

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

FINDINGS OF FACT

Findings for Adoption of Mitigated Negative Declaration

1. The Planning Commission has considered the proposed Mitigated Negative Declaration before making a decision on the project.
2. The Planning Commission has considered comments received on the Mitigated Negative Declaration during the public review process.
3. The Planning Commission finds that the environmental checklist/initial study identified potentially significant effects, but: a) mitigation measures agreed to by the Applicant before the mitigated negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where clearly no significant impact would occur; and b) there is no substantial evidence, in light of the whole record before the City, that the project as revised to include the mitigation measures may have a significant effect on the environment.
4. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Winters.
5. The Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and as amended/revised is determined to be complete and final.
6. The custodian of the documents, and other materials, which constitute the record of proceedings is the Community Development Director. The location of these items is the office of the Community Development Department at City Hall, 318 First Street, Winters, California 95694.
7. The Mitigation Monitoring Plan is hereby adopted to ensure implementation of mitigation measures identified in the Mitigated Negative Declaration. The Planning Commission finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on the Applicant, future property owners, and affected parties.
8. The Planning Commission hereby adopts GBH Commercial Project Mitigated Negative Declaration.

Findings for Tentative Subdivision Map (G.C. 66474)

1. The proposed map is consistent with the General Plan.
2. The design and improvement of the proposed map is consistent with the General Plan.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision and type of improvements will not cause serious public health problems.
7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings for Design Review

1. The overall visible mass of the structures is appropriate for the site and consistent with the Winters' Design Guidelines for the Grant Avenue Corridor.
2. The proposed use and quality of the exterior construction material provides long-term compatibility with the general setting of the property and the visual character of the general neighborhood.
3. The architectural design of the buildings provides visual interest and varied detail to provide overall character and consistency with the Winters' Design Guidelines for the Grant Avenue Corridor.
4. Per site design, and as required by the conditions of approval, ground and roof mounted equipment is screened from public view.
5. Per the conceptual landscaping plan, and the as required by the conditions of approval, the landscaping, site details, and amenities such as trellises, arbors, water features, and pedestrian areas are consistent with the Winters' Design Guidelines for the Grant Avenue Corridor.
6. The project as designed, and as required by the conditions of approval, is consistent with the Winters' Design Guidelines for the Grant Avenue Corridor.

Findings for Conditional Use Permit for Drive-Through at Building 1 on Lot A

1. The property is designated Central Business District which provides for a variety of general commercial uses including restaurants, retail, and services. Financial services are proposed to be located in Building 1. Drive-throughs are a common component of such uses and, as conditioned, would be in conformity with the General Plan.
2. The property is zoned C-2 (Central Business District). Financial services are proposed for Building 1 and the Community Development Director has determined that a Conditional Use Permit is required for this use.
3. Financial institutions with drive-through services are consistent with the intent and purposes of the C-2 zone. The property is located on the Grant Avenue corridor amongst other commercial uses and, as conditioned, will not detrimentally impact the character of the neighborhood.
4. The requested use, as conditioned, will not be detrimental to the public health, safety or general welfare.
5. As provided for via the conditions of approval, adequate utilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided.
6. The requested use, as conditioned, will not create a nuisance or enforcement problem within the neighborhood.
7. The requested use is expected to provide a positive fiscal impact to the City.

Findings for Conditional Use Permit for Drive-Through at Building 2 on Lot B

1. The property is designated Central Business District which provides for a variety of general commercial uses including restaurants, retail, and services. Food services are proposed to be located in Building 2. Drive-throughs are a common component of such uses and, as conditioned, would be in conformity with the General Plan.
2. The property is zoned C-2 (Central Business District). Food services are proposed for Building 2 and a Conditional Use Permit is required for this use.
3. Food service with drive-through services is consistent with the intent and purposes of the C-2 zone. The property is located on the Grant Avenue corridor amongst other commercial uses and, as conditioned, will not detrimentally impact the character of the neighborhood.
4. The requested use, as conditioned, will not be detrimental to the public health, safety or general welfare.
5. As provided for via the conditions of approval, adequate utilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided.
6. The requested use, as conditioned, will not create a nuisance or enforcement problem within the neighborhood.
7. The requested use is expected to provide a positive fiscal impact to the City.

