

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, March 24, 2009 @ 7:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #112
Email: jen.michaelis@cityofwinters.org

Chairman: Albert Vallecillo
Vice Chairman: Pierre Neu
Commissioners: Joe Tramontana, Wade Cowan,
Bruce Guelden, Corinne Martinez, Glenn DeVries
Administrative Assistant: Jen Michaelis
Community Development Director: Nelia Dyer

I CALL TO ORDER 7:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III COMMUNICATIONS:

1. Staff Reports
Current Projects List (pp 3-6)
2. Commission Reports

IV CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. **NOTICE TO SPEAKERS:** Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

V CONSENT ITEM

Approve minutes of the February 24, 2009 regular meeting of the Planning Commission. (pp 7-10)

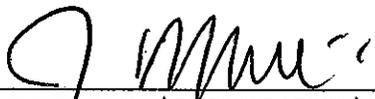
VI DISCUSSION ITEMS:

1. Public Hearing to consider four ordinances of the City of Winters adding Chapter 16.01, 16.02, 16.03, and 16.04 to the Winters Municipal Code pertaining to tentative subdivision maps, final subdivision maps, parcel maps, and vesting tentative subdivision maps (2009-02 ORD) (pp 11-48)
2. Public Hearing to consider a Site Plan/Design Review, Conditional Use Permit, the addition of a Planned Development Overlay and adoption of a Mitigated Negative Declaration for the Proposed St. Anthony's Church and Rectory Project at 511 Main Street (2008-09 SP/DR/PD) (pp 49-152)
3. Public Hearing to consider a Conditional Use Permit for Wine Tasting Room at 304 Railroad Avenue (2009-01 CUP) (pp 153-168)
4. Informational Item – Downtown Retail Signage (Under Separate Cover)

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON WEDNESDAY, MARCH 18, 2009.



JEN MICHAELIS - ADMINISTRATIVE ASSISTANT

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA, HOWEVER, TIME LIMITS MAY BE IMPOSED BY THE CHAIR AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

COPIES OF AGENDA, AGENDA REPORTS AND OTHER MATERIALS: PRIOR TO EACH MEETING, COPIES OF THE AGENDA ARE AVAILABLE, AT NO CHARGE, AT CITY HALL DURING NORMAL WORKING HOURS. IN ADDITION, A LIMITED SUPPLY WILL BE AVAILABLE ON A FIRST COME, FIRST SERVED BASIS, AT THE PLANNING COMMISSION MEETINGS. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF \$25.00 FOR A SINGLE PACKET AND \$250.00 FOR A YEARLY SUBSCRIPTION.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of March 16, 2009
(530) 795-4910, extension 112, www.cityofwinters.org

* *New information in italics*

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION
(1) Winters Highlands, Granite Bay Holdings, LLC, Larry John (916) 960-1656	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	City Council approved the Second Amendment to the Development Agreement on January 6, 2009.	Applicant submittal of Final Map and Improvement Plans.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(4) Creekside Estates, Lynda Fletcher (530) 902-4288	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	Planning Commission approved Tentative Subdivision Map on November 23, 2004.	Applicant submittal of Final Map and Improvement Plans.
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council at its January 15, 2008 meeting took final action by approving the Rezone Ordinance.	Applicant submittal of Final Map and Improvement Plans.

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<p>(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>Applicant declined option to purchase project property.</p>	<p>Project not active.</p>
<p>(9) Anderson Place, Eva Brzeski (415) 887-9300</p>	<p>Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.</p>	<p>First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat & RV storage, sale & repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.</p>
<p>(10) Pearse Parcel Map, Thomas Pearse (530) 795-5901</p>	<p>Proposal for 4-unit parcel map at the south end of Third Street.</p>	<p>Planning Commission on October 9, 2007 approved project.</p>	<p>Applicant submittal of Final Map and Improvement Plans.</p>
<p>(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855</p>	<p>Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.</p>	<p>Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008.</p>	<p>Applicant submittal of Final Map, Improvement Plans, and building plans.</p>
<p>(12) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000</p>	<p>Proposal to annex 80 acres (APNs 030-210-05 & 08) adjacent to County Road 88 and within the City's General Plan Area.</p>	<p>City issuance of incomplete application letter on February 1, 2008.</p>	<p>Applicant response to City's February 1, 2008 incomplete application letter.</p>
<p>(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033</p>	<p>Proposal to construct 74 multifamily (workforce housing) units on 10.6 acres between Railroad Ave, and Dutton Street extension, north of East Grant Ave. To include 1-, 2-, 3-, and 4-bedroom units + a community center.</p>	<p>Planning Commission approved Site Plan (Design Review) and adopted MND and MMP on January 27, 2009. Appeal of PC's decision was filed on February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting.</p>	<p>Applicant submittal of improvement and building plans.</p>

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<p>(14) St. Anthony's Catholic Church Parish & Rectory, Roman Catholic Church of Sacramento/McCandless & Associates (530) 662-9146</p>	<p>Proposal to construct a new Catholic Church and associated site work at the corner of Main & Grant Streets.</p>	<p>Application was filed on October 16, 2008. Project application is complete as of January 16, 2009.</p>	<p>Mitigated Negative Declaration was prepared and is now available for 30-day public review. Planning Commission Public Hearing for Adoption of MND and action on the project scheduled for March 24, 2009. <i>Applicant submittal of improvement and building plans.</i></p>
<p>(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214</p>	<p>Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.</p>	<p>Planning Commission approved the Design Review (Site Plan) on February 24, 2009.</p>	<p><i>Applicant submittal of improvement and building plans.</i></p>
<p>(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767 Safe Routes to School</p>	<p>Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue</p>	<p>Application was filed on January 29, 2009.</p>	<p>Public Hearing for CUP scheduled for March 24, 2009</p>
<p>Abbey Street Partial Abandonment</p>	<p>Installation of sidewalks at Winters HS and Waggoner Elementary School Partial abandonment of East Abbey St to allow for Monticello development</p>	<p>Notice of Exemption filed 5/7/08. Trees removed in Sept. 2008. Project complete. PC accepted GP consistency report and recommended to Council 4/22/08. CDA at its September 2, 2008 meeting approved the DDA for the project.</p>	<p><i>Applicant submittal of improvement and building plans for the Monticello Project</i></p>
<p>Monticello Mixed-Use Project</p>	<p>Application for Site Plan Review and Design Review, and CUP for the construction of a mixed-use project (commercial/retail, office and residential) on 0.42 acre on the east side of Railroad Ave. between Abbey St. and Main St., in downtown Winters CBD.</p>	<p>CDA at its September 2, 2008 meeting approved the DDA for the project</p>	<p><i>Applicant submittal of improvement and building plans.</i></p>
<p>Public Safety Facility</p>	<p>Application for Site Plan Review and Design Review, CUP and Variance for the construction of the City's public safety facility on 2.78 acres of the Ogando-Hudson Subdivision (Grant Ave @West Main Street)</p>	<p>Planning Commission hearing on 7/22/08 -- PC approved project subject to COAs presented in staff report.</p>	<p>City to prepare Lot Line Merger and Swainson's hawk mitigation. Applicant submittal of improvement and building plans.</p>

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AFFORDABLE HOUSING UNITS

- Project #1:** 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households
- Project #2:** 2 units for low-income households
- Project #3:** 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households
- Project #4:** 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households
- Project #5:** 11 units for very low-income households
- Project #6:** 6 units for moderate-income households
- Project #7:** Not known whether residential units will be constructed
- Project #8:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #9:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #10:** Not applicable
- Project #11:** Not applicable
- Project #12:** Not known at this time
- Project #13:** 74 units for very low-income and low income households
- Project #14:** Not applicable
- Project #15:** Not applicable
- Project #16:** Not applicable

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, FEBRUARY 24, 2009**

Chairman Vallecillo called the meeting to order at 7:30 p.m.

PRESENT: Commissioners Cowan, DeVries, Guelden, Martinez, Neu, Tramontana, and Chairman Vallecillo

ABSENT: None

STAFF: Community Development Director Nellie Dyer, City Attorney John Wallace, Contract Planner Kate Kelly, Public Works Associate Elliot Landes, and Administrative Assistant Jenna Michaelis.

Commissioner Tramontana led the Pledge of Allegiance.

COMMUNICATIONS:

Staff Reports: Community Development Director Dyer noted the Current Projects List & the Tentative Meeting Schedule, adding that Item "B" on the agenda for this evening is to be continued to the next regular meeting in March.

Commission Reports: None

Ms. Marie Rojo Heilman, 116 Abbey Street, came before the Planning Commission to ask that memorial benches that her family purchased for use near Putah Creek Café be moved to a more appropriate place than the City's corporation yard or near JJ's Saloon. Ms. Heilman stated that since the new downtown improvements have been completed, the benches have not been put back to where they were before the improvements. Commissioners concurred that Ms. Heilman bring the issue forward at the next meeting of the City Council for their direction in the matter.

CONSENT ITEM

Approve minutes of the January 27, 2009 regular meeting of the Planning Commission.

Motion by Commissioner Guelden, Second by Commissioner Martinez to approve the minutes for the January 27, 2009 meeting of the Planning Commission. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Martinez, Neu, Tramontana, and Chairman Vallecillo

NOES: None

ABSTAIN: None

ABSENT: None

DISCUSSION ITEM

A. Informational Presentation – Chickahominy Creek Conservation Area Project.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, FEBRUARY 24, 2009**

Contract Planner Kate Kelly provided an introduction of the item. Mr. Charles Tyson presented the project and associated exhibits, highlighting the location of the project. Mr. Jake Messerly of the California Waterfowl Association provided program information as the easement holder of the project.

- B. Public Hearing to consider four ordinances of the City of Winters adding Chapters 16.01, 16.02, 16.03 and 16.04 to the Winters Municipal Code pertaining to tentative subdivision maps, final subdivision maps, parcel maps and vesting tentative subdivision maps.

Community Development Director Dyer said that this item was continued to the next regular meeting of the commission in March. The item was continued because the item was not noticed properly.

- C. Public Hearing to consider a Site Plan/Design Review of the Fueling Canopy at 115 East Grant Avenue.

Community Development Director Dyer gave an overview of the staff report and presented a Powerpoint. Mr. Phillip Mendrin of West Star Environmental, representing the applicant, presented exhibits regarding materials, lighting, tank screening, and design for the canopy.

Commissioner Tramontana asked if the top of the canopy was 15 feet high. Mr. Mendrin responded that the maximum height will be 19 feet. Commissioner Tramontana asked if all trucks and trailers can fit under the canopy. Mr. Mendrin responded that all trucks can fit under there.

Chairman Vallecillo asked if the tank needed security. Mr. Mendrin responded that the tank itself is secure and will be padlocked. Chairman Vallecillo asked if the proposed landscaping would be irrigated. Mr. Mendrin responded that irrigation is part of the project.

Commissioner Neu asked if there is any danger to the public with vapors from the tank proposed to be located at the front of the site. Mr. Mendrin responded that the vapors do not vent from the tank and, therefore, the public will not be subject to any hazardous vapors from the tank.

Commissioner Tramontana asked if any trees would be planted to screen lighting from the canopy. Mr. Mendrin responded that trees are not in the plan at this time.

Chairman Vallecillo asked about the traffic flow on the site. Mr. Mendrin responded that traffic flow will be greatly improved with the new configuration of the fuel dispensers.

Chairman Vallecillo opened the Public Hearing at 8:20PM. Hearing no comments, Chairman Vallecillo closed the Public Hearing at 8:20PM.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, FEBRUARY 24, 2009**

Ms. Dyer added that she has spoken to Nick Ponticello, City Engineer, about the new site configuration and stated that he did not have any issues with it.

Motion by Commissioner Martinez, Second by Commissioner Cowan to Approve the Site Plan/Design Review of the Fueling Canopy at 115 East Grant Avenue. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Neu, Martinez, Tramontana, and Chairman Vallecillo

NOES: None

ABSTAIN: None

ABSENT: None

D. Public Hearing to adopt the Proposed Mitigated Negative Declaration and consider a Site Plan/Design Review of the City of Winters Wastewater Treatment Plan Solar Array Project.

Community Development Director Dyer provided an overview of the Staff Report and presented a PowerPoint. Commissioner Tramontana asked anecdotally if after time has passed, if species could re-establish themselves. Ms. Dyer responded that it was possible that species could re-establish there, but it was not certain.

Commissioner Neu asked if the facility is fenced. Public Works Associate Elliot Landes responded that the entire area is fenced. Mr. Landes provided information regarding the management of the site, and a possible construction timeline.

Chairman Vallecillo opened the Public Hearing at 8:45PM. Hearing no comments, Chairman Vallecillo closed the Public Hearing at 8:45PM.

Motion by Commissioner DeVries, Second by Commissioner Martinez to Adopt the Proposed Mitigated Negative Declaration and consider a Site Plan/Design Review of the City of Winters Wastewater Treatment Plan Solar Array Project. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Neu, Martinez, Tramontana, and Chairman Vallecillo

NOES: None

ABSTAIN: None

ABSENT: None

COMMISSION/STAFF COMMENTS:

None

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, FEBRUARY 24, 2009**

The meeting was adjourned at 8:50 p.m.

ATTEST:

Jenna Michaelis, CDD Admin

Albert Vallecillo, Chairman



PLANNING COMMISSION STAFF REPORT
March 24, 2009

TO: Chairman and Planning Commissioners

THROUGH: Nelia Dyer – Community Development Director

BY: Joanna Smith – Contract Assistant City Attorney, Meyers Nave

SUBJECT: **Public Hearing to consider four ordinances of the City of Winters adding Chapters 16.01, 16.02, 16.03 and 16.04 to the Winters Municipal Code pertaining to tentative subdivision maps, final subdivision maps, parcel maps and vesting tentative subdivision maps.**

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Receive the staff report;
- 2) Conduct a public hearing; and
- 3) Recommend approval to the City Council of the adoption of:
 - a) An Ordinance adding Chapter 16.01 to Title 16 of the Winters Municipal Code pertaining to tentative subdivision maps;
 - b) An Ordinance adding Chapter 16.02 to Title 16 of the Winters Municipal Code pertaining to parcel maps;
 - c) An Ordinance adding Chapter 16.03 to Title 16 of the Winters Municipal Code pertaining to final subdivision maps; and
 - d) An Ordinance repealing Chapter 16.04, entitled General Provisions, and adding Chapter 16.04 to Title 16 of the Winters Municipal Code pertaining to vesting tentative maps.

BACKGROUND:

The Subdivision Map Act (California Government Code Sections 66410 *et seq.*), governs and provides the general framework for the processing of maps that subdivide land. The Subdivision Map Act ("Act") distinguishes between a subdivision of land consisting of five or more parcels and a subdivision of land consisting of four or fewer parcels. In dealing with these two different scenarios, there are four types of maps that the City may need to process: (1) a tentative

subdivision map (or tentative map), (2) a vesting tentative map, (3) a final subdivision map (or final map) and (4) a parcel map.

Under the Act, a subdivision of land consisting of five or more parcels requires a tentative map and a final map, subject to certain exceptions. (Govt. Code Sections 66426, 66499.30.) The purpose of a tentative map is to show "the design and improvement of a proposed subdivision and the existing conditions in and around it." (Govt. Code Section 66424.5(a).) A tentative map is commonly approved with a number of conditions that must be satisfied before approval and recordation of a final map. (Govt. Code Section 66452.1.) A vesting tentative map is an alternative to a tentative map, which confers a vested right, that would not exist otherwise, to proceed with development in substantial compliance with the local laws and regulations in effect at the time the application for the vesting tentative map is complete. (Govt. Code Section 66498.1.) A final map must be substantially the same as a tentative map, but it is a more detailed map that is based on a survey. (Govt. Code Sections 66441, 66442(a)(2).) Once a final map is recorded, the parcels shown on it may be individually sold, financed, or leased and/or construction on a parcel may commence. (Govt. Code Section 66499.30.) On the other hand, only a parcel map is required for a subdivision of land involving four or fewer parcels, subject to certain exceptions. (Govt. Code Section 66426.)

Although the Act provides the framework for the processing of maps that subdivide land, the Act also requires local agencies to adopt ordinances that specify the procedures that will be applicable to the local agency with regard to the filing, processing, approval, conditional approval and disapproval of the maps. For instance, the Act provides that, except as provided by the Act, the procedure for filing, processing, approving, conditionally approving, and disapproving parcel maps "shall be as provided by local ordinance." (Govt. Code Section 66463.) Because the Act includes only a few regulations regarding the procedure for filing, processing, approving, conditionally approving, and disapproving parcel maps, the procedures relating to parcel maps are largely determined by local ordinance.

