an annual basis as a nationally competitive grant. Grant award based on specific projects as they are identified (no more than \$3M federal share for projects).
	Flood Mitigation Assistance (FMA) grant program	FEMA	Mitigates repetitively flooded structures and infrastructure.	Available on an annual basis, distributed to California communities by the California Governor's Office of Emergency Services (Cal OES). Grant award based on specific projects as they are identified.
	Assistance to Firefighters Grant (AFG) Program	FEMA/USFA (U.S. Fire Administration)	Provides equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards.	Available to fire departments and nonaffiliated emergency medical services providers. Grant awards based on specific projects as they are identified.
	Community Block Grant Program Entitlement Communities Grants	U.S. HUD (U.S. Department of Housing and Urban Development)	Acquisition of real property, relocation and demolition, rehabilitation of residential and non-residential structures, construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes.	Available to entitled cities. Grant award based on specific projects as they are identified.
	Community Action for a Renewed Environment (CARE)	U.S. Environmental Protection Agency (EPA)	Through financial and technical assistance offers an innovative way for a community to organize and take action to reduce toxic pollution (i.e., stormwater) in its local environment. Through CARE, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize people's exposure to them.	Competitive grant program. Grant award based on specific projects as they are identified.

Table J-8. City of Ukiah, Financial Resources for Hazard Mitigation

Type	Subtype	Administrator	Purpose	Amount
Federal (cont.)	Clean Water State Revolving Fund (CWSRF)	EPA	The CWSRF is a loan program that provides low-cost financing to eligible entities within state and tribal lands for water quality projects, including all types of non-point source, watershed protection or restoration, estuary management projects, and more traditional municipal wastewater treatment projects.	CWSRF programs provided more than \$5 billion annually to fund water quality protection projects for wastewater treatment, non-point source pollution control, and watershed and estuary management.
	Public Health Emergency Preparedness (PHEP) Cooperative Agreement.	Department of Health and Human Services' (HHS') Centers for Disease Control and Prevention (CDC)	Funds are intended to upgrade state and local public health jurisdictions' preparedness and response to bioterrorism, outbreaks of infectious diseases, and other public health threats and emergencies.	Competitive grant program. Grant award based on specific projects as they are identified. Mendocino would participate through the County's Public Health Department.
	Homeland Security Preparedness Technical Assistance Program (HSPTAP)	FEMA/DHS	Build and sustain preparedness technical assistance activities in support of the four homeland security mission areas (prevention, protection, response, recovery) and homeland security program management.	Technical assistance services developed and delivered to state and local homeland security personnel. Grant award based on specific projects as they are identified.

Table J-9. City of Ukiah, Legal and Regulatory Resources for Hazard Mitigation

Regulatory Tool	Name	Description (Effect on Hazard Mitigation)	Hazards Addressed	Mitigation, Preparedness, Response, or Recovery	Affects Development in Hazard Areas?
Plans	General Plan Growth Management Program Safety Element (December 1995 - Revised in 2004)	Describes regulatory framework and agency coordination for fire, flood, landslide, dam, and reservoir hazards response and recovery. Describes various methods of reducing hazards including structural flood control and flood plain management.	Drainage; Flood; Seismic and other geologic hazards; and Wildfires	Mitigation & Preparedness	Yes
	Disaster Preparedness Program	Coordinated through the Fire Department, to mitigate emergency incidents.	Fire	Mitigation & Preparedness	Yes
	Emergency Operations Plan (2013)	Identifies emergency planning, policies, procedures, and response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies.		Response	No
	Stormwater Quality Management Program (SWQMP) (2009)	Describes measures that the local jurisdiction will take to minimize stormwater pollution. The SWQMP is required by the National Pollutant Discharge Elimination System Phase II regulations, which became effective in March 2003.	Stormwater	Mitigation & Preparedness	Yes
Policies (Municipal Codes)	Division 3 Building Chapter 1 Building Regulations	Adoption of Model Codes building codes as they are adopted, amended, or repealed of the Health and Safety Code and the appendices contained in the model codes including the Uniform Building Code, the Uniform Plumbing Code, and the Uniform Mechanical Code, as respectively adopted by the International Conference of Building Officials (ICBO), and the International Association of Plumbing and Mechanical Officials (IAPMO).	General	Mitigation and Preparedness	Yes

Table J-9. City of Ukiah, Legal and Regulatory Resources for Hazard Mitigation

Regulatory Tool	Name	Description (Effect on Hazard Mitigation)	Hazards Addressed	Mitigation, Preparedness, Response, or Recovery	Affects Development in Hazard Areas?
Policies (Municipal Codes cont.)	Division 3 Building Chapter 2 Earthquake Hazard Reduction in Existing Buildings	The purpose of this Chapter is to promote the public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on buildings with unreinforced masonry bearing walls. There is a substantial risk that such buildings may sustain life-hazardous damage during moderate to strong earthquakes.	Earthquake	Mitigation and Preparedness	Yes
	Division 6 Safety Chapter 2 Emergency Services	The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency	General	Response	No
	Division 6 Safety Chapter 3 Fire Prevention Code	This adoption includes all amendments made to the California Code of Regulations, as approved by the California building standards commission, and referred to as the California Fire Code.	Fire	Mitigation and Preparedness	Yes
	Division 6 Safety Chapter 4 Ambulance Service	The Department of Public Safety will develop protocols for dispatching police, fire, medical aid and ambulance service in response to 911 emergency aid calls that ensure the coordinated delivery of services. The Department shall develop protocols that ensure that the City Police Department responds first to emergency calls for police aid and the City Fire Department responds first to emergency calls for fire, medical aid and ambulance service.	General	Response	No
	Division 6 Safety Chapter 6 Outdoor Burning	No person, firm, corporation, association, or public agency shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the corporate limits of the City, unless except by the provisions of this Chapter.	Fire	Preparedness	No

Table J-9. City of Ukiah, Legal and Regulatory Resources for Hazard Mitigation

Regulatory Tool	Name	Description (Effect on Hazard Mitigation)	Hazards Addressed	Mitigation, Preparedness, Response, or Recovery	Affects Development in Hazard Areas?
Policies (Municipal Codes cont.)	Division 9 Planning and Development Chapter 6 Flood Plain Management	The purpose of this Article is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. In order to accomplish its purposes, this ordinance includes methods and provisions for: A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters; D. Controlling filling, grading, dredging and other development which may increase flood damage; and, E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.	Flood	Mitigation and Preparedness	Yes

Table J-10. City of Ukiah, Current, Ongoing, and Completed Hazard Mitigation Projects and Programs

Status (Current, Ongoing, or Completed)	Project / Program Name	Description	Year(s)
Ongoing	Fire Hazard Outreach	The Fire Marshall provides regular public outreach on wild land interface dangers, and the City Council adopted new building standards for the High Fire Hazard Severity Zone.	Ongoing
Completed	Unreinforced Buildings	Strengthen, abate, or downgrade in occupancy, any structures that are owned or leased by Mendocino County or incorporated communities that do not meet the California Building Code (CBC) requirements for seismic safety or the California Codes Essential Services Building Act. City Code now addresses unreinforced buildings, and the City maintains a survey of unreinforced buildings.	2013
Completed	Public Works Maintenance Plan	Public Works has a long-term maintenance plan in place and routinely conducts storm culvert, creek and vegetation management.	2011
Completed	Wastewater and Potable Water Facility Retrofitting	Public Works has upgraded both the Water treatment and Wastewater treatment facilities, and has letters of modified flood correction on file with FEMA.	2010-2012

Table J-11. City of Ukiah, Potential Mitigation Actions

No.	Description	Mitigation Category	Hazard Addressed	New or Existing Construction
1	Create a GIS-based pre-application review for new construction and major remodels of residential and/or non-residential structures in hazard areas, such high and/or very high wildfire areas.	Property Protection	All	New and Existing – Residential and non-residential buildings in hazard areas.
2	Integrate the Mendocino County HMP, in particular the hazard analysis and mitigation strategy sections, into local planning documents, including general plans, emergency operations plans, and capital improvement plans.	Property Protection	All	Not Applicable
3	Develop a public outreach program that informs property owners located in the dam or levee inundation areas about voluntary flood insurance.	Public Outreach	Dam Failure	Existing – Residential buildings located within dam or levee inundation areas.
4	Develop a drought contingency plan to provide an effective and systematic means of assessing drought conditions, develop mitigation actions and programs to reduce risks in advance of drought, and develop response options that minimize hardships during drought.	Prevention, Natural Resource Protection	Drought	New/Existing
5	Seismically retrofit or replace public works and/or emergency response facilities that are necessary during and/or immediately after a disaster or emergency.	Property Protection, Structural Project	Earthquake	Existing – Public works and/or emergency response facilities that are structurally deficient or located within a high ground shaking area.
6	Seismically retrofit or replace County and local ramps and bridges that are categorized as structurally deficient by Caltrans, are located in an high ground shaking areas, and/or are necessary for first responders to use during and/or immediate after a disaster or emergency.	Property Protection, Structural Project	Earthquake	Existing – Ramps and bridges identified by Caltrans as structurally deficient or located within an extreme ground shaking area.
7	Implement better record keeping measures, as well as on the part of food processors and handlers.*	Prevention	Epidemic/Pandemic	Not Applicable

Table J-11. City of Ukiah, Potential Mitigation Actions

No.	Description	Mitigation Category	Hazard Addressed	New or Existing Construction
8	To protect vulnerable populations from disease by conducting increased surveillance and development of more stringent requirements at high-risk facilities, (i.e., day-care centers, hospitals, nursing homes, schools, as well as restaurants and hotels).*	Prevention	Epidemic/Pandemic	Not Applicable
9	Acquire, relocate, or elevate residential structures, in particular those that have been identified as Repetitive Loss (RL) properties that are located within the 100-year floodplain.	Property Protection	Flood	Existing – Residential structures, including RL properties, located within the 100-year floodplain.
10	Acquire, relocate, elevate, and/or floodproof critical facilities that are located within the 100-year floodplain.	Property Protection	Flood	Existing - Critical facilities located within the 100-year floodplain.
11	Reinforce County and local ramps, bridges, and roads from flooding through protection activities, including elevating the road and installing culverts beneath the road or building a higher bridge across the area that experiences regular flooding.	Property Protection, Structural Project	Flood	Existing – County and local ramps, bridges, and roads identified in the 100-year floodplain.
12	Work with FEMA Region IX to address any floodplain management issues that may have arisen/arise from the countywide Digital Flood Insurance Rate Map (DFIRM), Community Assessment Visits, and/or the Department of Water Resources (DWR).	All	Flood	New/Existing - Properties within the 100-year or 500-year floodplain.
13	Increase participation in the National Flood Insurance Program (NFIP) by entering the Community Rating System program which through enhanced floodplain management activities would allow property owners to receive a discount on their flood insurance.	Prevention, Property Protection	Flood	New/Existing –County and incorporated communities that have RL properties.
14	Conduct a public awareness and educational campaign to raise awareness about the presence of hazardous materials throughout the County, including naturally occurring asbestos.	Public Awareness	Hazardous Materials	Not Applicable

Table J-11. City of Ukiah, Potential Mitigation Actions

No.	Description	Mitigation Category	Hazard Addressed	New or Existing Construction
15	Ensure that existing monitoring capabilities at the state and County level are integrated to provide an early warning of increased or new infestations.*	Natural Resource Protection	Insect Pests	Not Applicable
16	Implement an infestation public awareness and educational campaign.	Public Awareness	Insect Pests	Not Applicable
17	Stabilize landslide-prone areas through stability improvement measures, including interceptor drains, in situ soil piles, drained earth buttresses, and subdrains.	Prevention, Property Protection	Landslide	New/existing
18	Manage vegetation in areas within and adjacent to rights-of-way and in close proximity to critical facilities in order to reduce the risk of tree failure and property damage and avoid creation of wind acceleration corridors within vegetated areas.	Prevention, Property Protection, Natural Resource Protection	Winter Storm	Existing – Critical facilities located in areas that experience severe wind.
19	Bolt down the roofs of critical facilities in wind gust hazard areas in order to prevent wind damage.	Property Protection	Winter Storm	Existing – Critical facilities located in areas that experience wind gusts.
20	Participate in the NOAA Tsunami Ready Program.	Public outreach	Tsunami	New and existing – residential buildings and critical facilities and infrastructure in the tsunami inundation area.
21	Organize cleanup activities for areas of abandoned or collapsed structures, or areas that have accumulated junk or debris.	Prevention, Property Protection	Urban Conflagration	Existing
22	Implement a fuel reduction program, such as the collection and disposal of dead fuel, within open spaces and around critical facilities and residential structures located within a high and very high wildfire zones.	Prevention, Property Protection, Natural Resource Protection	Wildfire	Existing – Critical facilities and residential buildings located within high and very high wildfire zones.
23	Create a vegetation management program that provides vegetation management services to elderly, disabled, or low-income property owners who lack the resources to remove flammable vegetation from around their homes.	Property Protection	Wildfire	Existing – Residential buildings in high or very high wildfire zones.

Table J-11. City of Ukiah, Potential Mitigation Actions

No.	Description	Mitigation Category	Hazard Addressed	New or Existing Construction
24	Develop a community wildfire mitigation plan that identifies and prioritizes areas for hazard fuel reduction treatments, and recommend the types of methods of treatments.	Prevention, Property Protection	Wildfires	New/ Existing – Residential and non-residential buildings located within high or very high wildfire areas in the Local Responsibility Areas
25	Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the local fire department for review and approval prior to beginning construction.	Prevention, Property Protection	Wildfire	New/ Existing – Residential and non-residential buildings located within high or very high wildfire areas.
26	Retrofit wastewater and potable water facilities that subject to flooding. Retrofitting activities may include elevating vulnerable equipment, electrical controls, and other equipment, fastening and sealing manhole covers to prevent floodwater infiltration, and protecting wells and other potable water from infiltration and flood damage by raising controls and well pipes.	Prevention, Property Protection	Flood	Existing

* Mitigation action does not meet the 2011 HMA Guidance requirements for FEMA mitigation funding

Table J-12. City of Ukiah, Mitigation Action Plan

No.	Selected (Y/N)	Description	Prioritization Criteria ^a	Facility to be Mitigated (if known)	Department or Agency	Timeframe to be Implemented
1	Y	Create a GIS-based pre-application review for new construction and major remodels of residential and/or non-residential structures in hazard areas, such high and/or very high wildfire areas.	A, B, C, D, E	Not Applicable	Planning	Ongoing
2	Y	Integrate the Mendocino County HMP, in particular the hazard analysis and mitigation strategy sections, into local planning documents, including general plans, emergency operations plans, and capital improvement plans.	B, D, E	Not Applicable	Planning and Community Development	Ongoing
3	Y	Develop a public outreach program that informs property owners located in the dam or levee inundation areas about voluntary flood insurance.	B, C, D, E	Not Applicable	Planning and Community Development	1-3 years
4	Y	Develop a drought contingency plan to provide an effective and systematic means of assessing drought conditions, develop mitigation actions and programs to reduce risks in advance of drought, and develop response options that minimize hardships during drought.	A, B C, D, E	None	City Public Works	1-5 years
5	Y	Seismically retrofit or replace public works and/or emergency response facilities that are necessary during and/or immediately after a disaster or emergency.	B, C, D	Unknown	Public Works	3-5 years
9	Y	Acquire, relocate, or elevate residential structures, in particular those that have been identified as Repetitive Loss (RL) properties that are located within the 100-year floodplain.	B, C, D	Repetitive Loss Property	Public Works	3-5 years

Table J-12. City of Ukiah, Mitigation Action Plan

No.	Selected (Y/N)	Description	Prioritization Criteria ¹	Facility to be Mitigated (if known)	Department or Agency	Timeframe to be Implemented
11	Y	Reinforce local ramps, bridges, and roads from flooding through protection activities, including elevating the road and installing culverts beneath the road or building a higher bridge across the area that experiences regular flooding.	A, B, C	Unknown	Public Works	3-5 years
14	Y	Conduct a public awareness and educational campaign to raise awareness about the presence of hazardous materials throughout the County, including naturally occurring asbestos.	A, B, D	None	City Participates on County HazMat Team	1-3 years
16	Y	Implement an infestation public awareness and educational campaign.	B, C, D	Not Applicable	Planning and Community Development	1-3 years, ongoing
18	Y	Manage vegetation in areas within and adjacent to rights-of-way and in close proximity to critical facilities in order to reduce the risk of tree failure and property damage and avoid creation of wind acceleration corridors within vegetated areas.	A, B, C, D, E	Not Applicable	City Fire	1-5 years
23	Y	Implement a fuel reduction program, such as the collection and disposal of dead fuel, within open spaces and around critical facilities and residential structures located within wildfire zones.	B, C, D	Unknown	Planning and Community Development and Fire	1-3 years
24	Y	Create a vegetation management program that provides vegetation management services to elderly, disabled, or low-income property owners who lack the resources to remove flammable vegetation from around their homes.	A, B, C, D, E	Not Applicable	City Fire	1-5 years
25	Y	Develop a community wildfire mitigation plan that identifies and prioritizes areas for hazard fuel reduction treatments, and recommend the types of methods of treatments.	A, B, C, D, E	Not Applicable	City Fire	1-5 years

Table J-12. City of Ukiah, Mitigation Action Plan

No.	Selected (Y/N)	Description	Prioritization Criteria*	Facility to be Mitigated (if known)	Department or Agency	Timeframe to be Implemented
26	Y	Implement a fuel modification program, which also includes residential maintenance requirements and enforcement, plan submittal and approval process, guidelines for planting, and a listing of undesirable plant species. Require builders and developers to submit their plans, complete with proposed fuel modification zones, to the local fire department for review and approval prior to beginning construction.	B, C, D	Not Applicable	Planning and Community Development and Fire	1-3 years, ongoing

Prioritization Criteria

- A. Local jurisdiction department or agency champion
- B. Ability to be implemented during the 5-year lifespan of the HMP
- C. Ability to reduce expected future damages and losses (cost-benefit)
- D. Mitigates a high-risk hazard
- E. Mitigates multiple hazards

* While not required, it was strongly suggested that mitigation actions meet a minimum of three out of the five criteria noted above to be considered for inclusion in a jurisdiction's mitigation action plan.



ITEM NO.: 13c

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: APPROVE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A NEW ELECTRIC INTERCONNECTION AGREEMENT WITH P.G. & E. AND ADOPT CORRESPONDING RESOLUTION (EUD)

Summary: Staff is seeking approval and authorization for the City Manager to enter into a New Electric Interconnection Agreement with P.G. & E.

Background: Northern California Power Agency ("NCPA"), Pacific Gas and Electric Company ("PG&E"), and the balance of NCPA Member Customers¹ are parties to Service Agreement No. 17 under the PG&E FERC Electric Tariff Volume No. 5 (the "Interconnection Agreement"). The Interconnection Agreement contains the terms and conditions under which the parties coordinate operations of the electrical interconnections between their respective electric systems. The Interconnection Agreement became effective on September 1, 2002, and is set to expire on October 31, 2015. The Interconnection Agreement contains provisions that cover the City of Ukiah's load Points of Interconnection with the PG&E transmission system (as a NCPA Member Customer).

Discussion: Due to the impending expiration of the Interconnection Agreement, NCPA, PG&E, CAISO and NCPA Member Customer staff have worked to develop a new Interconnection Agreement between PG&E, NCPA and the NCPA Member Customers (the "New Interconnection Agreement"). Staff is seeking City Council review and approval of the New Interconnection Agreement.

The New Interconnection Agreement contains the terms and conditions under which each of the NCPA Member Customer Points of Interconnection will be operated in coordination with PG&E. Such terms and conditions including, but not limited to the following: (i) requirements for modifying Points of Interconnection, (ii) operational and planning requirements, (iii) obligations of the parties resulting from significant regulatory and operational changes, (iv) installation and access requirements, (v) metering and metering equipment standards, (vi) administrative and billing procedures, (vii) and other miscellaneous provisions and requirements. The New Interconnection Agreement also contains several appendices that are attached to and made part of the agreement. The appendices contain specific procedures associated with: (i) dispute resolution and arbitration, (ii) requirements for installation of Upgraded

¹ The NCPA Member Customers are the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Ukiah, and Plumas Sierra Rural Electric Cooperative.

Continued on Page 2

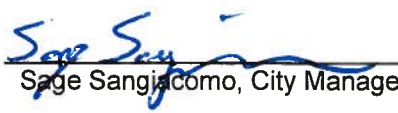
RECOMMENDED ACTION(S): Approve and authorize the City Manager to enter into a New Electric Interconnection Agreement with P.G. & E., and adopt corresponding resolution (EUD).

ALTERNATIVES: Direction from Council

Citizens advised: None
Requested by: Mel Grandi, Electric Utility Director
Prepared by: Diann Lucchetti, Electric Utility Program Coordinator
Coordinated with: Sage Sangiacomo, City Manager and David Rapport, City Attorney
Presenters: Mel Grandi, Electric Utility Director
Attachments: 1) PG&E/NCPA Interconnection Agreement
2) Resolution

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Approved: 
Sage Sangiacomo, City Manager

Facilities, (iii) billing and payment instructions, and (iv) operational coordination requirements (including under frequency Load Shedding obligations). While all of the Points of Interconnection covered under the New Interconnection Agreement are owned and operated by the NCPA Member Customers, NCPA is a signatory to the New Interconnection Agreement due to its role as the NCPA Member Customers' portfolio manager. NCPA shall provide support services to the NCPA Member Customers, including, but not limited to, assisting NCPA Member Customers in performing impact studies and resolving disputes with PG&E.

The New Interconnection Agreement will become effective on November 1, 2015, and will have a term of ten (10) years. NCPA, PG&E, and each NCPA Member Customer will be a signatory to the New Interconnection Agreement.

The New Interconnection Agreement has been attached to this staff report for your reference along with the corresponding resolution for approval.

Fiscal Impact:

By executing the New Electric Interconnection Agreement, the City of Ukiah will not incur any immediate or direct costs as a result.

FISCAL IMPACT:			
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
N/A	N/A	N/A	Yes ☐ No ☐

Interconnection Agreement
Between
Pacific Gas and Electric Company
and
Northern California Power Agency
and
City of Alameda,
City of Biggs,
City of Gridley,
City of Healdsburg,
City of Lodi,
City of Lompoc,
City of Palo Alto,
City of Ukiah,
and
Plumas-Sierra Rural Electric Cooperative

Service Agreement No. _____ under
PG&E FERC Electric Tariff Volume No. 5

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NORTHERN CALIFORNIA POWER AGENCY INTERCONNECTION AGREEMENT

1 PREAMBLE

This Interconnection Agreement (Agreement) is made this ____ day of _____, 20__ by and between Pacific Gas and Electric Company (PG&E), a corporation organized and existing under the laws of the State of California, and the Northern California Power Agency (NCPA), a joint powers agency of the State of California, and the California Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Ukiah, and the Plumas-Sierra Rural Electric Cooperative, Inc., (hereinafter referred to collectively as “NCPA Member Customers”), any or all of which are hereinafter referred to individually as a “Party” and collectively as “the Parties.” NCPA and the NCPA Member Customers are hereinafter referred to collectively as “the NCPA Parties.”

2 RECITALS

2.1 Whereas, it is the policy of the Federal Energy Regulatory Commission (FERC) that open and non-discriminatory access to transmission be provided through transmission systems comprising as large an area as possible under the supervision and direction of an independent system operator or a regional transmission organization; and

2.2 Whereas, PG&E is registered with the North American Electric Reliability Corporation (NERC) as a Transmission Owner (TO), and as a Transmission Operator (TOP) in accordance with the NERC compliance registry process; and

2.3 Whereas, PG&E is a public utility providing both wholesale and retail electric power and energy sales and transmission and distribution services in northern and central California and owns an extensive electric transmission system within that area; and

2.4 Whereas, PG&E transferred operational control of its transmission system to the California Independent System Operator Corporation (CAISO), and is now a Participating Transmission Owner and a party to the CAISO’s Transmission Control Agreement, under which PG&E is subject to the direction of the CAISO in the operation of its transmission system and under which the CAISO becomes the provider of transmission service over PG&E’s transmission system, pursuant to the terms of the CAISO Tariff, the PG&E TO Tariff, Transmission Control

Agreement, Scheduling Coordinator Agreement, and Utility Distribution Company Operating Agreement, all of which enable PG&E to satisfy the obligations of operating within the CAISO's Balancing Authority Area; and

2.5 Whereas, NCPA is a public agency engaged in the generation and transmission of electric power and energy and was created by a joint powers agreement first dated July 19, 1968, and as amended and restated January 1, 2008, entered pursuant to Chapter 5, Division 7, Title 1 of the California Government Code commencing with Section 6500; and

2.6 Whereas, the NCPA Member Customers are members of NCPA, and NCPA or other duly authorized entity acts as Scheduling Coordinator on their behalf; and

2.7 Whereas, NCPA has entered into certain agreements with the CAISO including, but not limited to, the Third Amended and Restated NCPA MSS Aggregator Agreement, as amended (NCPA MSS Agreement), and Scheduling Coordinator Agreement, and will have electric power delivered to or from it at each Point of Interconnection using transmission service available to it; and

2.8 Whereas, the NCPA Member Customers have individually or collectively entered into certain agreements with the CAISO including, but not limited to, the NCPA MSS Agreement and the Operating Agreement, and will have electric power delivered to or from each of their respective Points of Interconnection using transmission service available to it; and

2.9 Whereas, the relationships and obligations among NCPA and the NCPA Member Customers are determined under existing contracts and agreements among them, which this Agreement is not intended to alter; and

2.10 Whereas, this Agreement is intended to provide for the terms and conditions of interconnections between the Electric Systems of PG&E and the NCPA Parties and to replace the existing Interconnection Agreement made effective on July 12, 2002 ("Prior Agreement"), between them; and

2.11 Whereas, the Parties intend to replace the Existing Special Facilities Agreements that have been part of the Prior Agreement, and that provide for the interconnection of the

existing generator units of the NCPA Parties with Large Generator Interconnection Agreements and Small Generator Interconnection Agreements, as applicable, among NCPA, PG&E and the CAISO; and

2.12 Whereas the Parties do not intend to change the underlying rights and responsibilities of the parties to the Special Facilities Agreements by transitioning to the new format of the Large Generator Interconnection Agreements and Small Generator Interconnection Agreements, or to impose additional requirements or obligations on existing NCPA generators; and

2.13 Whereas, the Parties agree to operate their respective Electric Systems in accordance with Good Utility Practice consistent with the requirements of this Agreement; and

2.14 Whereas, the Parties intend to cooperate in the operation of their respective Electric Systems to maximize their mutual benefits under this Agreement.