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.
2. All conditions identified herein shall be fully satisfied prior to acceptance of the first Final Map unless otherwise stated.
3. The project is as described in the December 11, 2007 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the December 11, 2007 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action.

General Plan Requirements

4. Pursuant to General Plan Policy I.D.5 the project shall be designed to avoid the appearance of strip development.
5. Pursuant to General Plan Policy III.A.15 the project will pay its share of circulation improvements.
6. Pursuant to General Plan Policies III.F.1 and III.G.6 the project shall provide adequate off street parking which, to the extent feasible, shall be located out of view from the street. Bicycle parking shall also be provided.
7. Pursuant to General Plan Policy IV.A.1 necessary public facilities and services shall be available prior to the first occupancy of the project.

8. Pursuant to General Plan Policy IV.A.4 the project shall pay its fair share of the cost of developing new facilities and services.
9. Pursuant to General Plan Policy IV.B.14, there shall be a water meter on each new hook-up.
10. Pursuant to General Plan Policy IV.C.2, adequate sewer service shall be provided prior to the issuance of any individual building permit.
11. Pursuant to General Plan Policy VI.F.2, energy efficient design shall be used.
12. Pursuant to General Plan Policy IV.J.2, all new electrical and communication lines shall be installed underground.
13. Pursuant to General Plan Policy VI.C.7, drought-tolerant and native plants are desirable for landscaping.
14. Pursuant to General Plan Policy VI.A.6, grading shall be carried out during dry months, when possible. Areas not graded shall be disturbed as little as possible. Construction and grading areas, as well as soil stockpiles, should be covered or temporarily revegetated when left for long periods. Revegetation of slopes shall be carried out immediately upon completion of grading. Temporary drainage structures and sedimentation basins must be installed to prevent sediment from entering and thereby degrading the quality of downstream surface waters, particularly Putah Creek. The full cost of any necessary mitigation measures shall be borne by the project creating the potential impacts. Pursuant to General Plan Policy VII.B.3, should the City allow any grading to occur during the rainy season, conditions shall be implemented to ensure that silt is not conveyed to the storm drainage system.
15. Pursuant to General Plan Policy VI.E.6, construction-related dust shall be minimized. Dust control measures shall be specified and included as requirements of the contractor(s) during all phases of construction of this project and shall be included as a part of the required construction mitigation plan for the project.
16. Pursuant to General Plan Policy VII.A.1, VII.A.2, and VII.C.4 all site work and construction activities shall be in accordance with the requirements of the City, and other applicable local, regional, state, and federal regulations.
17. Pursuant to General Plan Policy VII.C.1, necessary water service, fire hydrants, and access roads shall be provided to the satisfaction of the Fire Chief and Fire Protection District standards.
18. Pursuant to General Plan Policy VII.C.2, a minimum fire-flow rate of 1,500 gallons per minute is required for all residential uses.
19. Pursuant to General Plan Policy VIII.D.2, street trees shall be planted along all streets, in accordance with the City's Street Tree Plan and Standards. All trees shall be of a type on the approved street tree list and shall be a minimum of fifteen gallons in size with a mature tree canopy of at least a thirty-foot diameter within fifteen years. The intent is that majestic street tree species that create large canopies at maturity will be required in all medians and streetside landscape strips. The goal is create maximum shade canopy over streets and sidewalks. Landscaping of each parcel shall be completed prior to occupancy of its building(s).
20. Pursuant to General Plan Policy VIII.D.4, a permanent mechanism for the ongoing maintenance of street trees is required, to the satisfaction of the City Manager and City Finance Director.
21. Pursuant to General Plan Policy VIII.D.7, all lighting including street lighting, shall be designed, installed, and maintained to minimize light spillage, unnecessary brightness and glare, and degradation of night sky clarity.