Chapter 16.04, entitled General Provisions, of Title 16 of the Winters Municipal Code currently governs the City's procedures for processing maps that subdivide land. However, Chapter 16.04 is comprised solely of Section 16.04.010, which states that the processes outlined in the Subdivision Map Act are to be used for all matters relating to the division of land. As a result of Section 16.04.010, there is currently a gap in the City's procedures for filing, processing, approving, conditionally approving, and disapproving maps subdividing land in those instances that the Act requires a local ordinance to provide the procedures. The attached proposed Ordinances will close this gap and provide the City with comprehensive procedures to govern the filing, processing and approval, conditional approval and disapproval of maps subdividing land within the City.

As a necessary step, the proposed Ordinances will repeal and replace the current Chapter 16.04.

PROJECT NOTIFICATION:

Public notice for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code, the Subdivision Map Act and State Planning Law. A legal notice was published in the Winters Express on Thursday, March 12, 2009. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, March 19, 2009.

ENVIRONMENTAL ASSESSMENT:

The proposed Ordinances are exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed Ordinances to the City Council by making four affirmative motions as follows:

1. **I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE OF THE CITY OF WINTERS ADDING CHAPTER 16.01 TO TITLE 16 OF THE MUNICIPAL CODE PERTAINING TO TENTATIVE SUBDIVISION MAPS**
2. **I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE OF THE CITY OF WINTERS ADDING CHAPTER 16.02 TO TITLE 16 OF THE MUNICIPAL CODE PERTAINING TO PARCEL MAPS**
3. **I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE OF THE CITY OF WINTERS ADDING CHAPTER 16.03 TO TITLE 16 OF THE MUNICIPAL CODE PERTAINING TO FINAL SUBDIVISION MAPS**
4. **I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE OF THE CITY OF WINTERS REPEALING CHAPTER 16.04, ENTITLED GENERAL PROVISIONS, FROM TITLE 16 OF THE MUNICIPAL CODE AND ADDING CHAPTER 16.04 TO TITLE 16 OF THE MUNICIPAL CODE PERTAINING TO VESTING TENTATIVE MAPS**

ALTERNATIVES:

The Planning Commission may recommend modifications, in compliance with the Subdivision Map Act, to the Ordinances or recommend denial of the Ordinances to the City Council.

ATTACHMENTS:

1. An Ordinance adding Chapter 16.01 to Title 16 of the Winters Municipal Code pertaining to tentative subdivision maps
2. An Ordinance adding Chapter 16.02 to Title 16 of the Winters Municipal Code pertaining to parcel maps
3. An Ordinance adding Chapter 16.03 to Title 16 of the Winters Municipal Code pertaining to final subdivision maps
4. An Ordinance repealing Chapter 16.04, entitled General Provisions, and adding Chapter 16.04 to Title 16 of the Winters Municipal Code pertaining to vesting tentative maps

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTERS ADDING
CHAPTER 16.01 TO TITLE 16 OF THE MUNICIPAL CODE
PERTAINING TO TENTATIVE SUBDIVISION MAPS**

The City Council of the City of Winters does ordain as follows:

SECTION 1.

Chapter 16.01, entitled Tentative Subdivision Maps, is hereby added to Title 16 of the Municipal Code of the City of Winters to read as follows:

16.01.010 Division of Land-Five or More Parcels

A tentative and final map shall be required for all divisions of land when determined by the community development director that such land is proposed to be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

- A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the governing body as to street alignments and widths; or
- D. Each parcel created by the division has a gross area of not less than 40 acres or is not less than $\frac{1}{4}$ of a $\frac{1}{4}$ section; or
- E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

16.01.020 Applicability

The form and contents, submittal and approval of tentative maps for five (5) or more parcels in accordance with Section 16.01.010 shall be governed by the provisions of this chapter, and the Subdivision Map Act.

16.01.030 Exceptions

The provisions of this chapter shall not apply to the exceptions provided for in Section 66412 of the Subdivision Map Act.

16.01.040 Tentative Map Application; Form and Contents

The tentative map application shall be prepared in a manner acceptable to the community development director and shall be prepared by a registered civil engineer or land surveyor. The tentative map shall be clearly drawn and shall contain not less than the following:

- A. A title which shall contain the subdivision number, subdivision name, and type of subdivision;
- B. Name and address of legal owner, subdivider, and person preparing the map, including registration or license number;
- C. Sufficient legal description to define the boundary of the proposed subdivision;
- D. The names and numbers of adjacent subdivisions and the names of the owners of adjacent unplatted land;
- E. Date, north arrow, scale, contour interval, and source and date of existing contours;
- F. The total number of lots and gross and net acreage of the subdivision;
- G. A statement of present zoning and of existing and proposed uses of the property as well as any proposed zoning charges, whether immediate or future;
- H. A vicinity map showing roads, adjoining subdivisions, county areas, creeks, and other data sufficient to locate the proposed tentative map and show its relation to the community;
- I. Existing topography of the proposed site and at least one hundred feet (100') beyond its boundary, including but not limited to:
 1. Existing contours at two (2) foot intervals if the existing ground slope is less than twenty percent (20%) and not less than five (5) foot intervals for existing ground slopes equal or greater than twenty percent (20%). Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines.

2. Type, circumference, and drip line of existing trees with trunk diameter of four (4) inches or more. Any trees proposed to be removed shall be so indicated.
 3. The location and outline of existing structures identified by type. Structures to be removed shall be so indicated.
 4. The approximate location of all areas of potential storm water overflow; the location, width, and direction of flow of each water course; and the flood zone.
 5. The location, pavement, and right-of-way width, grade, and name of existing streets and highways.
 6. The widths, location, and identity of all existing easements.
 7. The location and size of existing sanitary sewers, fire hydrants, water mains, and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The locations of existing sewers and storm drains shall be indicated. The location of all existing overhead and underground utility lines on peripheral streets shall be indicated.
- J. Proposed improvements to be shown shall include but not be limited to:
1. The location, grade, centerline radius, and arc length of curves, pavement, right-of-way width, and name of all streets. Typical sections of all streets shall be shown. Proposed private streets shall be clearly indicated.
 2. The location and radius of all curb returns and cul-de-sacs.
 3. The location, width, and purpose of all easements.
 4. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.
 5. The approximate lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.
 6. For all lots with a slope of twenty (20) percent or greater, specific locations of building envelopes and driveways shall be shown.
 7. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than twenty (20%) percent and not less than five (5)

foot intervals for existing ground slope of twenty (20%) percent or more. A separate grading plan may be submitted.

8. Proposed recreation sites, trails, and parks for private or public use.
 9. Proposed common areas to be dedicated to public open space.
 10. The location and size of sanitary sewers, fire hydrants, water mains, and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated. The proposed routing of storm water runoff by a one hundred year (100) flood.
 11. A statement as to the intention of the subdivider in regard to slope planting and erosion control.
 12. Such other improvements the installation of which is necessary to ensure consistency with/or implementation of, the general plan, or any applicable specific plan.
- K. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;
- L. The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;
- M. If the subdivider plans to develop the site in units or phases, the proposed units or phrases and their proposed sequence of construction shall be shown;
- N. The subdivider shall specify any deviation from these standards and provide the justification for such deviation;
- O. The community development director may require other drawings, data, or information as deemed necessary by the community development director to accomplish the purposes of the Subdivision Map Act and this title; and
- P. Upon written request of the subdivider, the community development director may waive any of the above tentative map requirements if the community development director determines that the type of tentative map does not justify compliance with these requirements, or if the community development director determines that other circumstances justify a waiver. The community development director may require other drawings, data, or information as deemed necessary by the

community development director to accomplish the purposes of the Subdivision Map Act and this chapter.

16.01.050 Tentative Map Application; Accompanying Data and Reports

The tentative map application shall be accompanied by the following data and reports:

- A. Street Names. A list of proposed streets names for any unnamed street or alley for review by the community development director.
- B. Soils Reports. A preliminary soils report prepared in accordance with the provisions of Uniform Building Code. If the preliminary soils reports indicate the presence of critically expansive soil or other soils problems, which if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot.
- C. Grading Plan. A preliminary grading plan prepared in accordance with the provisions of the Uniform Building Code shall be submitted.
- D. Title Reports. A preliminary title report, acceptable to the community development director, showing the legal owners at the time of filing the tentative map.
- E. Environmental Review. Information shall be submitted as required by the community development director to allow a determination on environmental review to be made in accordance with CEQA. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.
- F. Preliminary Engineering Calculations. Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.
- G. Phasing. If the subdivider plans to file multiple final maps on the tentative map, the subdivider shall submit a written notice to this effect to the community development director.
- H. Other Reports. Any other data or reports deemed necessary by the community development director.

16.01.060. Geotechnical Reports.

- A. Three copies of a preliminary engineers soils report and engineering geology report, prepared by a civil engineer and engineering geologist registered in the state and based upon adequate borings, shall be submitted to the city engineer.

- B. A preliminary soils and/or geology report may be waived by the city engineer provided the city engineer finds that, due to the knowledge that the city has as to the soil and geologic conditions in the subdivision, no preliminary analysis is necessary. Such knowledge would include the nature, distribution and strength of the existing soils and the necessary grading procedures and design criteria for corrective measures and the geology of the site and the effect of geologic conditions on the proposed development.
- C. If the city has knowledge of, or the preliminary soils and geology reports indicate, the presence of soil or geologic conditions which, if corrective measure are not taken, could lead to structural defects, a soils and/or geologic investigation of each lot in the subdivision may be required by the city engineer. Such soils and/or geologic investigation shall be done by a civil engineer and/or geologist registered in the state who shall recommend regarding the adequacy of the sites to be developed by the proposed grading and the effect of the soil or geologic conditions on the proposed development. The city may approve the subdivision, or portion thereof, where soils or geologic problems exist if the city determines that the recommended actions provide for procedures and design criteria for corrective measures as necessary covering the structures and adequacy of the sites to be developed by the proposed grading. A condition of the issuance of any building permit may require that the approved recommended action be incorporated in the grading plans and/or specifications and, if necessary, the plans and specifications for the construction of each structure.
- D. Where preliminary soils and/or geology reports are prepared, final reports shall be submitted prior to the acceptance of the improvements indicating the specific actions taken pursuant to the preliminary report recommendations. Such reports shall have sufficient field data submitted to indicate full compliance with the preliminary or subsequent progress report recommendations as they were applied to specific areas or improvements.
- E. Geotechnical reports must also comply with applicable city standards.

16.01.070 Street Names

Each street which is to be dedicated which is a continuation of, or approximately the continuation of, any existing dedicated street shall be shown on the tentative subdivision map and shall be submitted to the community development director for approval in accordance with current city street naming policies. The approved street name shall be shown on the final map.

16.01.080 Community Development Director Review

- A. Application Filing and Review by Applicable Agencies. The tentative map application shall be filed with the community development director. The

subdivider shall file the number of tentative maps that the community development director deems necessary. The community development director shall forward copies of the tentative map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served.

- B. Application Deemed Complete. The application shall be deemed complete by the community development director only when the form and contents of the tentative map conform to the requirements of Section 16.01.040 and when all accompanying data and reports, as required by Section 16.01.050 and Section 16.01.060, and all fees and/or deposits as required by Section 16.01.140 have been submitted and accepted by the community development director. If the community development director does not determine whether a tentative map application is complete within thirty (30) days of receiving application, then the application shall be deemed complete.
- C. Environmental Review. If an environmental impact report is prepared, the report shall be certified within one (1) year from the date that the application is deemed complete, unless an extension of time is granted by the subdivider. If a negative declaration is prepared, the negative declaration shall be adopted within one hundred and eighty days (180) from the date that the application is deemed complete, unless an extension of time is granted by the subdivider.

16.01.090 Planning Commission Action

- A. Notice of Public Hearings. Upon determination that a tentative map application is complete in accordance with Section 16.01.080, the community development director shall prepare a report with recommendations, and shall set the matter for a public hearing before the planning commission. A copy of the community development director's report shall be forwarded to the subdivider at least seven (7) days prior to the public hearing. At least ten (10) days before the public hearing, a notice shall be given of the time, date and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation in the city. In addition to notice by publication, the community development director shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider and to all persons, including businesses, corporations, or other public or private entities, show on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of proposed application. The community development director shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly

affected. A proposed conversion of residential real property to a condominium, community apartment or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act. In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the city shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the city. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The community development director may give such other notice that he or she deems necessary or advisable.

- B. Action. The planning commission shall recommend approval, conditional approval or denial of the tentative map and the community development director shall report the decision of the planning commission to the city council and the subdivider within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the planning commission that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.
- C. Approval. The tentative map may be recommended for approval or conditional approval by the planning commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Subdivision Map Act, the general plan, any applicable specific plan and all applicable provisions of this code. The planning commission may require as a condition of its recommendation of approval that the subdivider pay all of the development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit. Such payment shall be made at the rate for such fees in effect at the time of such application or issuance. The planning commission may add additional requirements as a condition of its recommendation of approval. If no action is taken by the planning commission within the time limits specified in this chapter, the tentative map, as filed, shall be deemed to be recommended for approval insofar as it complies with all other applicable provisions of the Subdivision Map Act, the general plan, any applicable specific plan, and this code, and it shall be the duty of the city clerk to certify or state his or her approval.
- D. Denial. The tentative map may be recommended for denial by the planning commission on any of the grounds provided by the Subdivision Map Act or this code. The planning commission shall recommend denial of the tentative map if it makes any of the following findings:
1. That the proposed map or the design or improvement of the proposed subdivision is inconsistent with the general plan, any applicable specific plan, and the provisions of the code;
 2. That the site is not physically suitable for the type of development;

3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the planning commission may recommend approval of such a tentative map if an EIR was prepared with respect to the project and a finding was made pursuant to paragraph (3) subdivision (a) of Section 21081 of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR;
5. That the design of the subdivision or the type of improvements are likely to cause serious public health or safety problems;
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The planning commission may recommend for approval or approval a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision;
7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agriculture use.

16.01.100 City Council Action

Upon recommending approval, condition approval or denial of the tentative map, the planning commission shall transmit its recommendation to the city council for action. The city council, shall conduct a public hearing after giving notice pursuant to Section 16.01.090(A). In addition, notice of the public hearing shall be given to the planning commission. The public hearing shall be scheduled at the next regular meeting of the city council following the receipt of the planning commission recommendation. The city council may add, modify or delete conditions if the city council determines that such changes are necessary to ensure that the tentative map conforms to the provisions of the Subdivision Map Act, the general plan, any applicable specific plan, and this code. The

city council may deny the tentative map on any of the grounds contained in Section 16.01.090(D). Following the conclusion of the hearing, the city council shall render its decision to approve, conditionally approve or deny the tentative map. The decision of the city council must occur within thirty (30) days of receipt of the planning commission recommendation on the tentative map. If the tentative map is deemed approved, the subdivider shall be entitled, upon request to the community development director, to receive a written certification of approval. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last recommended for approval, or conditional approval by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, the general plan, any applicable specific plan and this code.

16.01.110 Extension of Time for Planning Commission or City Council Action

Any applicable time limits for acting on the tentative map application may be extended by written consent of the planning commission or the city council. A waiver of applicable time limits may be required to permit concurrent processing of related approvals or an environmental review on the same development project.

16.01.120 Expiration

An approved or conditional approved tentative map shall expire at the end of the applicable time period provided for in Section 66452.6 of the Subdivision Map Act.

16.01.130 Extensions

- A. Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the community development director. The application shall be filed before the map is to expire and shall state the reasons for requesting the extension.
- B. Planning Commission Action. The community development director shall review the request and submit the application for the extension together with a report to the planning commission. The planning commission shall conduct a public hearing on the extension within sixty (60) days after the application is filed after giving notice pursuant to Section 16.01.090(A). A copy of the community development director's report shall be forwarded to the subdivider prior to the planning commission meeting on the extension. In recommending approval, conditional approval or denial of the request for extension, the planning commission shall make findings supporting its decision, including findings with respect to the potential impact of any increases in applicable development fees which have occurred since the date of approval or conditional approval of the tentative map.
- C. City Council Action. Upon recommending approval, conditional approval or denial of the request for extension the planning commission shall transmit its

recommendation to the city council for action. The city council shall conduct a public hearing after giving notice pursuant to Section 16.01.090(A). In addition, notice of the public hearing shall be given to the planning commission. If the city council does not act within the time limits set forth in 16.01.090(A), the extension shall be deemed to have been approved or conditionally approved as recommended by the planning commission, insofar as the tentative map complies with all other applicable provisions of the Subdivision Map Act, this title, this code, the general plan and any applicable specific plan.