3 AGREEMENT

NOW, therefore, in consideration of the mutual covenants herein set forth, the Parties agree as follows:

4 DEFINITIONS

4.1 Use of Terms

As used in this Agreement (including the Recitals hereto), unless in any such case the context requires otherwise: The terms “herein,” “hereto,” “herewith” and “hereof” are references to this Agreement taken as a whole and not to any particular provision; the term “include,” “includes” or “including” shall mean “including, for example and without limitation;” and references to a “Section,” “subsection,” “clause,” “Appendix,” “Schedule”, or “Exhibit” shall mean a Section, subsection, clause, Appendix, Schedule or Exhibit of this Agreement, as the case may be. Unless otherwise specified in the Agreement, all references to a given agreement, instrument, tariff or other document, or law, regulation or ordinance shall be a reference to that agreement, instrument, tariff or other document, or law, regulation or ordinance as such now exists, including any amendment or modification made hereafter. A reference to a “person”

includes any individual, partnership, firm, company, corporation, joint venture, trust, association, organization or other entity, in each case whether or not having a separate legal personality and includes its successors and permitted assigns. A reference to a “day” shall mean a calendar day

The following terms, when used in this Agreement with the initial letters capitalized, other than proper names, whether in the singular, plural or possessive, shall have the meanings indicated below. Capitalized terms not defined below shall have the meaning indicated in the Master Definitions Supplement included as Appendix A to the CAISO Tariff, provided, however, if a term as defined in this Agreement conflicts with the CAISO Tariff, the definition in this Agreement shall prevail.

4.1.1 Adverse Impact

An effect on a Party’s Electric System resulting from a Modification, New Facility Addition, or Long-Term Change to Operations to another Party’s Electric System that (1) materially degrades reliability of the affected Party’s Electric System or (2) materially reduces the ability of the affected Party’s Electric System to physically transfer power into, out of, or within said Electric System.

4.1.2 Agreement

This Interconnection Agreement among the Parties and its Appendices, as it may be amended.

4.1.3 Applicable Requirements

Any applicable law or regulation; and any standards, procedures or requirements of an entity with lawful authority to control or govern, including planning, the applicable transmission system (whether in full or in part) or the Balancing Authority Area in which a Party’s Electric System is located, including but not limited to FERC, NERC, WECC, Peak Reliability, and a Balancing Authority.

4.1.4 Balancing Authority Area Arrangements

Arrangements, which may include, but is not limited to, an MSS or MSS Aggregator Agreement, between a Party and its Balancing Authority, or, if a Party is its own Balancing Authority, between a Party and WECC, in which the Party agrees to self-provide or procure the necessary resources and services and perform operations to meet Balancing Authority Area operating requirements and Applicable Requirements to maintain the operating reliability and integrity of the Balancing Authority Area's Electric System(s) in an economic manner consistent with Good Utility Practice.

4.1.5 Control Center

An Electric System's designated operations manager responsible for, among other things, its Electric System switching operations.

4.1.6 Cost

All just, reasonable, necessary and prudently incurred expenses or capital expenditures, including but not limited to those for operation, maintenance, engineering and facilities studies, Adverse Impact identification, Adverse Impact mitigation, contract modification, administrative and general expenses, taxes, depreciation, and fees for consultants, as determined in accordance with the FERC Uniform System of Accounts as such may be amended or superseded from time to time, and capital costs.

4.1.7 CPUC

The California Public Utilities Commission or its regulatory successor.

4.1.8 Direct Assignment Facilities

Facilities or portions of facilities that are owned by PG&E and which are necessary to physically and electrically interconnect the NCPA Parties to the CAISO Controlled Grid at the Points of Interconnection. All Direct Assignment Facilities that are contemplated by the Parties as of the Effective Date of this Interconnection Agreement are identified in the accompanying

Transmission Facilities Agreements attached to and made part of this Agreement. Direct Assignment Facilities shall be subject to FERC approval.

4.1.9 Effective Date

The date specified as the Effective Date of this Agreement in Section 5.2 hereof.

4.1.10 Electric System

All properties and other assets, now or hereafter existing, which are leased to, licensed to, owned by, or controlled by a single person or entity, that are located within or interconnected to that person or entity's service area, and are used for or directly associated with the generation, transmission, transformation, distribution, purchase or sale of electric power, including all additions, extensions, expansions, and improvements thereto. To the extent a person or entity is not the sole owner of an asset or property, only that person's or that entity's ownership interest in such asset or property shall be considered to be part of its Electric System.

4.1.11 Engineering and Operating (E & O) Committee

A joint committee of the Parties established pursuant to Section 9.8.

4.1.12 Existing Contracts

The contracts between the Parties in existence on April 1, 1998 (including any contracts entered into pursuant to such contracts) as may be amended in accordance with their terms or by agreement between the parties thereto from time to time or by order or requirement of FERC or any court having jurisdiction, provided that any contract shall cease to be an Existing Contract when its initially specified term ends, unless extended by agreement of the parties thereto, or when it may be earlier terminated; and contracts between PG&E and the Western Area Power Administration, and contracts between or tariffs involving PG&E and the Transmission Agency of Northern California, in which NCPA has a beneficial interest.

4.1.13 Facility Study

An engineering study to determine required Electric System modifications to accommodate a new Point of Interconnection or a modification of an existing Point of

Interconnection, including the Cost and scheduled completion date for such modifications that will be required to provide needed services.

4.1.14 Interconnection Capacity

The rated maximum capability of Interconnection Facilities for power transfers at Points of Interconnection.

4.1.15 Interconnection Facilities

Electric facilities that establish or modify Points of Interconnection where PG&E's Electric System is connected to the Electric System of the NCPA Parties, or a Third Party. Interconnection Facilities may include, but are not limited to, transmission lines, towers and supports, switching stations, buses, breakers, switches, relays, transducers, transformers, meters, protective equipment, communications and telemetry devices, and land and land rights associated with the Interconnection Facilities at each Point of Interconnection.

4.1.16 Long-Term Change to Operations

An action intentionally taken, or an event permitted by a Party, that materially alters or modifies, on a long-term or permanent basis, the configuration or other operational characteristics of its Electric System. An action or event shall be deemed to have been taken, or to have occurred on a long-term basis if the action or event remains in effect for a period of more than 30 consecutive days or occurred on more than 60 days within any period of twelve (12) consecutive months. The following are examples of actions and events that qualify as a Long-Term Change to Operations when taken or occurring on a long-term basis, though this list is not exclusive:

- (a) materially modifying a Remedial Action Scheme (RAS) or Special Protection Scheme (SPS), or disarming a RAS or SPS contrary to the manner and conditions for which it is designed to operate;
- (b) opening switches that are generally kept closed under normal operating conditions, except in those cases where a modified switching configuration has

been studied and agreed to by the affected Parties in accordance with Applicable Requirements;

- (c) closing switches that are generally kept open under normal operating conditions, except in those cases where a modified switching configuration has been studied and agreed to by the affected Parties in accordance with Applicable Requirements;
- (d) material changes to ratings or operating limits of any element of a Party's Electric System;
- (e) disabling or materially changing the operation of a phase-shifting transformer;
- (f) an increase in a Party's peak electric load on a Party's Electric System within a rolling twelve (12) month period that constitutes a ten (10) percent or greater increase over the Party's peak electric load from the prior twelve (12) month period;
- (g) the planned shutdown of a generation facility with a generating capacity greater than 500 kW within any Party's Electric System, other than for routine maintenance; or
- (h) actions or events similar in nature and/or effect to the foregoing.

A Long-Term Change to Operations as defined does not include (i) outages taken for maintenance or System Emergencies in accordance with Good Utility Practice; or (ii) actions taken during maintenance or to perform maintenance or respond to System Emergencies or (iii) actions taken by a Third Party, including the CAISO, that are beyond the control of the Parties.

4.1.17 Modification

The removal of or alteration or physical change to any element of a Party's Electric System.

4.1.18 New Facility Addition

The addition of a new transmission facility or the addition of a new generation facility directly connected to a Party's Electric System, whether owned by that Party or not.

4.1.19 PG&E Transmission Owner Tariff (PG&E TO Tariff)

PG&E Transmission Owner Tariff on file with FERC as PG&E FERC Electric Tariff Volume 5, as it may be modified or superseded from time to time.

4.1.20 PG&E Wholesale Distribution Tariff (PG&E WD Tariff)

PG&E Wholesale Distribution Tariff on file with the FERC as original PG&E FERC Electric Tariff Volume No. 4, as it may be modified or superseded from time to time.

4.1.21 Point(s) Of Interconnection

The physical connections of PG&E's transmission or distribution lines with NCPA or an NCPA Member Customer's Electric System as specified in Appendix A hereto, as that Appendix may be modified from time to time.

4.1.22 Operating Agreement

The Operating Agreement between Pacific Gas and Electric Company, Plumas-Sierra Rural Electric Cooperative, Northern California Power Agency and Sierra Pacific Power Company dated as of December 14, 2006, which describes and establishes the mutual responsibilities for operation of the interconnection points between PG&E and Plumas-Sierra Rural Electric Cooperation and Sierra Pacific Power Company and Plumas-Sierra Rural Electric Cooperation.

4.1.23 Remote Telemetry Unit (RTU)

A device that relays real-time information, including but not limited to kW, kVar, voltage, and breaker status, to a Party's Control Center or other designated recipient, to be used for monitoring purposes.

4.1.24 Responsible Meter Party

A Party having the responsibility for providing, installing, owning, operating, testing, servicing and maintaining meters and associated recording or telemetering equipment at each Point of Interconnection. Unless otherwise specified herein, NCPA and/or the applicable NCPA Member Customer who owns the meter or equipment in question shall be the Responsible Meter Party under this Agreement.

4.1.25 Service Area

That area within the geographic boundaries of the areas electrically served at retail, now or in the future, by the Parties.

4.1.26 System Impact Study

An engineering study conducted by or in coordination with PG&E at a NCPA Party's request to determine System Reinforcements required on PG&E's Electric System necessary to establish or modify a Point of Interconnection or to address a Significant Operational Change pursuant to Section 10.

4.1.27 System Reinforcements

Reinforcements to PG&E's Electric System, including but not limited to those identified by a System Impact Study, necessary to establish or maintain the Transfer Capability to a Point of Interconnection. System Reinforcements may be required when a Point of Interconnection is added or modified, when a Significant Operational Change pursuant to Section 10 is proposed, or when necessary to serve electric load reliably, or required by Good Utility Practice. System Reinforcements are limited to facilities required on PG&E's Electric System and ordinarily would not include Interconnection Facilities required at the Point of Interconnection.

4.1.28 Third Party

A person or entity that is not a Party to this Agreement.

4.1.29 Transfer Capability

The measure of the capability of interconnected Electric Systems to move or transfer power in a reliable manner from one point to another over all transmission lines between those points under specified system conditions.

4.1.30 Transmission Arrangement

An agreement or tariff, either the CAISO Tariff or a separate contract or tariff which enables NCPA to deliver power and energy to meet its electric power requirements.

4.1.31 Transmission Operations Center

PG&E's Control Center from which it directs operations of its transmission system.

4.1.32 Transmission Facilities Agreement

An agreement made between one or more Parties for services, including, but not limited to, the design and installation of new facilities.

4.1.33 Uncontrollable Force

Any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm, flood, earthquake, explosion, any curtailment, order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities or any other cause beyond the reasonable control of PG&E or the NCPA Parties which could not be avoided through the exercise of Good Utility Practice.

4.1.34 Upgrade Facility

A new or upgraded Interconnection Facility and/or System Reinforcement constructed or installed pursuant to this Agreement.

5 SCOPE

5.1 Interconnected Operations

This Agreement governs the interconnected and coordinated operation of PG&E's Electric System, a portion of which has been turned over to the operational control of the CAISO, and the NCPA Parties' Electric Systems. As of the Effective Date of this Agreement, the CAISO operates the Balancing Authority Area in which the Parties operate their respective Electric Systems. The Parties agree that, during the term of this Agreement and unless otherwise provided for by amendment of this Agreement, that portion or those portions of the Parties' Electric Systems that are interconnected shall be operated in parallel pursuant to the terms and conditions of this Agreement and their respective Balancing Authority Area Arrangements. Each Party shall at all times to the maximum extent practicable avoid causing any Adverse Impact on another Party's Electric System.

5.2 Effective Date

The term "Effective Date" as used in this Agreement shall mean 0000 hours of July 1, 2015, or the date on which FERC accepts this Agreement for filing and permits it to be placed into effect without material change or material new conditions unacceptable to any Party, whichever is later.

If FERC sets this Agreement for hearing to determine whether it is just and reasonable and otherwise lawful, then this Agreement shall become effective on the date it is permitted to be placed into effect and subject to any conditions imposed by FERC. The ordering of such a hearing in and of itself shall not be considered a material change. However, in the event FERC makes any material change or imposes a material new condition unacceptable to any Party, the Parties shall promptly enter into good faith negotiations in an attempt to achieve a mutually agreeable modification to this Agreement to address any such material change or material new condition. The Parties agree to work diligently to obtain timely acceptance of this Agreement and all of its provisions by FERC, and agree that the NCPA Parties shall be entitled to prior review of PG&E's initial filing with FERC seeking acceptance of this Agreement for filing.

5.3 Termination

This Agreement shall terminate on the earliest of: (i) the occurrence of the fifth anniversary of the Effective Date or the tenth anniversary of the Effective Date if the Parties have agreed to such five-year extension by no later than the fourth anniversary of the Effective Date, where NCPA is authorized by the NCPA Member Customers to act on their behalf regarding such five-year extension; or (ii) the end of the 12th month following the date on which a Party gives the other Parties written notice that this Agreement shall be terminated, which notice shall not be given prior to the fourth anniversary of the Effective Date; or (iii) as provided in Section 10, 15, or 21. Notwithstanding the provisions of Section 5.3, if an NCPA Member Customer provides written notice to the other Parties to terminate the Agreement on the end of the 12th month following the date on which the NCPA Member Customer provides such written notice, the Agreement shall remain in full force and effect as to the remaining Parties. In addition, PG&E may give notice of termination to one NCPA Member Customer without terminating the agreement as to NCPA or any other NCPA Member Customers.

6 INTERCONNECTIONS

Transfer of electric power between the Electric Systems of PG&E and the NCPA Parties shall occur at the Point(s) of Interconnection identified in Appendix A.

6.1 Interconnection Capacity

Interconnection Capacity is determined by engineering studies that consider the physical rating of all equipment installed within the Interconnection Facilities at the Points of Interconnection. The E&O Committee shall periodically review the Interconnection Capacity to ensure that it is sufficiently maintained throughout the term of this Agreement. Unless otherwise agreed by the E&O Committee, any required engineering studies shall be performed by PG&E and the NCPA Parties or an engineering professional acting on behalf of the NCPA Parties, and reviewed with the E&O Committee. The Parties shall cooperate by providing any information necessary for such studies.

6.2 Establishing or Modifying Point(s) of Interconnection

Whenever NCPA or an NCPA Member Customer decides to add or modify a Point of Interconnection at transmission voltage, 60 kV or more, it shall so notify the CAISO, in accordance with the CAISO Tariff, and PG&E, in accordance with the PG&E TO Tariff. Upon PG&E's receipt of such notice, the Parties shall follow the procedures described in Sections 8 through 10 of the PG&E TO Tariff. Regarding disputes that might arise under this Section 6, if the PG&E TO Tariff conflicts with Section 22 of this Agreement, the PG&E TO Tariff shall govern.

If NCPA or an NCPA Member Customer decides to either modify or add a Point of Interconnection at distribution voltage, less than 60 kV, it shall so notify PG&E in accordance with the requirements of the PG&E WD Tariff. Upon PG&E's receipt of such notification, PG&E shall follow the applicable procedures and requirements of the PG&E WD Tariff to determine what Upgrade Facilities, if any, shall be required. Upgrade Facilities required for the addition or modification of a Point of Interconnection at distribution voltage shall be accomplished pursuant to the requirements of the PG&E WD Tariff. Regarding disputes that might arise under this Section 6 as related to service under PG&E WD Tariff, if the PG&E WD Tariff conflicts with Section 22 of this Agreement, the PG&E WD Tariff shall govern.

6.3 New Interconnection Facilities and Upgrades

If Upgrade Facilities are needed as a result of a NCPA or NCPA Member Customer notice to add or modify a Point of Interconnection pursuant to this Section 6, then PG&E, NCPA, and, if applicable the Member Customer issuing the notice shall meet and confer on a mutually acceptable plan to complete the Upgrade Facilities. The Cost responsibility for Upgrade Facilities required as a result of NCPA's or an NCPA Member Customer's notice to add or modify a Point of Interconnection shall be determined based on the provisions of Section 8.1.2 of the PG&E TO Tariff or Section 15 of the PG&E WD Tariff, as applicable, and Appendix C of this Agreement.

Any dispute regarding the actual capability of the existing transmission, distribution, or Interconnection Facilities, or the need for Upgrade Facilities, that will support the new or upgraded Point of Interconnection, or how the Cost responsibility for the necessary Upgrade

Facilities should be allocated, shall be resolved through the dispute resolution procedures as set forth in Section 22.

6.4 Construction Plan and Agreement

Unless otherwise provided under the PG&E TO or WD Tariffs, or otherwise agreed to by the Parties, within thirty (30) calendar days after completion of a Facility Study as provided in the PG&E TO Tariff, NCPA or an NCPA Member Customer shall notify PG&E if it intends to proceed with the Upgrade Facility. PG&E, NCPA, and, if applicable, the notifying NCPA Member Customer shall then meet and confer on a mutually acceptable plan to complete the Upgrade Facility. If the conferring Parties reach agreement on a plan for construction or installation of an Upgrade Facility, including responsibility for payment of the applicable Cost, those Parties shall enter into a separate agreement pursuant to Appendix C. If the conferring Parties fail to reach such agreement, the matter should be resolved through the dispute resolution provisions in Section 22.

6.5 Test Period for Interconnection

The Parties shall cooperate in the testing of the Point(s) of Interconnection and of the Parties' Interconnection Facilities before they go into operation.

7 BALANCING AUTHORITY AREA ARRANGEMENTS

All transmission, distribution and generation facilities within a Party's Electric System shall at all times during the term of this Agreement be within a Balancing Authority Area and operated in accordance with Balancing Authority Area Arrangements. After a Party has had a reasonable opportunity to obtain or re-establish operation in a Balancing Authority Area or make the necessary Balancing Authority Area Arrangements, failure by a Party to operate in a Balancing Authority Area and to operate its Electric System in accordance with, and to maintain in effect, Balancing Authority Area Arrangements, shall be deemed a material breach of this Agreement and just cause for termination and disconnection of the Agreement as to such Party. If any Party operates without being located in an established Balancing Authority Area or without Balancing Authority Area Arrangements in effect, that Party shall fully indemnify and

make whole the other Parties for any penalties, fees or costs imposed or other damages caused to those Parties.

Each Party shall act as its own Scheduling Coordinator or employ a Scheduling Coordinator to act for it. No Party shall have any obligation under this Agreement to serve as Scheduling Coordinator for another Party or take on any other role in which it acts on behalf of another Party as to its Party's transactions.

PG&E has and will have in effect various existing agreements with the Balancing Authority in which its Electric System is located. These agreements include, but are not limited to, the Transmission Control Agreement, the Transmission Owner Tariff, Scheduling Coordinator Agreements, Operating Agreement, and Utility Distribution Company Operating Agreement, all of which enable PG&E to satisfy the obligations of operating within the CAISO's Balancing Authority Area. This Agreement is subject to PG&E's obligations and responsibilities under those agreements, and in the event of any inconsistency between those agreements and this Agreement, the former shall control. NCPA and the NCPA Member Customers have and will have in effect various existing agreements with the Balancing Authority in which their Electric Systems are located. These agreements include, but are not limited to, the Scheduling Coordinator Agreement and NCPA MSS Agreement with the CAISO, the Operating Agreement, and such agreements qualified as Balancing Authority Area Arrangement that may be needed by the CAISO for operation of the Balancing Authority Area. This Agreement is subject to the NCPA Party's obligations and responsibilities under those agreements, and in the event of any inconsistency between those agreements and this Agreement, the former shall control.

8 SYSTEM PLANNING COORDINATION

Pursuant to the CAISO Tariff and Section 8 of this Agreement, PG&E conducts planning studies of its Electric System annually, including the reasonable use of information provided to PG&E pursuant to this Agreement, to identify System Reinforcements or other Modifications of its Electric System necessary to determine the Transfer Capability to reliably serve the expected loads connected to its Electric System, including expected NCPA and NCPA Member Customer loads at Point(s) of Interconnection.

8.1 Planning Process

In order for PG&E to include the effects of growth of the NCPA Parties' Electric System loads in its planning studies, each NCPA Party shall provide PG&E with their respective electric load planning forecast by October 1 of each year. Each NCPA Party shall also provide PG&E with certain network modeling data as required pursuant to Applicable Requirements, including NERC Standards MOD-010 and MOD-12, as such may be revised from time to time. Such electric load planning forecast shall contain the best estimate of its gross Electric System load (actual MW and MWh as measured at the Point of Interconnection plus generation resources internal to the Electric System) and net Electric System load (actual MW and MWh as measured at the Point of Interconnection) for the next five-year period. The initial forecast shall be submitted to PG&E within 30 days of the Effective Date. Both PG&E and the applicable NCPA Party or Parties shall be responsible for participating in planning for the construction of any necessary System Reinforcements as provided in the PG&E TO Tariff Sections 8 through 10. If PG&E disagrees with the electric load planning forecast provided by a NCPA Party, PG&E shall coordinate with NCPA and the impacted NCPA Member Customer, and if necessary, either Party may request that an E&O Committee meeting be scheduled pursuant to Section 9.8.1 to review and discuss PG&E's disagreement with the electric load planning forecast. Nothing in Section 8 prevents PG&E from using, relying on, or incorporating alternative forecasts in planning studies.

8.2 System Reinforcements

If, as a result of its annual planning review process, PG&E determines, through studies conducted pursuant to the CAISO Tariff, including Section 4.8.1 thereof, and in accordance with PG&E TO Tariff Section 9, that a need exists to construct System Reinforcements that will have a direct effect on NCPA or an NCPA Member Customer, PG&E shall inform NCPA and, if applicable, the affected NCPA Member Customer through a notice pursuant to Section 31. Those Parties shall then follow the applicable procedures of the PG&E TO Tariff Sections 8 through 10.

9 OPERATING PROVISIONS

9.1 Good Utility Practice and Applicable Requirements Obligation

Each Party shall operate pursuant to this Agreement in accordance with Good Utility Practice and in compliance with Applicable Requirements of federal, state, and local laws, licenses, and permits. Each Party shall plan and operate its respective Electric System in accordance with Good Utility Practice and endeavor to minimize electrical disturbances on the Electric System of the other Party. No Party shall be obligated to operate in a manner contrary to Good Utility Practice. When satisfying its obligations pursuant to this Agreement, a Party shall in good faith, take all reasonable actions required to satisfy its obligations in accordance with Good Utility Practice and Applicable Requirements to timely avoid or mitigate Adverse Impacts to another Party's Electric System.

9.2 General

The Parties agree to coordinate the operations of their respective Electric Systems so as to avoid or minimize any Adverse Impacts to another Party's Electric System in accordance with Balancing Authority Area Arrangements.

9.3 Power Delivery and Quality Standard

Power delivered is commonly designated as three-phase alternating current, at nominal 60 Hertz, and at the nominal voltage described in Appendix A for each Point of Interconnection. Voltage and frequency fluctuations under system normal operation conditions shall be permitted consistent with Good Utility Practice.

Each Party shall plan, design, and operate its Electric System so as to minimize the interchange of reactive power at the Point(s) of Interconnections.

9.4 Coordination Of Operations

The Parties shall at all times coordinate and communicate their planned and unplanned outages and other switching operations that may have an effect on the operations of another

Party's Electric System and may reasonably be required to protect the integrity of the Balancing Authority Area during System Emergencies.

PG&E, NCPA, and the NCPA Member Customers are also responsible for maintenance and switching operations of their Electric Systems. All Parties may from time to time remove various elements of their Electric Systems from operation or initiate other actions that may affect operations or transfer of energy across Point(s) of Interconnection.

The Parties shall coordinate their activities in the operation and maintenance of their Electric Systems in order to avoid or minimize any adverse effects of those activities on each other.

9.5 Relationship To Balancing Authority Area Operations

The Parties currently operate in the CAISO Balancing Authority Area. In the event that a Party makes any changes that significantly or materially affect its relationship with the CAISO, including, but not limited to, interconnecting its Electric System with a non-CAISO Balancing Authority Area, the Party making the change shall give a minimum of 30 days' notice to the other Parties.

9.6 Separate Balancing Authority Area

Nothing in this Agreement shall prevent or limit any Party from interconnecting with, joining or forming a new Balancing Authority Area. In such event, this Agreement shall be revised as appropriate to reflect such change in Balancing Authority Area operations.

9.7 Reporting Significant Events

Each Party shall promptly, after reporting to the Balancing Authority, report to the other Parties any System Emergency or other significant operating event reasonably likely to affect operation of the other Party's Electric System at each Point(s) of Interconnection. For notice to PG&E, such notice shall be by telephone to PG&E's Transmission Operations Center personnel or to a PG&E substation or switching center as may be designated by PG&E. For notice to NCPA or an NCPA Member Customer, such notice shall be by telephone to NCPA's Control Center, or as otherwise designated by NCPA or the NCPA Member Customer. Each Party, upon

request and on a case-by-case basis for reasonable cause related to operating conditions, shall, in a timely manner, provide Electric System operating information, such as loading on lines and equipment and levels of operating voltages and electric power factors. In the event of an interruption(s), including but not limited to, power quality events, of electric service at any Point of Interconnection, the Party causing the interruption shall report, in a timely manner, to the affected Party or Parties the nature and suspected cause of the event, actions being taken to restore electric service, and the estimated time until restoration of electric service. Within 30 days following the restoration of electric service to the affected Parties, the Party causing the interruption shall provide a written report to the affected Parties identifying the cause of the interruption, and what preventive actions may be taken in the future to mitigate further interruptions in electric service to the affected Parties.

9.8 Engineering And Operating Committee

The Parties shall establish an Engineering and Operating (E&O) Committee. This “E&O Committee” shall jointly develop and modify, as necessary, operating procedures and engineering planning matters required to implement this Agreement. The E&O Committee shall consist of one representative designated in writing by each Party. Each Party shall also designate an alternate who may act instead of a representative at the option of that Party, and an NCPA Member Customer may designate NCPA to act as its alternate. Any Party may at any time change its representatives or alternate on the E&O Committee and shall promptly notify the other Parties of any change in designation. Any representative, by written notice to the other Parties, may authorize its alternate to act temporarily in its place. Each member of the E&O Committee may invite other members of its organization or others, as its advisors, to attend meetings of the E&O Committee.

The E&O Committee shall establish procedures for the coordination and operation of the Parties’ Electric Systems, including, but not limited to, providing for the coordination of maintenance schedules and operation of the Parties’ Electric Systems as may be required to maintain the reliability and power quality of the interconnected Electric Systems, minimize outages, reduce losses, maintain voltage levels, and minimize reactive interchanges. The E&O

Committee shall also be responsible for examining and making recommendations to the Parties for Upgrade Facilities in order to:

- (i) ensure that the Point(s) of Interconnection are operated in accordance with Good Utility Practice;
- (ii) determine necessary additions or modifications to equipment or operating procedures to ensure that the Parties' Electric System reliability and service to its customers will not be adversely affected;
- (iii) determine the studies that need to be performed and the manner in which the Cost of such studies shall be allocated unless the CAISO Tariff, PG&E TO Tariff or PG&E WD Tariff provides otherwise; and
- (iv) make recommendations for the allocation of Costs associated with the Upgrade Facilities unless the CAISO Tariff, PG&E TO Tariff or PG&E WD Tariff provides otherwise.