Negative Declaration Mitigation Measures

22. **Mitigation Measure Aesthetics 1** – Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. Lighting plans with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles shall be submitted to the City for review and approval as part of improvement plans.

Prior to issuance of a building permit, the applicant shall submit a photometric and proposed lighting plan for the project to the satisfaction of the Community Development Department to ensure no spillover light and glare onto adjoining properties.

23. **Mitigation Measure Air 1** – Install an ozone destruction catalyst on all air conditioning systems. With the applicant's agreement to accept and implement the following mitigation measure, NOx emissions would be minimized and this impact would be held to a less than significant level.

24. Mitigation Measure Air 2

- a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations.
- b. Construction equipment shall minimize idling time to 5 minutes or less. Catalyst and filtration technologies shall be incorporated where feasible.
- c. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

An enforcement plan shall be established to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:

175 hp - 750 hp	1996 and newer engines
100 hp - 174 hp	1997 and newer engines
50 hp - 99 hp	1998 and newer engines

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

25. Mitigation Measure Air 3

- a. Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- b. Ground cover shall be reestablished in disturbed areas quickly.
- c. Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- d. Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites
- e. Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- f. A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- g. All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- h. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

26. Mitigation Measure Biological 1 – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Mitigation shall be consistent with the City's adopted Habitat Mitigation Program. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

27. Mitigation Measure Biological 2 -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (Swainson's Hawk, White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 0.25 mile of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

28. **Mitigation Measure Biological 3** -- The project proponent shall mitigate for potential project-related impacts to migratory birds by conducting a pre-construction survey for nests on the site. The preconstruction survey shall be performed no more than 14 days prior to the onset of vegetation and/or tree removal. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of migratory birds known to occur in the vicinity of the City of Winters. If active migratory bird nest(s) are found onsite during the preconstruction survey, the nest(s) shall not be disturbed or removed until the young have fledged and the nest is no longer active. A buffer may be required. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Alternatively, potential impacts to nesting birds or unfledged young would be avoided if vegetation and/or tree removal occurred only between September 1 and January 21.

29. **Mitigation Measure Biological 4** -- Any mitigation required shall be implemented in a manner consistent with requirements, purpose and intent of the City of Winters' Habitat Mitigation Program.

30. **Mitigation Measure Cultural 1** -- If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

31. **Mitigation Measure Cultural 2** - Should human remains be discovered, no further site disturbance shall occur until the county coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

32. **Mitigation Measure Geology 1** -- Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the Geotechnical Investigation (Wallace Kuhl, March 8, 2007) prepared for the project.

33. **Mitigation Measure Land Use 1** -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good community design.

34. **Mitigation Measure Noise 1** -- HVAC noise shall not exceed 45 dBA at the nearest residential property line. This shall be demonstrated to the City via a noise analysis prepared by a qualified consultant prior to issuance of occupancy permits for Buildings 6, 7, 8, and 9.

35. **Mitigation Measure Noise 2** -- Construction equipment shall be fitted with adequate engine mufflers and enclosures.

36. Mitigation Measure Traffic 1

Grant Avenue/Dutton Street – The project applicant shall make a fair-share contribution toward construction of either a two-way left-turn lane or a median with eastbound left-turn pocket at the intersection. This improvement would provide acceptable intersection operations during the AM and PM peak hours.

Grant Avenue/East Street – Consistent with the findings of the Grant Avenue Access Study the project applicant shall close the East Street approach to Grant Avenue as part of the frontage improvements to the project site. The traffic diversion caused by this closure does not cause a significant LOS impact to the adjacent intersections and the grid street network allows for reasonable alternatives for the residents and businesses along East Street.

Grant Avenue/Walnut Lane – The project applicant shall realign the north leg of Walnut Lane and construct a traffic signal or roundabout at the Walnut Lane intersection to provide access to the project site.

Grant Avenue/Morgan Street – The applicant shall make a fair share contribution toward construction a roundabout or signalizing this intersection. This improvement will require consolidating access to the parcels on the north side of the street and relocating their access point to be opposite of Morgan Street.