- D. Time Limit of Extensions. The time at which the tentative map expires may be extended for a period not exceeding a total of five (5) years.

16.01.140 Fees and Deposits

All persons submitting applications for the approval of a tentative map pursuant to this chapter shall pay all fees and/or deposits as established by resolution of the city council.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTERS ADDING CHAPTER 16.02 TO
TITLE 16 OF THE MUNICIPAL CODE PERTAINING TO PARCEL MAPS**

The City Council of the City of Winters does ordain as follows:

SECTION 1.

Chapter 16.02, entitled Parcel Maps, is hereby added to Title 16 of the Municipal Code of the City of Winters to read as follows:

16.02.010 Applicability

This chapter sets forth the provisions governing the form, contents, submittal, approval, and filing of a parcel map. A parcel map shall be required for all divisions of land into four (4) or less parcels, except that a parcel map shall not be required for:

- A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than thirty (30) days notice in writing); or
- B. Land conveyed to or from a government agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license; or
- C. The exclusions provided for in Section 66412 of the Subdivision Map Act; or
- D. Parcel maps waived by the planning commission in accordance with section 16.02.020.

16.02.020 Waiver of Parcel Map Requirement

- A. Waiver. After notice and public hearing in accordance with the terms of Section 16.01.090, the planning commission may waive the requirement of submission of a parcel map for subdivisions for which a parcel map is required under subdivisions (a), (b), (c), (d), or (e) of Section 66426 of the Government Code and other subdivisions for which a final map is not required under the Subdivision Map Act, if the planning commission finds that the proposed division of land complies with the legal requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other

requirements of the Subdivision Map Act, the general plan, any applicable specific plan and this code which are applicable to the division of such land.

- B. Certificate of Compliance. Upon the waiver of the parcel map requirement by the planning commission, the city engineer shall file with county recorder a certificate of compliance for the land to be divided, and a plat map showing the division. The certificate shall include a certificate by the county tax collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.
- C. Conditions. A waiver by the planning commission may be conditioned to provide for, among other things, payment by the subdivider of parkland dedication, drainage and other fees that are permitted by law by a method approved by the city council.
- D. Report to City Council. If any waiver is approved or conditionally approved pursuant to this section, the planning commission shall make a written report thereof to the city council within ten (10) days of such action. If the city council, by a majority vote, decides to review the waiver and conditions, it shall conduct a public hearing after giving notice pursuant to Sections 65090 and 65091 of the Government Code. The public hearing shall be held within thirty (30) days after the date of the request for review. The city council may add, modify or delete conditions if the planning commission determines that such changes are necessary to ensure that the waiver conforms to the Subdivision Map Act, the general plan, any applicable specific plan, and this code. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the waiver shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, the general plan, any applicable specific plan, and this code.
- E. Timeframe for Action. An application for a waiver shall be acted upon no later than sixty (60) days after the application for a waiver is deemed complete, unless that time limit is extended by mutual consent of the subdivider and the community development director.

16.02.030 Parcel Map; Form and Contents

The parcel map shall be prepared in a manner acceptable to the planning commission and shall be prepared by a registered civil engineer or land surveyor. The form and contents of the parcel map shall conform to all of the following provisions:

- A. The parcel map shall show the locations of streets and property lines bounding the property;

- B. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificate or statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility;
- C. The size of each sheet of the parcel map shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn around each sheet, leaving an entirely blank margin of one inch or 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough streets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;
- D. Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided;
- E.
 - 1. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.
 - 2. The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a “designated remainder” parcel or similar parcel, and the gross area of the “designated remainder” parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.
 - 3. A parcel designated as “not a part” shall be deemed to be a “designated remainder” for the purposes of this section.
- F. Subject to the provisions of Section 66436 of the Subdivision Map Act, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this paragraph, “record title ownership” means fee title of record

unless a leasehold interest is to be divided, in which case “record title ownership” means ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights of other subsurface interests that have been severed from ownership of that surface.

- G. Statements and acknowledgments required pursuant to subdivision (E) shall be made by separate instrument to be recorded concurrently with the parcel map being filed for record;
- H. No additional survey and map requirements shall be included on a parcel map that do not affect record title interests;
- I. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66434.2 of the Government Code;
- J. The parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be site in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced; and
- K. Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

16.02.040 Parcel Map; Data and Reports

The subdivider shall also comply with the data and report requirements contained in Section 16.01.050 and Section 16.01.060 of this Title, unless otherwise waived by the community development director.

16.02.050 Engineer’s (Surveyor’s) and Recorder’s Statements

A statement of the engineer’s or surveyor’s conformance with the requirements of the Subdivision Map Act and this chapter shall appear on the parcel map in accordance with Section 66449 of the Subdivision Map Act.

16.02.060 Field Survey Requirement

In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the Land Surveyors or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

16.02.070 Preliminary Submittal

The subdivider shall submit prints of the parcel map to the city engineer for checking. The preliminary prints shall be accompanied by copies of the data, reports, and documents required by Section 16.02.040 of this chapter.

16.02.080 Review by City Engineer

The city engineer shall review the parcel map and the subdivider shall make corrections or additions until the map is acceptable to the city engineer.

16.02.090 City Engineer's Statement

The city engineer shall prepare a statement in accordance with the provisions in Section 66450 of the Subdivision Map Act upon completing the review of the parcel map as provided for in Section 16.02.080.

16.02.100 Review and Approval of Parcel Map

- A. Application Filing and Review by Applicable Agencies. After review by the city engineer, the parcel map application shall be filed with the community development director. The subdivider shall file the number of parcel maps that the community development director deems necessary. The community development director shall forward copies of the parcel map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served.
- B. Application Deemed Complete. The application shall be deemed complete by the community development director only when the form and contents of the parcel map conform to the requirements of Section 16.02.030 and when all accompanying data and reports, as required by Section 16.02.040 have been submitted and accepted by the community development director. If the community development director does not determine whether a parcel map application is complete within thirty (30) days of receiving application, then the application shall be deemed complete.
- C. Approval. After notice and a public hearing in accordance with the terms of Section 16.01.090(A), the planning commission shall approve, conditionally

approve or deny the parcel map. Any action by the planning commission shall be supported by findings that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Subdivision Map Act, the general plan, any applicable specific plan and all applicable provisions of this code. Such action shall occur within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the planning commission that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code).

16.02.110 Grounds for Denial

The planning commission shall deny approval of a parcel upon making any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems; or
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

16.02.120 Appeal

The subdivider or any interested person adversely affected by any action of the planning commission with respect to the parcel map may, within ten (10) days after the decision, file an appeal in writing with the city council. The city council shall consider the appeal within thirty (30) days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the city council shall render its decision. The appeal shall be a public hearing after notice has been given according to Section 16.01.090(A). In addition, notice of the public hearing shall be given to the planning commission. The city council may sustain, modify, reject or overrule any recommendations or rulings of the planning commission and may make any findings which are consistent with the provisions of the Subdivision Map Act, the general plan, any applicable specific plan or this code.

16.02.130 City Clerk to Transmit Parcel Map to County Recorder

Upon approval of a parcel map by the planning commission or the city council, whichever occurs last, and after all certificates or statements and security required by Section 66493 of the Subdivision Map Act have been filed and deposited with the city clerk, the city clerk shall transmit the parcel map to the county recorder pursuant to the provisions of Section 66464 of the Subdivision Map Act.

16.02.140 Amendments to Approved or Conditionally Approved Parcel Map

After a parcel map is filed with the county recorder, it may be amended by a certificate of correction or an amending map pursuant to provisions of Section 66469 et seq., of the Subdivision Map Act.

16.02.150 Judicial Review; Action must be within 90 days

Any action or proceedings to attack, review, set aside, void or annul the decision of the planning commission, or the city council concerning the subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within ninety (90) days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

16.02.160 Processing Fees

Reasonable fees for processing a parcel map may be established by resolution of the city council.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTERS ADDING
CHAPTER 16.03 TO TITLE 16 OF THE MUNICIPAL CODE
PERTAINING TO FINAL SUBDIVISION MAPS**

The City Council of the City of Winters does ordain as follows:

SECTION 1.

Chapter 16.03, entitled Final Subdivision Maps, is hereby added to Title 16 of the Municipal Code of the City of Winters to read as follows:

16.03.010 General.

- A. The form, contents, accompanying data and filing of the final map shall conform to the provisions of the Subdivision Map Act and this chapter.
- B. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

16.03.020 Phasing.

- A. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map application is filed, notifies the community development director in writing of the subdivider's intention to file multiple final maps on the tentative map in accordance with Section 16.01.050(G), or after filing of the tentative map, the community development director and the subdivider concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The city council may determine the number, configuration, or sequence at the time of approval of the tentative map.
- B. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part or unit of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

16.03.030 Survey Required.

- A. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines,

centerline of streets, alleys or easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

- B. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. A least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the city engineer.

16.03.040 Form.

The form of the final map shall be consistent with Section 66434 of the Subdivision Map Act

16.03.050 Contents.

The contents of the final map shall conform to the Subdivision Map Act and as follows:

- A. Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data;
- B. Title. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to map which have been previously recorded, or by reference to the plat of a United States Survey. The following shall appear in the title, "City of Winters, Yolo County."
- C. Scale, North Point and Basis of Bearings. There must appear on each map sheet the scale, the north point, the basis of bearings and the equation of the bearing to true north. The basis of bearings shall be approved by the city engineer.
- D. Linear, Angular and Radial Data. Sufficient linear, angular, and radial data shall be shown to determine the bearing and lengths of monument lines, street centerline, the boundary lines of the subdivision, the boundary lines of every lot and parcel which is part of the subdivision and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map;
- E. Monuments. The location and description of all existing and proposed monuments shall be shown. Standard city monuments shall be set at the following locations; or on city engineer approved offsets:
 - 1. The intersection of street centerline,

2. Beginning and end of curves or intersection of tangents on centerline,
 3. At other locations as may be required by the city engineer.
- F. Lot Numbers. Lot numbers shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the proceeding unit. Each lot shall be shown entirely on one (1) sheet of the final map, unless approved by the city engineer.
- G. Adjoining Properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number or name when not identified by official number and reference to the book and page of the filed map showing such subdivision; and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.
- H. City Boundaries. City boundaries which cross or join the subdivision shall be clearly designated.
- I. Street Names. The names of all streets, alleys or highways within or adjoining the subdivision shall be shown.
- J. Easements and Dedications.
1. Easements and dedications for roads or streets, trails, bicycle facilities, parks and recreation facilities, open space, landscaping, paths, alleys, utilities, local transit facilities, stormwater drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the city or other public agency and the use shall be specified on the map;
 2. All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records;
 3. Easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created;

4. The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the city engineer.
- K. Greenbelt Areas. Greenbelt areas may be shown, subject to the approval of the city. Public greenbelt areas shall be dedicated in fee unless otherwise specified in the approval or conditional approval of the tentative map. Private greenbelt areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.
- L. Building Setback Line. Approved building setback lines shall be shown.
- M. Building Envelope. For all lots with a slope of twenty (20) percent or greater, specific location of building envelopes and driveways shall be shown.
- N. Areas Subject to Inundation. A statement about any lot or lots within the subdivision being subject to inundation shall be shown on the map.

16.03.060 Preliminary Submittal for City Approval

The subdivider shall submit prints of the final map along with the appropriate fees to the city engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the city engineer and, where applicable, the city attorney:

- A. Improvement Plans. Improvement plans as required by this Title.
- B. Soils Report. A soils report prepared in accordance with Section 16.01.050(B) and the Uniform Building Code.
- C. Title Report. A title report showing the legal owners at the time of submittal of the final map.
- D. Tax Certificate. A certificate from the county tax collector stating that all taxes dues have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.
- E. Deeds of Easements or Rights-of-Way. Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the city in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

- F. Traverse Closures. Traverse closures for the boundary blocks, lots, easements, street centerline and monument lines.
- G. Hydraulic and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all stormdrains and flood flow.
- H. Governing Documents. The submittal of the final map for a common interest development within the meaning of Sections 1350 et seq. of the State Civil Code shall include the proposed declaration of covenants, conditions and restrictions containing the provisions described in Section 1353 of the Civil Code and all other governing documents for the subdivision as are appropriate pursuant to Section 1363 of the Civil Code. The submittal of the final map for all subdivisions other than a common interest development shall include any declaration of covenants, conditions and restrictions proposed in connection therewith. All documents shall be subject to review and approval by the city engineer and city attorney.
- I. Guarantee of Title. A guarantee of title, in form acceptable to the city engineer and city attorney, shall be issued by a competent title company to and for the benefit and protection of the city and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided and all public easements being offered for dedication and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.
- J. Improvement Agreement. In the event sewer, water, drainage, grading, paving or other improvements required pursuant to this Title have not been completed prior to the presentation of the final map, a subdivision improvement agreement shall be filed for the improvement thereof. The subdivider shall secure the performance of the subdivision improvement agreement.
- K. Liability Agreement and Insurance. A hold-harm-less agreement obligating the subdivider to hold the city and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider and/or the subdivider's subcontractors in connection with the subdivision. A certificate of insurance reporting to the city the amount of insurance the subdivider carries for the subdivider's own liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider or his subcontractors in connection with the subdivision. The certificate of insurance shall name the city as a named insured. The agreement and certificate required by this subsection shall be subject to prior review and approval by the city engineer and city attorney.
- L. Deed Restrictions. One copy of the deed restrictions shall be submitted to the city engineer at the time of final map submission.

- M. Building Envelope. For all lots with a slope of twenty (20) percent or greater, specific locations of buildings envelopes and driveways shall be shown.
- N. Any additional data, reports or information as required by the city engineer or city attorney.

16.03.070 Review by City Engineer.

The city engineer shall review the final map along with the appropriate fees and any other required information and the subdivider shall make corrections and/or additions until acceptable to the city engineer.

16.03.080. Engineer's Statements

The city engineer shall comply the statement requirements provided for in Sections 66441, 66442, and 66443 of the Subdivision Map Act.

16.03.090 Approval by City Engineer.

The subdivider shall submit to the city engineer the original tracing of the map and any duplicates per county requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on the blue-line duplicate. Upon receipt of all required certificates and submittals required pursuant to Section 66435 et seq., of the Subdivision Map Act, the city engineer shall sign the appropriate certificates and transmit the original map to the city clerk.

16.03.100 Approval by City Council

- A. The final map approved by the city engineer as complying with the approved or conditionally approved tentative map shall be filed with the city council for approval after all required certificates have been signed. The date the map shall be deemed filed with the city council is the date on which the city clerk receives the map. The city council shall consider the final map for approval at its next regular meeting after the city clerk receives the map. Before approving the final map, the city council shall consider approval of the subdivision improvement agreement.
- B. If the subdivision improvement agreement and final map are approved by the city council, it shall instruct the mayor to execute the agreement on behalf of the city. At the time the city council approves the final map, it shall also accept, subject to improvement or reject any offer of dedication. The city clerk shall certify or state on the final map the action of the city council. If any streets, paths, alleys, public utility easements, trails, bicycle facilities, open space easements, landscaping easements, parks and recreation facilities, local transit facilities, or storm drainage easements are rejected, subject to Section 771.010 of the Code of Civil Procedure,

the offer of dedication shall remain open and the city council may, by resolution at any later date and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, trails, bicycle facilities, open space easements, landscaping easements, parks and recreation facilities, local transit facilities, or storm drainage easements, which acceptance shall be recorded in the office of the county recorder.

- C. The city may accept any dedicating lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the county recorder.
- D. If the subdivision improvement agreement and/or final map is unacceptable, the city council shall make its recommended corrections, instruct the city engineer to draft a new agreement and/or revise the final map and defer approval until an acceptable agreement and/or final map has been resubmitted.
- E. The city council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the city has sufficient title or interest to permit the improvements to be made.

16.03.110 Denial by City Council

The city council shall not deny approval of the final map if the city has previously approved a tentative map for the proposed subdivision and if the city council finds that the final map is in compliance with the requirements of the Subdivision Map Act, this code, the general plan, any applicable specific plan, the tentative map and all conditions thereof.

16.03.120 Filing with the County Recorder

Upon approval of the final map by the city council, the city clerk shall execute the appropriate certificate on the certificate sheet and shall, subject to the provisions of Section 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map, to the county recorder.

16.03.130 Amendments to Final Map

After a final map is filed with the county recorder, it may be amended by a certificate of correction or an amending map pursuant to provisions of Section 66469 et seq., of the Subdivision Map Act.