9.8.1 E&O Committee Meetings

Any Party may call for a meeting of the E&O Committee upon reasonable advance notice to the other Parties. A written agenda incorporating any items proposed by the requesting Party shall be exchanged in advance of such meetings to the affected Parties. The meeting shall be timely scheduled, and the affected Parties shall select a meeting date that is mutually acceptable to the Parties. Meetings may be conducted in person, by telephone or by any other agreed-upon method. Meeting minutes shall be kept to document the discussions and outcome of the meetings, and such meeting minutes are to be distributed to the Parties.

9.8.2 E&O Committee Expenses

The expenses of the members of the E&O Committee, their alternates and advisors shall be borne by the Party they represent. Expenses incurred by the E&O Committee in addition to those herein above mentioned shall be shared in a just and reasonable manner agreed to by the Parties. The sharing of such expenses shall be agreed to prior to the time that such additional expenses are incurred.

9.8.3 E&O Committee Authority

The E&O Committee shall have no authority to modify any of the provisions of this Agreement. All actions, recommendations and reports shall become effective when signed, or otherwise approved, by all members of the E&O Committee and if necessary, referred to the Parties' respective management. Each Party's representatives shall be afforded ample time to review relevant details prior to finalizing any action, recommendation or report and may request up to 30 days to review the material to be acted upon.

9.9 Settlement of Disputes and Arbitration

The Parties agree to make best efforts to settle all disputes under this Agreement between the Parties as a matter of normal business practice under this Agreement. Any unresolved disputes shall be resolved through the dispute resolution procedure set forth in Section 22.

9.10 Protective Devices

Each Party shall, consistent with CAISO requirements and Good Utility Practice, install, modify, set and adjust any required protective relaying equipment associated with facilities within its respective Electric System at their own expense. Such settings, adjustments or replacement shall be consistent with settings, adjustments or replacement made by PG&E to PG&E's protective relaying equipment. The NCPA Parties shall install, modify, set, adjust or replace protective relaying equipment located within their respective Electric Systems in the event that such is required by PG&E's Modification of PG&E's Electric System consistent with CAISO requirements. Such changes shall be reviewed by the E&O Committee, unless otherwise agreed to by the affected Parties. The Parties shall exchange relay settings and fault duty information on a routine basis as agreed upon by the Parties.

9.11 Requirements for NCPA or NCPA Member Customer Operated Generators Connected to PG&E

NCPA or an NCPA Member Customer shall enter into a generator interconnection-type agreement with PG&E substantially consistent with CAISO's Generation Interconnection Agreement, consistent with NCPA's MSS Agreement, and consistent with Section 6 of this Agreement for each new generating facility operated by NCPA or an NCPA Member Customer,

which is connected to PG&E's Electric System at voltages of 60 kV or greater. NCPA or an NCPA Member Customer shall enter into a generator interconnection-type agreement with PG&E substantially consistent with PG&E's Generator Interconnection Agreement under the PG&E WD Tariff, consistent with NCPA's MSS Agreement and consistent with Section 6 of this Agreement for each new generating facility operated by NCPA or an NCPA Member Customer, which is connected to PG&E's Electric System at voltages of less than 60 kV. This section 9.11 does not apply to NCPA or NCPA Member Customer generating facilities not connected to PG&E's Electric System. The Parties will transition existing Special Facilities Agreements with PG&E to the appropriate Generator Interconnection Agreement, but this change is not intended to alter the rights or obligations of the Parties under the existing agreements.

9.12 Continuity Of Service

9.12.1 Operation Actions To Maintain Continuity

Each Party shall take actions that are reasonable and consistent with Balancing Authority Area Arrangements as necessary to maintain continuity of service between the Parties. Such actions may include, but are not limited to, opening or closing circuit breakers or other components of the interconnections.

9.12.2 Unscheduled Interruptions

A Party may temporarily interrupt or reduce any service, or temporarily separate all or any part of the facilities of its Electric System from another Party's Electric System to implement CAISO operating orders and their respective Balancing Authority Area Arrangements or Good Utility Practice at any time that: (i) a System Emergency exists, provided that if the unscheduled interruption is not undertaken pursuant to a CAISO operating order (a) such interruption, reduction of service or separation is necessary to remedy the System Emergency, and (b) the duration of such interruption, reduction of service or separation will be limited to as short a time period as reasonable under the circumstances; (ii) the action is necessary to prevent a hazard to life or property; or (iii) the operation of the Party's Electric System is suspended, interrupted or interfered with as a result of an Uncontrollable Force. Reasonable effort shall be made to

coordinate any such interruption and such interruption will be immediately communicated to the affected Party. In the event of such interruption or reduction in service, the Parties shall restore full service on a basis comparable to the restoration of other public service and safety facilities and consistent with their respective Balancing Authority Area Arrangements.

9.12.3 Scheduled Interruptions

All scheduled interruptions of service shall be made as mutually agreed to by the Parties and in accordance with Balancing Authority Area Arrangements and Good Utility Practice. The Parties shall provide a minimum of 72 hours advance notice of any such interruption, reduction or separation, and its estimated duration.

9.12.4 Interruption By Protective Devices

The Parties utilize automatic protective devices in order to assist in maintaining the integrity and reliability of their respective Electric Systems and to protect their customers from damage, injury or prolonged outages. Service on the Parties' Electric Systems is subject to interruption in the event of operation of such devices. In the event of such interruption, service will be restored consistent with Good Utility Practice and Balancing Authority Area Arrangements. In addition, the Parties shall coordinate such restoration and all installations, upgrades, and replacements of protective devices at Point(s) of Interconnection.

9.12.5 Jeopardy

If at any time continuity of service within the CAISO Balancing Authority Area is being jeopardized due to failure of facilities, the Parties shall coordinate their responses to the situation in order to implement CAISO operating orders in accordance with their respective Balancing Authority Area Arrangements, Good Utility Practice, and any relevant standard promulgated by NERC or another body authorized to promulgate such standards. Such coordination may include the reduction of load; provided, except as otherwise set forth in the Parties' Balancing Authority Area Arrangements, such reduction shall maintain, as far as may be practicable, the relative sizes of load served by each Party in the same proportion as existed before such reduction so that no one Party is required to reduce its load disproportionately.

Any Party may also temporarily interrupt or reduce deliveries to Points of Interconnection or separate all or a part of the facilities of its Electric System from all or a part of the Electric System of another Party, or the Electric System that directly or indirectly serves another Party, if the first Party determines that the following conditions exist or that the described action is necessary: (i) a System Emergency; (ii) in order to install equipment on, make repairs or replacements to, make investigations and inspections of, or perform maintenance or other work on a Party's Electric System; (iii) to prevent a hazard to life or property; (iv) as necessitated by Good Utility Practice; or (v) where the operation of a Party's Electric System is suspended, interrupted or interfered with as a result of Uncontrollable Force. The Parties understand and agree that load curtailment under such circumstances should be coordinated among PG&E, NCPA, the relevant NCPA Member Customer(s) and the CAISO based upon the CAISO Tariff and any Balancing Authority Area Arrangements entered into between the Parties and the CAISO. The Parties shall endeavor to provide notice to the affected Party prior to such interruptions or reductions of deliveries, and such interruptions or reductions of deliveries shall be minimized and implemented after all other practical remedies have been exhausted.

9.13 Operating Records

Each Party shall maintain operating records in accordance with Good Utility Practice. Each Party shall have reasonable access to such operating records kept by another Party which reasonably relate to interconnected operation of the Parties' Electric Systems; provided, that if requested to do so by the other Party, a Party requesting such records shall be required to keep such records confidential pursuant to Section 9.14. Such records shall include, but not be limited to, operating logs, scheduled transfers through each Point of Interconnection, line loadings, outage and power quality reports, voltages and reactive power.

9.14 Confidentiality

The Parties anticipate that during the course of the Parties' relationship under this Agreement, they will at times supply copies of confidential or proprietary information to each other, including information that should be kept confidential from and not disclosed to certain departments within a Party (e.g., transmission planning information that cannot be disclosed to marketing personnel) or to Third Parties, including the public. If PG&E supplies confidential

information to NCPA and/or one or more NCPA Member Customers, or NCPA or one or more NCPA Member Customer supplies confidential information to PG&E, it is the responsibility of the supplying Party to inform the receiving Party that such information is confidential and to label or otherwise mark each confidential document or electronic file "CONFIDENTIAL". It shall be the responsibility and obligation of the receiving Party to maintain the confidentiality of such information in accordance with the supplying Party's reasonable instructions, and to not disclose information designated confidential to any Third Party or entity to whom disclosure is prohibited under applicable regulations (e.g., the FERC Standards of Conduct), unless required to do so by law.

If a Party ("Receiving Party") receives a request from a Third Party, whether under the California Public Records Act, California Government Code Sections 6250-6270, as amended, or otherwise, for access to, or inspection, disclosure or copying of, any of the other Party's (the "Supplying Party") confidential data or information ("Disclosure Request"), then the Receiving Party shall provide notice to and a copy of the Disclosure Request to the Supplying Party within three (3) business days of receipt of the Disclosure Request. Within three (3) business days of receipt of such notice, the Supplying Party shall provide notice to the Receiving Party either:

- (a) that the Supplying Party believes there are reasonable legal grounds for denying or objecting to the Disclosure Request, and the Supplying Party requests the Receiving Party to deny or object to the Disclosure Request with respect to identified confidential information. In such case, the Supplying Party will either defend the denial of the Disclosure Request at its sole Cost (with reasonable assistance by the Receiving Party), or it shall indemnify the Receiving Party for all Costs associated with denying or objecting to the Disclosure Request. Such indemnification by the Supplying Party of the Receiving Party shall include all of the Receiving Party's Costs reasonably incurred with respect to denial of or objection to the Disclosure Request, including but not limited to Costs, penalties, and the Receiving Party's attorneys' fees; or

- (b) that the Supplying Party shall agree that the Receiving Party may grant the Disclosure Request without any liability by the Receiving Party to the Supplying Party.

10 SIGNIFICANT REGULATORY OR OPERATIONAL CHANGE

The procedures set forth in this Section 10 shall apply in the event of a Significant Regulatory Change or a Significant Operational Change as described below.

10.1 Significant Regulatory Change

A “Significant Regulatory Change,” as this term is used in this Section 10, shall be deemed to occur if FERC, the CPUC, the CAISO or any other court, public authority, governmental, or other lawfully established civilian authorities having jurisdiction, issues an order or decision or adopts or modifies a tariff or filed contract, or enacts a law that materially interferes with the ability of any Party to perform any of its obligations under this Agreement.

10.2 Significant Operational Change

A “Significant Operational Change,” as this term is used in this Section 10, shall consist of any of the following: (i) a Party making a new interconnection of its Electric System with the Electric System of a Third Party, including any generation, that would have an Adverse Impact on the operation of another Party’s Electric System; (ii) installation, operation, termination, or expansion by a Party or a Third Party of a generation facility within any Party’s Electric System where power or energy from such generation is intended to or may possibly flow through a Point of Interconnection and create an Adverse Impact on another Party’s Electric System; (iii) a Long-Term Change to Operations; (iv) any other operational change proposed by a Party that could reasonably be expected to create an Adverse Impact on another Party’s Electric System; (v) material amendments and/or revisions to any tariffs, contracts or other applicable documents referenced in this Agreement that directly affect a Party’s obligations under this Agreement, including, but not limited to, the CAISO Tariff, PG&E’s TO Tariff or PG&E’s WD Tariff; or (vi) an action taken by the Balancing Authority that may have a material detrimental impact on the way a Party operates or must operate its Electric System or the Points of Interconnection between the Parties.

10.3 Change in Functions or Scope

The Parties recognize that there may be a change in the functions performed by the CAISO or in the scope of the facilities under the operational control of the CAISO, or the replacement of the CAISO with a Regional Transmission Organization that may perform different functions or have a different scope than the CAISO as of the Effective Date. Such a change shall not be deemed to be a Significant Regulatory Change unless the conditions described in Section 10.1 and 10.2 of this Agreement are satisfied. Any transfer from PG&E to the CAISO of any functions contemplated in this Agreement can be a Significant Regulatory Change if the conditions described in Section 10.1 and 10.2 of this Agreement are satisfied.

10.4 Notification of Significant Regulatory or Operational Change

At any time during the term of this Agreement, if any Party anticipates the occurrence of a Significant Regulatory Change that may reasonably be expected to create an Adverse Impact on any Parties' obligations or operations under this Agreement or Significant Operational Change, such Party shall provide written notice to the affected Parties as soon as practicable. The notice shall contain a description of the change, including expected time schedules, and of the effect of the significant change to the affected Party's Electric System. If the Party giving notice believes that it will be necessary to amend this Agreement to address the anticipated change, then the notice to the other Party may include a proposal that the Parties meet to negotiate an appropriate amendment to this Agreement. The Parties shall promptly enter into good faith negotiations and attempt to achieve a mutually agreeable modification to this Agreement to address any such significant change. If a Party is uncertain as to whether a proposed change might be Significant or might create an Adverse Impact, or if it wishes to have certainty under Section 10.8 before proceeding, the Party should also give notice to the potentially Affected Party as soon as practicable. Notwithstanding the foregoing, where the potential Significant Operational Change is studied in or is the result of the CAISO generator interconnection process ("CAISO Generator Change"), a Party is not obligated to give notice under this Section 10.4, provided that the other Parties are notified in writing of the CAISO Generator Change in accordance with the CAISO Tariff in reasonable time to allow the other Parties the opportunity to express concerns and to provide information to the study conducted in accordance with the CAISO generator interconnection planning process.

10.5 Amendment of Agreement

If the Parties agree that an amendment to this Agreement is necessary to address a Significant Regulatory Change or a Significant Operational Change, the Parties will proceed to negotiate such amendment. If the Parties have not reached agreement within 60 calendar days of the date of the first meeting, any unresolved issues may be submitted for resolution through the dispute resolution procedures set forth in Section 22; provided that all Parties agree to such procedures. After the 60-day period stated above, any Party may, but is not required to, unilaterally initiate an appropriate proceeding respecting this Agreement with FERC pursuant to Sections 205 or 206 of the FPA, which proceeding could include a request for termination of this Agreement, and another Party may exercise its rights under the FPA to protest or oppose such filing. In the event of filing for termination, PG&E shall make an appropriate regulatory filing of a replacement agreement such that the replacement agreement is effective contemporaneously with the termination date of this Agreement.

10.6 Studies of Significant Operational Change

The Party receiving notice of a Significant Operational Change will respond to the Party submitting such notice within 30 days. If the Party receiving such notice believes that there will be no Adverse Impact resulting from the Significant Operational Change, it shall so state. If the Party receiving notice of a Significant Operational Change believes that the proposed change may reasonably be expected to have an Adverse Impact on the operation of its Electric System, it may request a study of any such Significant Operational Change to determine the potential for any Adverse Impacts and any potential avoidance or mitigation measures thereto. The affected Parties shall cooperate in determining the scope of the study and how the study should be conducted, and shall cooperate to provide information necessary to conduct such a study in a timely manner. NCPA may, at its sole discretion, act on behalf of a NCPA Member Customer and participate in determining the scope of the study and how the study should be conducted if NCPA is not an affected Party. To the extent studies are required, those studies will be performed in a reasonable period of time.

If it is determined, based on the results of the study, that, in addition, a Facility Study or System Impact Study is required, such study shall be performed within the time and in the

manner specified in Section 10 of the PG&E TO Tariff and as agreed by the Parties. All study Costs associated with a proposal shall be the responsibility of the Party whose proposal or actions will cause the Significant Operational Change, or will be split into two equal shares by (1) PG&E and (2) the NCPA Parties if the CAISO is the entity that causes or will cause the change; provided, that such Costs may be paid by a responsible Third Party and that NCPA Parties shall be responsible for dividing their share of such Costs among themselves. Any disputes over the necessity of particular studies or the Cost of such studies shall be resolved through the dispute resolution procedures set forth in Section 22 unless the dispute resolution procedures of the PG&E TO Tariff or the PG&E WD Tariff apply. Upon completion of necessary studies, the Parties will each review the study results and discuss any recommendations for avoidance and/or mitigation of Adverse Impacts.

10.7 Mitigation And Costs

Unless otherwise agreed by the Parties, the Party whose proposal or action causes the Significant Operational Change (“Modifying Party”) shall be responsible for avoiding or fully mitigating an Adverse Impact to the Electric System of an affected Party (“Affected Party”), and to the extent Adverse Impacts cannot be avoided or fully mitigated, fully compensating the Affected Party for all Costs incurred pursuant to the Adverse Impact; provided, that such Costs may be paid by a responsible Third Party. Any reasonable Cost incurred by the Affected Party in its cooperation with the Modifying Party shall be reimbursed by the Modifying Party. All avoidance or mitigation measures shall be completed before the Significant Operational Change is made. Any dispute regarding the need for, the nature of, or the Cost of mitigating Adverse Impacts or compensating the Affected Party for those Adverse Impacts that cannot be mitigated shall be resolved through the dispute resolution procedures set forth in Section 22.

In the event changes in transmission delivery voltages, relocation of facilities serving Points of Interconnections or other changes in transmission facilities are necessary on PG&E’s side of any Point of Interconnection with NCPA or an NCPA Member Customer because of changes to PG&E’s transmission as a result of Good Utility Practice or CAISO planning requirements, these changes shall be made by PG&E at its expense. For similar changes made to NCPA’s or an NCPA Member Customer’s side of Point(s) of Interconnection, such changes shall

be at NCPA's or the NCPA Member Customer's expense unless the change is made for PG&E's benefit and at PG&E's sole discretion or as otherwise agreed. Such change made at PG&E's sole discretion shall be submitted to the E&O Committee for its determination of respective long term benefits of such changes, if any. The E&O Committee shall recommend a methodology for allocating the Cost of such changes based on the projected net long-term benefits to each Party. Changes required on PG&E's side due to any changes made for NCPA's or an NCPA Member Customer's benefit and at NCPA's or an NCPA Member Customer's sole discretion shall be made at NCPA's or the NCPA Member Customer's expense, unless submitted to the E&O Committee for its determination of an appropriate allocation between the Parties based on projected net long term benefits to each Party.

Notwithstanding the provisions of this Section 10.7, the Modifying Party will not be responsible for their share of any Costs associated with the changes made under this Section that are approved by FERC, or other jurisdictional authority, for inclusion in the Affected Party's Transmission Revenue Requirement for recovery through Access Charges, as provided in Section 26 of the CAISO Tariff. Nothing in the foregoing sentence obligates or requires the Affected Party to seek recovery for any specific Costs in their Transmission Revenue Requirement.

10.8 Failure To Notify Of Significant Operational Changes

Each Party has a duty to provide notice to any Affected Parties of Significant Operational Changes planned for its Electric System that could reasonably be expected to have an Adverse Impact on the Electric System of those Parties. If a Party implements a Significant Operational Change without providing such notice, the Affected Party shall have the right to open any affected Point(s) of Interconnection if, in its judgment, it is necessary to protect the integrity of its Electric System, and the right to file with FERC under Sections 205 or 206 of the FPA seeking appropriate relief, including, but not limited to, amendment or termination of this Agreement, except that the termination of this Agreement by an NCPA Member Customer will not be deemed to terminate this Agreement as to NCPA or any other NCPA Member Customer.

11 INSTALLATION AND ACCESS

Where it is necessary for any Party to install any of its facilities on another Party's premises in order to accomplish the Interconnection or otherwise to perform the duties contemplated by this Agreement, the Parties hereby grant to each other, subject to any legal and regulatory requirements for any specific installation, for the term of this Agreement: i) the right to make such installation along the mutually agreed route (subject to each Party's right to protect its operations or that of its customers in its Service Area) of sufficient width to provide full legal clearance from all structures on such property; and ii) access to each Party's premises upon reasonable notice and at reasonable hours for any purposes reasonably connected with this Agreement.

No Party shall be allowed or obligated to install such facilities unless and until all necessary licenses, permits, certificates, or other governmental authorizations or approvals that may be necessary are obtained and any necessary easements for the installation of facilities are granted. Electric facilities belonging to one Party that are installed on another Party's premises will be relocated only with the agreement of the owner of such facilities, which shall not be unreasonably withheld. The requesting Party shall pay the Cost, if any, of any such facility relocation. If such Costs are FERC jurisdictional, PG&E shall request and obtain FERC acceptance to assess such Costs prior to collection.

12 METERING

12.1 Delivery Meters

All real and reactive power deliveries shall be metered at each Point of Interconnection with meters meeting the requirements of: (i) the CAISO Tariff for interconnections at 60 kV and above; and (ii) the PG&E WD Tariff for interconnections below 60 kV. Any conflicts with regard to metering standards that may arise between this Agreement, the PG&E WD Tariff, or the CAISO Tariff shall be resolved consistent with the applicable tariff. Power deliveries shall be metered at delivery voltages described in Appendix A. At a minimum, the Responsible Meter Party shall meter all power flowing across each Point of Interconnection in either direction. The Parties shall cooperate in the installation and provision of access to the meters, as necessary for each Party to obtain the information needed to perform as contemplated under this Agreement.

12.2 Requirements For Meters And Meter Maintenance

The Responsible Meter Party is obligated to install and maintain metering equipment, including where necessary RTUs, in accordance with CAISO standards, at each Point of Interconnection that shall measure and record real and reactive power flows and shall be capable of recording flows in both directions. Such “in” and “out” meters shall be designed to prevent reverse registration and measure and continuously record such deliveries.

12.3 The NCPA Parties’ Obligation To Provide Meter Data To PG&E

NCPA and the NCPA Member Customers, pursuant to the NCPA MSS Agreement, subject to any exemptions granted by the CAISO, supplies the CAISO with both telemetry and settlement quality meter data for each Point of Interconnection. The telemetry data includes generator status, voltage and energy output. NCPA or an NCPA Member Customer will be the Responsible Meter Party for each meter and will grant PG&E access to the same metering data in accordance with the NCPA MSS Agreement. NCPA or an NCPA Member Customers shall also grant PG&E access to metering data that is supplied to the CAISO in accordance with the NCPA MSS Agreement that is associated with generating units interconnected to the Electric System of NCPA or an NCPA Member Customers. NCPA or an NCPA Member Customer will reasonably cooperate with PG&E to ensure that PG&E can successfully access metering data under this Section 12.3. Should the NCPA MSS Agreement terminate for any reason, the Parties shall cooperate in determining an alternative method for supplying PG&E the same level of access to data as it had under the NCPA MSS Agreement and this Agreement.

In addition, where there is real-time telemetry of NCPA or NCPA Member Customer generation facilities and transmission interconnections of one (1) MW or larger, NCPA and/or NCPA Member Customers shall provide PG&E with the available real-time telemetry via the existing PG&E to NCPA Inter-Control Center Protocol (“ICCP”) data link.

12.4 Consequences of Failing to Provide Meter Data

In the event that the Responsible Meter Party fails to provide to PG&E access to available meter data in accordance with Section 12.3, PG&E shall be entitled to make reasonable assumptions necessary for the operation of its transmission system. The assumptions shall be

based on reasonably available information including, but not limited to, records of historical usage, available data and meter readings and general characteristics of NCPA or the NCPA Member Customers' operation and facilities.

12.5 Periodic Meter Testing

All meters necessary to operate each Point of Interconnection shall be installed, tested, and maintained in accordance with the CAISO Tariff and Good Utility Practice, and shall be tested periodically by the Party owning the meter, at intervals consistent with the CAISO Tariff, and at any other reasonable time upon request by PG&E (if an NCPA Party) or NCPA or an NCPA Member Customer (if PG&E). Meters shall be sealed and the seals shall be broken only upon occasions when the meters are to be inspected, tested, or adjusted, and representatives of PG&E (if an NCPA Party) or the NCPA Parties (if PG&E) shall be afforded reasonable opportunity to be present upon such occasions. Notwithstanding a Party's obligation to afford reasonable opportunity for other Parties to be present for meter inspections, testing or adjustments, if metering equipment that is used to collect settlement qualify data requires immediate maintenance or repair, such maintenance or repair may be completed by the owning Party at its sole discretion.

13 BILLING AND PAYMENT

PG&E shall bill NCPA and/or an NCPA Member Customer, and NCPA and/or an NCPA Member Customer shall pay any amounts owed to PG&E pursuant to this Agreement in accordance with Appendix D. NCPA and/or an NCPA Member Customer shall bill PG&E, and PG&E shall pay any amounts owed to NCPA and/or an NCPA Member Customer pursuant to this Agreement, where Sections D.1 through D.9 of Appendix D shall hereto apply to PG&E's payment obligations to NCPA and/or an NCPA Member Customer, substituting "NCPA" and/or "NCPA Member Customer" for "PG&E", respectively, in accordance with Appendix D.

14 ACCOUNTING

14.1 Accounting Procedures

The Parties shall record relevant Cost(s) and maintain accounting records in accordance with generally accepted accounting practices and as to PG&E the FERC Uniform System of Accounts.

14.2 Audit Rights

For good cause and upon reasonable notice, each Party shall have the right to audit, at its own expense, the relevant records of PG&E (if an NCPA Party) or NCPA or an NCPA Member Customer (if PG&E) for the limited purpose of determining whether the other Party is meeting its obligations under this Agreement. Such audits shall be limited to only those records reasonably required to determine compliance with this Agreement, and each Party agrees to disclose the information obtained in such audit only to those persons, whether employed by such Party or otherwise, that are directly involved in the administration of this Agreement and that are permitted to have access to such information under applicable regulations, including the FERC Standards of Conduct. Each Party agrees that under no circumstances will it use any information obtained in such an audit for any commercial purpose or for any purpose other than assuring enforcement of this Agreement. The right to audit shall be limited to data for two prior years from the date of the final billing for a matter or from the date of the questioned event, as applicable.

15 ADVERSE DETERMINATION OR EXPANSION OF OBLIGATIONS

15.1 Adverse Determination

If, after the Effective Date of this Agreement, FERC or any other regulatory body, agency or court of competent jurisdiction determines that all or any part of this Agreement, its operation or effect is unjust, unreasonable, unlawful, imprudent or otherwise not in the public interest, each Party shall be relieved of any obligations hereunder to the extent necessary to comply with or eliminate such adverse determination. The Parties shall promptly enter into good faith negotiations in an attempt to achieve a mutually agreeable modification to this Agreement to address any such adverse determination.

15.2 Expansion Of Obligations

If, after the Effective Date of this Agreement, FERC or any other regulatory body, agency or court of competent jurisdiction orders or determines that this Agreement should be interpreted, modified, or significantly extended in such a manner that a Party may be required to extend its obligations under this Agreement to a Third Party, or to incur under this Agreement significant new or different obligations to another Party or to Third Parties not contemplated by this Agreement, then the Parties shall be relieved of their obligations to the extent lawful and necessary to eliminate the effect of that order or determination, and the Parties shall attempt to renegotiate in good faith the terms and conditions of the Agreement to restore the original balance of benefits and burdens contemplated by the Parties at the time this Agreement was made.