37. Mitigation Measure Utilities 1 -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.

38. Mitigation Measure Utilities 2 – Building permits shall be issued for each building only after the City Engineer has established that water supply will be available to serve the building.

Community Development

39. Construction activities shall be limited to 7:00 am to 7:00 pm, Monday through Friday only (holidays excluded) in compliance with the City’s Noise Ordinance and Standard Specifications. The Applicant shall submit a Construction Noise Control Plan for review and approval by the City prior to acceptance of Final Map. This plan shall address job site noise control and establish protocols for addressing noise complaints. Job site signage with 24-hour contact information for noise complaints shall be included.

40. Foundations shall be poured in place, onsite. No pre-cast foundations will be permitted. This shall be stipulated in all construction contracts.

41. All address numbering shall be clearly visible from the street fronting the property. All buildings shall be identified by either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting background

42. The Applicant shall pay all development impact fees, fees required by other entities, and permit fees.

43. The Applicant shall be responsible for any additional costs associated with the processing of this project including but not limited to: plan check, inspections, materials testing, construction monitoring, and other staff review and/or oversight including staff time necessary to ensure

completion/satisfaction of all conditions of approval and mitigation measures. The Applicant shall, on a monthly basis, reimburse the City for all such costs. Project Applicant shall pay all development impact fees adopted by the City Council and shall pay fees required by other entities.

44. The Developer shall obtain the following approvals from the Central Valley Regional Water Quality Control Board, as appropriate: 1) coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities; 2) compliance with post construction storm water Best Management Practices pursuant to the NPDES General Permit for Small Municipal Separate Storm Sewers Systems; 3) 401 Water Quality Certification for wetlands impacts; 4) Dewatering Permit under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit.
45. The main electrical panel for each building and shall be located at the exterior of the building and capable of total electrical disconnect by a single throw. This same requirement shall apply to each sub-unit or office suite unless waived by the Fire and Community Development Departments.
46. The applicant shall form an property owners association for the project. A draft of the conditions, covenants, and restrictions (CC&Rs) necessary for the association shall be provided to City staff for review and approval at least 30 days prior to filing for Final Map. The CC&Rs shall be recorded concurrently with the Final Map.
47. Address directories shall be provided for the site subject to the approval of the Fire and Community Developments.
48. Separate sewer, water, and electrical meters shall be provided for each unit.
49. Address for each unit shall be clearly visible for each unit and shall be architecturally consistent with building design.
50. Each unit shall be wired for security and fire alarm systems.
51. Buildings shall be wired to enable WiFi security monitoring of project site.
52. There shall be no outside storage of any type in parking areas. Those areas shall be kept free of obstruction and available for their designated use at or stored on the parking areas.
53. The site and improvements shall be well maintained and kept free of litter, debris, weeds and graffiti. Any graffiti shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the original wall or fence as most practically feasible.
54. The project shall operate in order to limit noise exposure to those levels set forth in the Winters Municipal Code and General Plan.
55. The name of the project shall be subject to approval by the Community Development Department. The term "gateway" shall not be used.
56. Bike racks shall be provided per Winters Municipal Code and be located adjacent to each building. Locations shall be approved by the Community Development Department.
57. At least one pedestrian bench shall be located adjacent to each building. Locations shall be approved by the Community Development Department.

Design Review

58. Building design and theme shall be the Ag Industrial style approved by the Planning Commission on December 11, 2007.
59. Lights along local streets shall not exceed 20-feet in height and shall be spaced to meet illumination/safety requirements. Historic-style street lamps shall be used along all streets including the private internal driveways.
60. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.
61. Lighting plan shall be subject to approval by the Community Development Director.
62. Exterior building colors and materials shall be consistent with the color schemes and materials approved by Planning Commission on December 11, 2007.
63. Landscaping and signage shall be consistent with the applicable requirements of Chapters 17.76 (Landscaping and Design) and 17.80 (Signs) of the Winters Municipal Code. Signage and landscaping shall be subject to approval by the Community Development Director.
64. Prior to the issuance of a building permit, the Community Development Director and Public Works Director shall review and approve the design and siting of trash facilities. Trash and recycling enclosures shall be covered. The trash and solid waste facilities shall incorporate design features for the project that are conducive to collecting and storing recyclables and shall incorporate recycling collection at a designated facility within the site area at appropriate locations.
65. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Community Development Director that all on-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent.
66. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Public Works Director that all off-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent.
67. Prior to issuance of a certificate of occupancy, the Community Development Director shall confirm that all mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.