16.03.140 Processing Fees

Reasonable fees for processing a final map may be established by resolution of the city council.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTERS REPEALING
CHAPTER 16.04, ENTITLED GENERAL PROVISIONS, FROM TITLE 16
OF THE MUNICIPAL CODE AND ADDING CHAPTER 16.04 TO TITLE 16 OF
THE MUNICIPAL CODE PERTAINING TO VESTING TENTATIVE MAPS**

The City Council of the City of Winters does ordain as follows:

SECTION 1.

Chapter 16.04, entitled General Provisions, of Title 16 of the Municipal Code of the City of Winters is hereby repealed in its entirety.

SECTION 2.

Chapter 16.04, entitled Vesting Tentative Maps, is hereby added to Title 16 of the Municipal Code of the City of Winters to read as follows:

16.04.010 Authority and Purpose.

- A. This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of the Subdivision Map Act (hereinafter referred to as the Vesting Tentative Map Statute) and may be cited as the City of Winters Vesting Tentative Map Ordinance. The purpose of this chapter is to establish appropriate local procedures for the implementation of the Vesting Tentative Map Ordinance.
- B. To accomplish this purpose, the regulations contained in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare and for the promotion of orderly growth and development.

16.04.020 Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan or any applicable specific plan of the city or which is not permitted by the provisions of this code.

16.04.030 Definitions.

- A. "Vesting tentative map" means a tentative map for a subdivision that shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP" at the time it is filed in accordance with Section 16.04.050 and is thereafter processed in accordance with the provisions hereof.

16.04.040 Application.

- A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with provisions of this chapter.
- B. If a subdivider does not seek the rights conferred by the vesting tentative map ordinance, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

16.04.050 Filing and Processing

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth for a tentative map pursuant to chapter 16.01 of this Title except as hereinafter provided.

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP."
- B. The filing of a vesting tentative map may be conditioned upon the prior or simultaneous discretionary land use approvals.

16.04.060 Fees

- A. Upon filing a vesting tentative map, the subdivider shall pay all fees and/or deposits in accordance with Section 16.01.140.
- B. The planning commission or city council, as the case may be, may require as a condition of its approval that the subdivider pay all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit. Such payment shall be made at the rate for such fees in effect at the time of such application or issuance.

16.04.070 Rights of a Vesting Tentative Map.

- A. The approval or conditional approval of a vesting tentative shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the date the local agency has determined that the application is complete. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

- B. Notwithstanding subsection A of this section, a permit, approval, extension or entitlement may be conditioned or denied if any of the following are determined:
1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
 2. The condition or denial is required, in order to comply with state or federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.01.120. If the final map is approved, these rights shall last for the following periods of time:
1. An initial period of one (1) year beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for the phase is recorded;
 2. The one (1) year initial period set forth in subdivision 1 of this subsection shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed;
 3. A subdivider may apply to the city council, for a one (1) year extension at any time before the initial time period set forth in subdivision 1 of this subsection expires; and
 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1 through 3 of this subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
- D. Consistent with subsection A of this section, an approved or conditionally approved vesting tentative map shall not limit the city from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

Section 16.04.080 Amendment to Approved Vesting Tentative Map

If the ordinances, policies, or standards described in Section 16.04.070(A) are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, or his or her designee, at any time prior to the expiration of the vesting tentative map pursuant to Section 16.04.070(C), may apply for an amendment to the

vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards. An application for an amendment shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

Section 16.04.090 Applications Inconsistent with Current Policies

Notwithstanding any provision of this chapter to the contrary, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Section 16.04.080, and the city may grant these approvals or issue these permits to the extent the departures are authorized by this code, the general plan, any applicable specific plan and other applicable law.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk



PLANNING COMMISSION STAFF REPORT

TO: Honorable Chairman and Commission Members
DATE: March 24, 2009
FROM: Kate Kelly, Contract Planner
SUBJECT: Public Hearing and Consideration of Proposed Mitigated Negative Declaration, Planned Development Overlay, Conditional Use Permit, and Design Review for Proposed New St. Anthony's Church and Rectory Project Located at 511 Main Street (APN 003-120-03). Applicant: Roman Catholic Bishop of Sacramento/McCandless & Associates Architecture, Inc.

RECOMMENDATION: Subject to the attached conditions of approval, the staff recommends that the Planning Commission take the following action:

1. Adopt the Negative Declaration and Mitigation Monitoring Plan.
2. Recommend to the City Council approval of a Planned Development Overlay Zone and Planned Development Permit for APN 003-120-03 to increase the height limit to a maximum of 52' and reduce the required on-site parking to 90% of that required by the City's Municipal Code.
3. Approve Conditional Use Permit to allow a religious institution in an R-2 zone.
4. Approve Design Review of site plan, building architectural design, architectural materials, architectural finishes, color schemes, and conceptual landscape plan for the church and associated site improvements.

BACKGROUND: The site development started in the late 1980's with the construction of the existing 13,235 square foot St. Anthony's Parish Community Center and associated parking areas and improvements on the north and north eastern portion of the property. A future church, rectory, and ancillary building were anticipated at that time but were not developed. In May 2008, the applicant submitted a conceptual design and site plan for the proposed 700 seat church and rectory. The proposed site plan and architectural style was presented to the Planning Commission for Conceptual Design Review on May 27, 2008. The Planning Commission indicated their general support for the proposal.

An application for the proposed church and rectory project including a Planned Unit Development Overlay (to modify parking and height limits), Conditional Use Permit (religious institution in an R-2 zone), and Design Review (construction of non-residential building over 500 square feet) was submitted on October 16, 2008 and was deemed "Complete" on January 16, 2009. An Initial Study and proposed Mitigated Negative Declaration was prepared and circulated for a 30-day public review and comment between February 13, 2009 and March 16, 2009. No comments were received.

On March 9, 2009 the applicant informed the City that the Parish had purchased the adjoining residence (507 Main Street) for use as a rectory and would not be proceeding with the proposed rectory on the project site in the foreseeable future. Due to the shortage of required on-site parking staff, requested the site plan be revised to include parking where the rectory was proposed to be located. Revised site plans were submitted on March 11, 2009.

PROPOSED PROJECT: This project proposes to construct a 13,813 square foot, 700 seat church and a future 2,900 square foot rectory with a two car garage at the southeast corner of Grant Avenue (State Route 128) and West Main Street.

The property is 5.56+/- acres and is currently developed with a 13,235+/- square foot community center, 827 +/- square foot auxiliary building; a storage shed, and associated parking and landscaping. The parcel is generally square with frontage on Grant Avenue, and West Main Street. The frontage along Grant Avenue is 478+/- feet in length and the frontage on West Main Street is approximately 472+/- feet. The parcel abuts Waggoner Elementary School to the east and a residential neighborhood to the south.

The parcel is currently designated Medium Density Residential (MR) in the General Plan and is zoned Single Family Residential 6,000 sq. ft. average minimum (R-2). Religious institutions may be located in an R-2 with a Conditional Use Permit.

The applicant has requested a Planned Development Overlay to modify the height restriction and parking requirements. The maximum height in the R-2 zone is 30 feet. The proposed church is 43' 10" tall at the peak of the roof and 52' tall at the top of the roof mounted cross.

The total onsite parking required for the site developed with the existing community center, existing auxiliary building, proposed church and proposed rectory would be 273 spaces per the parking standards in Section 17.72.020 of the City of Winters Municipal Code. The proposed project, as redesigned to provide parking where the rectory was proposed to be located, provides 251 spaces which amounts to 92% of the required spaces.

Proposed Buildings

Church is a 13,813 square foot Spanish Colonial style building which would seat 700 and includes space for a lobby, acolytes-altar servers, vestry-dressing room, confessionals, restrooms, arts-eucharist preparation, storage, sacristy-religious storage, sanctuary-alter, choir, sound system, electrical-mechanical service, music room, janitorial, and bride's room. The building is single story and is located in the west central portion of the parcel. Due to the roofline, the building is 43' 10" tall with total height of 52' including the roof mounted cross.

Future Rectory - a 2,900 square foot three bedroom, four bath residential unit which also has a study, living/dining areas, kitchen and an attached two car

garage. The rectory is proposed to be developed at an unknown future date at the southeast corner of the parcel with frontage on West Main Street and the garage located on the east side which would be accessed via the site's interior roadway and parking areas.

Wastewater - Sanitary sewer service for the church is proposed to be provided via an 8" main which would be constructed across the central portion of the site and would connect to an existing 8 inch municipal sanitary sewer line located at the western boundary of the property. The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals exceed this amount and expansion of the plant is planned. The Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd.

Water - Municipal water is proposed to be provided to the property via the existing 12 inch water main on the north side of the property and the 10 inch water main on the west side of the property, and the 6 inch water main on the south side of the property. Water would be conveyed within the property via 8, 6, 4 and 3 inch lines which are proposed to connect to the municipal lines on the north and west south sides of the property.

Stormwater - Storm water is proposed to be collected on site via a series of grated intakes in parking and driveway areas and conveyed off site via an east-west running storm drainage line to the western edge of the property where it would connect to an existing 24 inch municipal storm water drain line located in West Main Street.

Off-Site Infrastructure - The project would be required to fund and construct off-site improvements necessary to support the development. Such improvements would include, but not be limited to, traffic control, water lines, sewer lines and storm drainage lines. To the extent that acquisition or subsequent CEQA clearance is necessary for such work, that would be the responsibility of the developer.

Flooding - The project does not fall within the City's General Plan Flood Overlay Area. The project site lies in FEMA Flood Zone X (un-shaded) based on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community-Panel Number 060425 0001 C). Zone X (un-shaded) is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain.

POLICY ANALYSIS

The project site is designated in the General Plan as Medium Density Residential (MR). This designation provides for single-family detached and attached homes, public and quasi-public uses and similar and compatible uses. Religious institutions are considered a quasi-public use per Section 17.08.060.k of the Winters Municipal Code. For all policies, the staff believes a finding of consistency can be made for the proposed project as conditioned. The Planning Commission must reach this same conclusion in order to approve the project.

The project site is zoned Single Family Residential 6,000 Square Foot Average Minimum (R-2). Religious Institutions are a conditional use in the R-2 zone and are subject to obtaining a Use Permit from the Planning Commission per Chapter 17.52.020 of the Winters Municipal Code.

Entitlements -The project requires the following approvals from the City:

- Planned Development Overlay Zone and Planned Development Permit (increase building height limit to 52' and reduce on-site parking requirements)
- Conditional Use Permit for Church (religious institution in R-2 zone)
- Design Review (construction of nonresidential building/structures exceeding 500 square feet)

DISCUSSION:

Planned Development Overlay Zone and Planned Development Permit: The applicant has requested a Planned Development Overlay Zone and Planned Development Permit to modify on-site parking and maximum height requirements.

On-Site Parking - The project site currently has a 13,235 square foot community center and an 827 square foot auxiliary building. The useable square footage of these two structures would require 142 on-site spaces per 17.72.020 of the Municipal Code. Currently there are 85 paved, developed parking spaces on-site. This represents 60% of the required parking for the current uses. Events at the community center generate overflow parking onto the undeveloped portion of the project site and onto adjacent neighborhood streets and vacant lots due to the lack of on-site parking.

The project, as originally proposed with the church and rectory, would require:

Building	On-Site Parking Spaces
Existing Community Center (6,950 sq. ft. of assembly area @ 1/50 sq. ft. of assembly area)	139
Existing Auxiliary Building (827 sq. ft. @ 1/250 sq ft.)	3
Proposed Church (6,450 square feet of assembly area @ 1/50 sq. ft. of assembly area)	129
Proposed Rectory (single family residential @ 2/unit)	2
Total	273

The site plan as originally submitted, inclusive of the rectory, provided 236 on-site spaces which would be 86% of the required on-site parking. The development of the remainder of the site with church and parking lots removes the vacant portions of the site which has served as an ad hoc parking area. While the new parking lots will reduce the on-site parking shortage, the lack of on-site parking is expected to continue to

generate overflow parking onto adjacent neighborhood streets.

The applicant has since acquired the house immediately adjacent to the project site for use as a rectory and has indicated to staff that the proposed on-site rectory would not be developed until some future date. Given the on-site parking shortage staff requested the site plan be revised to provide parking where the rectory was proposed.

Based upon the revised project with the rectory deferred for future development and the site plan revised accordingly to provide parking, the on-site parking calculations would be:

Building	On-Site Parking Spaces
Existing Community Center (6,950 sq. ft. of assembly area @ 1/50 sq. ft. of assembly area)	139
Existing Auxiliary Building (827 sq. ft. @ 1/250 sq ft.)	3
Proposed Church (6,450 square feet of assembly area @ 1/50 sq. ft. of assembly area)	129
Total	271

Removing the rectory from the current construction phase and incorporating that area into additional parking has added 15 on-site spaces and reduced the required spaces by 2 for a total gain of 17 spaces. The revised site plan provides 251 parking spaces which is 92% of the required on-site parking.

The applicant has requested a modification to the parking requirements as part of the proposed Planned Development Overlay. The usage patterns for both the church and the community center are intermittent throughout the day and week. The project site is adjacent to both other public and quasi-public uses and a residential neighborhood.

Given the surrounding land uses and intermittent hours and usage patterns of the community center and church, staff is generally supportive of a 10% reduction in the parking requirement for this project. This reduction would provide for the proposed site development including, with some additional design effort, the future rectory without being detrimental to the adjacent neighborhood.

Building Height - The building height limit in the R-2 zone is 30 feet. The proposed church is 43' 10" at the peak of the roof and 52' to the top of the roof mounted cross. The applicant has requested modification to the height limit as part of the proposed Planned Development Overlay.

The project site is located adjacent to existing one and two story residential development to the north and south and an existing elementary school to the east. A residential subdivision has been approved for the vacant parcel located across the street from the proposed project at the southeast corner of West Main and Grant

Avenue. The City's new 36,500 +/- square foot Public Safety Center which would house both the Fire Department and the Police Department has been approved for the vacant parcels across the street from the proposed project on the northwest corner of West Main and Grant. The main Public Safety Center building will be 42 feet tall and the project also includes a 140 foot tall communication tower.

The proposed project is architecturally consistent with the existing community center and the site features mature landscaping and street trees, as does the adjacent neighborhood. Given the site characteristics and the height of the future Public Safety Center, staff supports the Planned Development Overlay modification to increase the height for this site to a maximum of 52' for the church building inclusive of the roof mounted cross.

Conditional Use Permit: Public and quasi-public uses such as churches are a conditional use in the R-2 zone. Although the site is currently developed with an actively used community center, the proposed 700 seat church represents a potentially significant intensification of use. The separation between public and quasi-public uses of the project and the adjoining residential neighborhood is a concern. Currently the project site is separated from the backyards of the adjoining residential neighborhood by an unevenly maintained wood fence. The proposed intensification of the project site could subject the adjoining backyards and homes to additional loss of privacy and impacts from parking lot noise, headlights, and increased on-site activity. Staff has included a requirement that a 6 foot tall masonry block wall shall be installed along the south boundary of the project that backs up to the residential housing.

Design Review: The proposed church features Spanish Colonial influenced architecture which is consistent with the existing community center. The proposed church would be constructed with exterior materials common to residential and public and quasi-public development in the area. Architectural materials include painted stucco, stained wood and red clay tile roofing.

The proposed site design and on-site parking and circulation have been reviewed and found acceptable by the Fire District, and the City's Engineering, Building, and Planning Departments. The site's now mature landscaping soften the site and provide visual interest. The applicant has submitted preliminary landscape plans and lighting analysis. The existing landscaping along Grant Avenue and Main Street as well as the interior of the site will be retained and enhanced. A meditation garden is proposed to the east of the church and south of the community center. The undeveloped area located on the east side of the meditation garden will be turfed.

The potential for spill over of light and glare from the parking areas to the adjacent residential backyards and homes is a concern. Mitigation Measure Aesthetics 1 addresses this issue by requiring that 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.

CEQA CLEARANCE: A Mitigated Negative Declaration (attached) was circulated on February 13, 2009, for a 30-day comment period extending through March 16, 2009. No comments were received.

FISCAL IMPACT: Neutral

PLANNING COMMISSION ACTION: Subject to the attached conditions of approval, the staff recommends that the Planning Commission take the following action:

1. Adopt the Negative Declaration and Mitigation Monitoring Plan.
2. Recommend to the City Council approval of a Planned Development Overlay Zone and Planned Development Permit for APN 003-120-03 to increase the height limit to a maximum of 52' for the church building and reduce the required on-site parking to 90% of that required by the City's Municipal Code.
3. Approve Conditional Use Permit to allow a religious institution in an R-2 zone.
4. Approve Design Review of site plan, building architectural design, architectural materials, architectural finishes, color schemes, and conceptual landscape plan for the church and associated site improvements.