15.3 Renegotiation

If, within three months after an order or decision as described in Sections 15.1 and 15.2, the Parties either: (i) do not agree that a renegotiation is feasible or necessary; or (ii) the Parties cannot agree to amend or supersede this Agreement, then: (a) any Party may initiate dispute resolution in accordance with Section 22; (b) PG&E may unilaterally file an amendment to this Agreement or a replacement agreement; or (c) the NCPA Parties may take any action before the FERC or elsewhere which it deems appropriate. The effect of any termination under this Section 15.3, and the rights of the Parties thereunder, shall be as provided in Sections 36 and 37. As used in this Section 15.3, the term "Agreement" includes both this Agreement and any tariff, rate or rate schedule that in whole or in part results from this Agreement.

16 ASSIGNMENT

16.1 Consent Required

No transfer or assignment of the rights, benefits or duties of any Party under this Agreement shall be effective without the prior written consent of the other Parties except as provided herein, which consent shall not be withheld unreasonably; provided, that this Section 16 shall not apply to interests that arise by reason of any deed of trust, mortgage, indenture or security agreement heretofore granted or executed by any Party. No partial assignment of the

rights, benefits or duties of any Party shall be permitted under this Agreement unless otherwise agreed to by PG&E (if an NCPA Party) or NCPA and the NCPA Member Customers (if PG&E), except that the NCPA Parties may assign the rights, benefits and duties under this Agreement among themselves at their discretion.

16.2 Assignee's Continuing Obligation

Any successor to or transferee or assignee of the rights or obligations of a Party, whether by voluntary transfer, judicial sale, foreclosure sale or otherwise, shall be subject to all terms and conditions of this Agreement to the same extent as though such successor, transferee, or assignee were an original Party.

17 CAPTIONS

All indices, titles, subject headings, section titles and similar items are provided for the purpose of reference and convenience and are not intended to affect the meaning of the contents or scope of the Agreement.

18 CONSTRUCTION OF THE AGREEMENT

Ambiguities or uncertainties in the wording of the Agreement shall not be construed for or against any Party.

19 CONTROL AND OWNERSHIP OF FACILITIES

The Electric System of a Party shall at all times be and remain in the exclusive ownership, possession and control of the Party, or licensed or leased to that Party as provided in the applicable arrangement, and nothing in this Agreement shall be construed to give another Party any right of ownership, possession or control of all or any portion of that Electric System. All facilities owned and installed by one Party hereunder shall, unless otherwise agreed by the Parties, at all times be and remain the property of that Party, except that the NCPA Parties may transfer ownership of property among themselves at their discretion.

20 COOPERATION AND RIGHT OF ACCESS AND INSPECTION

Each Party shall give to the others all necessary permission to enable it to perform its obligations under the Agreement. PG&E shall give to the NCPA Parties, and the NCPA Parties to PG&E, the right to have their agents, employees and representatives, on reasonable notice and accompanied by the agents, employees and representatives of the other Party, enter its premises at reasonable times and in accordance with reasonable rules and regulations for the purpose of inspecting the property and equipment of the other Party to the extent necessary and in a manner that is reasonable for assuring the performance of the Parties under the Agreement.

21 DEFAULT

21.1 Termination For Default

If any Party breaches its material obligations under this Agreement, such breach shall constitute an event of default. If any Party defaults under this Agreement, another Party may terminate this Agreement as to the defaulting Party; provided that prior to such termination the non-defaulting Party must provide the defaulting Party with written notice stating: 1) the non-defaulting Party's intent to terminate; 2) the date of such intended termination; 3) the specific grounds for termination; 4) specific actions that the defaulting Party must take to cure the default, if any; and 5) a reasonable period of time, which shall not be less than 60 calendar days, within which the defaulting Party may take action to cure the default and avoid termination, provided there is any action which can be taken to cure the default. Termination shall not become effective without approval by FERC. Application of dispute resolution pursuant to Section 22 with regard to separate disputes shall not be deemed to limit the right to terminate this Agreement under this Section 21.1. Notwithstanding the right of a non-defaulting Party to terminate this Agreement pursuant to Section 21.1, if less than all of the NCPA Member Customers exercise such right, the Agreement shall remain in full force and effect as to the remaining Parties. Nor will the default of one or more NCPA Member Customers allow termination of the Agreement with respect to NCPA itself or the other NCPA Member Customers.

21.2 Other Remedies For Default

The remedy under Section 21.1 is not exclusive and, subject to Section 22, any Party shall be entitled to pursue any other legal, equitable or regulatory rights and remedies it may have in response to a default by another Party.

22 DISPUTE RESOLUTION

The Parties shall make best efforts to resolve all disputes arising under this Agreement expeditiously and by good faith negotiation. Where this Agreement specifically calls for resolution of disputes pursuant to this Section 22, the Parties shall pursue dispute resolution according to the provisions of Appendix B.

23 GOVERNING LAW

This Agreement shall be interpreted, governed by and construed under the laws of the State of California, as if executed and to be performed within the State of California.

24 INDEMNITY

24.1 Definitions

As used in this Section 24, with initial letters capitalized, whether in the singular or the plural, the following terms shall have the following meanings:

24.1.1 Accidents

- (i) Accidents sustained by a Third Party ("Claimant"), which is an ultimate use customer of a Party;
- (ii) arises out of delivery of, or curtailment of, or interruption to electric service, including but not limited to abnormalities in frequency or voltage; and
- (iii) results from either or both of the following:

- a. engineering, design, construction, repair, supervision, inspection, testing, protection, operation, maintenance, replacement, reconstruction, use, or ownership of any Party's Electric System; or
- b. the performance or non-performance of any Party's obligations under the Agreement.

24.2 Indemnity Duty

If a Claimant makes a claim or brings an action against a Party seeking recovery for loss, damage, Costs or expenses resulting from or arising out of an Accident the following shall apply:

24.2.1

That Party shall defend any such claim or action brought against it, except as otherwise provided in this Section 24.2.

24.2.2

A Party ("Indemnitor") shall hold harmless, defend and indemnify, to the fullest extent permitted by law, PG&E (if such claim or action is brought against an NCPA Party) or NCPA or an NCPA Member Customer (if such claim or action is brought against PG&E), its directors or members of its governing board, officers and employees ("Indemnitees"), upon request by the Indemnitee, for claims or actions brought against the Indemnitee allegedly resulting from Accidents caused by acts, errors or omissions of the Indemnitor.

24.2.3

No Party shall under this Agreement be obligated to defend, hold harmless or indemnify another Party, its directors or members of its governing board, officers and employees for Accidents resulting from the latter's gross negligence or willful misconduct.

24.2.4

In the event a dispute under this Section 24 is litigated, each Party specifically agrees to pay its own incurred Costs including attorney's fees, expert and consultant fees, and other Costs of litigation.

25 JUDGMENTS AND DETERMINATIONS

When the terms of this Agreement provide that an action may or must be taken, or that the existence of a condition may be established based on a judgment or determination of a Party, such judgment shall be exercised or such determination shall be made reasonably and in good faith, and where applicable in accordance with Good Utility Practice and shall not be arbitrary or capricious.

26 LIABILITY

26.1 To Third Parties

Nothing in this Agreement shall be construed to create any duty to, any standard of care with reference to, or any liability to, any Third Party.

26.2 No Consequential, Special or Indirect Damages from Breach

Except for its willful action, gross negligence, or with respect to breach of this Agreement or the indemnity duty under Section 24.2, no Party, nor its directors or members of its governing board, officers, employees or agents shall be liable under this Agreement to another Party for any loss, damage, claim, Cost, charge or expense arising from or related to this Agreement. In the event of breach of this Agreement, no Party, nor its directors or members of its governing board, officers, employees or agents shall be liable under this Agreement to another Party for any consequential, special or indirect damages.

26.3 Protection Of A Party's Own Facilities

Each Party shall be responsible for protecting its facilities from possible damage by reason of electrical disturbances or faults caused by the operation, faulty operation, or non-operation of PG&E's (if an NCPA Party) or NCPA's or an NCPA Member Customers' (if PG&E) facilities, and such other Party shall not be liable for any such damage so caused;

provided, this limitation on liability shall not extend to failure to observe the requirements of Section 10.

26.4 Liability For Interruptions

PG&E shall not be liable to the NCPA Parties, and the NCPA Parties shall not be liable to PG&E, and each hereby releases the others and their directors, members of their governing board, officers, employees and agents from and indemnifies them, to the fullest extent permitted by law, for any claim, demand, liability, loss or damage, whether direct, indirect or consequential, incurred by either, that results from the interruption or curtailment in accordance with i) this Agreement, ii) Good Utility Practice, or (iii) as directed by the CAISO, of power flows through a Point of Interconnection under this Agreement.

27 NO DEDICATION OF FACILITIES

Any undertaking by any Party under any provision of this Agreement is rendered strictly as an accommodation and shall not constitute the dedication by the first Party of any part or all of its Electric System to the other, the public, or any Third Party. Any such undertaking by any Party under a provision of, or resulting from, this Agreement shall cease upon the termination of that Party's obligations under this Agreement.

28 NO OBLIGATION TO OFFER SAME SERVICE TO OTHERS

By entering into this Agreement to interconnect with the NCPA Parties or any Third Party at NCPA's or an NCPA Member Customer's request, and filing it with FERC, PG&E does not commit itself to furnish any like or similar undertaking to any other person or entity.

29 NO PRECEDENT

This Agreement establishes no precedent with regard to any other entity or agreement. Nothing contained in this Agreement shall establish any rights to or precedent for other arrangements as may exist, now or in the future, between the Parties for the provision of any interconnection arrangements, interconnection service, or any form of electric service.

30 NO OTHER SERVICES PROVIDED

No Party undertakes under this Agreement the obligation to provide or make available any transmission service, distribution service, power or energy sales or services or Ancillary Services for any other Party or any Third Party, unless otherwise agreed to by a Party, and where such provision or receipt of services will be made pursuant to a separate agreement. Provided, however, this Agreement does not supersede rights or obligations as provided in Existing Contracts.

30.1 Limitation on Parties Obligation

The Parties specifically intend that this Agreement shall relate only to their rights and obligations pertaining to the interconnection of their Electric Systems. Under this Agreement, no Party undertakes to provide or make available any Balancing Authority Area services, transmission service, distribution service, power or energy sales or services or Ancillary Services for any other Party or any Third Party, and in no circumstance shall any Party be responsible under this Agreement for providing any such services.

This Agreement does not supersede rights or obligations as provided in any other agreement between any or all of the Parties. Nothing in this Agreement shall prevent any Party from seeking an order under Section 211 or 212 of the FPA.

30.2 Transmission Arrangements

The NCPA Parties are currently party to several contracts that, among other things, provide Transmission Arrangements for the delivery of power to NCPA Parties' Electric Systems. Nothing in this Agreement shall interfere with the NCPA Parties' rights, including those for transmission services, provided under such contracts. All Parties may make Transmission Arrangements, other than or in addition to such service provided from the CAISO.

31 NOTICES

31.1 Written Notices

Any notice, request, declaration, demand, information, report, or item otherwise required, authorized or provided for in this Agreement shall be given in writing, except as otherwise provided in this Agreement, and shall be deemed properly given if delivered personally or by facsimile transmission (fax), sent by first class United States Mail or overnight or express mail service, postage or fees prepaid, or through electronic communication where such electronic communication shall be deemed delivered on the first business day following delivery, to each of the persons specified below:

(1) To NCPA:

Randy Howard
General Manager
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678

AND

Tony Zimmer
Supervisor, Industry Restructuring & Interconnection Affairs
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678

(2) To PG&E:

Mr. David Rubin
Director, Service Analysis
Pacific Gas and Electric Company
Mail Code N9p
P.O. Box 770000
San Francisco, CA 94177

With a copy to:

Mr. Yilma Hailemichael
Manager, Transmission Contract Management
Pacific Gas and Electric Company
Mail Code B13L
P.O. Box 770000
San Francisco, CA 94177

And:

Mr. Bruce Henry
Director, Transmission System Operations
Pacific Gas and Electric Company
Mail Code B15A
P.O. Box 770000
San Francisco, CA 94177

(3) To City of Alameda:

Glenn Steiger
General Manager
Alameda Municipal Power
2000 Grand Street
Alameda, CA 94501

(4) To City of Biggs:

Mark Sorensen
City Administrator
City of Biggs
P.O. Box 307
465 "C" Street
Biggs, CA 95917

-
- (5) To City of Gridley:
City Administrator
City of Gridley
685 Kentucky Street
Gridley, CA 95948
- (6) To City of Healdsburg:
Terry Crowley
Electric Utility Director
City of Healdsburg
401 Grove Street
Healdsburg, CA 95448
- (7) To City of Lodi:
Elizabeth Kirkley
Utility Director
City of Lodi
1331 South Ham Lane
Lodi, CA 95242
- (8) To City of Lompoc:
Larry Bean
Utility Department Director
City of Lompoc
P.O. Box 8001
100 Civic Center Plaza
Lompoc, CA 93438

- (9) To City of Palo Alto:
Valerie Fong
Utilities Director
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301
- (10) To Plumas-Sierra Rural Electric Cooperative:
Bob Marshall
General Manager
Plumas-Sierra Rural Electric Cooperative
73233 Highway 70
Portola, CA 96122
- (11) To City of Ukiah:
Mel Grandi
Utility Director
City of Ukiah
300 Seminary Avenue
Ukiah, CA 95482

31.2 Changes Of Notice Recipient

Any Party may change its designation of the person who is to receive notices on its behalf by giving the other Parties notice thereof in the manner provided in this Section 31. No more than three persons shall be designated by a Party to receive notices.

31.3 Routine Notices

Any notice of a routine character in connection with service under this Agreement or in connection with the operation of facilities shall be given in such a manner as the Parties may determine is appropriate from time to time, unless otherwise provided in this Agreement.

31.4 Reliance On Notice

Every Party shall be entitled under this Agreement to rely on another Party's notice when given (or not given, when a Party fails to provide notice within the time prescribed) as having all necessary approvals of that other Party's management, Board of Directors or other governing body, and any notice (or failure to provide timely notice) hereunder shall be binding on the noticing Party and shall obligate that Party to make such payments or to perform such duties as are necessarily associated with the notice or, if a Party fails to provide timely notice, that failure to give notice.

32 RESERVATION OF RIGHTS

Nothing contained herein shall be construed as affecting in any way the Parties' rights under Sections 205 and 206 of the FPA or the regulations promulgated thereunder. The term "rates" as used herein shall mean a statement of rates and charges for or in connection with the services provided for in this Agreement, and all classifications, practices, rules or regulations that in any manner affect or relate to such rates and charges. PG&E may unilaterally make application to FERC for a change in rates, including rate methodology and the terms and conditions of service, under Section 205 of the FPA and pursuant to FERC's rules and regulations promulgated thereunder. Any party may seek changes to the terms of this Agreement pursuant to Section 206 of the FPA. Nothing contained herein shall be construed as affecting in any way the right of the NCPA Parties to oppose such a change under Section 205 or FERC's rules and regulations or to exercise its rights under Section 206 of the FPA or FERC's rules and regulations.

33 RESPONSIBILITY FOR PAYMENTS AND SECURITY

All Parties shall be fully responsible and liable to each other for payments to be made under this Agreement. The Parties shall perform unconditionally and fully each and every obligation that each has under this Agreement; provided, that this Agreement shall not restrict any right any Party may otherwise have to pledge any of its revenues, funds, assets, rights, property or interests therein. A Party's status as a creditor shall not be subordinate to the interest of any creditor, subject to any pledge or debt obligation, provision of law or existing obligations of a Party.

34 RULES AND REGULATIONS

The Parties may propose, from time to time, changes to such procedures, rules, or regulations as they shall determine are necessary in order to establish the methods of operation to be followed in the performance of this Agreement or requirements of the Balancing Authority; provided, that any such procedure, rule, or regulation shall not be inconsistent with the provisions of this Agreement. If a Party objects to a procedure, rule, or regulation proposed by another Party, it will notify the other Parties and the Parties will endeavor to modify the procedure, rule, or regulation in order to resolve the objection. No such procedure, rule or regulation shall be adopted absent the mutual written consent of the Parties.

35 SEVERABILITY

If any term, covenant or condition of this Agreement or its application is held to be invalid as to any person, entity or circumstance, by FERC or any other regulatory body, or agency or court of competent jurisdiction, then such term, covenant or condition shall cease to have force and effect to the extent of that holding. In that event, however, all other terms, covenants and conditions of this Agreement and their application shall not be affected thereby, but shall remain in full force and effect unless and to the extent that a regulatory agency or court of competent jurisdiction finds that a provision is not separable from the invalid provision(s) of this Agreement.

36 CONTINUING RIGHTS OF THE NCPA PARTIES UPON TERMINATION

Upon termination of the Agreement, the NCPA Parties shall continue to have such rights, if any, to be connected to PG&E's Electric System that are provided by law, regulation or other contract or agreement; provided, that the existence of this Agreement, after its termination, shall not be used by any Party to establish or defeat the existence of any rights provided by law, regulation or other contract or agreement. Termination of this Agreement, if accepted or approved by FERC, also shall terminate any other tariff or rate schedule that in whole or in part results from this Agreement, to the extent not inconsistent with a Party's aforementioned rights at law. After termination of this Agreement and any required FERC acceptance or approval of such termination, all obligations and rights provided under this Agreement or such tariff or rate schedule shall cease, and no Party shall claim or assert any continuing right other than as may be

provided by law, regulation or other contract or agreement. Such termination shall not affect rights and obligations of a continuing nature or for payment of money for goods or services provided prior to termination. This Section shall not be construed as a bar to the assertion by the NCPA Parties of any rights it may have to service following termination of this Agreement, independent and exclusive of the Agreement.

37 RIGHTS OF PG&E UPON TERMINATION

Should FERC deny, condition, suspend or defer PG&E's notice of termination, PG&E shall under no circumstances be required to maintain any interconnections or to provide any services, based in whole or in part on the existence of this Agreement, beyond the minimum time necessary for compliance with FERC's denial, condition, suspension or deferral.

38 WAIVER OF RIGHTS

Any waiver at any time by any Party of its rights with respect to a default under the Agreement, or with respect to any other matter arising in connection with the Agreement, shall not constitute or be deemed a waiver with respect to any subsequent default or other matter arising in connection with this Agreement. Any delay, short of the statutory period of limitations, in asserting or enforcing any right shall not constitute or be deemed a waiver.

39 UNCONTROLLABLE FORCES

A Party shall not be considered to be in default in the performance of any obligation under the Agreement (other than an obligation to make payments for bills previously rendered pursuant to the Agreement) when a failure of performance is the result of Uncontrollable Forces.

40 ENTIRE AGREEMENT AND AMENDMENTS

PG&E and the NCPA Parties agree that the provisions of this Agreement constitute the entire agreement between them regarding the subject matter of the Agreement and the Parties' rights and obligations with respect thereto. This Agreement is intended to be the complete and exclusive statement of the terms of the Parties' agreement that supersedes all prior and contemporaneous offers, promises, representations, negotiations, discussions or communications between PG&E and the NCPA Parties that may have been made in connection with the subject

matter of this Agreement. No representation, covenant, or other matter, oral or written, that is not expressly set forth, incorporated, or referenced in this Agreement (except for applicable laws and regulations) shall be a part of, modify, or affect this Agreement.

This Agreement may be modified by written agreement of the Parties. Each subpart of Appendix A of this Agreement may be modified by the written agreement of PG&E and the NCPA Member Customer to whose Point(s) of Interconnection that subsection applies, without the agreement of any other Party.

41 NO THIRD PARTY RIGHTS OR OBLIGATION

No right or obligation contained in this Agreement shall be applied or used for the benefit of any person or entity that is not a Party.

42 WARRANTY OF AUTHORITY

Each Party warrants and represents that this Agreement has been duly authorized, executed and delivered by such Party and constitutes the legal, valid and binding obligation of such Party, enforceable against such Party in accordance with its terms, except as enforcement may be limited by bankruptcy, insolvency, reorganization, or similar laws effecting the enforcement of creditor's rights.

43 COUNTERPARTS

This Agreement may be executed in any number of counterparts, and each executed counterpart shall have the same force and effect as an original instrument and as if all the signatories to all of the counterparts had signed the same instrument. Any signature page of this Agreement may be detached from any counterpart of this Agreement without impairing the legal effect of any signatures thereon, and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more signature pages.

44 APPENDICES INCLUDED

The following Appendices to this Agreement, as they may be revised from time to time by written agreement of the Parties or by order of FERC, are attached hereto and are incorporated by reference as if fully set forth herein:

- Appendix A — Points of Interconnection
- Appendix B — Dispute Resolution and Arbitration
- Appendix C — Upgrade Facilities
- Appendix D — Billing and Payments
- Appendix E — Operational Coordination

45 EXECUTION

IN WITNESS THEREOF, the Parties have, by signature of its duly authorized representative shown below, executed and delivered a counterpart of this Agreement.

NORTHERN CALIFORNIA POWER AGENCY

By: _____

Name: Randy S. Howard

Title: General Manger

PACIFIC GAS AND ELECTRIC COMPANY

By: _____

Name: David Rubin

Title: Director, Service Analysis

CITY OF ALAMEDA

By: _____

Name: _____

Title: _____

CITY OF BIGGS

By: _____

Name: _____

Title: _____

CITY OF GRIDLEY

By: _____

Name: _____

Title: _____

CITY OF HEALDSBURG

By: _____

Name: _____

Title: _____

CITY OF LODI

By: _____

Name: _____

Title: _____

CITY OF LOMPOC

By: _____

Name: _____

Title: _____

CITY OF PALO ALTO

By: _____

Name: _____

Title: _____

PLUMAS SIERRA RURAL ELECTRIC COOPERATIVE

By: _____

Name: _____

Title: _____

CITY OF UKIAH

By: _____

Name: _____

Title: _____

APPENDIX A POINTS OF INTERCONNECTION

NCPA Member Customer	Point(s) of Interconnection	Voltage (kV)
Alameda	Oakland Substation C and Oakland Substation J	115 (Both Points)
Biggs	Biggs Sub (60 kV and 12 kV)	60 and 12 ¹
Gridley	Gridley Sub	60
Healdsburg	Healdsburg Sub	60
Lodi	Industrial Sub (Lodi Line 1 and Lodi Line 2); and White Slough STIG ²	60 (Both Industrial Points) 230 (White Slough STIG)
Lompoc	Lompoc Sub (Lompoc Line 1 and Lompoc Line 2)	115 (Both Points)
Palo Alto	Colorado Sub (Palo Alto Line 1, Palo Alto Line 2, and Palo Alto Line 3)	115 (All 3 Points)
Plumas Sierra	Quincy Sub	60
Ukiah	Babcock Sub	115

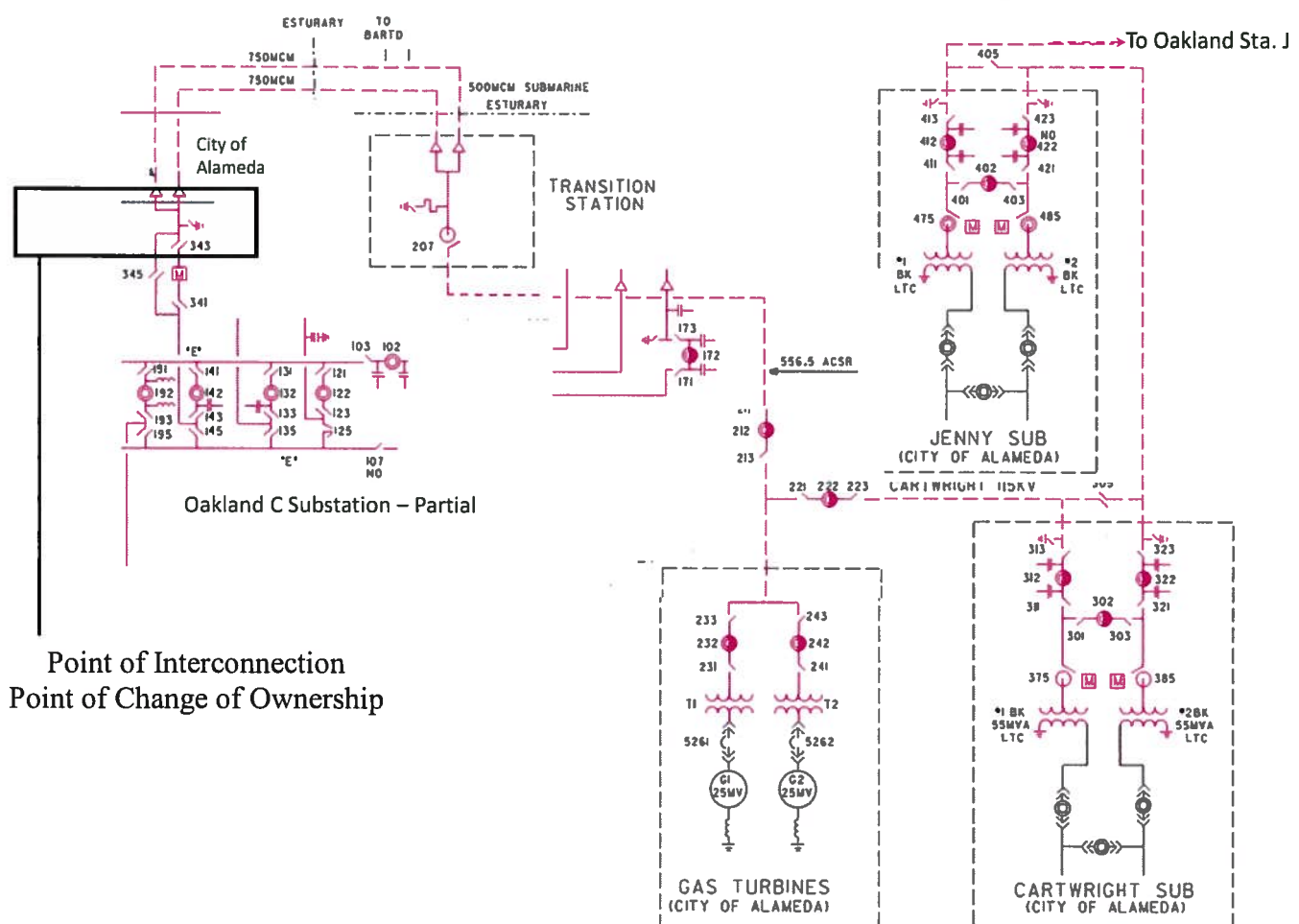
¹ As set forth in the Interruptible Wholesale Distribution Service and Interconnection Agreement between PG&E and the City of Biggs ("12 kV Agreement," PG&E Rate Schedule ____), PG&E's 12 kV system and the facilities needed to retain the connection with the City of Biggs shall only be used for delivery in emergency conditions or during scheduled maintenance of the 60 kV system and only on an as available and interruptible basis, after notification by the party requesting such use. Notwithstanding anything in this Agreement or the 12 kV Agreement, PG&E may take the 60 kV system out of operation or schedule maintenance on the 60 kV system regardless of available capacity on the 12 kV system; provided, however, that PG&E otherwise communicates and coordinates planned outages with NCPA and the City of Biggs in accordance with Section 9.4 of this Agreement.

² Lodi Wastewater treatment plant Load will be served via the Lodi White Slough STIG Interconnection with PG&E, be separately metered, and be included in the normal, coincident and non-coincident Load information for Lodi.