Conditional Use Permit for Drive-Through at Building 1 on Parcel A

68. The CUP is for drive-up automated teller machines associated with a financial institution proposed to be located in Building 1. Should the proposed use change a new CUP shall be required.

Conditional Use Permit for Drive-Through at Building 2 on Parcel B

69. The CUP is for drive-up food service associated with a food or beverage service business proposed to be located in Building 2. Should the proposed use change a new CUP shall be required.

70. Business hours for the drive-through are limited to the period of 6am to 10pm.
71. Noise from any speaker/microphone system associated with the drive-through shall not extend past the boundaries of Parcel B.
72. Operator of business associated with the drive-through shall conduct litter pick-up in of their business related refuse on site and along 300' each way along Grant Avenue at regular intervals each day.

Street Improvements

73. The improvement plans shall be signed by the soils engineer prior to submittal.
74. 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.
75. Grant Avenue:
 - a) Improvements shall include widening of vehicle travel lanes, dual left turn lane to accommodate left and right turn for Walnut Lane, Dutton Street and the west entrance to the commercial development.
 - b) Improvements for the intersection of Grant Avenue (State Route 128) at Walnut Lane and the Commercial Site driveway access shall be prepared to accommodate a future roundabout or traffic signal.
 - c) Grant Avenue/Walnut Lane – The project applicant shall realign the north leg of Walnut Lane to align with the west driveway entrance to the commercial project.
 - d) Applicant shall construct a traffic signal or roundabout at the Walnut Lane intersection to provide access to the project site, should the timing of the project development trigger the need for the improvements. If the timing of the development does not trigger the improvements the applicant shall pay their fair share contribution towards construction of the improvements.
 - e) Grant Avenue/Morgan Street – The applicant shall make a fair share contribution toward construction a roundabout or signalizing this intersection.
 - f) Construct off-street landscaping, and a ten (10) foot wide pedestrian/bike path on the south side from the western terminus of this Tentative Map to the eastern terminus. The final plan shall be approved by City Engineer.
 - g) No parking shall be allowed on Grant Avenue.

76. Baker Street:

- a) Improvements to include widening of vehicle travel lanes, on-street diagonal parking and landscape parking medians.

77. 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, whichever 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.

Storm Drainage and Site Grading

78. A storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing upstream and downstream properties and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and City Public Works Improvement Standards. The plan shall include final sizing and location of on-site and off-site storm conduit channels, structures. The Storm Drainage Plan shall be submitted for approval prior to approval of the final map and/or construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan.
79. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
80. The Tentative Map Grading and Drainage plan showing grading and drainage information including topographic information, drainage routing, pipe slopes and sizing and locations and excluding topographic information, and overland drainage routing are preliminary only and do not constitute approval. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
81. The developer shall be required to detain the 10-year and 100-year storm water runoff to pre-development conditions on-site through the construction of detention features/facilities. The 100-year design storm that exceeds the capacity of the drainage system shall be designed with an overland release path which prevents flooding to existing and proposed structures in the event of malfunction or overloading of the drainage system. The overland release system shall be designed per the 2003 City of Winters Public Works Department Improvement Standards and as amended.
82. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
83. The Drainage Plan shall demonstrate thatAll perimeter parcels and lots are not adversely affected by surface runoff from development improvements in a manner acceptable to the City Engineer.
84. All projects shall include implementation of post-construction best management practices (BMP). Post construction BMPs shall be identified on improvement plans and approved by the City Engineer.
85. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.