ATTACHMENTS:

Findings and Conditions of Approval

Site Plans

Building Elevations

Preliminary Church Floor Plan

Preliminary Landscape Plan

Initial Study/Mitigated Negative Declaration

Mitigation Monitoring Program

FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR THE ST. ANTHONY'S CHURCH AND RECTORY 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 St. Anthony's Church and Rectory Project Mitigated Negative Declaration.

Findings for Planned Development Overlay

1. The property is designated Medium Density Residential. This designation provides for single-family detached and attached homes, public and quasi-public uses and similar and compatible uses. Religious institutions are considered a quasi-public use per Section 17.08.060.k of the Winters Municipal Code. The proposed public and quasi-public development of the site with a church is consistent with the General Plan.
2. Given the existing site development, the proposed modifications to the maximum height restriction and on-site parking requirements are necessary to achieve a consistent architectural style and compact site design.
3. The proposed development of the church at this location provides for a comfortable, cohesive campus that is convenient for the Parish's activities and for the community as a whole.
4. The proposed plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare.
5. Adequate utilities, access roads, sanitation and other necessary services are provided and available.

Findings for Conditional Use Permit for a Religious Institution in an R-2 Zone

1. The property is designated Medium Density Residential. This designation provides for single-family detached and attached homes, public and quasi-public uses and similar and compatible uses. Religious institutions are considered a quasi-public use per Section 17.08.060.k of the Winters Municipal Code. Churches are a common component of such uses and, as conditioned, would be in conformity with the General Plan.
2. The project site is zoned Single Family Residential 6,000 Square Foot Average Minimum (R-2). Religious Institutions are a conditional use in the R-2 zone and are subject obtaining a Use Permit from the Planning Commission per Chapter 17.52.020 of the Winters Municipal Code.
3. Religious institutions including churches are consistent with the intent and purposes of the C-2 zone. The property is located on the Grant Avenue corridor adjacent to two other public and quasi-public 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, as conditioned, will not result in a negative fiscal impact to the City.

Findings for Design Review

1. The overall visible mass of the structures is appropriate and consistent with the existing architectural style for the site.
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 existing development of the site.
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 as required by the conditions of approval, the landscaping, site details, and amenities such as plazas, meditation garden, and pedestrian areas are consistent with the Winters Municipal Code

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 no 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 March 24, 2009 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the March 24, 2009 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action.

Negative Declaration Mitigation Measures

4. 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.

5. Mitigation Measure Air 1

- 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.
 - i. 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.
 - ii. 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:
 1. 175 hp - 750 hp 1996 and newer engines
 2. 100 hp - 174 hp 1997 and newer engines
 3. 50 hp- 99 hp 1998 and newer engines
 - iii. 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.

6. Mitigation Measure Air 2

- 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.

7. 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.

8. 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-feet) 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.

9. 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.

10. 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.
11. 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.
12. 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.
13. Mitigation Measure Geology 1 -- The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.
14. 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.
15. Mitigation Measure Land Use 2 -- The proposed project height and parking provisions are subject to approval of a Planned Development Overlay for the subject property.
16. Mitigation Measures Noise 1- The project applicant shall submit a construction noise mitigation plan to the City of Winters for review and approval. The plan shall depict the location of construction equipment and describe how noise would be mitigated through methods such as, but not limited to, locating stationary noise-generating equipment (such as pumps and generators) as far as possible from nearby noise-sensitive receptors. Where practicable, noise-generating equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as structures or haul trucks. Onsite noise sources such as heavy equipment located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed around noise-generating equipment located within 200

feet of existing residences. Water tanks and equipment storage, staging, and warm-up areas shall be located as far from noise-sensitive receptors as possible. All noise attenuation measures identified in the plan shall be incorporated into the project.

17. Mitigation Measure Noise 2 - Construction activities shall adhere to the following noise requirements:

All construction equipment shall utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

Hours of construction shall comply with those established in Chapter 8.20.100 of the Winters Municipal Code. Those hours are weekdays from 7:00 a.m. through 7:00 p.m. Construction is prohibited on weekends and federal holidays.

18. 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 approval of improvement plans. 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.

19. Mitigation Measure Utilities 2 – A Certificate of Occupancy shall be issued only after the City Engineer has established that water supply will be available to serve the building.

Planned Development Overlay Zone and Planned Development Permit Conditions

20. Future site development shall be subject to Design Review by the Planning Commission or Zoning Administrator.

Conditional Use Permit for Religious Institution In a R-2 Zone

21. The applicant shall submit a landscape, irrigation, lighting, and fencing, plan to City for review and approval prior to approval of the improvement plans.

22. The applicant shall install a 6 foot tall masonry block wall along the south boundary of the project that backs up to the residential housing.

Design Review Conditions

23. Building design and theme shall be the Spanish Colonial style as approved by the Planning Commission on March 24, 2009.

24. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.

25. Lighting plan shall be subject to approval by the Community Development Director.

26. Exterior building colors and materials on shall be consistent with the color schemes and materials approved by Planning Commission on March 24, 2009.

27. 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.

28. 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 facilities shall be enclosed. 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.

29. 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.
30. 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.
31. 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.

Community Development Conditions

32. Foundations shall be poured in place, onsite. No pre-cast foundations will be permitted. This shall be stipulated in all construction contracts.
33. 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. Address for each unit shall be clearly visible for each unit and shall be architecturally consistent with building design.
34. The Applicant shall pay all development impact fees, fees required by other entities, and permit fees.
35. 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.
36. The main electrical panel for each building 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.
37. Each building shall be wired for security and fire alarm systems.
38. Buildings shall be wired to enable WiFi security monitoring of project site.
39. 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.
40. 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.

41. The project shall operate in a manner to limit noise exposure to those levels set forth in the Winters Municipal Code and General Plan.
42. 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.

Public Works Department/City Engineering Conditions

43. Project applicant shall pay all development impact fees adopted by the City Council at the rate in effect at the time of building permit issuance and shall pay fees required by other entities.
44. The applicant shall satisfy all agencies of jurisdiction and satisfy all City of Winters requirements for development.
45. The applicant shall enter into a guarantee improvement agreement with the City of Winters to address the public improvements and pay all fees associated therewith.
46. Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The City Engineer shall review the design of all improvements, during the plan check process and shall be revised, as needed, at the discretion of the City Engineer.
47. The applicant shall, on a monthly basis, reimburse the City for all costs which are not otherwise provided for in the approval of this project including permit fees, inspections for work in public right-of-way, materials testing, construction monitoring, plan checks and reviews, and other hard costs incurred by the project.
48. Grant Avenue (SR128) - The Applicant shall construct/widen Grant Avenue. Improvements shall include, but not be limited to, frontage improvements to include street pavement widening, landscaping, 10 foot pedestrian/Bike path, driveway, and undergrounding overhead utilities. See previously submitted Preliminary Civil Design Review Set of Improvement Plans, dated 12-17-08, prepared by Bryan Bonino on behalf of McCandless Architects for a general description of public improvements. The applicant shall be responsible for all costs associated with Grant Avenue frontage improvements.
49. West Main Street- The Applicant shall construct street frontage improvements to include landscaping, 8 foot sidewalk, driveway, and undergrounding overhead utilities. See previously submitted Preliminary Civil Design Review Set of Improvement Plans, dated 12-17-08, prepared by Bryan Bonino on behalf of McCandless Architects for a general description of public improvements. The applicant shall be responsible for all costs associated with West Main Street frontage improvements.
50. A signage and striping plan is required and shall be approved by the City Engineer and the Fire Chief. All striping shall be thermoplastic.
51. The internal roadway shall have a minimum clear width of 25-feet, free of any obstructions, and signed/striped for "FIRE LANE, NO PARKING". The internal roadway shall also have a vertical clearance of at least 14-feet.
52. The internal roadway and vehicle parking areas shall be designed and constructed to support vehicles with 40,000-pound loads.
53. Forty-eight hours notice shall be given to the Winters Fire Department prior to any site inspections.
54. The applicant shall contact the City Engineer and Fire Chief prior to beginning construction for a pre-construction meeting.

55. Turning radiuses within the development shall be of a standard in effect at the time of improvement plans submittal, jointly agreed to by the City Engineer and Fire Chief.
56. Based on City water modeling, a new well is needed to serve new development in the City. A Certificate of Occupancy shall be issued only after the City has established that water supply will be available to serve the development.
57. The applicant shall install one or more fire hydrants pursuant to City of Winters Public Works Department Improvement Standards. The number and location of the fire hydrants shall be determined by the Fire Chief. The installation of the fire hydrants shall comply with the specifications of the City of Winters Public Works Improvement Standards and Construction Specifications. Prior to hydrant approval, the water system shall be flushed to remove foreign matter in the system. All unfinished installation water mains or their appendages or openings shall be covered in such a manner that foreign matter does not enter the water system.
58. All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any combustibles being placed on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Fire Chief. The following minimum water flows, with 20-PSI residual pressure, shall be acceptable unless otherwise determined due to the type of construction material used.

a. Development Category	Gallons Per Min (gpm)
Single-Family Residential	1,500
Multi-Family Residential	1,500
Central Business District	2,000
Industrial and Other Business Districts	3,000

 - b. Other habitable buildings can require up to 3,500 gpm maximum, and will be reviewed on a case-by-case basis by the Fire Chief.
 - c. In other areas where there are existing water system deficiencies, new development will be required to install all on-site water system improvements necessary to achieve the above fire-flow rate.
59. The Fire Chief shall be supplied with three sets of plans for any installation of any fire hydrant system in the City of Winters. Plans are to reflect all aspects of the installation, including but not limited to the size of the City of Winters water main and the type and elevation of the fire hydrant.
60. All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the Fire Chief for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the Fire Chief.
61. 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 Winters Fire Department for replacement purposes.
62. The water used in the course of construction shall be metered and the applicant shall pay for the water at a cost adopted annually the Winters City Council.
63. The City Engineer and Fire Chief shall review and approve the location, number, and specifications of the backflow devices.
64. Water meters shall be installed on all water services to the satisfaction of the City Engineer.

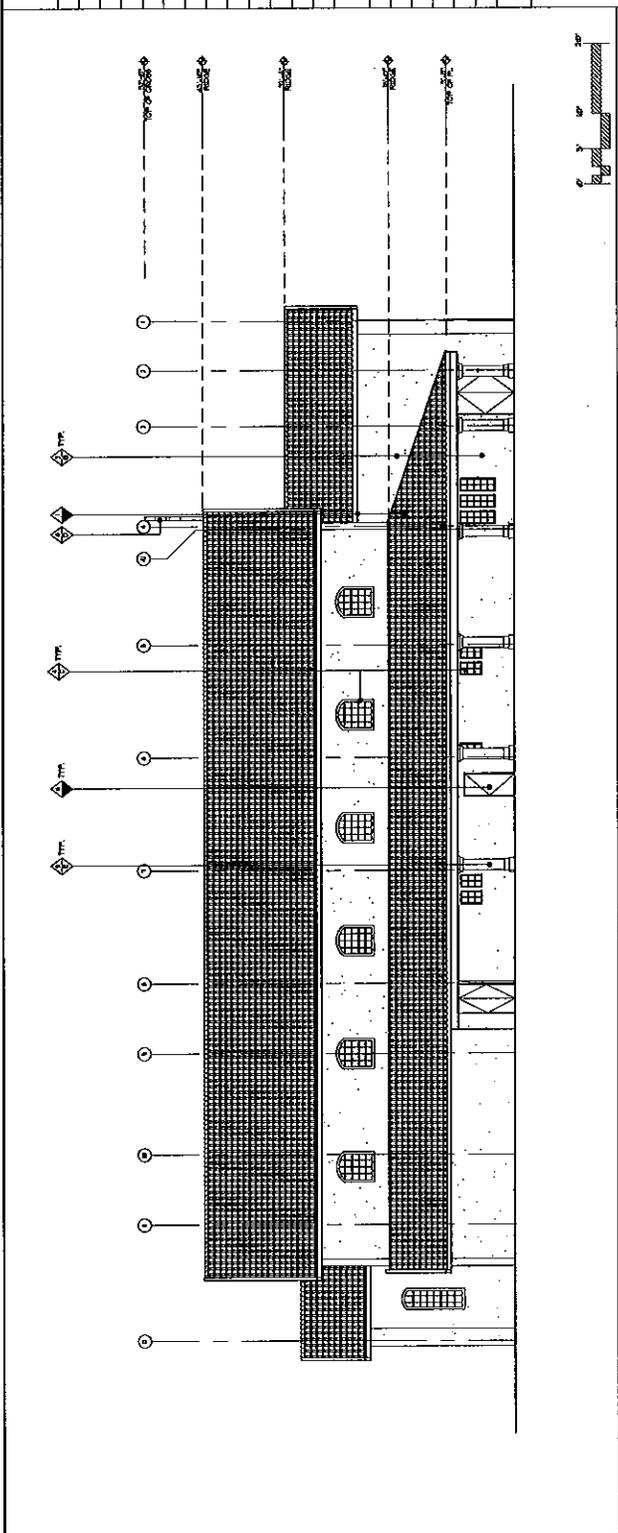
65. The applicant shall submit to the City Engineer for review and approval a storm drainage plan for the project area, prior to the approval of the improvement plans. The applicant shall be responsible for acquisition of all storm drain or other easements from adjacent property owners, if applicable, which are required for the construction and maintenance of perimeter and off-site improvements.
66. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
67. At the time of making the survey for the development, 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 project shall be set or referenced prior to final acceptance of project.
68. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. 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.
69. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to grading, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
70. The development shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.
71. Construction of the project disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
72. Construction of the project disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less than 1 acre shall include a BMP to be approved by the City Engineer.
73. 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 measure such as benching, sedimentation 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 the City Engineer.
74. Applicants for projects draining into water bodies shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board prior to commencement of grading.
75. All utilities within 100 feet of the project boundary shall be installed underground per the Ordinance No. 95-03, "An Ordinance Amending Article 6, Chapter 3, Title VII, Underground Utility Lines, of the Winters Municipal Code", and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers. All utility services extended into the project site shall be underground.
76. On site utilities shall be privately owned.
77. Final Joint Trench utility plans shall be included with the improvement plans, prior to approval by the City Engineer.

78. Existing public and private facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's sole expense, to the satisfaction of the City Engineer.
79. Occupancy of the residential unit and proposed church shall not occur until off-site improvements (water, sewer, streets, etc.) have been constructed and approved by the City Engineer, and the City has approved as-built drawings, and the unit has been issued a Certificate of Occupancy by the Building Official.
80. Appropriate easements and rights of way shall be required for City maintained facilities located outside of City-owned property or the public right-of-way. 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 Public Works Department.
81. All work within public right-of-way or easement shall comply with the City of Winters Public Works Improvement Standards and Construction Specifications, subject to the approval of the City Engineer.
82. The applicant shall provide a 10-foot public utility easement (PUE) along the frontage of the parcels.
83. The applicant/property owner shall agree to grant all public easements as determined by the City for public purposes.
84. The applicant shall abandon any well, septic tank, and leach field located on the property. The applicant shall provide a letter from the Yolo County Environmental Health Department giving location and filling specifications for all water wells or septic tanks within the project boundaries. If there are no wells or septic tanks, the applicant shall provide a letter so stating from the Yolo County Environmental Health Department.
85. The owner of the property shall annex into the City-Wide Maintenance Assessment District in order to maintain and provide for the future needs of parks, open spaces, street lighting, landscaping and other related aspects and impacts from new development. The applicant shall fulfill this condition prior to or concurrent with the approval of the improvement plans.
86. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
87. Developer shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.
88. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.
89. The applicant shall minimize the dust generated by construction of the project. Dust generated from construction shall not exceed standards established by the Yolo-Solano Air Quality Management District and the Community Development Department.
90. Tarpaulins or other effective covers should be used for haul trucks.
91. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
92. Grading shall not occur when wind speeds exceeds 15 MPH over a one hour period.
93. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
94. Construction equipment and engines shall be properly maintained.

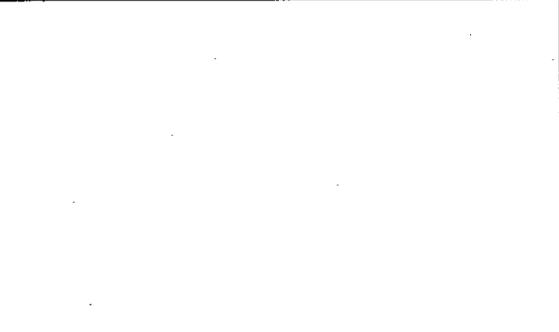
95. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
96. Construction practices should be augmented to minimize vehicle idling.
97. Potentially windblown materials will be watered or covered.
98. Construction areas and streets will be wet swept on a daily basis.
99. Applicant shall provide refuse enclosure detail showing bin locations, pad detail, and recycling facilities to the approval of the Public Works Department.
100. U.S. Post Office mailbox location shall be approved by the Winters Postmaster and shown on the improvement plans submitted to the City Engineer.