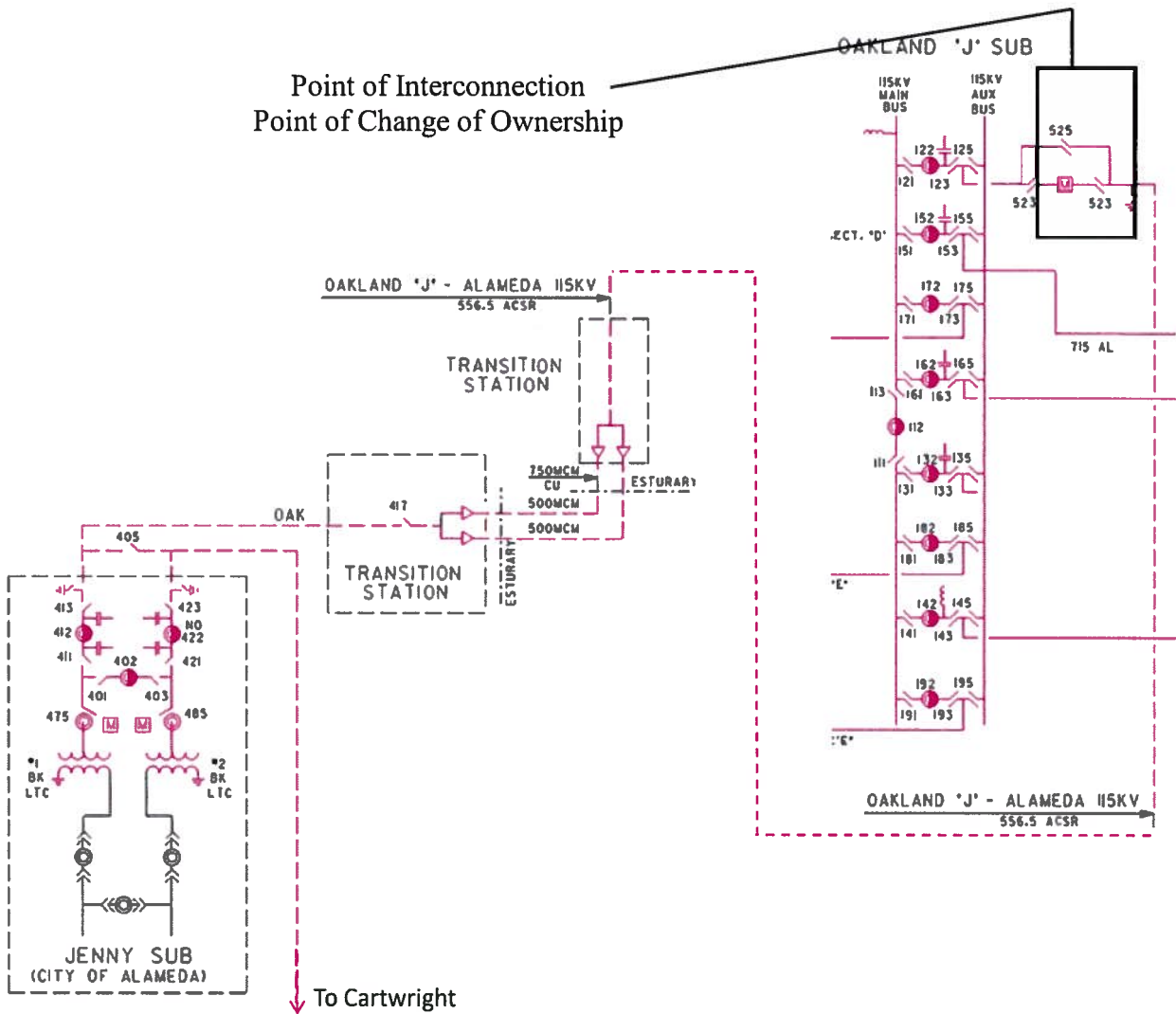
FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

CITY OF ALAMEDA

The following is a single-line diagram of the City of Alameda's ("Alameda") Interconnection Facilities at the Points of Interconnection that identifies the owner of such Interconnection Facilities.



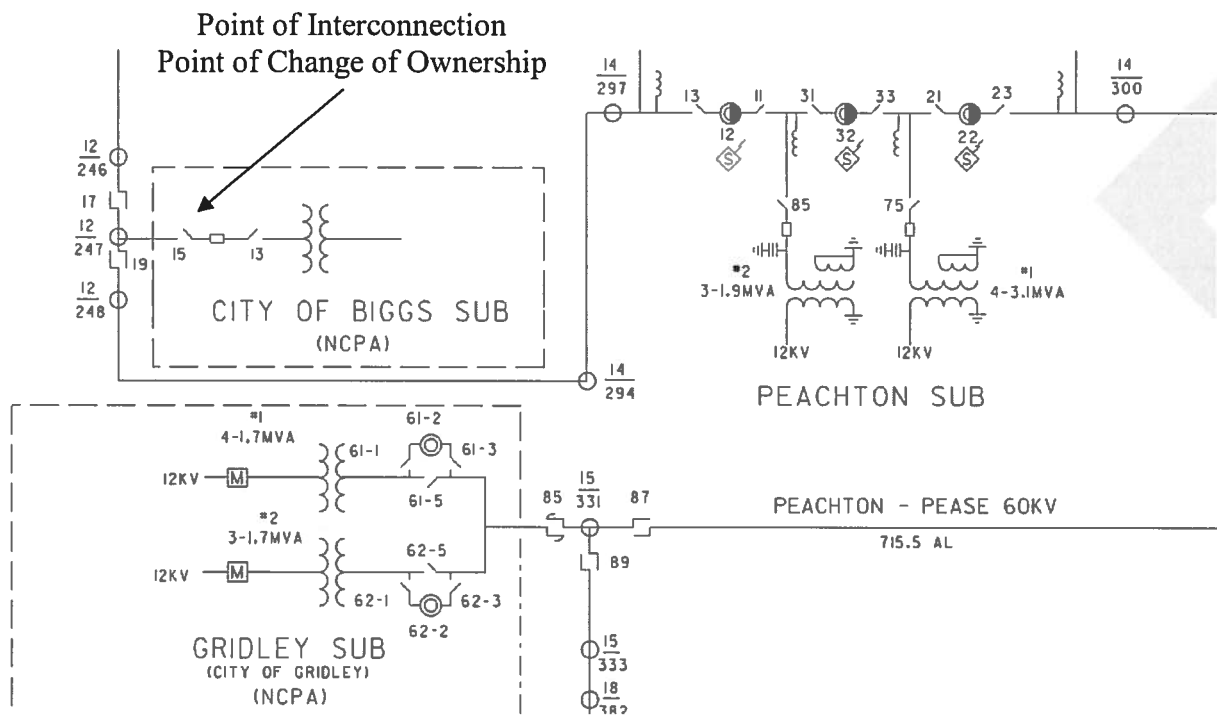
Point of Interconnection
Point of Change of Ownership



FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

CITY OF BIGGS

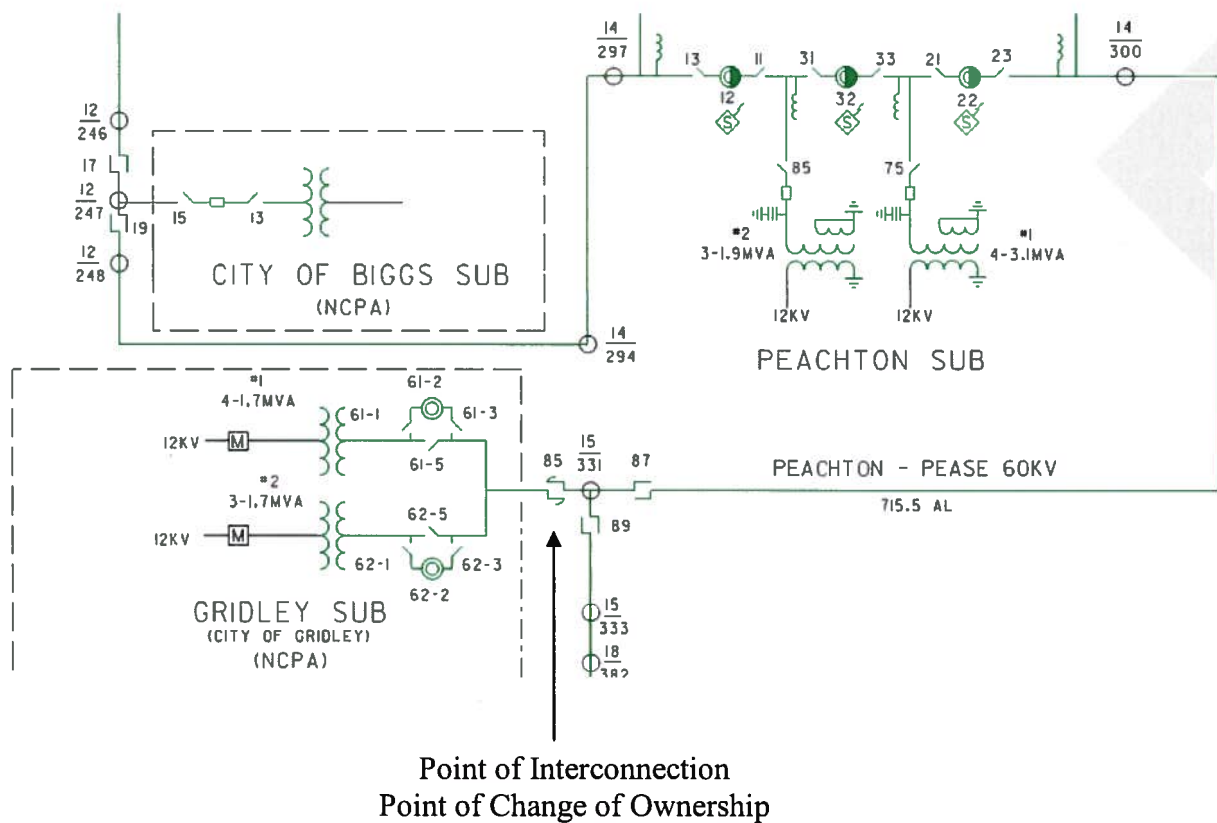
The following is a single-line diagram of the City of Biggs' ("Biggs") Interconnection Facilities at the Point of Interconnection that identifies the owner of such Interconnection Facilities.



FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

CITY OF GRIDLEY

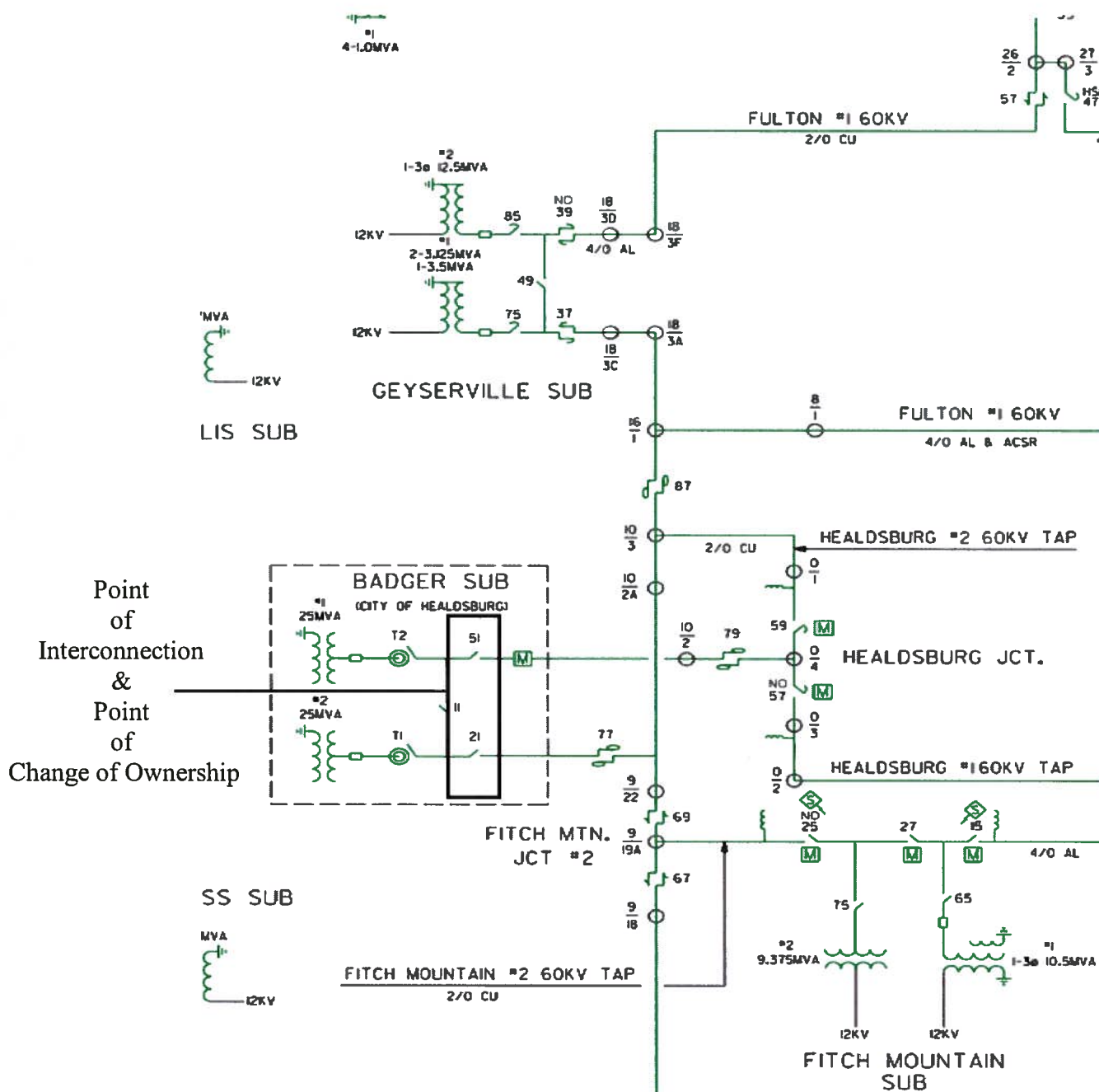
The following is a single-line diagram of the City of Gridley's ("Gridley") Interconnection Facilities at the Point of Interconnection that identifies the owner of such Interconnection Facilities.



FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

CITY OF HEALDSBURG

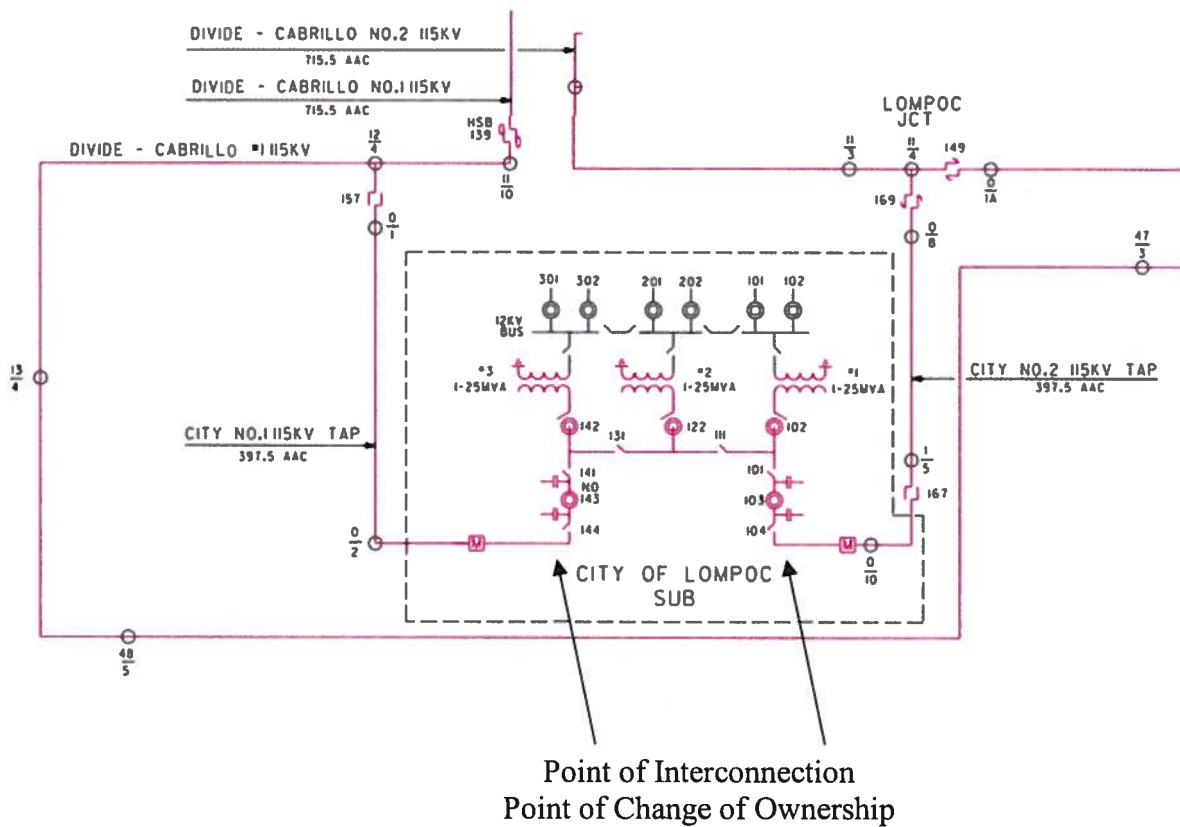
The following is a single-line diagram of the City of Healdsburg's ("Healdsburg") Interconnection Facilities at the Points of Interconnection that identifies the owner of such Interconnection Facilities.



FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

CITY OF LOMPOC

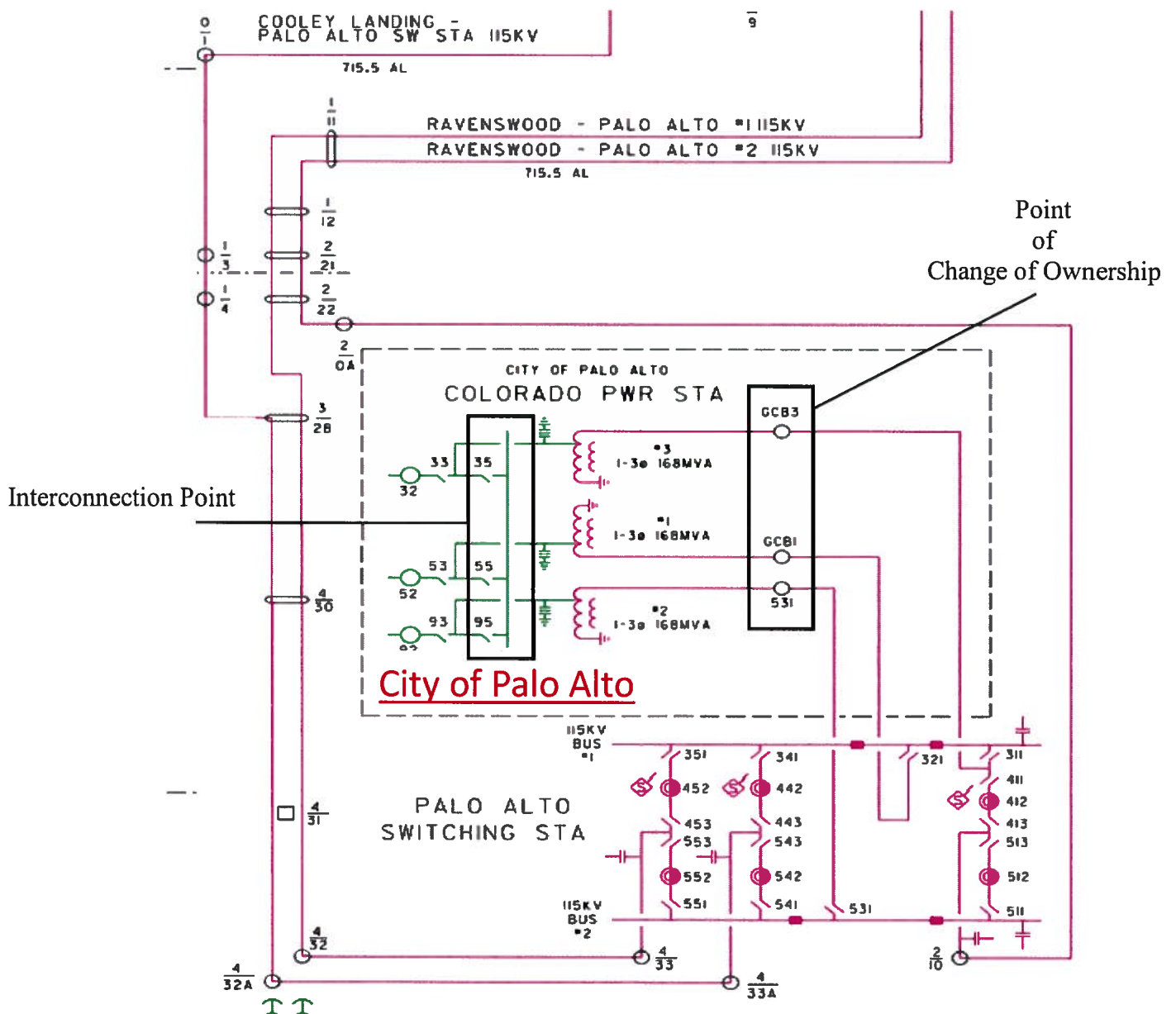
The following is a single-line diagram of the City of Lompoc's ("Lompoc") Interconnection Facilities at the Points of Interconnection that identifies the owner of such Interconnection Facilities.



FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

CITY OF PALO ALTO

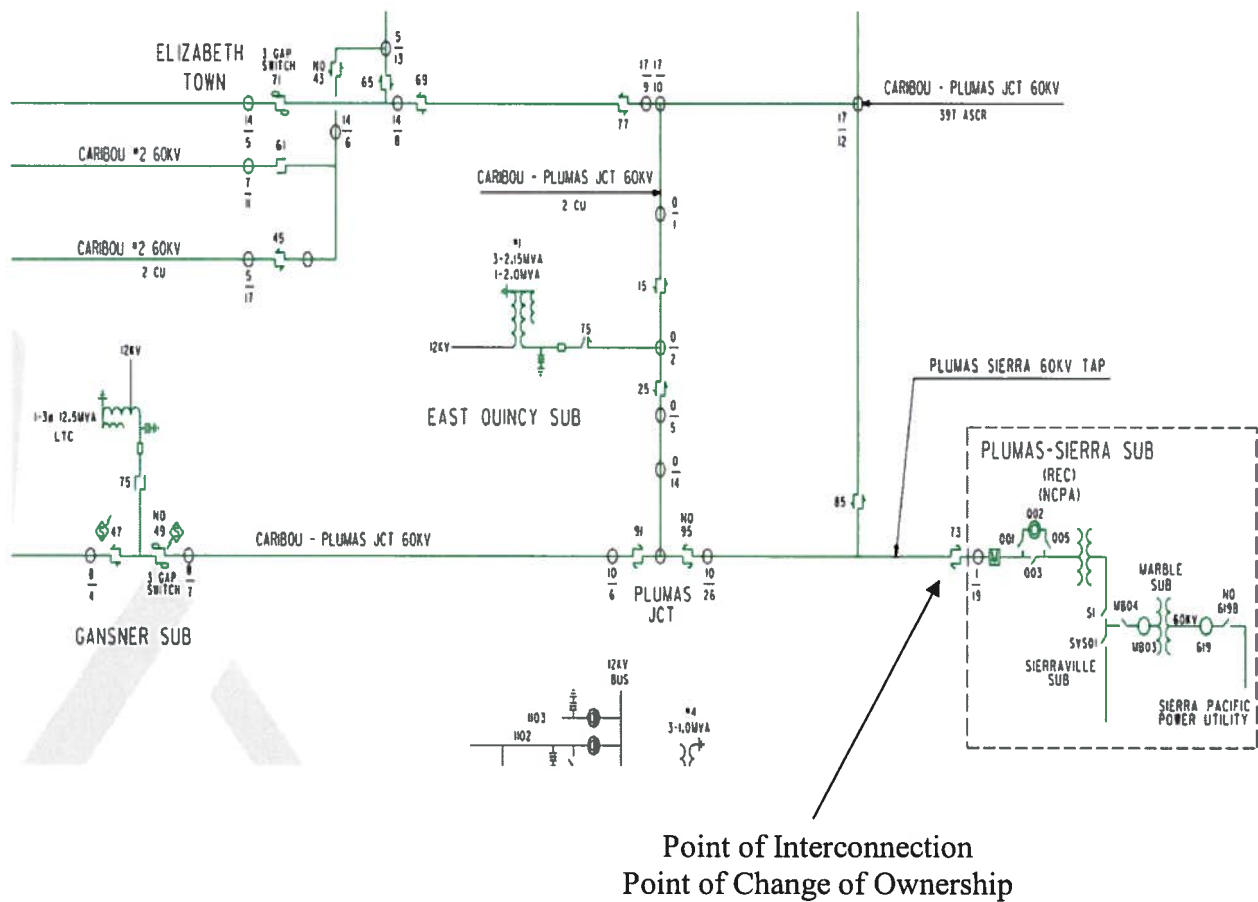
The following is a single-line diagram of the City of Palo Alto's ("Palo Alto") Interconnection Facilities at the Points of Interconnection that identifies the owner of such Interconnection Facilities.



FACILITIES AT POINT OF INTERCONNECTION AND OWNERSHIP SCHEMATIC

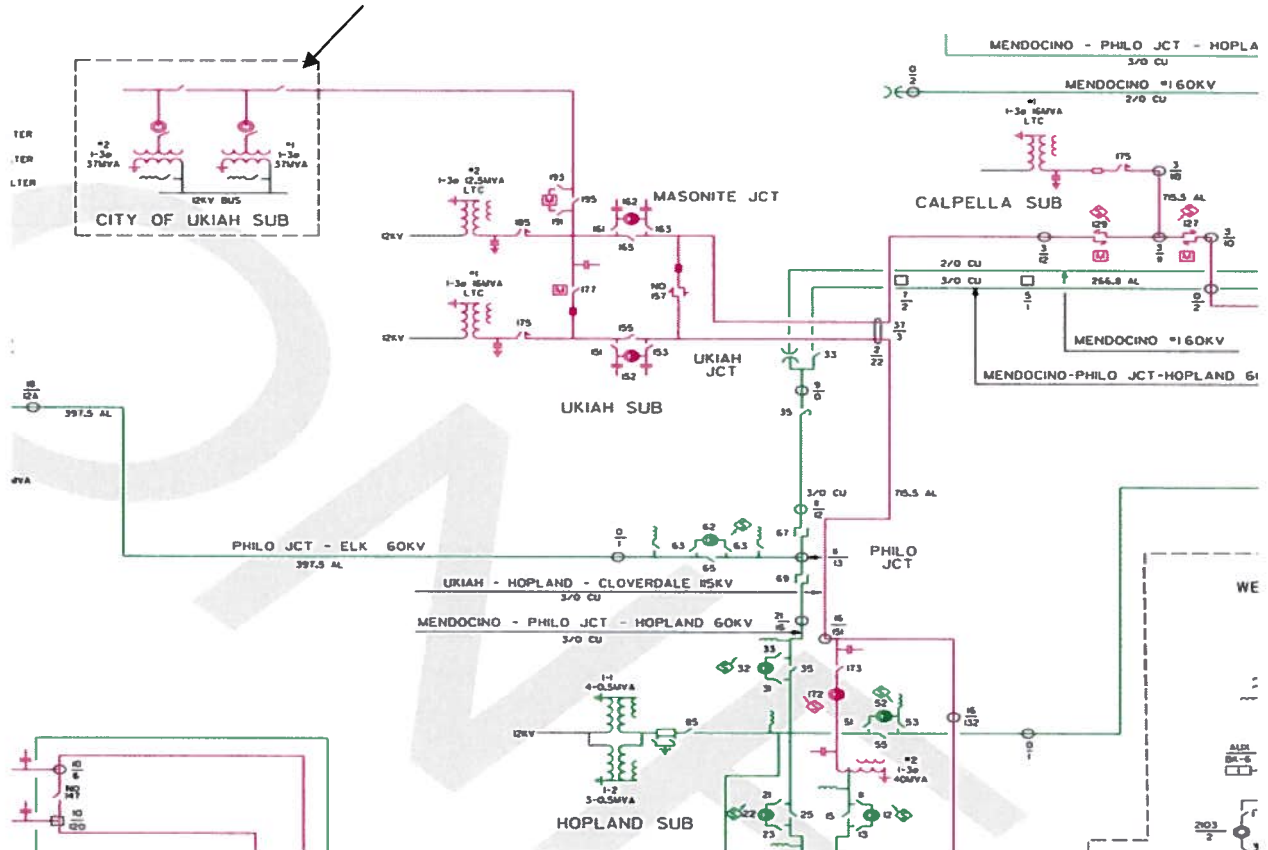
PLUMAS SIERRA RURAL ELECTRIC COOPERATIVE

The following is a single-line diagram of the Plumas Sierra Rural Electric Cooperative's ("Plumas") Interconnection Facilities at the Point of Interconnection that identifies the owner of such Interconnection Facilities.