86. Applications/projects disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less than one acre shall include a BMP to be approved by the City Engineer.
87. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by City Engineer.
88. Where possible landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. All other slopes shall comply with the City of Winters Public Works Improvements Standards. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
89. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown. Seed mix is subject to approval by the City Public Works and Community Development Departments.
90. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
91. Construction equipment and engines shall be properly maintained.
92. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
93. Potentially windblown materials will be watered or covered.

Wastewater and Sewer Collection System

94. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral and cleanout required for each building, in accordance with City of Winters Public Improvement Standards and Construction Standards.
95. On site sewer utilities shall be privately owned.
96. A Sewer Collection System Plan shall be submitted for approval by the City Engineer prior to approval of the parcel map and with construction drawings. The applicant shall pay the cost associated with all improvements required by the plan the issuance of a building permit and/or construction drawings for checking. A registered civil engineer for the project shall prepare the sewer collection system plan. The plan shall include final sizing and location of on-site conveyance facilities, structures, and engineering calculations.
97. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.

Water Infrastructure

98. Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City Engineer has established that water supply will be available to serve the units.

99. The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. If required, Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.
100. The property shall be connected to the City of Winters water system, with a separate water lateral and meter required for each parcel or building , in accordance with City of Winters Public Improvement Standards and Construction Standards.
101. On site water utilities within the private street shall be privately owned.
102. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his/her designated agent.
103. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the applicant's expense. Required location, service size and flow-rate for the fire protection system must be submitted. Actual location is subject to the review and approval of the Public Works Department, Fire Department, and Community Development Department.
104. Provide a letter from Yolo County Environmental Health Department giving location and filling specifications for all water wells or septic tanks within the subdivision boundary. If there are no wells or septic tanks, a letter so stating from Yolo County Environmental Health Department must be provided.
105. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. The number and location of the fire hydrants shall be determined by the Fire Chief. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
106. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District. The minimum residual pressure shall be 20 PSI.
107. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Winters Fire Department for replacement purposes.
108. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
109. The developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
110. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.

111. All buildings shall have fire suppression sprinkler systems meeting or exceeding NFPA 13 and local Fire Department standards. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems.
112. KNOX boxes shall be installed on all buildings to the satisfaction of the Fire Department.

General Public Works and Engineering Conditions

113. 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 parcel map and comply with all regulations, mitigations and conditions set forth.
114. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the parcel map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
115. The Final map shall be recorded prior to issuance of a building permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the parcel map from the County, prior to approval of improvement plans.
116. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
117. Applicant shall make every attempt to submit joint trench/utility/composite plans for review, prior to approval of the parcel map and improvement plans. Construction will not be allowed to proceed prior to submittal of the joint trench/utility/composite plans for City review.
118. 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.
119. Street lighting location plan shall be submitted and approved by the City Engineer, prior to approval of improvement plans.
120. With the exception of Grant Avenue, public roadway improvements must be constructed and paved prior to issuance of any occupancy permit permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City Engineer and Fire Department.
121. With the exception of Grant Avenue roadway improvements being completed, occupancy of units shall not occur until on-site and off-site improvements have been inspected, approved by the City Engineer, and the City has approved as-built drawings, unless otherwise approved by the City Engineer and Community Development Director. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition. No new vehicle access to the site from Grant Avenue shall be allowed until such time as the Grant Avenue improvements are completed
122. 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.
123. A Subdivision Improvement and Maintenance Agreement shall be entered into between the City and Developer and recorded prior construction of improvements, issuance of any building permits, or recordation of a final map.

124. At the time of making the survey for the Final Map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the parcel map shall be set or referenced prior to recordation of the map.
125. 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.

Easements and Right of Way

126. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
127. 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.
128. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets shall be dedicated to the City unless other wise approved by the City Engineer. Additional easements shall be dedicated as requested by the utility companies and approved by the City.
129. Reciprocal street and parking access and utility easements shall be shown on the improvement plans and recorded with the final map.

Reimbursements for Applicant Installed Improvements

130. Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.
131. 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.
132. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.
133. Encroachment permits if necessary shall be acquired from Caltrans and PG&E.
134. 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.