MATERIAL	
1	CLIMATE TIGHTEN / FULL PERMEABLE BUILDING
2	FINISH / BUTTER
3	BRICK
4	METAL WINDOW
5	COLUMN
6	STAINED WOOD DOOR
7	DECORATIVE BRICK
8	WOODEN TRIM PANEL
9	WOOD TRIM
10	STAIRWAY
11	GLASS
12	OPEN
13	BRICK WITH BRICKS WITH CASE
FINISH	
1	DAWN EXTERIOR WALLS WITH BRICK
2	DAWN EXTERIOR TRIM WITH BRICK
3	CUSTOM PAINT
4	BLACK
5	MARBLE VALLEY GOLF TRIM
6	CLAY

NOTES:
 1. BRICKS BRICKS TO BE PAINTED B
 2. ALL WOOD TRIM TO BE PAINTED A
 3. COLUMN TO WHITE BRICKS COAT PAINTED B



2 EAST CHURCH ELEVATION
 SCALE: 1/8" = 1'-0"



1 WEST CHURCH ELEVATION
 SCALE: 1/8" = 1'-0"

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: St. Anthony's Church and Rectory Project

Lead Agency: City of Winters
Community Development Department
318 First Street
Winters, CA 95694

Lead Agency Contact: Kate Kelly, Contract Planner
(530) 902-1615

Project Location: 511 Main Street, Assessor Parcel Number APN 003-120-03

The project site is located on the west side of the City of Winters on the southeast corner of West Main Street and Grant Avenue (SR 128).

Project Sponsor's: Roman Catholic Bishop of Sacramento
2110 Broadway
Sacramento, CA 95818

Bill McCandless + Associates
666 Dead Cat Alley
Woodland, CA 95695

General Plan Designation(s): Medium Density Residential (MR)

Zoning: Single Family Residential 6,000 sq. ft. average minimum (R-2)

Existing Conditions:

Surrounding land uses include:

North – Single Family Residential and vacant – future City Public Safety Center

West – Vacant – future single family residential

East – Waggoner Elementary School

South – Single Family Residential

Project History: The site development started in the late 1980's with the construction of the existing 13,235 square foot St. Anthony's Parish Community Center and associated parking areas and improvements on the north and north eastern portion of the property. A future church, rectory, and ancillary building were anticipated that that

time but were not developed. The applicant submitted a conceptual design and site plan in May 2008 which was presented to the Planning Commission for Conceptual Design Review on May 27, 2008. An application for Planned Unit Development Overlay (modified parking and height limits), Conditional Use Permit (religious institution in an R-2 zone), and Design Review (construction of non-residential building over 500 square feet) on October 16, 2008 and was deemed "Complete" on January 16, 2009 for the purposes of this CEQA analysis.

Previous Relevant Environmental Analysis:

Winters Highlands, Callahan Estates, Ogando-Hudson & Creekside Estates Traffic Impact Study, Prepared for the City of Winters, Prepared by Grandy & Associates/Fehr and Peers Associates, Inc, July 2004

Description of the Project:

This project proposes to construct a 13,813 square foot, 700 seat church and a 2,900 square foot rectory with a two car garage at the southeast corner of Grant Avenue (State Route 128) and West Main Street. The property is 5.56+/- acres and is currently developed with a 13,235+/- square foot community center, 827 +/- square foot auxiliary building, a storage shed, and associated parking and landscaping. The parcel is generally square with frontage on Grant Avenue, and West Main Street. The frontage along Grant Avenue is 478+/- feet in length and the frontage on West Main Street is approximately 472+/- feet. The parcel abuts Waggoner Elementary School to the east and a residential neighborhood to the south.

Land Use Changes

The parcel is currently designated Medium Density Residential (MR) in the General Plan and is zoned Single Family Residential 6,000 sq. ft. average minimum (R-2). The applicant has requested a Planned Development Overlay to modify the height restriction and parking requirements. The maximum height in the R-2 zone is 30 feet. The proposed church is 41' 4" tall at the peak of the roof and 51' tall at the top of the roof mounted cross.

The total onsite parking required for the site developed with the existing community center, existing auxiliary building, proposed church and proposed rectory would be 271 spaces per the parking standards in Section 17.72.020 of the City of Winters Municipal Code. The proposed project provides 236 spaces which amounts to 87% of the required spaces.

Proposed Buildings

Church is a 13,813 square foot Spanish Colonial style building which would seat 700 and includes space for a lobby, acolytes-altar servers, vestry-dressing room, confessionals, restrooms, arts-eucharist preparation, storage, sacristy-religious storage, sanctuary-alter, choir, sound system, electrical-mechanical service, music room,

janitorial, and bride's room. The building is single story and is located in the west central portion of the parcel. Due to the roofline, the building is 41' 4" tall with total height of 51' including the roof mounted cross.

Rectory - a 2,900 square foot three bedroom, four bath residential unit which also has a study, living/dining areas, kitchen and an attached two car garage. The rectory is proposed for the southeast corner of the parcel with frontage on West Main Street and the garage located on the east side which would be accessed via the site's interior roadway and parking areas.

Sewer Conveyance

Sanitary sewer service for the church is proposed to be provided via an 8" main which would be constructed across the central portion of the site and would connect to an existing 8 inch municipal sanitary sewer line located at the western boundary of the property. Sanitary sewer service for the rectory would be provided via connections to the existing 8 inch municipal sanitary sewer line located at the western boundary of the property.

Sewer Treatment

The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals exceed this amount and expansion of the plant is planned. The Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd.

Water Conveyance

Municipal water is proposed to be provided to the property via the existing 12 inch water main on the north side of the property and the 10 inch water main on the west side of the property, and the 6 inch water main on the south side of the property. Water would be conveyed within the property via 8, 6, 4 and 3 inch lines which are proposed to connect to the municipal lines on the north and west south sides of the property.

Drainage Conveyance

Storm water is proposed to be collected on site via a series of grated intakes in parking and driveway areas conveyed off site via a east-west running storm drainage line to the western edge of the property where it would connected to an existing 24 inch municipal storm water drain line located in West Main Street.

Off-Site Infrastructure

The project would be required to fund and construct off-site improvements necessary to support the development. Such improvements would include, but not be limited to traffic control, water lines, sewer lines and storm drainage lines. To the extent that acquisition or subsequent CEQA clearance is necessary for such work, that would be the responsibility of the developer.

Flooding

The project does not fall within the City's General Plan Flood Overlay Area. The project site lies in FEMA Flood Zone X (un-shaded) based on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community-Panel Number 060425 0001 C). Zone X (un-shaded) is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain.

Architecture

The new church and rectory are in a Spanish Colonial style which is reflective of the community center building which was constructed on the property in the late 1980s. The new church and rectory show a simplified mission style. Materials will be painted stucco, stained wood and red clay tile roofing to match the existing community center.

Entitlements

The project requires the following approvals from the City:

- Planned Development Overlay (building height and parking requirements)
- Conditional Use Permit for Church (religious institution in R-2 zone)
- Design Review (construction of nonresidential building/structures exceeding 500 square feet)

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement): Encroachment permit from Caltrans for project interface with State Highway 128/Grant Avenue.

Other Project Assumptions: The Initial Study assumes compliance with all applicable State, Federal, and local codes and regulations including, but not limited to, City of Winters Improvement Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

Technical Studies: The following technical and other site-specific studies and reports have been prepared for the project and are relied upon in this analysis:

Cultural Resources Survey – *Far Western Anthropological Research Group (August 2008)* Record search and field survey. No cultural resources were identified in either the literature for this location or on the surface of the property.

Geotechnical Engineering Report – Laver L. Roper and Associates (July 1988) and *Raney Geotechnical (October 2008)*

The site and soil conditions were investigated in 1988 for the initial proposed development which included the community center, church, rectory, and auxiliary building by Laver Roper. Raney Geotechnical reviewed the Laver Roper report, conducted a site visit, obtained soil samples, conducted an Atterberg Limits test to assess plasticity properties and provided recommendations for the site preparation and construction of the proposed project.

Noise Analysis for the St. Anthony's Church Expansion in Winters, California – Michael Brandman Associates (June 2008)

This report provides the results of noise monitoring and modeling performed for the proposed project. The report identifies areas of noise impact resulting from expected on-site operational noise generators such as church activities, roof top HVAC units, parking lot use and delivery trucks.

Air Quality Analysis for the St. Anthony's Church Expansion in Winters, California – Michael Brandman Associates (June 2008)

The analysis was prepared to evaluate potential air quality impacts from the proposed project and to address potential Global Climate Change impacts related to the proposed project.

These reports are on file at the Community Development Department at the City of Winters.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, as indicated by the checklist on the following pages.

- | | |
|--|---|
| <ul style="list-style-type: none"><input checked="" type="checkbox"/> Aesthetics<input type="checkbox"/> Agricultural Resources<input checked="" type="checkbox"/> Air Quality<input checked="" type="checkbox"/> Biological Resources<input checked="" type="checkbox"/> Cultural Resources<input checked="" type="checkbox"/> Geology and Soils<input type="checkbox"/> Hazards and Hazardous Materials<input type="checkbox"/> Hydrology/Water Quality<input checked="" type="checkbox"/> Land Use and Planning | <ul style="list-style-type: none"><input type="checkbox"/> Mineral Resources<input checked="" type="checkbox"/> Noise<input type="checkbox"/> Population and Housing<input type="checkbox"/> Public Services<input type="checkbox"/> Recreation<input type="checkbox"/> Transportation/Traffic<input checked="" type="checkbox"/> Utilities and Service Systems<input checked="" type="checkbox"/> Mandatory Findings of Significance<input type="checkbox"/> None Identified |
|--|---|

DETERMINATION:

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 described in the 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 the earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the Proposed Project. Nothing further is required.

Signature

Kate Kelly, Contract Planner
Printed Name

February 12, 2009

Date

Community Development Department
Lead Agency

ENVIRONMENTAL CHECKLIST

Introduction

Following is the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the Proposed Project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended as appropriate as part of the Proposed Project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Potentially Significant Unless Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less than significant level.

Less Than Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

Instructions

1. A brief evaluation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, potentially significant unless mitigation is incorporated, or less than significant. "Potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Potentially Significant Unless Mitigation Incorporated" means "Less Than Significant With Mitigation Incorporated". It applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used – Identify and state where available for review.
 - b. Impacts Adequately Addressed – Identify which effects from the above checklist were within the scope of and adequately addressed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures – For effects that are "Potentially Significant Unless Mitigation Incorporated" describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources in the form of a source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue area should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measures identified, if any, to reduce the impact to less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
1. AESTHETICS.				
<i>Would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The proposed project would change the visual characteristics of the project site, however, this site is planned for urban development. Existing and planned residential and public/quasi-public uses surrounds the site. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.

- b. The proposed project site does not contain any protected scenic resources. The adjoining roadways are not listed or designated as a "scenic highway" and are not designated as scenic resources by the General Plan. As such, there would be no impact.

- c. The proposed project would not significantly degrade the visual surroundings of the area. The project site is located adjacent to existing residential development to the north and south, an existing elementary school to the east. A residential subdivision has been approved for the vacant parcel located across street from the proposed project at the southeast corner of West Main and Grant Avenue. The City's new 36,500 +/- square foot Public Safety Center which would house both the Fire Department and the Police Department has been approved for the vacant parcels across the street from the proposed project on the northwest corner of West Main and Grant. The main Public Safety Center building will be 42 feet tall and the project also includes a 140 foot tall communication tower.

 The General Plan anticipates that the proposed church and rectory project site would develop at a residential density of 5.4 to 8.8 dwelling units to an acre which would result in over 100,000 square feet of residential development based on a minimum of 45% lot coverage per 17.56.010 of the Winters Municipal Code. The proposed project, including the existing community center and auxiliary

building, would result in 30,775 square feet of public/quasi-public development with remainder of the site improved with landscaped outdoor areas and parking. This proposed site density is considerably less than that of residential development. The development of the site and the proposed church are subject to design review approval by the City of Winters to for consistency with the City's Design Guidelines, which are intended to ensure that new development is compatible with the City's small-town heritage (see Section 9, Land Use and Planning). With implementation of Mitigation Measure Land Use 1 requiring design review of the project, the change in visual character would be a less than significant impact.

- d. The proposed project would provide additional light and glare in the area. If unshielded, lighting can spill onto adjacent projects, and disturb adjacent residential uses.

The proposed church would be constructed with exterior materials common to residential and public/quasi-public development in the area. Architectural materials include painted stucco, stained wood and red clay tile roofing. The proposed project buildings do not include large glass walls or highly reflective exteriors. Therefore, the proposed project would not produce substantial glare. With the applicant's agreement to accept and implement the following mitigation measure, lighting impacts would be reduced to a less than significant level, because light would be focused downward. Therefore, spillover onto other properties would not occur, and the amount of light visible from offsite would be minimized.

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.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>2. AGRICULTURE RESOURCES: <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i></p>				
<p>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?</p>	□	□	■	□
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	□	□	□	■
<p>c. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use?</p>	□	□	□	■

Discussion

- a. The project site is not designated as Prime Farmlands, Unique Farmlands, or Farmlands of Local Importance on the City's Important Farmlands Map (1992 General Plan Background Report, Figure VIII-2). The Yolo County Important Farmland Map (California Department of Conservation, 2006) designates the project site as Urban and Built-Up Land. This is a less than significant impact.
- b. No part of the project site is under a Williamson Act contract nor immediately adjacent to any lands under Williamson Act contract. In addition, the project site is not located immediately adjacent to any lands zoned for agricultural uses. Therefore, there would be no impact on Williamson Contract land or other agriculturally zoned land.
- c. Development of the property will have no impact on the conversion of other properties to non-agricultural uses or loss of farmland in general. The project site is located in an urbanized area and is not adjacent to actively producing agricultural or farmland. The subject site is an infill property and development of a church and rectory on this property has been anticipated for at least 20 years. For this reason, no impact will occur in this category.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3. AIR QUALITY. <i>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:</i>				
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?	☐	☐	■	☐

Discussion

The Yolo Solano Air Quality Management District (YSAQMD) is responsible for developing rules that regulate stationary sources, area sources, and certain mobile sources. In addition, the YSAQMD establishes permitting requirements for stationary sources, enforces air quality rules, and maintains air quality monitoring stations in Yolo County and the Solano County. The YSAQMD is responsible for developing and updating the state attainment plans and triennial assessments.

Air Quality Analysis for the proposed project was prepared by Michael Brandman Associates (June 2008) to evaluate whether the expected air pollutant emissions generated from the proposed project would cause significant impact to air resources in the project area. Their assessment was conducted within the context of CEQA and the methodology followed the Handbook for Assessing and Mitigating Air Quality Impacts (CEQA Handbook) prepared by the Yolo-Solano Air Quality Management District (YSAQMD). The CEQA Handbook sets forth recommended thresholds of significance, screening criteria, analysis methodologies, and provides guidance on mitigating significant impacts. In addition to the YSAQMD thresholds, their analysis addressed the qualitative questions from Appendix G of the State CEQA Guidelines and provides a Global Climate Change threshold and determination.

- a. The Yolo-Solano Air Quality Management District is currently a non-attainment for ozone (State and Federal ambient standards) and Particulate Matter (State ambient standards). While air quality plans exist for ozone, none exists (or is currently required) for PM₁₀.

Based on consistency with the regional air plan, the YSAQMD CEQA guidance provides that a development project would have a cumulatively significant impact with respect to a non-attainment pollutant if the project requires a change in the existing land use designation (i.e., general plan amendment), and projected emissions of ozone precursors for the proposed project are greater than the emissions anticipated for the site if developed under the existing land use designation. The project site is designated as Medium Density Residential (MR) by the City of Winters General Plan, and is currently zoned Single-Family Residential (R-2). Per the Land Use / Circulation Diagrams and Standards Section of the General Plan, the MR designation provides for, "single-family detached and attached homes, public and quasi-public uses, and similar and compatible uses." Churches are considered a quasi-public use under the General Plan. Therefore, construction and operation of the project is consistent with the General Plan, and by extension air quality attainment plans and the state implementation plan. As a result, the impact would be less than significant.