CITY OF UKIAH

Point of Interconnection
Point of Change of Ownership



APPENDIX B DISPUTE RESOLUTION AND ARBITRATION

B.1 NEGOTIATION AND MEDIATION

As provided in Section 22, the Parties agree to seek settlement of all disputes arising under this Agreement by good faith negotiation before resorting to other methods of dispute resolution. In the event that negotiations have failed, but before initiating arbitration proceedings under this Appendix B, the Parties may by mutual assent decide to seek resolution of a dispute through mediation. If this occurs, the Parties shall meet and confer to establish an appropriate timetable for mediation, to pick a mediator, and to decide on any other terms and conditions that will govern the mediation.

B.2 TECHNICAL ARBITRATION

The Parties agree to seek expedited resolution of arbitrable disputes arising under this Agreement that are technical in nature. Technical disputes may include, without limitation, disputes centered on engineering issues involving technical planning studies, the need for and Cost of Upgrade Facilities, and the Interconnection Capacity of a Point of Interconnection. Such technical issues may be resolved through expert application of established technical knowledge and by reference to Good Utility Practice and industry standards.

The Party initiating arbitration pursuant to Section B.3 below shall indicate in its notice to the other Party whether it regards the dispute to be technical in nature. If the Parties agree that a dispute is technical in nature, then the Parties shall meet and confer to develop an appropriate timetable and process for expedited resolution of the dispute by a neutral expert, or “technical arbitrator”. If the Parties cannot agree that a dispute is technical in nature, or if they cannot agree on a neutral arbitrator, then the Parties may submit the dispute to arbitration under the procedures set forth in Appendix B, Section 3 below.

B.3 ARBITRATION

B.3.1 Notices And Selection Of Arbitrators

In the event that a dispute is subject to arbitration under Section 22, the aggrieved Party or Parties shall initiate arbitration by sending written notice to the other Party or Parties. Such notice shall identify the name and address of an impartial person to act as an arbitrator. If any Party takes the position that the dispute is not arbitrable, any Party may take the dispute to FERC for resolution. Within ten (10) business days after receipt of such notice, the other Party or Parties shall, if they agree that the decision is properly arbitrable, give a similar written notice stating the name and address of the second impartial person to act as an arbitrator. Each Party (or aligned group of Parties) shall then submit to the two named arbitrators a list of the names and addresses of at least three persons for use by the two named arbitrators in the selection of the third arbitrator. If the same name or names appear on both lists, the two named arbitrators shall appoint one of the persons named on both lists as the third arbitrator. If no name appears on both lists, the two named arbitrators shall select a third arbitrator from either list or independently of either list. Each arbitrator selected under these procedures shall be a person experienced in the construction, design, operation or regulation of electric power transmission facilities, as applicable to the issue(s) in dispute. If NCPA and any one or more of the NCPA Members Customers are acting jointly or have aligned positions regarding the subject under arbitration, NCPA and the NCPA Member Customers who are acting jointly/have aligned positions will be treated as a single Party for the purposes of selection of an arbitrator.

B.4 PROCEDURES

Within fifteen (15) business days after the appointment of the third arbitrator, or on such other date to which the parties may agree, the arbitrators shall meet to determine the procedures that are to be followed in conducting the arbitration, including, without limitation, such procedures as may be necessary for the taking of discovery, giving testimony and submission of written arguments and briefs to the arbitrators. Unless otherwise mutually agreed by the parties, the arbitrators shall determine such procedures based upon the purpose of the Parties in conducting an arbitration under Section 22 of the Agreement, specifically, the purpose of utilizing the least burdensome, least expensive and most expeditious dispute resolution procedures consistent with providing each Party with a fair and reasonable opportunity to be

heard. If the arbitrators are unable unanimously to agree to the procedures to be used in the arbitration, the arbitration shall be governed by the Commercial Arbitration Rules of the American Arbitration Association.

B.5 HEARING AND DECISION

After giving the Parties due notice of hearing and a reasonable opportunity to be heard, the arbitrators shall hear the dispute(s) submitted for arbitration and shall render their decision within ninety (90) calendar days after appointment of the third arbitrator or such other date selected upon the mutual agreement of the Parties. The arbitrators' decision shall be made in writing and signed by any two of the three arbitrators. The decision shall be final and binding upon the parties subject to rights to appeal the decision to FERC. Judgment may be entered on the decision in any court of competent jurisdiction upon the application of any Party.

B.6 EXPENSES

Each Party shall bear its own Costs and the Costs and expenses of the arbitrators shall be borne equally by the Parties. If the NCPA Parties are acting jointly regarding the subject under arbitration, the NCPA Parties will be treated as a single Party for the purpose of allocating Costs and expenses of the arbitrators.

APPENDIX C UPGRADE FACILITIES

C.1 UPGRADE FACILITIES

At least 60 calendar days prior to the date on which NCPA or an NCPA Member Customer is to commence payment of any Cost as a result of construction of an Upgrade Facility, PG&E shall determine and provide to NCPA and the NCPA Member Customer, if applicable: (i) an estimate of all Cost, broken down by major activities, which PG&E expects to incur; and (ii) a schedule indicating the approximate dates when PG&E expects to pay such Cost for each major activity included in the estimate. PG&E may revise the payment schedule from time to time as appropriate.

C.1.1 If needed, the Affected Parties will enter into a Transmission Facilities Agreement that shall include an estimate and schedule of Cost and payments , and the applicable NCPA Party shall advance such Cost to PG&E pursuant to such schedule or any revisions to it.

C.1.2 The applicable NCPA Party's total payments to PG&E for work performed under this Appendix C, Section 1 shall be for the actual Cost incurred by PG&E. PG&E shall document to the NCPA Party the actual Cost incurred upon completion, and shall refund any amount overpaid by, or request any additional payment from, the NCPA Party, with interest computed as provided in Appendix D, Section D.6 of this Agreement.

C.1.3 Should an NCPA Party seek a ruling from the Internal Revenue Service that its payments under this subsection should be treated as non-taxable contributions-in-aid-of-construction, PG&E shall cooperate reasonably with the NCPA Party in supporting its filing with the Internal Revenue Service.

C.1.4 The NCPA Party shall have the right pursuant to Section 14 of this Agreement to audit the supporting documents upon which PG&E bases its estimate of the Cost of work and actual work performed to be advanced by the NCPA Party pursuant to the Transmission Facilities Agreement, as well as documents that show the actual Cost incurred by PG&E.

C.2 ASSOCIATED FERC FILINGS

If required by FERC or requested by an NCPA Party, PG&E shall file, or at its election may file, with FERC a Transmission Facilities Agreement to document and seek approval of any Cost charged by PG&E to an NCPA Party associated with any facility Modifications, changes, reinforcements or advances contemplated by this Agreement. A NCPA Party shall support this filing by an appropriate submittal to FERC stating its agreement with the charges; provided, that if the Parties are unable to agree on the need or design for an Upgrade Facility or the Cost of an Upgrade Facility or the amount thereof an NCPA Party shall be responsible for, the NCPA Parties may oppose such PG&E filing.

C.3 LIMITATIONS ON RESPONSIBILITY FOR UPGRADE COSTS

C.3.1 No Double Collection

PG&E may not charge an NCPA Party for any Costs associated with Upgrade Facilities that have already been or will be collected through rates paid by PG&E retail or wholesale customers or from a Third Party; provided, that this Section shall not preclude PG&E charging an NCPA Party where refunds are made to those who originally paid for such Costs.

APPENDIX D BILLING AND PAYMENT

The NCPA Parties shall pay PG&E Costs owed pursuant to this Agreement at:

Pacific Gas and Electric Company
Payment Processing Center
Research Unit / B5A
P.O. Box 770000
San Francisco, CA 94177

PG&E may change the place where payment is made by giving the NCPA Parties notice thereof as provided in Section 31.

PG&E shall pay NCPA or an NCPA Member Customer Costs owed pursuant to this Agreement at a place to be named by NCPA or an NCPA Member Customer.

D.1 PG&E shall prepare and submit bills to an NCPA Party on or after the first business day of each calendar month. The payment of any bill shall be due and must be received by PG&E not later than the 30th calendar day following the day on which NCPA receives the bill. Such date shall be referred to as the "Payment Due Date". If the Payment Due Date falls on a Saturday, Sunday or legal holiday, then payment shall be due the next business day. Such date shall be referred to as the Payment Due Date. A bill shall be deemed delivered on the third business day after the postmarked date unless a copy of the bill is sent by electronic facsimile, in which case it shall be deemed delivered on the same day.

D.2 If charges under this Agreement cannot be determined accurately for preparing a bill, PG&E may use its best estimates in preparing the bill and such estimated bill shall be paid by the NCPA Parties. Any estimated charges shall be labeled as such and PG&E shall, upon request, document the basis for the estimate used. Estimated bills shall be prepared and paid in the same manner as other bills under this Agreement.

D.3 If an NCPA Party disputes all or any portion of a bill submitted to it by PG&E, it nevertheless shall, not later than the Payment Due Date of that bill, pay the bill in full. A dispute between a Party and any Third Party shall not be a proper basis for withholding payment. Payments to PG&E of the NCPA Party's obligations arising under this Agreement are not subject

to any reduction, whether by offset, payments into escrow, or otherwise, except for routine adjustments or corrections as may be agreed to by the Parties or as expressly provided in this Agreement.

D.4 When final and complete billing information becomes available and a charge is determined accurately or billing errors are identified and corrected, PG&E shall promptly prepare and submit an adjusted bill to an NCPA Party, and any additional payments by an NCPA Party shall be made in accordance with the provisions of this Appendix D. Refunds by PG&E shall be paid to the affected NCPA Party not later than thirty (30) calendar days after the date of the adjusted bill. All adjustments or corrections of bills under this Agreement shall be subject to the interest provisions of Appendix D, Sections 5 and 6.

D.5 Interest on an additional payment shall accrue from the Payment Due Date of the applicable bill and interest on a refund shall accrue from the date payment of the applicable bill was received by PG&E.

D.6 Any amount due under this Agreement which is not timely paid shall accrue interest from the date prescribed in Appendix D, Section 5 until the date payment is made. The interest amount shall be determined using the interest rate applicable to any amount due during a given month and shall be calculated using the methodology for refunds pursuant to Section 35.19(a) of FERC's Regulations, 18 C.F.R § 35.19(a). This interest rate shall not exceed the maximum interest rate permitted under California law. Interest shall be calculated for the period that the payment is overdue or the period during which the refund is accruing interest.

D.7 As provided in Appendix D, Section 3, if any portion of a bill is disputed, the disputing Party shall pay the full amount, without offset or reduction, by the Payment Due Date, however, a Party can challenge the accuracy of a bill even if no dispute was identified prior to the Party's payment of the bill and such right to dispute a bill shall extend to the end of the statutory period of limitations. In addition, the disputing Party shall, on or before the Payment Due Date, notify PG&E, in writing, of the amount in dispute and the specific basis for the dispute. The Parties shall endeavor to resolve any billing dispute within thirty (30) calendar days of PG&E's receipt of the disputing Party's notice of a dispute (or such extended period as the

Parties may establish). If the Parties cannot agree, any Party may initiate dispute resolution pursuant to Section 22.

D.8 If, after a disputing Party has paid the full amount of a disputed bill directly to PG&E, the results of dispute resolution pursuant to Section 22 include a determination that the amount due was different than the amount paid by the disputing Party, a refund by PG&E to the disputing Party shall include interest for the period from the date the disputing Party's overpayment was received by PG&E to the date the refund is paid to the disputing Party. Likewise, an additional payment by the disputing Party to PG&E shall include interest for the period from the original Payment Due Date to the date the disputing Party's additional payment is received by PG&E. Interest paid pursuant to this Appendix D, Section 8 shall be at the rate determined pursuant to Appendix D, Section 6.

D.9 A Party's failure to make any payment on or before the applicable Payment Due Date shall constitute a material breach of this Agreement if that failure is not corrected within seven (7) business days after the other Party delivers written notice to non-paying Party. In such event, the Party not receiving payment shall be entitled to pursue any legal, equitable and regulatory rights and remedies it may have under this Agreement or otherwise.

APPENDIX E OPERATIONAL COORDINATION

The Parties will perform operational coordination obligations and responsibilities, which consist of but are not limited to the following:

E.1 Maintenance Coordination

The Parties shall coordinate, in conformance with their obligations to the Balancing Authority on an annual basis, any planned maintenance outages of transmission facilities of their respective Electric Systems that may reasonably be expected to have a material impact on another Party's Electric System.

E.2 Underfrequency Load Shedding (UFLS)

Each year after the Planning Coordinator allocates automatic underfrequency load shedding ("UFLS") obligations pursuant to Applicable Requirements, PG&E and each NCPA Member Customer shall coordinate UFLS participation for the twelve (12) month period beginning the following July 1 of that year.

PG&E and each NCPA Member Customer with NCPA's assistance shall coordinate to determine each NCPA Member Customers' total amount of UFLS responsibility, if any, for that twelve month period ("NCPA Member Customer UFLS Share"). Each NCPA Member Customer's NCPA Member Customer UFLS Share shall be calculated by multiplying the NCPA Member Customer's proportionate share (represented as a percentage) of the total historical coincident peak electric load in the PG&E service area, for the prior twelve (12) month period as of the date and time specified by the Planning Coordinator, by the total amount of UFLS requirement allocated by the Planning Coordinator to PG&E, acting as the Transmission Operator. Within thirty days after the Planning Coordinator allocates UFLS obligations, PG&E and each NCPA Member Customer shall coordinate to determine how each NCPA Member Customer shall provide UFLS to meet its NCPA Member Customer UFLS Share requirement. Each NCPA Member Customer shall be responsible for ensuring that it has implemented any necessary changes to its underfrequency relay or other relay equipment as necessary to ensure that it is enabled to provide its NCPA Member Customer UFLS Share by July 1 of each calendar

year, pursuant to Applicable Requirements. Each NCPA Member Customer shall be responsible for ensuring that it maintains equipment necessary for the purpose of UFLS, in conformance with Applicable Requirements.

If a NCPA Member Customer fails to meet any requirement of this Section E.2, PG&E reserves the right to take any measure necessary to satisfy the NCPA Member Customer's NCPA Member Customer UFLS Share, including but not limited to, implementing automatic load shedding to shed or interrupt some or all load of the NCPA Member Customer.

If at any time PG&E does not require any (one or more) NCPA Member Customer to meet its NCPA Member Customer UFLS Share requirement, this shall not waive or excuse any NCPA Member Customer's obligation to satisfy its NCPA Member Customer UFLS Share requirement in that year or at any future date. And any action PG&E takes to satisfy any NCPA Member Customer's NCPA Member Customer UFLS Share at any time shall not create a precedent or obligation that PG&E must take the same or a similar measure in the future.

Notwithstanding any provision of this Interconnection Agreement, including Section 26, if a NCPA Member Customer fails to meet any requirements of this Section E.2, and if PG&E is assessed any financial penalties by the CAISO, WECC, NERC, FERC, or any other applicable authority as a result of such failure to meet Applicable Requirements, the applicable NCPA Member Customer shall be responsible for compensating PG&E for the share of the financial penalties directly attributable to the NCPA Member Customer's failure under this Section E.2.

E.3 Manual Load Shedding

The Parties shall maintain equipment for the purpose of manual load shedding programs in coordination with Applicable Requirements and the Balancing Authority as system conditions warrant.

E.4 Load Restoration

The Parties shall, in conformance with Applicable Requirements and their obligations to the Balancing Authority, coordinate the restoration of load following a system disturbance, and agree to do so in coordination with the Balancing Authority when required.

E.5 Reactive Power

As between PG&E and each NCPA Member Customer, both Parties shall maintain reactive power flow on each of their Electric Systems so that the sum of the reactive flows at the transmission Point(s) of Interconnection between PG&E and that NCPA Member Customer is within the power factor band of 0.97 lag and 0.99 lead. Both Parties will normally operate their respective systems to minimize kVar exchange between them. Operating conditions may require larger than normal kVar exchange between both Parties, and any such exchange will be done in accordance with Good Utility Practice and Applicable Requirements.

RESOLUTION 2015-**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH FOR THE
APPROVAL OF PG&E INTERCONNECTION AGREEMENT**

WHEREAS, Northern California Power Agency ("NCPA"), Pacific Gas and Electric Company ("PG&E"), and the NCPA Member Customers¹ are parties to Service Agreement No. 17 under the PG&E FERC Electric Tariff Volume No. 5 (the "Interconnection Agreement"); and

WHEREAS, the Interconnection Agreement contains the terms and conditions under which the parties coordinate operations of the electrical interconnections between their respective electric systems; and

WHEREAS, the Interconnection Agreement contains provisions that cover the City of Ukiah's load Points of Interconnection with the PG&E transmission system (as a NCPA Member Customer); and

WHEREAS, the Interconnection Agreement became effective on September 1, 2002, and is set to expire on October 31, 2015; and

WHEREAS, due to the impending expiration of the Interconnection Agreement, NCPA, PG&E, CAISO and NCPA Member Customer staff have worked to develop a new interconnection agreement to replace the existing Interconnection Agreement; and

WHEREAS, as a result of this effort a new Interconnection Agreement between PG&E, NCPA and the NCPA Member Customers (the "New Interconnection Agreement") has been developed ("SGIA"); and

WHEREAS, the New Interconnection Agreement and attached appendices contain the terms and conditions under which each of the NCPA Member Customer Points of Interconnection will be operated in coordination with PG&E; and

WHEREAS, while all of the Points of Interconnection covered under the New Interconnection Agreement are owned and operated by the NCPA Member Customers, NCPA nonetheless is a signatory to the New Interconnection Agreement due to its role as the NCPA Member Customers' portfolio manager, and in such role NCPA shall provide support services to the NCPA Member Customers, including, but not limited to, assisting NCPA Member Customers in performing impact studies and resolving disputes with PG&E; and

WHEREAS, the New Interconnection Agreement will become effective on November 1, 2015, and will have a term of ten (10) years; and

WHEREAS, by executing the New Interconnection Agreement, the City of Ukiah will not incur any immediate or direct costs as a result; and

WHEREAS, this activity would not result in a direct or reasonably foreseeable indirect change in the physical environment and is therefore not a "project" for purposes of Section 21065 of the California Environmental Quality Act.

NOW, THEREFORE BE IT RESOLVED, that the City Council adopts and approves the New Interconnection Agreement, and provides authority to the City Manager to execute the New Interconnection Agreement, on behalf of the City of Ukiah.

¹ The NCPA Member Customers are the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Ukiah, and Plumas Sierra Rural Electric Cooperative.

PASSED AND ADOPTED on September 2, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk



ITEM NO.: 13d

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: ADOPTION OF RESOLUTION URGING THE STATE TO PROVIDE NEW SUSTAINABLE FUNDING FOR STATE AND LOCAL TRANSPORTATION INFRASTRUCTURE

Summary: The City Council is considering adopting a resolution urging the State to provide new sustainable funding for state and local transportation infrastructure.

Background: The Mendocino Council of Governments (MCOG) has funded regular updates to the City of Ukiah Pavement Management System. The most recent update concludes that the City's average pavement condition index is 41 which indicates that the City street network is in a "poor pavement condition category." Department of Public Works staff have been working to identify possibilities for funding for street repair projects.

Discussion: Governor Brown has called an extraordinary session of the State Legislature to address the immense underfunding of California's transportation infrastructure. The League of California Cities requested the City of Ukiah to weigh in on the proposed funding and a coalition fact sheet is included as *Attachment 2*. At the MCOG Technical Advisory Committee meeting on August 19, 2015, Phil Dow presented a Transportation Funding Update report, *Attachment 3*. Included in Mr. Dow's report is a letter to Governor Brown, signed by 32 associations and contractors, supporting increased transportation funding. With the proposed funding distribution, the City of Ukiah is estimated to receive \$740,492 per year (*Attachment 4*). The attached resolution (*Attachment 1*), if adopted, would indicate the City's support for statewide sustainable transportation funding.

FISCAL IMPACT:				
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required	Previous Contract or Purchase Order No.
N/A	N/A	N/A	Yes ☐ No ☐	N/A

RECOMMENDED ACTION(S): Adopt resolution urging the State to provide new sustainable funding for state and local transportation infrastructure.

ALTERNATIVES: Do not adopt resolution and provide direction to staff.

Citizens advised: Phil Dow, Mendocino Council of Governments
Requested by: Tim Eriksen, Director of Public Works / City Engineer
Prepared by: Rick Seanor, Deputy Director of Public Works
Coordinated with: Sage Sangiacomo, City Manager
Presenters: Tim Eriksen, Director of Public Works / City Engineer
Attachments: 1. Resolution for Adoption
2. Fix our Roads Coalition Fact Sheet
3. MCOG Transportation Funding Update
4. Estimated funding for Ukiah

COUNCIL ACTION DATE: _____ : ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted.

Approved: 
Sage Sangiacomo, City Manager

RESOLUTION NO. 2015-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH URGING THE STATE TO PROVIDE NEW SUSTAINABLE FUNDING FOR STATE AND LOCAL TRANSPORTATION INFRASTRUCTURE

WHEREAS, Governor Edmund G. Brown, Jr. has called an extraordinary session to address the immense underfunding of California's transportation infrastructure; and

WHEREAS, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

WHEREAS, the City of Ukiah has participated in efforts with the California State Association of Counties, League of California Cities, and California's Regional Transportation Planning Agencies including the Mendocino Council of Governments to study unmet funding needs for local roads and bridges, including sidewalks and other essential components; and

WHEREAS, the resulting 2014 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating as predicted in the initial 2008 study; and

WHEREAS, the results show that California's local streets and roads are on a path of significant decline. On a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 66, placing it in the "at risk" category where pavements will begin to deteriorate much more rapidly and require rehabilitation or rebuilding rather than more cost-effective preventative maintenance if funding is not increased; and

WHEREAS, the results show that the City of Ukiah's local streets have a statewide average pavement index of 41, placing them in the "poor pavement condition" category; and

WHEREAS, if funding remains at the current levels, in 10 years, 25 percent of local streets and roads in California will be in "failed" condition; and

WHEREAS, cities and counties need an additional \$1.7 billion just to maintain a status quo pavement condition of 66, and much more revenue to operate the system with Best Management Practices, which would reduce the total amount of funding needed for maintenance in the future; and

WHEREAS, models show that an additional \$3 billion annual investment in the local streets and roads system is expected to improve pavement conditions statewide from an average "at risk" condition to an average "good" condition; and

WHEREAS, if additional funding isn't secured now, it will cost taxpayers twice as much to fix the local system in the future, as failure to act this year will increase unmet funding needs for local transportation facilities by \$11 billion in five years and \$21 billion in ten years; and

WHEREAS, modernizing the local street and road system provides well-paying construction jobs and boosts local economies; and

WHEREAS, the local street and road system is also critical for farm to market needs, interconnectivity, multimodal needs, and commerce; and

WHEREAS, police, fire, and emergency medical services all need safe reliable roads to react quickly to emergency calls and a few minutes of delay can be a matter of life and death; and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduced vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, restoring roads before they fail also reduces construction time which results in less air pollution from heavy equipment and less water pollution from site run-off; and

WHEREAS, in addition to the local system, the state highway system needs an additional \$5.7 billion annually to address the state's deferred maintenance; and

WHEREAS, in order to bring the local system back into a cost-effective condition, at least \$7.3 billion annually in new money going directly to cities and counties.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF UKIAH strongly urges the Governor and Legislature to identify a sufficient and stable funding source for local street and road and state highway maintenance and rehabilitation to ensure the safe and efficient mobility of the traveling public and the economic vitality of California.

RESOLVED FURTHER, that the **CITY OF UKIAH** strongly urges the Governor and Legislature to adopt the following priorities for funding California's streets and roads.

1. **Make a significant investment in transportation infrastructure.** Any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.
2. **Focus on maintaining and rehabilitating the current system.** Repairing California's streets and highways involves much more than fixing potholes. It

requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate the construction of auxiliary lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards. Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.

3. **Equal split between state and local projects.** We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties, given the equally-pressing funding needs of both systems, as well as the longstanding historical precedent for collecting transportation user fees through a centralized system and sharing the revenues across the entire network through direct subventions. Ensuring that funding to local governments is provided directly, without intermediaries, will accelerate project delivery and ensure maximum accountability.
4. **Raise revenues across a broad range of options.** Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options, including fuel taxes, license fees, and registration fees, rather than just one source. Additionally, any package should move California toward an all-users pay structure, in which everyone who benefits from the system contributes to maintaining it – from traditional gasoline-fueled vehicles, to new hybrids or electric vehicles, to commercial vehicles.
5. **Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.** While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.
6. **Strong accountability requirements to protect the taxpayers' investment.** Voters and taxpayers must be assured that all transportation revenues are spent responsibly. Local governments are accustomed to employing transparent processes for selecting road maintenance projects aided by pavement management systems, as well as reporting on the expenditure of transportation funds through the State Controller's Local Streets and Roads Annual Report.

7. **Provide Consistent Annual Funding Levels.** Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels – a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer term planning.

PASSED AND ADOPTED this 2nd day of September 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

Problem: California lacks adequate funding to fix crumbling roads, highways, bridges and transportation infrastructure.



California's network of roads and highways are critical to our quality of life and economy. Yet the condition of our deteriorating network of roads is staggering:

- Our crumbling roads cost motorists nearly \$600 a year per driver for vehicle maintenance.
- California has the second highest share of roads in "poor condition" in the nation.
- 58% of state roads need rehabilitation or pavement maintenance.
- California has 6 of 10 cities with the worst road conditions in the nation.
- 55% of local bridges require rehabilitation or replacement.
- Nearly 70% of California's urban roads and highways are congested.
- Without additional funding, 1/4 of local streets and roads will be in failed condition by 2024.

