

FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR THE GBH COMMERCIAL PROJECT

FINDINGS OF FACT

Findings for Encroachment Permit on East Baker Street

1. The encroachment on East Baker Street will allow for increased parking opportunities and additional landscaping which will result in a net benefit to the community.

Findings for Closure of East Street at Grant Avenue

1. The closure of East Street at Grant Avenue has been recommended by multiple traffic studies to reduce conflicting turn movements on Grant Avenue. The closure will result in increased traffic safety and is a net benefit to the community.

CONDITIONS OF APPROVAL

The following conditions of approval are required to be satisfied by the applicant/developer prior to Final Map, unless otherwise stated.

General

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project Applicant shall defend such action at Applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the Applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the subdivider in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district and the City Council. (Planning Commission General COA #1)
2. All conditions identified herein shall be fully satisfied prior to acceptance of the first Final Map unless otherwise stated. (Planning Commission General COA #2)
3. The project is as described in the December 11, 2007 Planning Commission staff report and the December 18, 2007 City Council staff report. The project shall be constructed as depicted on the maps and exhibits included in the December 11, 2007 Planning Commission staff report and December 18, 2007 City Council staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and action by the Planning Commission and/or the City Council. (Planning Commission General COA #3)

General Plan Requirements

4. Pursuant to General Plan Policy III.A.15 the project will pay its share of circulation improvements. (Planning Commission General Plan Requirements COA #5)
5. Pursuant to General Plan Policy IV.A.1 necessary public facilities and services shall be available prior to the first occupancy of the project. (Planning Commission General Plan Requirements COA #7)
6. Pursuant to General Plan Policy IV.A.4 the project shall pay its fair share of the cost of developing new facilities and services. (Planning Commission General Plan Requirements COA #8)

Street Improvements

7. All proposed streets shall comply with the City's Public Works Improvement Standards and Construction Specifications, dated September 2003 except as amended on the Tentative Map. (Planning Commission Street Improvements COA #74)
8. Baker Street:
 - a) Improvements to include widening of vehicle travel lanes, on-street diagonal parking and landscape parking medians. (Planning Commission Street Improvements COA #76)
9. East Street:

Grant Ave. (SR128) at East Street shall be closed off with positive landscape and pedestrian/bike improvements concurrent with the construction of improvements to Grant Avenue. As an interim condition, East Street shall be temporarily closed off to north bound traffic at the intersection of Baker Street until such time as 1) the Grant Avenue improvements are constructed with the closure of East Street at Grant Avenue, or the traffic volumes on East Street from the development exceed the existing baseline traffic volumes on East Street, which ever occurs first. If the traffic volumes generated from the development exceed existing base line traffic volumes on East Street prior to the construction of improvements on Grant Avenue, the developer shall construct improvements at Grant Avenue and East Street to close East Street. Final plan for closure shall be submitted and approved by the City Engineer prior to approval of improvement plans and Final Map. (Planning Commission Street Improvements COA #77)
10. The developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting. (Planning Commission Water Infrastructure COA #109)

General Public Works and Engineering Conditions

11. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this closure and encroachment and comply with all regulations, mitigations and conditions set forth. (Planning Commission General Public Works and Engineering COA #113)
12. All existing and proposed utilities (electric, phone/data, and cable) shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers. (Planning Commission General Public Works and Engineering COA #118)
13. Street lighting location plan shall be submitted and approved by the City Engineer, prior to approval of improvement plans. (Planning Commission General Public Works and Engineering COA #119)

14. With the exception of Grant Avenue, public roadway improvements must be constructed and paved prior to issuance of any occupancy permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City Engineer and Fire Department. (Planning Commission General Public Works and Engineering COA #121)
15. If relocation of existing facilities is deemed necessary, the applicant shall perform the relocation, at the Applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply. (Planning Commission General Public Works and Engineering COA #122)
16. The project proponent shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area. (Planning Commission General Public Works and Engineering COA #125)

Easements and Right of Way

17. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way. (Planning Commission Easements and Right of Way COA #126)
18. The Applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the City. (Planning Commission Easements and Right of Way COA #127)
19. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets shall be dedicated to the City unless otherwise approved by the City Engineer. Additional easements shall be dedicated as requested by the utility companies and approved by the City. (Planning Commission Easements and Right of Way COA #128)
20. Reciprocal street and parking access and utility easements shall be shown on the improvement plans and recorded with the final map. (Planning Commission Easements and Right of Way COA #129)

Reimbursements for Applicant Installed Improvements

21. Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements. (Planning Commission Reimbursements for Applicant Installed Improvements COA #130)
22. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works Department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer. (Planning Commission Reimbursements for Applicant Installed Improvements COA #131)
23. Existing public and private facilities damaged during the course of construction shall be repaired by the developer, at his sole expense, to the satisfaction of the City Engineer. (Planning Commission Reimbursements for Applicant Installed Improvements COA #132)
24. Encroachment permits if necessary shall be acquired from Caltrans and PG&E. (Planning Commission Reimbursements for Applicant Installed Improvements COA #133)

25. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated. (Planning Commission Reimbursements for Applicant Installed Improvements COA #134)