- b. The YSAQMD has developed screening sizes for various land uses to identify projects that would likely exceed the CEQA Handbook's thresholds for criteria pollutants. Table 2 of the CEQA Handbook contains the land use categories and relative sizes reasonably expected to exceed the thresholds for 2007 and 2010. The project screening sizes listed in the table are larger in 2010 than 2007 due to the cleaner emission factors for future years. This project is expected to be constructed in 2009 and operational by 2010. The table lists the square footage for places of worship that may exceed YSAQMD thresholds for ROG, NO_x and PM₁₀ at 440,000 square feet for 2007 and 560,000 for 2010. The proposed St. Anthony's expansion at 16,713 square feet is well below the screening sizes listed in the CEQA Handbook.

CO Screening Criteria - The YSAQMD's CEQA Handbook states that a project can be said to have the potential to create a violation of the CO standard (and thus need a local CO hotspot analysis) if either of the following criteria are true for any intersection affected by the project:

- A traffic study for the project indicates that the peak-hour Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity will be reduced to an unacceptable LOS (typically LOS E or F); or
- A traffic study indicates that the project will substantially worsen an already existing peak-hour LOS F on one or more streets or at one or more intersections in the project vicinity. "Substantially worsen" includes situations where delay would increase by 10 seconds or more when

project-generated traffic is included.

A traffic study was not prepared for this project. This project will contribute to trips in the project area; however, at the Institute of Transportation Engineers' (ITE) trip generation rates for 'Place of Worship' and 'Single-Family Housing', the project would only contribute approximately 112 trips per day for the church expansion and 10 trips per day for the Rectory. This low level of trip generation is not likely to impact the LOS of nearby intersections. Therefore, the project impact is less than screening criteria established by YSAQMD and no further analysis is required. Nonetheless, for purposes of consistency the City is imposing the same air quality mitigations measures on this project as it has on other recently projects approved by the City. Additionally it should be pointed out that General Plan Policy VI.E.6 requires controls for construction-related dust.

With the applicant's agreement to accept and implement the following mitigation measure, NO_x emissions would be minimized and this impact would be held to a less than significant level.

Mitigation Measure Air 1

- 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:

<i>175 hp - 750 hp</i>	<i>1996 and newer engines</i>
<i>100 hp - 174 hp</i>	<i>1997 and newer engines</i>
<i>50 hp- 99 hp</i>	<i>1998 and newer engines</i>

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.

With the applicant's agreement to accept and implement the following mitigation measure, PM₁₀ emissions would be minimized and this impact would be held to a less than significant level.

Mitigation Measure Air 2

- 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.*
- c. Project traffic emissions would have an effect on air quality outside the project vicinity. Trips to and from the project and area sources associated with the proposed uses would result in air pollutant emissions within the air basin. The YSAQMD considers any project that would individually have a significant air quality impact to also have a significant cumulative impact. As described under Questions A, B, and D, the project would not individually exceed any project-level threshold. As a result, project regional (operational) air quality impacts would be less than significant.
- d. Construction activities such as clearing, excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would temporarily affect local air quality for adjacent land uses.

Localized air impacts occur when a sensitive receptor is exposed to substantial air pollution, often as a result of land use conflicts. Unlike ozone precursors,

which have a regional air quality impact, emissions of CO, TACs, odor and dust affect the land uses in close vicinity of the emitting source. Two situations have the potential to cause localized impacts to sensitive receptors:

- 1) A source of localized air pollutants is proposed to be located near existing or planned sensitive receptors, or
- 2) A sensitive receptor land use is proposed near an existing or planned source of localized air pollutants.

The project will construct a quasi-public facility that is compatible with the adjacent residential and other quasi public land uses. As discussed under Question B, the project will likely not affect the LOS of adjacent intersections. Therefore, the project does not have the potential to contribute to a CO Hotspot. Churches are not a known source of TACs or objectionable odors.

Therefore, the operation of the project will not expose nearby sensitive receptors to unacceptable levels of TACs, CO or odors, or substantially contribute to air-related sensitive receptor impacts. During construction, due to the short duration, low number of diesel vehicles and distance between equipment and nearby receptors, health risks from construction emissions of diesel particulate would be a less than significant impact. The mitigation requirement contained in Mitigation Measure Air 1 would mitigate the dust generated from construction of the project to a less than significant impact.

- d. During construction the various diesel-powered vehicles and equipment in use on the site would create odors. These odors are temporary and not likely to be noticeable much beyond the project boundaries. The potential for diesel odors impacts is less than significant. As discussed above, churches are not known sources of objectionable odors.

CLIMATE CHANGE ANALYSIS

Regulatory History

There has been significant legislative activity regarding global climate change and greenhouse gases in California. Although it was not originally intended to reduce greenhouse gases, the California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The latest amendments were made in October 2005 and currently require new homes to use half the energy they used only a decade ago. Energy efficient buildings require less electricity, and electricity production by fossil fuels results in greenhouse gas emissions. Therefore, increased energy efficiency results in decreased greenhouse gas emissions. California Assembly Bill 1493 (Pavley), enacted on July 22, 2002, required the CARB to develop and adopt regulations that reduce greenhouse gases emitted by passenger vehicles and light duty trucks.

Regulations adopted by the California Air Resources Board (CARB) would apply to 2009 and later model year vehicles. The CARB estimates that the regulation would reduce climate change emissions from the light-duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030.

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following greenhouse gas emission reduction targets:

- 1) by 2010, reduce greenhouse gas emissions to 2000 levels;
- 2) by 2020, reduce greenhouse gas emissions to 1990 levels; and
- 3) by 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels (CA 2005).

To meet these targets, the Governor directed the Secretary of the Cal EPA to lead a California Climate Action Team (CAT) made up of representatives from the Business, Transportation and Housing Agency; the Department of Food and Agriculture; the Resources Agency; the Air Resources Board; the Energy Commission; and the Public Utilities Commission. The CAT's Report to the Governor in 2006 contains recommendations and strategies to help ensure the targets in Executive Order S-3-05 are met (CAT 2006).

The 2006 CAT Report contains baseline emissions as estimated by the CARB and the California Energy Commission. The emission reduction strategies reduce greenhouse gas emissions to the targets contained in AB 32.

Also in 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006, which charged the CARB to develop regulations on how the state would address global climate change. AB 32 focuses on reducing greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires that greenhouse gases emitted in California be reduced to 1990 levels by the year 2020. CARB is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. AB 32 requires that by January 1, 2008, CARB must determine what the statewide greenhouse gas emissions level was in 1990, and it must approve a statewide greenhouse gas emissions limit so it may be applied to the 2020 benchmark. CARB adopted the 1990 GHG emission inventory / 2020 emissions limit of 427 million metric tons of carbon dioxide equivalent (MMTCO_{2e}) on December 6, 2007.

Analysis

DISCUSSION

This project would result in the construction and operation of a church and rectory in Winters, California that would result in approximately 122 trips per day. Based on the size of the project and discussions with the YSAQMD, it is determined that it is unlikely that a project of this size would significantly contribute GHGs to California's emission

inventory. The YSAQMD does not require projects of this size to quantify their generation of GHGs (Jones, pers. comm.). Therefore, it is unlikely that the project would hinder or delay the State's ability to meet the reduction targets contained in AB 32. The URBEMIS2007 v9.2.4 (URBEMIS) model was used to determine the amount of trips the project will likely contribute to local roadways for the CO impact screening, as described in Question B above.

URBEMIS also contains a CO₂ output that includes CO₂ generation from the project's consumption of natural gas, hearth emissions, landscape equipment combustion, and mobile vehicle emissions. Although the URBEMIS model does not account for all GHG pollutants and emissions sources related to the project, it does include the main sources of CO₂ from the development – on-road mobile vehicles. As such, it can be used as a rough tool to ascertain the project's relative contribution of GHGs. According to the modeling conducted, the project may contribute 192.3 tons of CO₂ from operational activities in 2009, which is approximately 174.5 metric tons of CO₂, or 0.0002 MMTCO₂e. As such, the project may contribute 0.000041 percent of California's 2020 GHG emission limit of 427 MMTCO₂e. Furthermore, the emissions estimate provided above is for the 2009 modeling year. With advancements in technology and implementation of existing and proposed state regulations, the project's emissions in 2020 will be lower than the 2009 estimates.

SUMMARY

The analysis supports the following conclusions:

- The project will not exceed the YSAQMD's regional and localized thresholds;
- The project will not result in a significant impact for the CEQA Guidelines Appendix G criteria; and
- The project will not significantly hinder or delay the State's ability to meet the emission reduction targets contained in AB 32.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
4. BIOLOGICAL RESOURCES.				
<i>Would the project:</i>				
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a. & d. Approximately a third of the 5.56 acre site is developed with an existing community center, associated parking lots and commercial landscaping. The remainder of the site where the church, new parking and rectory are proposed to be located is vacant land with annual grassland vegetation that is disked and/or mowed periodically. The site is bounded by single family homes to the south, playfields of the elementary school to the east. The area proposed for the church and rectory is used for overflow parking on a regular basis for community center events. A number of relatively small trees are scattered along the southern and western property lines.

Wildlife use of the project area is limited as a result of the disturbed habitat conditions, small size, and the site's location within an urbanized area. The property lacks wetlands, vernal pools, and it has been the repeatedly disked and mowed.

The area also receives substantial human disturbance due to its close proximity to the community center, neighboring residential areas, and the elementary school.

The following Special-Status Wildlife potentially occur in the Winters area:

- Valley Elderberry Longhorn Beetle (VELB)
- Vernal Pool Fairy Shrimp
- Vernal Pool Tadpole Shrimp

The site does not contain blue elderberry (*Sambucus mexicana*) upon which VELB is dependent. Nor does it support vernal pool species. Therefore, VELB and vernal pool species will not be impacted by the proposed project.

- Northwestern Pond Turtle
- Tiger Salamander
- California Tiger Salamander
- California Red-legged Frog
- Giant Garter Snake

Pond turtles, giant garter snakes, and California red-legged frogs require slow-moving rivers, streams, or ponds with permanent or near permanent water sources. These habitats do not occur on the site, therefore, these species will not be impacted by the proposed project.

California tiger salamanders require seasonal wetland features such as vernal pools for egg laying and during their development stages. Due to the lack of wetlands on the property, this species will not be impacted by the proposed project.

- Bald Eagle
- Yellow Breasted Chat
- Western Burrowing Owl
- Swainson's Hawk
- White-tailed Kite

Bald eagles nest in mountainous areas near large, permanent water bodies such as lakes reservoirs, and river systems. The lack of suitable habitat on the site precludes the presence of this species. Therefore, this species will not be impacted by the proposed project.

Yellow-breasted chats inhabit riparian thickets. Given that there is no riparian vegetation on the site, this species will not be impacted by the proposed project.

Western burrowing owls require relatively open grassland habitat with suitable natural burrows or artificial burrows such as pipes, culverts, and debris piles that

can be used for nesting. While habitat conditions are considered marginal due to the extent of human disturbance, Burrowing Owl could potentially nest and forage in the project area. With the applicant's agreement to accept and implement the following mitigation measures, impacts on special status species would be less than significant.

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.*

Swainson's Hawk could potentially forage in the grassland and seasonal wetland habitats, but no potential nesting trees are available onsite or in the immediate vicinity. Typically, CDFG considers annual grassland habitat within 10 miles of an active Swainson's Hawk nest to be potential foraging habitat for the species. However, the CDFG staff report regarding mitigation for impacts to Swainson's Hawk in the Central Valley acknowledges that projects that support less than 5 acres of foraging habitat and are surrounded by existing development do not provide the foraging habitat requirements needed to sustain the reproductive efforts of a Swainson's Hawk pair, unless there is a known nest within a ¼ mile of the project. Consequently, CDFG does not recommend that the CEQA lead agency require foraging mitigation for these types of projects.

Although the conditions on site and adjacent to the site provide limited nesting habitat for raptors, there is some potential for a raptor to nest on the site or within close proximity. With the applicant's agreement to accept and implement the following mitigation measures, impacts on special status raptors would be less than significant.

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-feet) 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.

The trees and grassland on the site provide suitable nesting habitat for a number of common and special-status birds protected solely by the Migratory Bird Treaty Act (MBTA) which prohibits the killing of migratory birds. Therefore, if any vegetation or tree removal occurs during the typical avian nesting season (February 1 to August 31), a pre-construction survey is necessary. With the applicant's agreement to accept and implement the following mitigation measures, impacts on migratory birds would be less than significant.

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 bird 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.

b. & c. Sensitive habitats include those that are of special concern to resource agencies or those that are protected under CEQA, Section 1600 of the California Fish and Game Code, or Section 404 of the Clean Water Act. There are no wetlands, riparian areas, or sensitive habitats located on or adjacent to the site. Therefore, the proposed project will not impact these resources.

e. The trees on the site are not listed on the City's Historic Tree list, the site does not contain wetlands, and with compliance with the above mitigation measures for burrowing owl, Swainson's Hawk, raptors, and migratory birds would be consistent with the natural resources policies contained in the City's General Plan. This impact is less than significant.

f. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of

developing a countywide plan, but it is not complete. The City's Habitat Management Program requires "on the ground" mitigation to be located within 7 miles of Winters in order to provide locally beneficial mitigation. With compliance with the Winters Habitat Mitigation Program, this impact is less than significant.

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.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
5. CULTURAL RESOURCES.				
<i>Would the project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a. & b. A cultural resources assessment was prepared for this site by Far Western Anthropological Research Associates (August, 2008). The assessment provides the results from the research of existing cultural resources data bases, review of historic maps, and a field survey performed by a qualified archeologist. The entire property was inspected. No evidence of cultural resources was observed.

Although no evidence of cultural resources was observed in the study area, there is always the possibility that unidentified resources could be encountered on or below the surface during grading and construction. With the applicant's agreement to accept and implement the following mitigation measure related to unknown sub-surface cultural resources, the potential for impact would be mitigated to a less than significant level by ensuring that such resources are evaluated and protected as appropriate.

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.

- c. No paleontological resources are known or suspected and no unique geologic features exist on the project site. However, the potential exists during construction to uncover previously unidentified resources. Implementation of Mitigation Measure Cultural 1 will mitigate this concern to less than significant levels.
- e. No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. Compliance with Section 7050.5 of the California Health and Safety Code will reduce the potential impact to a less than significant level.

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.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
6. GEOLOGY AND SOILS.				
<i>Would the project:</i>				
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

The subject site is situated geologically in the Sacramento Valley, within the westerly portion of the Great Valley geomorphic province of California. Sands, silts, and clays encountered in the near vicinity are recognized as the upper member of the Quaternary-aged Modesto Formation. The soils of this unit are characterized as arkosic alluvium deposits.

According to the soil survey maps of the Natural Resources Conservation District (NRCS) (formerly the USDA Soil Conservation Service) the soil on the site is Brentwood silty clay loam, 0-2 percent slopes.

- ai, ii. There are no known faults within the City of Winters. The site is located approximately 6 km (3.7 miles) from the Great Valley Thrust Fault, as shown on recent maps by the U.S. Geological Survey and the California Geological Survey.

The Alquist-Priolo Special Studies Zones Act of 1972 regulates development near active faults to mitigate the hazard of surface fault rupture and prohibits the development of structures for human occupancy across the traces of active faults. The project site is not located within an Alquist-Priolo Special Studies Zone.

The City is located in an area of relatively low seismic activity. According to the Seismic Risk Map of the United States, Winters is in Zone 3. Within Zone 3, the potential for earthquakes is low; however, there is the possibility for major damage (VIII to X on the Modified Mercalli Scale from a nearby earthquake). A rating of VIII to X on the Modified Mercalli Scale generally means the Richter scale magnitude would be between 6.0 to 7.9. Effects associated with this intensity range from difficulty standing to broken tree branches to damage to foundations and frame structures to destruction of most masonry and frame structures.

Any major earthquake damage on the project site is likely to occur from ground shaking and seismically-related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically-induced shaking and some damage should be expected to occur during an event, but damage should be no more severe in the project area than elsewhere in the region. Framed construction on proper foundations constructed in accordance with California Building Code requirements is generally flexible enough to sustain only minor structural damage from ground shaking. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking, and this would be a less than significant impact.

- a.iii, c.d. A Foundation Report was prepared for the previously proposed project by Laver L. Roper & Associates in 1988 and was updated by Raney Geotechnical in October 2008. The geologic investigation, which included 13 test borings throughout the project site in 1988 surface soil samples in 2008, found that surface and near-surface soils on the project site are capable of supporting public/quasi-public and residential structures of the type proposed for the project provided specified conditions are implemented. With the applicant's agreement to accept and implement the following mitigation measure, impacts of geologic hazards will be reduced to a less than significant level.