Our state lacks adequate funding to address these critical deficiencies:

- Local streets and roads face an estimated shortfall of \$78 billion in deferred maintenance and an annual shortfall of \$7.8 billion.
- CalTrans faces a \$59 billion backlog in deferred maintenance and an annual shortfall in the State Highway Operation and Protection Program (SHOPP) of \$5.7 billion.

Solution: A responsible, accountable solution to fix our roads.

A broad coalition of cities, counties, labor, business, public safety and transportation advocates has formed to meet the Governor's call to address California's chronic transportation infrastructure funding shortfall. During the 2015 special session on transportation, we support the following priorities:

1. Make a significant investment in transportation infrastructure.

If we are to make a meaningful dent that demonstrates tangible benefits to taxpayers and drivers, any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.

2. Focus on maintaining and rehabilitating the current system.

Repairing California's streets and highways involves much more than fixing potholes. It requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate, among other things, the construction of auxiliary lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards.

Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.

3. Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.

While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.

4. Raise revenues across a broad range of options.

Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options rather than just one source. Additionally, any package should move California toward an all-users pay structure in which everyone who benefits from the system contributes to maintaining it - from traditional gasoline-fueled vehicles, to hybrids, alternative fuel and or electric vehicles, to commercial vehicles. Our coalition supports:

- Reasonable increases in:
 - Gasoline and diesel excise taxes.
 - Vehicle registration and vehicle license fees.
- Dedicating a portion of the cap and trade revenue paid by motorists at the pump to transportation projects that reduce greenhouse emissions.
- Ensuring existing transportation revenues are invested in transportation-related purposes (i.e. truck weight fees and fuel taxes for off-road vehicles that are currently being diverted into the general fund).
- User charge for electric and other non-fossil fuel powered vehicles that currently do not contribute to road upkeep.

5. Equal split between state and local projects.

We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties. Funding to local governments should be provided directly (no intermediaries) to accelerate projects and ensure maximum accountability.

6. Strong accountability requirements to protect the taxpayers' investment.

Voters and taxpayers must be assured that all transportation revenues are spent responsibly.

Authorizing legislation should:

- Constitutionally protect transportation revenues for transportation infrastructure only. Time and again (Prop 42, 2002; Prop 1A, 2006; Prop 22, 2010), voters have overwhelmingly supported dedicating and constitutionally protecting transportation dollars for those purposes. We strongly support protections that prohibit using transportation dollars for other purposes.
- Repay existing transportation loans and end ongoing diversions of transportation revenues, including approximately \$850 million in loans to the general fund and the annual loss of approximately \$140 million in off-highway vehicle fuel taxes.
- Establish performance and accountability criteria to ensure efficient and effective use of all funding. All tax dollars should be spent properly, and recipients of new revenues should be held accountable to the taxpayers, whether at the state or local level. Counties and cities should adopt project lists at public hearings and report annually to the State Controller's Office regarding all transportation revenues and expenditures. Local governments should also commit to ensuring any new revenues supplement revenues currently invested in transportation projects. Both Caltrans and local governments can demonstrate and publicize the benefits associated with new transportation investments.
- Caltrans reform and oversight. To increase Caltrans effectiveness, provide stronger oversight by the state transportation commission of the programs funded by new revenues and establish an Inspector General office to provide accountability. Reduce Caltrans administrative budgets through efficiency reviews with all savings to be spent on road improvements.
- Expedite project delivery. More should be done to streamline project delivery, including but not limited to:
 - Establishing timelines for actions required by state agencies and eliminating other permit delays.
 - Increased implementation of alternative delivery systems that encourage more investment from the private sector.
 - Reforms to speed project completion.

7. Provide Consistent Annual Funding Levels.

Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels -- a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer term planning. While this change would not provide any new revenue to transportation, it would provide greater certainty for planning and project delivery purposes.



MENDOCINO COUNCIL OF GOVERNMENTS
Technical Advisory Committee (TAC)
STAFF REPORT

TITLE: Transportation Funding Update**DATE PREPARED:** 08/13/15**SUBMITTED BY:** Phil Dow, Executive Director**TAC MEETING DATE:** 08/19/15

BACKGROUND:

Under a separate agenda item, Nephele explained that at this point, there is nothing expected for new projects in the 2016 STIP cycle and that we will very likely be forced to move existing projects to outer years due to the current shortfall of revenues.

Meanwhile Congress again extended MAP-21 on a short-term basis to keep existing programs and projects funded. They have yet to address long term extension (and the revenues needed to support it) or a replacement for MAP-21. Without congressional action, we can expect no funding to support new projects to be added to the 2016 Regional Transportation Improvement Program (RTIP).

There is good news to report on the California legislature side. A Special Session has been called to address local and State transportation maintenance and rehabilitation needs. Senate Bill 16, earlier this year introduced by Senator Beall has emerged as SBX1-1 which includes higher revenues. After "off the top" set asides for goods movement projects and a self-help incentive, 50% of the funding will go the State Highway operations and Protection Program (SHOPP) and 50% will go to cities and counties. It is expected that distribution to counties will be as per Proposition 1B (based on vehicle registration and road miles) and to cities by population (I had earlier made comments that a minimum threshold should apply to the population formula similar to Proposition 1B).

It appears there is no major opposition to proposals before the Legislature to provide meaningful funding for maintenance and rehabilitation. This would be very good news for local agencies, since HUTA revenues have fallen rapidly under existing conditions.

I am attaching the following:

- Copy of the letter signed by the "Fix Our Roads" Coalition to the Governor and Legislative leaders identifying priorities to be considered in development of legislation to deal with maintenance and rehabilitation.
- Copy of "Policy Brief" prepared by CalCOG that compares SB 16 with new SBX – 1 and identifies other Assembly and Senate transportation-related bills that may be considered in Special Session.

ACTION REQUIRED: This item is informational only.

ALTERNATIVES: None identified.

RECOMMENDATION: None.



POLICY BRIEF

TRANSPORTATION FUNDING UPDATE: EXTRAORDINARY SESSION

California Association of Councils of Governments

July 21, 2015

I. SB 16 and SBX1-1 (Beall) Transportation Funding

Senator Beall introduced SB 16 earlier this year. CALCOG took a “support” position on the version in print on April 15. Then, SB 16 was re-introduced in the Extraordinary Session as SB 1X-1. Significant new amendments went into print on July 14. See below.

SB 16—SB X1-1 COMPARISON TABLE		
Key Element	SB 16 (June 1)	SBX1-1 (July 14)
Effective Term	5 years	Unlimited
Revenue	\$3.4 to \$3.9 Billion/Yr.	\$4.3 to \$4.6 Billion/Yr.
Sources	• 10¢/gal. tax increase on gasoline • 12¢/gal increase on diesel fuel • \$35 vehicle registration fee • \$100 zero emission vehicle fee • Loan repayments over 3 years • .65% vehicle license fee increase	• 12¢/gal. tax increase on gasoline • 22¢/gal. Increase on diesel fuel • \$35 vehicle registration fee • \$100 zero emission vehicle fee • Loan repayments over 3 years • \$35 road access fee
Truck Weight Fees	Transferred and backfilled with VLF	Not affected
Goods Movement (TCIF)	2¢/gal. on diesel to TCIF (approx. \$50 million/yr.)	12¢/gal. on diesel to TCIF (approx. \$300 million/yr.)
Self Help Incentive	5% off-the top allocation	5% of the top allocation-ongoing
Distribution of Remainder	• 50% to SHOPP • 50% to Local Streets & Roads	• 50% to SHOPP • 50% to Local Streets & Roads
Inflation Adjustment (CPI)	N/A	Excise tax adjusted every three years beginning 2019
Local Streets and Road Fund Flexibility	N/A	“Other transportation priorities” allowed if PMI exceeds 85
STIP	N/A	• Excise tax reset to 17.3 ¢/gal. • CPI applies to all excise tax
Active Transportation Eligibility	N/A	Pedestrian and bike safety in conjunction with other projects
Caltrans Accountability	CTC allocation required for SHOPP; Department plan to improve efficiency by 30%	CTC allocation required for SHOPP; Department plan to improve efficiency by 30%
Local Street and Roads Accountability	CTC estimates fund amount, develop performance criteria	CTC develops performance criteria



II. Other Key Bills In the First Extraordinary Session

Assembly Bills:

- **AB X1-1 (Alejo). Weight fees.** Returns weight fees to the State Highway Fund; repays outstanding transportation loans over three years
- **AB X1-2 (Perea) Public Private Partnerships.** Extends P3 authority indefinitely; includes Santa Clara VTA in definition of regional agency.
- **AB X1-3 and ABX1-4 (Frazier, Atkins) Spot language.** Spot bills to establish permanent, sustainable sources of funding for highways, local roads, bridges, etc.
- **AB X1-6 (Hernandez) AHSC program.** Creates a 20% rural set aside in AHSC Program.
- **AB X1-7 (Nazarian). Public transit funding.** Doubles cap and trade appropriation for Transit and Intercity Rail Program (to 20%) and Local Carbon Transit Program (to 10%).
- **AB X1-8 (Chiu & Bloom) Diesel sales tax.** Increases sales and use tax on diesel from 1.75% to 5.25%. These revenues are appropriated by formula to public transit agencies.

Senate Bills:

- **SB X1-1 (Beall) Transportation Funding.** See previous page.
- **SB X1-2 (Huff) GHG reduction fund.** Dedicates cap and trade taxes paid from gasoline production to improving infrastructure, including streets and roads.
- **SB X1-3 (Vidak) HSR Bonds.** Amends HSR bond funding initiative (and requires a general vote) to redirect HSR Bond funds to repair or construct highways and local streets and roads.
- **SB X1-6 (Runner) GHG reduction fund; transportation.** Prohibits use of cap and trade proceeds on HSR and redirects funds to highways, local street and roads, and public transit.
- **SB X1-7 (Allen) Diesel sales tax.** Increases sales and use tax on diesel from 1.75% to 5.25%. These revenues are appropriated by formula to public transit agencies.
- **SB X1-8 (Hill) Public transit funding.** Doubles cap and trade appropriation for Transit and Intercity Rail Program (to 20%) and Local Carbon Transit Program (to 10%).
- **SB X1 9 (Moorlach) Department of Transportation.** Prohibits Caltrans from using temporary funding (e.g., bonds) to support permanent positions; encourages contracting.
- **SB X1 10 (Bates) Regional Capital Improvements.** Converts STIP to block grants based on county shares; eliminates CTC retains some oversight, but programming role discontinued
- **SB X1 11 (Berryhill) CEQA exemption, road improvements.** Exempts road repair and maintenance on existing rights of way from CEQA, including for areas over 100,000.
- **SB X1-12 (Runner) Transportation Commission.** Makes the CTC independent and authorizes CTC to approve the Department's individual repair and maintenance projects.
- **SB X1-13 (Vidak) Inspector General.** Creates an Inspector to assure that Caltrans and HSRA operates efficiently, effectively, and in compliance with federal and state laws.
- **SB X1 14 (Canella) Public Private Partnerships.** Eliminates the sunset provision that allowed RTPAs and Caltrans to enter into PPPs.

Senate Constitutional Amendments:

- **SCA X1-1 (Huff).** Guarantees that transportation taxes are used for transportation purposes.



July 30, 2015



Governor Jerry Brown
Senate President pro Tempore Kevin de León
Assembly Speaker Toni G. Atkins
Senate Minority Leader Bob Huff
Assembly Minority Leader Kristin Olsen



Re: Coalition Framework to Increase Funding for Transportation in Special Session



Dear Governor Brown and California Legislative Leaders:

Our organizations representing local government, business, labor and transportation advocates believe it is imperative that a legislative solution be reached during the special session that results in a robust and meaningful dent in California's transportation funding shortfall. It is a critical issue that cannot wait to be addressed. Our roads continue to deteriorate as inadequate funding to deal with deficiencies creates safety hazards, costs motorists money and leaves Californians stuck in gridlock.



Our broad coalition has come together in support of the following priorities and funding sources inextricably linked with accountability and reform measures, which we believe should be the basis for legislation addressing this critical issue for California. We urge you to support these priorities as you debate policies and funding sources for California's streets and roads.



1. Make a significant investment in transportation infrastructure.

If we are to make a meaningful dent that demonstrates tangible benefits to taxpayers and drivers, any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.



2. Focus on maintaining and rehabilitating the current system.

Repairing California's streets and highways involves much more than fixing potholes. It requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate, among other things, the construction of auxiliary



(More)



lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards.

Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.



3. Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.

While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.



4. Raise revenues across a broad range of options.

Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options rather than just one source. Additionally, any package should move California toward an all-users pay structure in which everyone who benefits from the system contributes to maintaining it - from traditional gasoline-fueled vehicles, to hybrids, alternative fuel and electric vehicles, to commercial vehicles. Our coalition supports:

- Reasonable increases in:
 - Gasoline and diesel excise taxes.
 - Vehicle registration and vehicle license fees.
- Dedicating a portion of the cap and trade revenue paid by motorists at the pump to transportation projects that reduce greenhouse emissions.
- Ensuring existing transportation revenues are invested in transportation-related purposes (i.e. truck weight fees and fuel taxes for off-road vehicles that are currently being diverted into the general fund).
- User charge for electric and other non-fossil fuel powered vehicles that currently do not contribute to road upkeep.

5. Equal split between state and local projects.

We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties. Funding to local governments should be provided directly (no intermediaries) to accelerate projects and ensure maximum accountability.

6. Strong accountability requirements to protect the taxpayers' investment.

Voters and taxpayers must be assured that all transportation revenues are spent responsibly. Authorizing legislation should:

International Council of Shopping Centers



(More)



- Constitutionally protect transportation revenues for transportation infrastructure only. Time and again (Prop 42, 2002; Prop 1A, 2006; Prop 22, 2010), voters have overwhelmingly supported dedicating and constitutionally protecting transportation dollars for those purposes. We strongly support protections that prohibit using transportation dollars for other purposes.
- Repay existing transportation loans and end ongoing diversions of transportation revenues, including approximately \$850 million in loans to the general fund and the annual loss of approximately \$140 million in off-highway vehicle fuel taxes.
- Establish performance and accountability criteria to ensure efficient and effective use of all funding. All tax dollars should be spent properly, and recipients of new revenues should be held accountable to the taxpayers, whether at the state or local level. Counties and cities should adopt project lists at public hearings and report annually to the State Controller's Office regarding all transportation revenues and expenditures. Local governments should also commit to ensuring any new revenues supplement revenues currently invested in transportation projects. Both Caltrans and local governments can demonstrate and publicize the benefits associated with new transportation investments.
- Caltrans reform and oversight. To increase Caltrans effectiveness, provide stronger oversight by the state transportation commission of the programs funded by new revenues and establish an Inspector General office to provide accountability. Reduce Caltrans administrative budgets through efficiency reviews with all savings to be spent on road improvements.
- Expedite project delivery. More should be done to streamline project delivery, including but not limited to:
 - Establishing timelines for actions required by state agencies and eliminating other permit delays.
 - Increased implementation of alternative delivery systems that encourage more investment from the private sector.
 - Reforms to speed project completion.

7. Provide Consistent Annual Funding Levels.

Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels -- a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer term planning. While this change would not provide any new revenue to transportation, it would provide greater certainty for planning and project delivery purposes.

We believe these priorities represent a solution to begin to address our transportation funding shortfalls, resulting in real projects at both the state and local level. We look forward to working with you over the coming weeks as a transportation package is finalized.

(More)

Sincerely,

Jim Earp
Executive Consultant
California Alliance for Jobs

Matt Cate
Executive Director
California State Association of Counties

Chris McKenzie
Executive Director
League of California Cities

Cesar Diaz
Legislative Director
State Building and Construction Trades Council

Bob Alvarado
Executive Officer
Northern California Carpenters Regional Council

Oscar De La Torre
Business Manager
Northern California District Council of Laborers

Russ Burns
Business Manager
Operating Engineers Local 3

Brad Diede
Executive Director
American Council of Engineering Companies - California

Mark Watts
Interim Executive Director
Transportation California

Mark Breslin
CEO
United Contractors

Allan Zaremborg
President and CEO
California Chamber of Commerce

Robert Lapsley
President
California Business Roundtable

Rex Hime
President and CEO
California Business Properties Association

Richard Lyon
Senior Vice President
California Building Industry Association

Gary W. Hambly
President and CEO
California Construction and Industrial Materials Association

Tom Holsman
CEO
Associated General Contractors of California

James Camp
President
NAIOP CA, The Commercial Real Estate Development Association

Chuck Shaw
Western Regional Director
International Council of Shopping Centers

Lucy Dunn
President and CEO
Orange County Business Council

Carl Guardino
President and CEO
Silicon Valley Leadership Group

(More)

Jerry Barton
Chair
California Rural Counties Task Force

Bill Higgins
Executive Director
California Association of Councils of Governments

Lisa Davey-Bates
Chair
North State Super Region

Paul Smith
Senior Legislative Advocate
Rural County Representatives of California

Mike Ghilotti
President
Ghilotti Bros., Inc.

James Halloran
Manager, State Government Affairs –
Western Region
Caterpillar

Daryl K. Halls
Executive Director
Solano Transportation Authority

Dan Himick
Director
C.C. Myers, Inc.

Mike Fuller
CEO
Mountain Cascade

Craig Anderson
Director
Solar Turbines

Steve Clark
Vice President, Labor Relations
Granite Construction Co.

Rich Gates
President
DeSilva Gates Construction

Proposed New Local Streets&Roads Funding

Allocation: half of total among cities on a population basis, half of total among counties proportionate to registered vehicles and maintained miles.

Estimated **2 July 2015**

\$3 Billion / yr = \$1.5B cities, \$1.5B counties

MADERA COUNTY		13,331,694
CHOWCHILLA	871,616	
MADERA	2,882,725	
MARIN COUNTY		10,802,705
BELVEDERE	99,510	
CORTE MADERA	449,099	
FAIRFAX	345,014	
LARKSPUR	567,230	
MILL VALLEY	652,282	
NOVATO	2,441,175	
ROSS	112,595	
SAN ANSELMO	583,060	
SAN RAFAEL	2,691,208	
SAUSALITO	347,530	
TIBURON	415,883	
MARIPOSA COUNTY		4,202,900
MENDOCINO COUNTY		9,752,021
FORT BRAGG	336,275	
POINT ARENA	22,922	
UKIAH	740,492	
WILLITS	233,425	
MERCED COUNTY		17,510,093
ATWATER	1,329,088	
DOS PALOS	231,046	
GUSTINE	258,406	
LIVINGSTON	642,858	
LOS BANOS	1,700,500	
MERCED	3,711,838	
MODOC COUNTY		6,130,052
ALTURAS	133,824	
MONO COUNTY		4,535,710
MAMMOTH LAKES	379,099	
MONTEREY COUNTY		19,882,228
CARMEL-BY-THE-SEA	187,674	
DEL REY OAKS	76,177	
GONZALES	416,981	
GREENFIELD	818,864	
KING CITY	604,426	
MARINA	1,287,271	
MONTEREY	1,401,879	
PACIFIC GROVE	717,524	
SALINAS	7,160,878	
SAND CITY	15,693	
SEASIDE	1,597,559	
SOLEDAD	1,297,565	



ITEM NO.: 13e

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: PRESENTATION OF REPORT OF SERVICES AND ANNUAL REPORT FROM THE ECONOMIC DEVELOPMENT FINANCING CORPORATION (EDFC) AND CONSIDERATION OF AN ADJUSTMENT TO ACCOUNT 10017100.52100 TO READ "ECONOMIC DEVELOPMENT SERVICES PROVIDED BY OUTSIDE AGENCIES"

Summary: The City of Ukiah has contracted with The Economic Development and Financing Corporation (EDFC) to perform economic development activities in the Ukiah area for many years. For fiscal year 2015-16, Staff is recommending that the \$10,000 that has been budgeted solely for EDFC be utilized for "economic development activities provided by outside agencies" in order to provide additional opportunities for other agencies who provide service within the Ukiah area to access funding for appropriate projects.

Background: The Economic Development and Financing Corporation (EDFC) is a non-profit, tax-exempt Community Development Financial Institution (CDFI) founded in 1995 that engages in economic development activity in Mendocino and Lake Counties. EDFC was formed through a partnership between Mendocino County's four incorporated cities and the county to coordinate and support economic development activity Mendocino County-wide, and has now expanded its business into Lake County.

EDFC provides gap financing and acts as lender-of-last-resort for small business, incubates economic development projects, and coordinates economic development activity for Mendocino County.

EDFC's 21 member Board of Directors includes two Mendocino County Supervisors, a city council member from each of the four incorporated cities in Mendocino County (Ukiah, Fort Bragg, Willits, and Point Arena) and members from the business, banking and non-profit community.

Up to the point of dissolution, the Ukiah Redevelopment Agency utilized the services of the Economic Development and Financing Corporation (EDFC) to supplement economic development efforts in and around the City.

Continued on Page 2

RECOMMENDED ACTION(S): Adjust description of 2015-16 budget Account #10017100.52100 in amount of \$10,000 from "Economic Development and Financing Corporation" to "Economic development services provided by outside agencies"

ALTERNATIVES: 1. Review EDFC's 2013-15 performance agreement and annual report and recommend renewal of \$10,000 for FY 15/16 with performance agreement to be mutually agreed upon by Staff and EDFC.
2. Review EDFC's 2013-15 performance agreement and annual report and provide alternate direction.

Citizens advised: n/a
Requested by: Economic Development and Financing Corporation
Prepared by: Shannon Riley, Senior Management Analyst
Coordinated with: John Kuhry, EDFC Director and Councilmember Maureen Mulheren
Presenters: Shannon Riley, Senior Management Analyst
Attachments: 1. EDFC Report of Services FYs 2013-15
2. EDFC Annual Report 2014-15

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted..

Approved: 
Sage Sangiacomo, City Manager

In July 2014, the City Council authorized a performance agreement for the 2013-14 and 2014-15 fiscal years in the amount of \$10,000 and \$12,000, respectively. A year-end report and fiscal report were requested in that agreement and are being provided at this time. (*Attachment 1 & 2*)

Discussion: Since the dissolution of redevelopment and the economic downturn, the cities of Fort Bragg and Willits have discontinued making annual contributions to EDFC. Currently, the combined support from the County, the City of Ukiah, and the City of Point Arena comprises roughly 20% of EDFC's operating budget.

City staff has worked in recent years to tailor the performance agreement with EDFC to include specific performance indicators that directly impact the local community. Though many of these goals have been met, these Ukiah-specific directives may not necessarily be consistent with EDFC's overall mission to serve the county. Additionally, the City has expanded its in-house economic development capabilities and will continue to do so.

Therefore, Staff has evaluated EDFC's projects, the distribution of their loan portfolio, and the return on the City's investment over the last several years.

Ukiah's per capita investment in EDFC has been significantly higher than that of the County's, yet only 12% of EDFC's loan portfolio falls within the city limits versus 34% in the unincorporated county.

EDFC continues to work on county-wide projects, including the woody bio-mass project, access to broadband, and a meat-processing facility. They are also working toward an entrepreneur hub in Ukiah and the financing of a wool processing facility, also in Ukiah.

Given the City's renewed focus on the direct provision of economic development services and the number of other organizations that are providing services within the city limits (West Company, for example), Staff is recommending that, rather than dedicate \$10,000 per year exclusively to EDFC, those funds be set aside for economic development activities that are likely to directly benefit the Ukiah community, regardless of which organization is sponsoring them. Determinations regarding the distribution of these funds would be made at an administrative level with authorization by the City Manager.

Because some of EDFC's proposed projects would potentially benefit the Ukiah area, they would be eligible to request funds for support as needed from the \$10,000. They would not, however, be specifically required to meet performance indicators or report annually to the Council. As needed, the City may also provide in-kind services; for example, in prior years, the City has often provided meeting space, copying services, and more.

Councilmember Mulheren is the Council liaison for EDFC and will continue to serve on their board, providing recommendations on funding requests and feedback on projects.

Based on the above, Staff is recommending a budget adjustment to modify the description of the \$10,000 budgeted for EDFC (Account #10017100.52100) to "Economic Development Services Provided by Outside Agencies."

FISCAL IMPACT:			
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Adjustment Required
\$10,000		10017100.52100	Yes ☒ No ☐



EDFC REPORT OF SERVICES FY 2014-15

As specified by Exhibit A of the Economic Development and Financing Corporation (EDFC) contract with the City of Ukiah for Fiscal Years 2013-14 and 2014-15

1. Assist the City during the term of this agreement with support and coordination as needed for economic development.

EDFC continues to work with the City of Ukiah to further economic development coordination and project incubation. EDFC, in collaboration with Resource For Native Development (RFND) and West Company was able to secure \$605,000 for micro lending from the USDA Rural Development under the Rural Microentrepreneur Assistance Program (RMAP). EDFC has also partnered with the Colusa County Partnership and Community Development Services of Lake County (also recipients of RMAP funding) to solicit contributions to help meet loan loss requirements for the RMAP program.

EDFC's project incubation achieved a success this year with Woody Biomass. The project was under EDFC's fiscal umbrella and now has been spun off with the successful implementation of a machine producing biochar under the North Coast Biochar label. Although EDFC considers the project complete, EDFC will continue to support the project, should the need arise. Possible future participation of EDFC would be to develop a biochar producers' co-operative.

EDFC continues to develop the Meat Processing Plant project with the completion of Phase II and resulting business plan. The plan identified the need for land with light industrial zoning that has connectivity to municipal wastewater. EDFC has identified an ideal location within proximity of the City of Ukiah, given the water inputs with the wastewater and zoning constraints.

EDFC continues to support the development of local entrepreneurship as a viable path to creating sustainable prosperity in Mendocino County. One of the strategies to foster a culture of entrepreneurship is the development of entrepreneur hubs, which will include co-working and business incubation. Although a previously identified jail site is no longer viable, EDFC is working with the Ukiah United Methodist Church to convert 7000 sq ft education wing into a non-profit center, which will house the Entrepreneur Hub.

EDFC also continues fiscal sponsorship of the Broadband Alliance of Mendocino County to develop better broadband infrastructure and adoption within the City of Ukiah.

2. Work in cooperation with the City of Ukiah to assist with the coordination of economic development activities that encourage job retention, business expansion and business relocation within and to the City of Ukiah by coordinating activities with the County of Mendocino, tribal governments, Workforce Investment Board (WIB), MPIC Inc., West Company, Mendocino Small Business Development Center, the Ukiah Main Street Program and the Greater Ukiah Chamber of Commerce.

Performance Indicator - Help organize and co-host at least one Access to Capital Workshop, Job Fair, or similar event.

EDFC partnered with West Company to produce an Access to Capital event on April 30th 2014 at the Ukiah Conference Center. The event was well attended, but with better marketing the attendance could be improved.

After a successful initial collaboration with West Company, EDFC will be working with West Company to produce an event that will focus on accessing capital in. Given the schedules of speakers, this event will not happen until the beginning of October.

EDFC worked with the Good Farm Fund and North Bay Made to produce a Farm to Table event to help farmers access financing and land.

EDFC also held an open house to develop an entrepreneur hub at the Old Ukiah Jail in December 2013. The event shared the idea of coworking to the community and helped develop the feasibility of the project. The project was not deemed viable at the jail facility, but will be moved to the Ukiah Unified Methodist Church. Another open house event is scheduled for August 10th, 2015.

3. Assist local businesses within the City of Ukiah in locating sources of loan funds, grants, private and public capital, and venture capital funds

Performance Indicator- Detail the number of businesses within the City of Ukiah that were assisted with locating sources of loan funds, grants, and other capital during the contract period.

Over the contract period, EDFC has funded five businesses within the City of Ukiah Limits:

- Yokayo Biofuels
- Uncorked Bistro
- Synergy Therapeutic Services
- Crush
- Mendocino Wool & Fiber
- Alliance Auto Service

The \$324,000 in loans resulted in creating or retaining at least 35 jobs. Currently EDFC has 13% of its loan portfolio deployed within the City limits, but this is due to the closure of two businesses and the loan payoff by another business. The support from the City of Ukiah allows EDFC to afford the risk of businesses that cannot access traditional capital. When a business is able to pay off or refinance to traditional capital, EDFC has completed its objective.

EDFC was approved for a Direct Public Offering of a Local Social Impact Investment Note, which will be used to fund projects with social benefit – such as the meat processing plant and the wool plant. EDFC has until February 2016 to raise a target of \$1,000,000, with a minimum threshold of \$250,000. To date EDFC has raised \$45,000 from local individuals and organizations. This funding will allow EDFC to offer these socially beneficial projects a lower interest rate.

Performance Indicator - Update and redistribute the Resource Guide.

EDFC has and continues to distribute the Resource Guide at public events, chambers of commerce, and Mendocino one-stop locations. Electronic versions of the guide are available on the EDFC website. With current inventory dwindling, EDFC will update the guide.

4. Serve on the Economic Restructuring Committee (ERC) of the Ukiah Main Street Program to network and share information with Ukiah-area organizations with similar interests.

Performance Indicator - detail the number of ERC meetings attended by the EDFC representative during the contract period.

EDFC has attended all but four of the scheduled ERC meetings over the two-year period.

5. Continue to seek grant funding to support the services and activities provided through EDFC.

Performance Indicator - As approved and determined to be necessary by the City, complete at least one grant application on behalf of the City of Ukiah (i.e. EDA, USDA Rural Development or CDBG).

EDFC's grant applications to support micro entrepreneurship were submitted to the USDA Rural Development's Rural Microentrepreneur Assistance Program, FHL Bank, and Wells Fargo RISE. Grants applications were also submitted to assist in marketing EDFC's DPO.

Performance Indicator - Detail the total amount of funds awarded to EDFC in the contract year that support economic development activities in the Greater Ukiah Valley.

For the contract period, EDFC has submitted applications for grant funding totaling \$2,628,760 from 10 funding sources. EDFC was awarded \$635,000 and \$734,000 is pending.

Grant applications were submitted to:

- Economic Development Administration – (\$1,000,000 – not funded)
- USDA Rural Development – (\$605,000 – awarded)
- USDA Forest Service – (\$2,500 – awarded)
- CDFI Fund – (\$685,000 – pending)
- CDFI Fund – (\$168,760 – pending)
- FHL Bank – (\$50,000– pending)
- Wells Fargo RISE – (\$100,000– pending)
- Community Foundation – (\$5,000 – not funded)
- Mendo Lake Credit Union- (\$5,000– awarded)
- Savings Bank – (\$5,000– awarded)
- Pacific Gas & Electric – (\$5,000 – awarded)

5. Promote the localization of business to business services through education and marketing

Performance Indicator - Detail the efforts to promote the localization of business to business services.

EDFC's continued outreach to the local community results in synergies by networking and connecting businesses. EDFC's facilitated the relationship with the North Bay Made organization by hosted a meeting that resulted in Scott Cratty of Westside Renaissance Market to join and serve as the Mendocino Representative. North Bay Made. This relationship creates a network for marketing local production in nearby regions.

EDFC worked to connect Grid Beam of Willits with Agwood Mill to source wood for their maker product.

The Ukiah Entrepreneur Hub is a project that seeks to create collaboration between local businesses in order to develop a culture of entrepreneurship.

Communicate activities, service delivery, and fiscal reports to the City.

Performance Indicator - Submit a detailed annual report to the City Staff and City Council regarding activities and services during contract period and including the work plan for the up-coming year.

This document serves as an annual report. EDFC's work plan for the coming year is to:

EDFC plans to increase its assets available for lending through a successful investment campaign for the DPO. These funds will then be used to match grant programs allowing EDFC to deploy funds at a lower interest rate to socially beneficial projects and fund its economic development activities. The initial target project is Mendocino Wool and Fiber located within the City of Ukiah.

EDFC will also be initiating a marketing effort to deploy existing funds. EDFC has grown from a single business-lending product to include a micro-loan program and the social impact lending. EDFC will also be offering an electric vehicle charging station (EVCS) program.

EDFC is working to create the entrepreneur hub within the City of Ukiah to foster a culture of entrepreneurship.

EDFC is moving forward to build the meat facility and is intending to make significant strides towards that goal in the upcoming year.

EDFC's localization philosophy has gone from a simple "shop local" campaign to include "invest local". With Senate Bill 1122 mandating large power companies to purchase energy from biomass at less than 3 megawatts, EDFC is looking to develop a "local energy" strategy to create jobs by adding value to our region's biomass.



Economic Development and Financing Corporation (EDFC)

ANNUAL REPORT 2014/2015

*"Connecting money and ideas with entrepreneurs to create
sustainable prosperity in Lake and Mendocino Counties"*

History of EDFC

Economic Development and Financing Corporation (EDFC) is a non-profit, 501(c)3, Community Development Financial Institution. The jurisdictions in Mendocino County came together along with Mendocino County in 1994 to create a county wide economic development organization and EDFC opened its doors in 1995. That vision was expanded to include a regional focus by including Lake County in 2012 helping EDFC obtain certification as a CDFI in 2013. EDFC has loaned over \$4.3 million and brought another \$1 million in grant funding helping Mendocino County businesses grow and retain jobs in order to strengthen and diversify the economic base and the quality of life within our community.

The Global Financial Crisis of 2008 was devastating to our community and EDFC was not immune. EDFC had a historic default rate of 6.5% for our lending operations. After the Crisis, that rate jumped to 13.3% with almost 60% of EDFC defaults occurring at that time. This was also a time when Redevelopment Agency dissolution put pressures on local jurisdiction support and overall local government support was cut by 36% with the Cities of Fort Bragg and Willits pulling financial support.

In addition to the financial troubles, EDFC was facing an identity crisis. Much of our community was unclear as to how EDFC operates or what it does.

EDFC ended the 2014-15 Fiscal Year with a restoration of funding from the County of Mendocino to pre-2008 levels, and an increase from the City of Ukiah. This financial support underlies the reputation that EDFC is rebuilding that is highlighted by 2nd District Supervisor McCowan of the Mendocino County Board of Supervisors stating that EDFC has "...put back the 'Economic Development' into 'EDFC'."

EDFC has worked hard to redefine itself and clarify its mission of "Connecting money and idea with entrepreneurs to create sustainable prosperity in Lake and Mendocino Counties".

2014/2015 Accomplishments

- Awarded \$605,000 from the USDA Rural Development for microlending.
- Deployed \$100,000 in microloans and \$12,000 in technical assistance.
- Successfully incubated the inland woody biomass project culminating in creation of North Coast Biochar.
- Launched the cutting-edge Direct Public Offering for local investment.
- Fiscal sponsorship of the Broadband Alliance of Mendocino County (BAMC)
- Developed a new website.
- Awarded contract to administer the City of Point Arena Revolving Loan Fund
- Completed the second phase of the Meat Facility planning grant and actively engaged in site selection.
- Submitted applications for grant funding totaling \$2,401,500 from 9 sources.
- Awarded \$617,500 in grant funds with \$784,000 still pending.
- Launched on-line loan application process and implemented a new loan underwriting system.
- New loans made:
 - Brewpub in Lake Port
 - Wool Processor in Ukiah
 - Auto repair shop in Ukiah
 - Restaurant in Little River
 - Winegrape broker in Kelseyville.

Economic Development Incubation Projects



Meat Industry Study: Phase III

The successful completion of Phase II of the project resulted in business plan. In alignment with its mission, EDFC has been searching for an entrepreneur to use the plan to build the facility. Discussion with possible candidates did not work out. The next attempt was to see if there was interest in a producer cooperative. This to did not work out. EDFC's next step is to develop the project into a worker-owned cooperative. The Meat Facility Committee engaged a contractor to begin coordinating the development of the project as an EDFC project, which will be handed over to the worker cooperative as performance milestones are met. This is similar to the Taos Economic Development Corporation, which operates a facility for its regional producers.

In order for the project to be approved by EDFC Board of Directors more detail of costs and structure are being worked out. EDFC has identified a qualified operator and the next step will be to identify the land. The final study indicated that costs would be lowest for a parcel zoned light industrial that is connected to municipal wastewater treatment. This would limit sites to the City of Willits and around the City of Ukiah. The committee has also not ruled out locations in Lake County.

Meat Industry Study Group

Mendocino County livestock industry has unique challenges. Currently all the animals need to be transported several hours to be processed. The EDFC Meat Industry Study Group has determined that the current system is not sustainable. We are proposing a facility that will treat the animals humanely, treat the employees with respect and good working conditions and be kind to the environment. That is placing Mendocino County values on this industry.

Committee Members

Mary Anne Landis- Chair	EDFC
John Harper	UCCE Mendocino County Director
Patty Bruder	North Coast Opportunities/EDFC
John Ford	Producer Advisor
Adam Gaska	Producer Advisor
Mac MaGruder	Producer Advisor
Guinness McFadden	Producer Advisor
Julie Golden	Producer Advisor
Mark Biaggi	Producer Advisor
Don Gowan	Producer Advisor

Entrepreneur Hub

With a large geographic area and low population density, EDFC has identified that entrepreneur hubs are useful to develop mentors and a network of entrepreneurs in Mendocino County.

In addition to networking and mentorship, the hubs will allow for business incubation and cowork. EDFC was working with the City of Ukiah to rehabilitate the former Ukiah jail facilities, but the costs to renovate the facility were too high.



The Ukiah United Methodist Church (UUMC) invited community non-profits to explore developing their 7,000 square foot educational facility into a non-profit center. The facility is turn-key and EDFC proposed using some of the space to house the Entrepreneur Hub. The UUMC and EDFC have decided to move forward with developing the project. If the Ukiah Entrepreneur Hub is successful, EDFC hopes to replicate the project in other community locations.

EDFC will hold an open house to develop the initial feasibility in order to develop and realistic plan to relocate and operate the facility.

Committee Members

Orion Walker

Mendocino College/EDFC

Pamela Patterson

West Company

Kelley Rajala

Share Exchange/ Local Works

Pat Meek

Ukiah United Methodist Church

Peter Barrett

Ukiah United Methodist Church

Sarah Bodnar

Social Media Sisters/EDFC

Local Investment



The Global Financial Crisis of 2008 led many individuals to seek to move their deposits to local banks. That same desire to divest banking from Wall Street is also echoed by a desire to invest locally. EDFC has identified a lack of credible investments, especially for non-accredited investors. In addition to the lack of opportunity, EDFC also identified the need to vet, underwrite, and service investment.

In response to these needs, EDFC working with Cutting Edge Capital was approved to offer an innovative Direct Public Offering (DPO) for local investment - the first of its kind for local investment through a Community Development Financial Institution.

EDFC's offering allows local investors to loan EDFC money to be used to match grant funding to create a new revolving loan fund. This new fund will allow EDFC to help entrepreneurs and projects that cannot generate enough cash flow to service traditional debt and need more patient, flexible capital.

In addition to creating an opportunity for our community to move their investment out of Wall Street and back into Main Street, EDFC can now make loans greater than \$150,000 and loan to farms – restrictions from its existing funding sources.

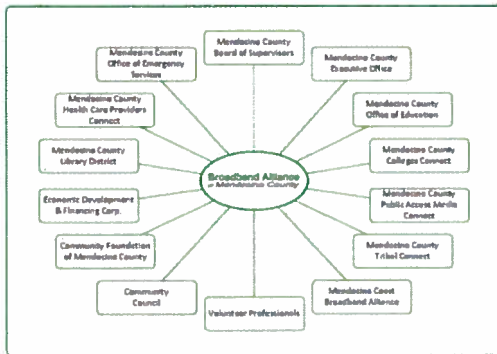
EDFC has until February 2016 to raise \$1,000,000, but can deploy funds with a minimum raise of \$250,000.

As of this report EDFC has raised over \$65,000 from local individuals and organizations.

Committee Members

Judith Harwood	Redwood Forest Foundation Inc./EDFC
Mary Anne Landis	EDFC
Sarah Bodnar	Social Media Sisters/EDFC
Pamela Patterson	West Company/EDFC
Scott Schneider	Visit Mendocino County/ EDFC
John Keleher	West Company/EDFC
Madge Strong	City of Willits/EDFC

Broadband Alliance of Mendocino County:



EDFC is a founding member and fiscal sponsor of the Broadband Alliance of Mendocino County (BAMC). The BAMC left Redwood Coast Connect Consortium to join a new North Bay/North Coast Broadband Consortium with Sonoma and Marin Counties. This realignment better reflected to challenges and opportunities for Mendocino County.

The BAMC recently presented 'The Erosion of America's 911 system' to the FCC and members of the US House of Representatives. This was a result of the loss of emergency services communication during last August's coastal broadband-break that caused a 45 hour outage impacting a 40 mile stretch of the northern Mendocino County Coast.

The BAMC is working to realign its mission and efforts to reflect the new developments in creating rural broadband access.

Committee Members:

Dan Hamburg	Mendocino County Board of Supervisors & EDFC
John McCowen	Mendocino County Board of Supervisors & EDFC
Trish Steele	Mendo Coast Broadband Alliance & Committee Chair
John Goldsmith	Wells Fargo Advisors & EDFC
Randy MacDonald	Comptche Volunteer Fire Department/Wild Iris
Susanne Norgard	Mendocino County Community Foundation
Steve Dunicliff	Mendocino County
Brian Churm	Potter Valley

RMDZ:



EDFC is the Zone Administrator for the Mendocino/Sonoma/Lake zone of the Recycling Marketing Development Program. This state program of the Cal Recycling is to develop alternative uses of the waste streams.

Economic Development Financing

EDFC offers access to capital to entrepreneurs and organizations that cannot access traditional loans.

EDFC is now utilizing the underwriting services of LiftFund (formally ACCION of Texas) and deployed an online application process. These changes reduce staff effort and the costs of underwriting for EDFC. In addition to the efficiencies, LiftFund has a database of tens of thousands of borrowers to better model small loan risk.

EDFC has also launched a microloan program and is partnering with West Company to provide the mandatory technical assistance for the borrowers.

EDFC's certification as a Community Development Financial Institution (CDFI) has enabled EDFC to participate in the California Capital Access Program (CalCAP). CalCAP provides portfolio insurance and collateral support for the riskier lending that EDFC takes on.

EDFC also received one of the largest awards under the USDA Rural Development's Rural Microentrepreneur Assistance Program (RMAP). This award allows EDFC to offer a second financial product and comes with mandatory Technical Assistance.

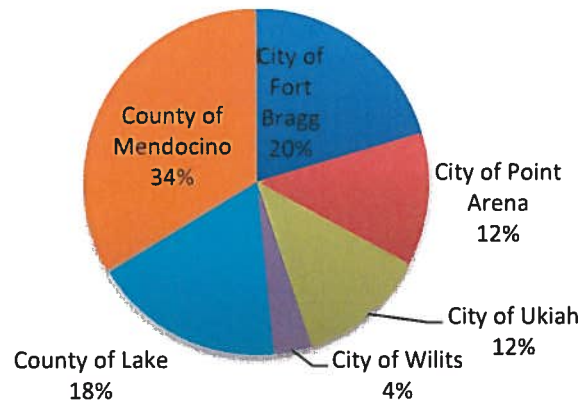
Committee Members:

EDFC Loan Committee sets loan guidelines and presents policy recommendations to the board. The Loan Committee meets to review loan applications, review status of current loans, and provides technical assistance to projects.

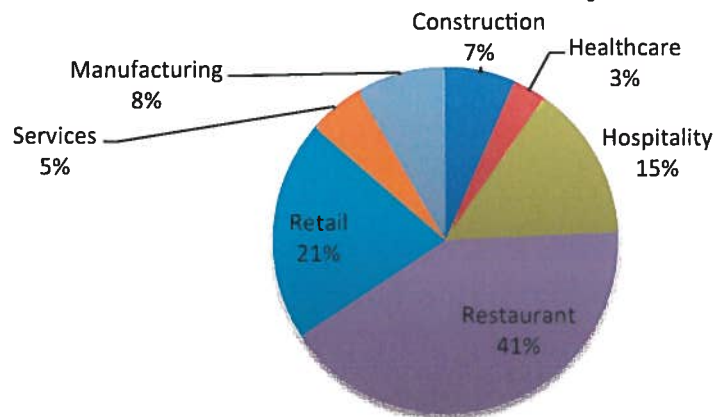
All loan committee members are volunteers from throughout Mendocino County. The volunteers bring financial expertise to the committee. Committee members work with clients while reducing risk to EDFC by participating with other EDC's.

Robert Hartline	Savings Bank/EDFC
Jeff Lucas	Community Development Services/EDFC
Carolyn Welch	North Coast Opportunities/EDFC
Jesse Burnett II	EDFC
Richard Cooper	Mendo Lake Credit Union

EDFC Loan Portfolio by Region



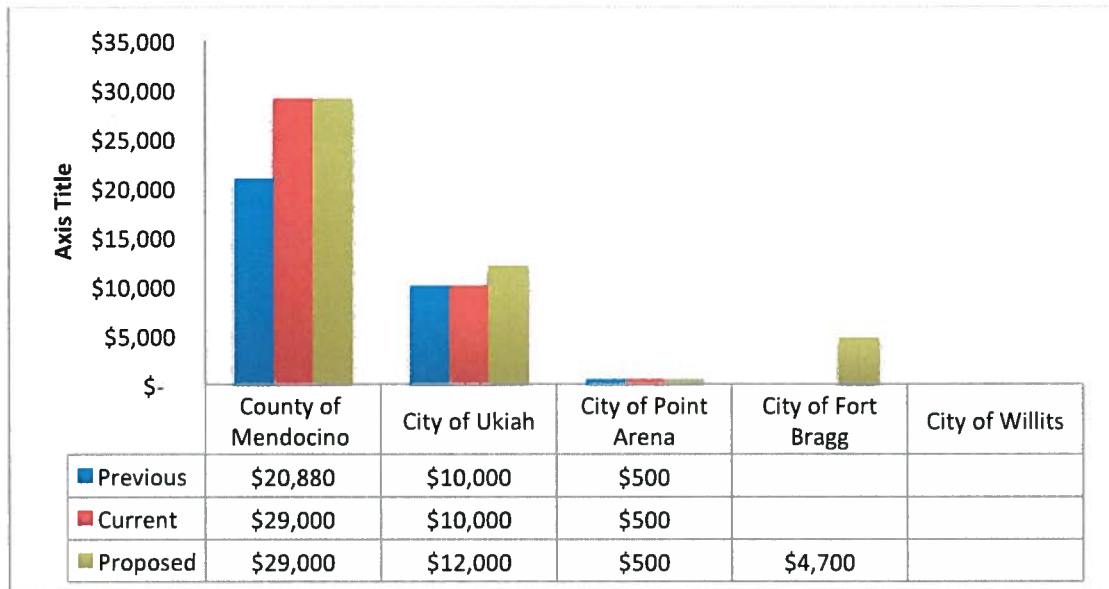
EDFC Loan Portfolio by Sector



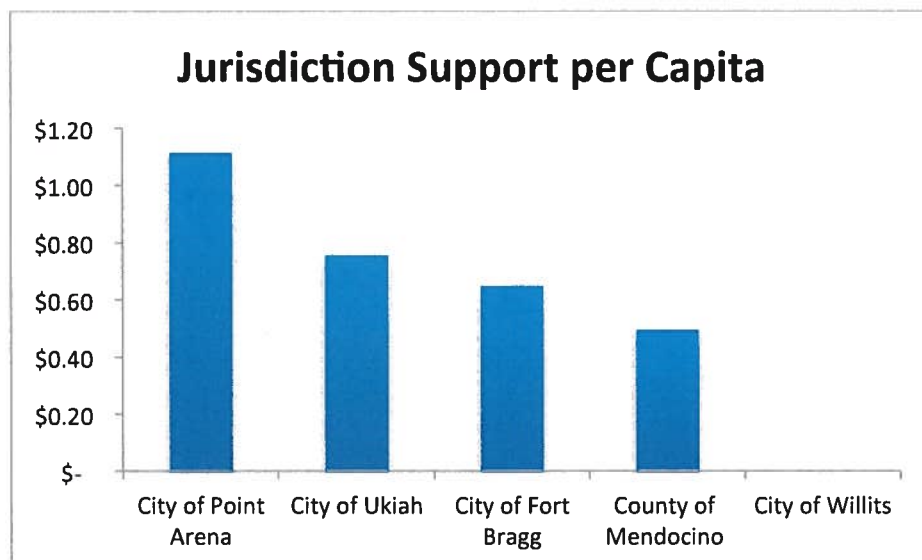
In addition to EDFC's lending programs, EDFC will be taking servicing CDBG loans for the County of Mendocino and will administer the Revolving Loan Program for the City of Point Arena.

Jurisdiction Investment

EDFC relies on local jurisdictional support to help fund its economic development activities. With the Global Financial Crisis of 2008 and the loss of Redevelopment Agency funding, EDFC saw dwindling support from local government with the Cities of Willits and Fort Bragg unable to contribute.



EDFC has since been able to restore and increase funding from the City of Ukiah and the County of Mendocino. EDFC is proposing that the City of Fort Bragg restore its original contribution.



This support is important as it roughly covers 20% of EDFC's operating budget. EDFC financing operations provide the 80% of operating revenue but only requiring 20% of staff effort. The economic development services by contrast, take up 80% of staff effort.

Grant Funding

In addition to jurisdictional support, EDFC relies on grant funding to provide for economic development services. This last year EDFC has submitted applications for grant funding totaling \$2,401,500 from 9 funding sources. EDFC was awarded \$617,500 and \$784,000 is pending.

Grant applications were submitted to:

- Economic Development Administration
- USDA Rural Development
- USDA Forest Service
- CDFI Fund
- FHL Bank
- Wells Fargo
- Community Foundation
- Mendo Lake Credit Union
- Pacific Gas & Electric

EDFC's Board of Directors

Name	Committees	Affiliation
COMMUNITY:	4 MEMBERS	
Judy Harwood	Executive, Biomass	Environmental
Orion Walker	Entrepreneur Hub, DPO	Housing
Steve Hixenbaugh		Education
Jesse Burnett, II	Executive	
BUSINESS:	8 MEMBERS	
Patty Bruder	Executive, Meat Facility	
Robert Hartline	Loan	
John Goldsmith	Executive, By Laws	
Pamela Patterson	Entrepreneur Hub	Business
Carolyn Welch	Loan	Business
Scott Schneider	DPO	
Sarah Bodnar	DPO	Business
Jeff Lucas	Loan	Business
CHAMBER OF COMMERCE	1 MEMBER	
Teri Ullrich	Public Relations	
GOVERNMENT	10 MEMBERS	
Dan Hamburg	By Laws	Board of Supervisors
John McCowen		Board of Supervisors
Mary Anne Landis	Meat Facility, DPO	Community
Madge Strong	DPO	City Council
Maureen Muhleren		City Council
Alvin "Joe" Dukepoo		Tribal
Jim Koogle		City Council
Michael Cimolino		City Council

EDFC Planning Schedule 2015/16

Direct Public Offering (DPO) Marketing	August 2015
Entrepreneur Hub Open House	August 2015
Access to Capital Workshop	August 2015
Meat Plant Planning Review Initiated	September 2015
CDFI Financial Assistance Grant Application	September 2015
Entrepreneur Hub Opens	January 2016
DPO Investment round closes	February 2016
EDA Revolving Loan Fund Application	February 2016
Deployment of DPO RLF Funds	April 2016



ITEM NO.: 13f

MEETING DATE: September 2, 2015

AGENDA SUMMARY REPORT

SUBJECT: DISCUSSION AND DIRECTION REGARDING THE FURTHER EXPLORATION OF PARTICIPATION IN A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM

Summary: City Staff is seeking Council direction and recommending additional discussion regarding the potential participation in a Property Assessed Clean Energy (PACE) program.

Background: The PACE program creates a special tax district which allows property owners to voluntarily use the equity in their homes to finance energy efficiency, water conservations, and renewable energy generation improvements and repay the borrowed money with their property tax bill. Because the payments and interest are attached to the property tax bill, they are tax deductible.

The County of Mendocino, after roughly two years of deliberation, has committed to participation in the PACE program (to be administered by Ygrene Works), as have the cities of Fort Bragg and Willits.

Discussion: While PACE programs have the potential to improve access to and encourage major improvements in energy efficiency, there are also significant concerns that should be weighed before endorsing them.

Conventional lenders and real estate professionals have cautioned users, as the PACE loans are recorded against the property as a tax lien. The tax lien is in the first position, meaning that if a homeowner goes into default, PACE gets paid before any other creditors, including the lenders that hold the mortgage.

Staff is recommending that, if the Council may be interested in participating in the PACE program, additional analysis is performed, specifically with input from stakeholders. Some of the questions to be considered are:

- What are the ramifications of committing to just one provider? Currently, Ygrene Works is the only provider in Mendocino County.

Continued on Page 2

RECOMMENDED ACTION(S): Provide direction to Staff regarding interest in PACE and regarding the further exploration of the matter.

ALTERNATIVES: Determine that no action should be taken at this time; monitor participation at County and other city levels.

Citizens advised: N/A
Requested by: Councilmember Scalmanini
Prepared by: Shannon Riley, Senior Management Analyst and Sage Sangiacomo, City Manager
Coordinated with: N/A
Presenters: Shannon Riley, Senior Management Analyst
Attachments: None

COUNCIL ACTION DATE: _____: ☐ Approved ☐ Continued to _____ ☐ Other _____

RECORDS APPROVED: ☐ Agreement: _____ ☐ Resolution: _____ ☐ Ordinance: _____

Note: Please write Agreement No. in upper right corner of agreement when drafted..

Approved: 
Sage Sangiacomo, City Manager

- Does the tax lien status compromise the ability to sell a property? Whose responsibility is it to pay this lien in a sale?
- Would local lenders be able to provide a “green lending” program with lower interest rates? (Current PACE program interest rates can be nearly double those of a conventional home equity loan.)
- Are the contractors who are signing homeowners up for the PACE program licensed lending officers?

Therefore, Staff is requesting Council's direction regarding interest in PACE program participation and the exploration of further information/input. Alternatively, Council may determine that no action should be taken at this time; instead Staff should monitor participation at County and other city levels for possible future discussion.

FISCAL IMPACT:			
Budgeted Amount in 15-16 FY	New Appropriation Source of Funds (Title & No.)	Account Number	Budget Amendment Required
n/a	n/a	n/a	Yes ☐ No ☒