Mitigation Measure Geology 1 – The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.

- a.iv, b. The site topography is essentially flat with an elevation of 128 above mean sea level. Surface runoff flows toward either the existing storm water drain grates in the community center parking lots or to the surrounding streets. There are no steep slopes within the project site. There are no drainages with steep slopes running through or adjacent to the project site. Because the site conditions would not result in landslides or potential for substantial erosion or loss of topsoil, there would be no impact for this category.
- f. The project would construct sewer pipelines that connect to wastewater treatment facilities and would not involve the construction of septic tanks. Therefore, there would be no impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project</i>				
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 the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

Discussion

a, b, & c. During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used at the project site. Similarly, paints, solvents, and various architectural finishes would be used during construction.

If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the City of Winters Fire Department is responsible

for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are highly regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. Both federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City currently complies with the City's Emergency Response Plan, and the Yolo County Hazardous Waste Management Plan.

Because the types of uses associated with the proposed church and rectory do not typically use, transport or dispose of large amounts of hazardous materials, and the routine transport, use, and disposal of hazardous materials are regulated by federal, State, and local regulations, this impact is considered less than significant.

- d. The project is not located on a site that is included on a list of hazardous materials sites compiled by the CA Department of Toxic Substances Control EnviroStor Database list pursuant to Government Code 65962.5. Therefore, no impact would occur.
- e. The project site is not within two miles of a public airport, and is not within the runway clearance zones established to protect the adjoining land uses in the vicinity from noise and safety hazards associated with aviation accidents. Therefore, there would be no impact.
- f. There are no private airstrips in proximity of the project site, so there would be no impact.
- g,h. The proposed project would have no effect on any emergency plan, because it would not significantly alter the existing street system, and would provide street connections to and through the project site. The project area does not qualify as "wildlands" where wildland fires are a risk. For these reasons, no impact would occur in these categories.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
8. HYDROLOGY AND WATER QUALITY				
<i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems to control?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a.f. Surface water quality can be adversely affected by erosion during project construction, or after the project is completed, if urban contaminants in storm water runoff are allowed to reach a receiving water (e.g. Putah Creek). Construction activities disturbing one or more acres are required by the Central Valley Regional Water Quality Control Board (CVRWQCB) to obtain a General

Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. These permits are required to control both construction and operation activities that could adversely affect water quality. Permit applicants are required to prepare and retain at the construction site a Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls. Dischargers are also required to inspect construction sites before and after storms to identify stormwater discharge from construction activity, and to identify and implement controls where necessary.

The proposed project is composed of approximately 5.56 acres, and thus would fall subject to these requirements. Compliance with these required permits would ensure that runoff during construction and occupation of the project site would ensure that runoff does not substantially degrade water quality. Therefore, this is a less than significant impact.

- b. The proposed project would construct impervious surfaces over portions of the project site that are currently undeveloped. However, the site is not identified as a recharge area and has been planned for development since at least the late 1980s. The majority of groundwater recharge in Winters occurs along drainages. Therefore, it can be concluded that development of the project site would not substantially affect the aquifer.

The City of Winters would supply groundwater to the proposed project. As discussed in more detail in Item 16(d), while the proposed project would contribute to an increase in municipal groundwater use, total groundwater use within the City would exceed historic water use levels only slightly in wet years, and would be lower than historic pumping levels in wet years. Groundwater levels have been fairly stable in the City of Winters, even with the highest historic pumping levels. Therefore, impacts on groundwater would be less than significant.

- c,d,e. The proposed project would nominally change absorption rates, drainage patterns, and the rate and amount of surface runoff, but would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, including the project site. Because the proposed project can be accommodated within the City's planned storm drain system, the increase in runoff is considered less than significant.
- g,h. The project does not fall within the City's General Plan Flood Overlay Area. The site is designated on federal floodplain maps as Zone X (outside of the 100-year floodplain). As such impacts related to flooding are considered less than significant.

- i. The project site is located approximately 10 miles east of the Monticello Dam on Lake Berryessa. Failure or overtopping of the dam could result in severe flooding of the Winters' area and loss of life. However, this occurrence, which is addressed in the Yolo County Emergency Plan, is not considered a likely or substantial risk. Therefore, the proposed project would not expose individuals to a substantial risk from flooding as a result of the failure, and the impact would be less than significant.
- j. The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
9. LAND USE AND PLANNING.				
<i>Would the project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations 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 on environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Development of the project site is consistent with the City General Plan and has been the long-term plan for the property. The project would fill in and connect the established residential community of the City, not divide it. Therefore, no impact would occur.
- b. The General Plan and zoning ordinance currently designates the project site for medium density residential uses which includes quasi-public uses such as churches.

The applicant has applied for Design Review approval which includes an analysis of compliance with lot development standards, and a review of building and

landscape design, facades, and elevations to ensure that the proposed project will be compatible with existing development in Winters and that it satisfies the Community Design Guidelines.

The proposed church exceeds the R2 30 foot height limit. The building is single story and is located in the west central portion of the parcel. Due to the roofline, the building is 41' 4" tall with total height of 51' including the roof mounted cross.

The total onsite parking required for the site developed with the existing community center, existing auxiliary building, proposed church and proposed rectory would be 271 spaces per the parking standards in Section 17.72.020 of the City of Winters Municipal Code. The proposed project provides 236 spaces which amounts to 87% of the required spaces.

The applicant has requested a Planned Development Overlay as part of the project entitlements to modify the height restrictions and parking requirements for this property. Approval of the Planned Development Overlay will be necessary to accommodate the proposed project design.

With the applicant's agreement to accept and implement the following mitigation measures, this potential impact would be mitigated to a less than significant level.

***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.*

***Mitigation Measure Land Use 2** – The proposed project height and parking provisions are subject to approval of a Planned Development Overlay for the subject property.*

- c. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide plan, but it is not complete. The City's Habitat Management Program requires "on the ground" mitigation to be located within 7 miles of Winters in order to provide locally beneficial mitigation. With compliance with the Winters Habitat Mitigation Program per Mitigation Measure Biological 4 this impact is less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
10. MINERAL RESOURCES. <i>Would the project:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a,b. The project site is not designated as a mineral resource zone or locally important mineral resource recovery site. The construction of the proposed project would not result in the loss of any known mineral resources. Impacts would be less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
11. NOISE. <i>Would the project result in:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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?

Discussion

Michael Brandman Associates prepared a noise analysis for the proposed project which included discussion of existing noise levels, sensitive receptors, and predicted noise level for both short-term and long-term activities associated with the project.

- a. Noise levels in the project area would be influenced by construction activity in the short term and by traffic, church activity (including church bells), parking lot, and HVAC noise in the long term.

Short-term Noise

Construction noise represents a short-term increase in ambient noise levels. Noise impacts from construction activities associated with the project would be a function of the noise generated by construction equipment, equipment location, the sensitivity of nearby land uses, and the timing and duration of the construction activities. Title 8, Health and Safety, of the Winters Municipal Code (WMC), Chapter 8.20 Noise Control, includes exterior noise levels limits similar to those established in the City of Winters General Plan Health and Safety Section (see Long-term Noise below). However, WMC Chapter 8.20.120 Exemptions, states that construction activity is exempt from the noise standards (provided it takes place on weekdays between 7:00 am and 7:00 pm per WMC Chapter 8.20.100 Prohibited Acts). Therefore, although there are no construction standards for noise generation, all construction activity is required to be conducted in accordance with the WMC, and therefore construction noise would not expose persons to or generate noise levels in excess of standards.

Long-term Noise

Traffic, church activity (including church bells), parking lot and HVAC noise all represent long-term sources of ambient noise in the project area. The City of Winters Land Use Compatibility Standards in Table II-2 of the General Plan Health and Safety Section establish the acceptable range of ambient noise levels for residential and schools within the City of Winters. Noise levels are normally acceptable at 60 Ldn dBA for residential uses, and 65 Ldn dBA for public buildings, including schools and churches. Noise levels are conditionally acceptable at 65 and 70 Ldn dBA for residences and public buildings, respectively.

Based on the project trip generation as discussed in the Air Quality analysis, increases in traffic from both the church and the rectory would result in an imperceptible increase in noise levels, less than 1 dB. Therefore, noise levels

would remain at 66 dB or less, as measured in April 2007. Although these noise levels are greater than the conditionally acceptable standard for residences, the project would not contribute to increased noise levels, and would not directly cause an exceedance of the standards. Other long-term noise as a result of the project, including church activities, parking lot noise, and HVAC operation, would also not result in exceedances of the standards. WMC Chapter 8.20.100 includes provisions for permitting the sounding of any electronically amplified signal from any stationary bell or chime, but indicates that houses of religious worship are exempt from this provision.

On the basis of short-term and long-term noise level estimates, the project would not result in noise levels that exceed City of Winters noise standards. Therefore, impacts would be less than significant.

- b. Construction activities can produce vibration that may be felt by adjacent uses. The construction of the proposed project would not require the use of equipment such as jackhammers and pile drivers, which are known to generate substantial construction vibration levels. The primary sources of vibration during construction would be from bulldozers, backhoes, crawler tractors, and scrapers. A vibratory roller would produce the greatest amount of vibration on the project site, with a 0.210 PPV at 25 feet. The nearest construction activities would be approximately 100 feet from the residences to the north of the project site, across West Grant Avenue, 175 feet from the residences to the south of the project site, and 350 feet from the school to the east of the project site. Construction vibration levels are expected to be 0.05 PPV, 0.03 PPV, and 0.015 PPV at the three nearest receptors, respectively. The maximum vibration the nearest residential receptor would be expected to experience is 0.05 PPV, which is below the 0.5 PPV significance level for potential structural damage. Therefore, construction-related vibration impacts from the project on existing sensitive receptors would be less than significant.

Operational Vibration

The project consists of the expansion of an existing church site, and it would not be expected to result in increased vibration in the project area, except for an occasional delivery truck, which would be expected for any public building. Therefore, operational vibration impacts from the project on existing sensitive receptors would be less than significant.

- c. The ongoing operation of the project would be affected by long-term ambient noise sources such as traffic (mobile), and church activity, parking lot and HVAC noise (stationary). Existing noise sources in the project area, which are limited to traffic, would not impact new receptors at the church.

Mobile Noise

Long-term noise impacts would result from vehicle traffic associated with the project. The City of Winters Land Use Compatibility Standards in Table II-2 of the General Plan Health and Safety Section establish the acceptable range of ambient noise levels for residential and schools within the City of Winters. Noise levels are normally acceptable at 60 Ldn dBA for residential uses, and 65 Ldn dBA for public buildings, including schools and churches. Noise levels are conditionally acceptable at 65 and 70 Ldn dBA for residences and public buildings, respectively.

A traffic study was not prepared for this project, and therefore traffic volumes were not available for traffic noise prediction. Based on the project trip generation as discussed in the Air Quality analysis, increases in traffic from both the church and the Rectory would result in an imperceptible increase in noise levels, less than 1 dB. Therefore, noise levels would remain at 66 dB or less, as measured in April 2007. Although these noise levels are greater than the conditionally acceptable standard for residences, the project would not contribute to increased noise levels, and therefore not result in a substantial noise increase. Noise levels from increased traffic as a result of the project would not result in significant impacts.

Stationary Noise

The principal onsite stationary noise impacts would occur as a result of the activities within the church and rectory buildings (including church bells), parking lot noise, and the operation of HVAC equipment. Church activity would increase over time as the new church would be built with a 700-seat capacity to accommodate future growth. Music and singing would be the sources of noise from church activity, and would not be expected to reach 65 dBA at nearby receptors. In addition, music and singing are not typically perceived as unwanted noise. Church bells would ring as follows: 5 to 10 times before each weekend mass (Saturday at 5:00 pm and Sunday at 10:45 am, 12:30 pm and 5:00 pm). Church bell noise is exempt from City of Winters noise standards, and like music and signing, is not typically perceived as unwanted noise. Parking lot noise, consisting of car doors slamming, and garden/landscape maintenance activities are considered intermittent noise events and would not represent a substantial contribution to the ambient noise levels. Rooftop mechanical equipment on the church and rectory buildings could be as close as 50 feet from the nearest residences. Predicted noise from HVAC equipment would be less than 60 dBA, based on information from other similar projects, and therefore would not expose nearby residents or receptors at the church to noise levels exceeding noise standards for both types of receptors. It is not expected that activities would take place at the church and adjacent community center simultaneously, however if this would occur, the nature of the activities would not be expected to result in significant impacts. The noise standards for the community center would be the

same as those for the church, and both facilities would be required to adhere to the noise limits. Impacts would be less than significant.

- d. Construction noise represents a short-term increase in ambient noise levels. Noise impacts from construction activities associated with the project would be a function of the noise generated by construction equipment, equipment location, the sensitivity of nearby land uses, and the timing and duration of the construction activities. Short-term noise impacts could occur during construction activities either from the noise impacts created from the transport of workers and movement of construction materials to and from the project site, or from the noise generated onsite during demolition, ground clearing, excavation, grading, and construction activities. The worst-case construction noise levels for the project would be 90 dBA at 50 feet. Construction activities are carried out in discrete steps, each of which has a unique mix of equipment and, consequently, unique noise characteristics. These sequential phases would change the character of the noise levels surrounding the construction site as work progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow noise ranges to be categorized by work phase.

On the basis of their proximity to the project site, the residential land uses adjacent the project site are the sensitive receptors of most concern as they relate to construction noise. Estimated noise levels are 84, 80, and 74 dBA at the three nearest receptors, respectively. It should be noted that construction noise often varies significantly on a day-to-day basis, and the noise levels predicted represent a worst-case scenario. Although construction noise would last the duration of construction, it would be the most noticeable during building construction, and because the site is developed, grading activity would be minimized. These estimated noise levels represent a potentially significant impact.

In order to minimize disruption to existing residents, all construction activity would be performed in accordance with the Winters Municipal Code Noise requirements. Additionally, mitigation is proposed below that would require noise attenuation measures incorporated into the project. Noise levels from construction after the application of mitigation measures that can be quantified, including distance requirements for construction activity and staging, and the use of portable acoustic barriers, would be approximately 78, 74, and 68 dBA at the three nearest receptors, respectively. The actual levels would be expected to be lower based on attenuation measures that cannot be quantified. Although there are no noise standards for construction activity, and construction activity is exempt from noise standards, the implementation of the noise attenuation measures in the mitigation below would result in noise levels still greater than the residential standards, but not at the school. However, impacts would be

considered less than significant following the implementation of mitigation.

Mitigation Measures Noise 1 - *The project applicant shall submit a construction noise mitigation plan to the City of Winters for review and approval. The plan shall depict the location of construction equipment and describe how noise would be mitigated through methods such as, but not limited to, locating stationary noise-generating equipment (such as pumps and generators) as far as possible from nearby noise-sensitive receptors. Where practicable, noise-generating equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as structures or haul trucks. Onsite noise sources such as heavy equipment located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed around noise-generating equipment located within 200 feet of existing residences. Water tanks and equipment storage, staging, and warm-up areas shall be located as far from noise-sensitive receptors as possible. All noise attenuation measures identified in the plan shall be incorporated into the project.*

Mitigation Measure Noise 2 - *Construction activities shall adhere to the following noise requirements:*

All construction equipment shall utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

Hours of construction shall comply with those established in Chapter 8.20.100 of the Winters Municipal Code. Those hours are weekdays from 7:00 a.m. through 7:00 p.m. Construction is prohibited on weekends and federal holidays.

- e. The nearest public airport is over 12 miles away and the project site is not within an airport land use plan. Therefore, project residents would not be exposed to excessive air traffic noise, thus there would be no impact.
- f. The project site is not located near a private airstrip and would not be exposed to noise from the private airstrip, so no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
12. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial 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?	□	□	□	■

Discussion

- a. The proposed project is generally consistent with the 1992 General Plan assumptions for the area. Religious facilities are not growth inducing and no additional infrastructure is required which could induce growth. Therefore, infrastructure, services, and utilities are master planned to accommodate the proposed level of growth. The proposed project is infill in an urbanized area and does not require the extension of roads and other infrastructure to the project site. Because the development of the project site is consistent with the planning assumptions of the General Plan, the proposed project would not induce growth.
- b,c. A portion of the project site is developed with an existing community center and associated landscaping and parking. The remainder of the site is an undeveloped field used for community center overflow parking. The project involves no displacement of housing or people. Thus, there would be no impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
13. PUBLIC SERVICES. <i>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:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a. & b. The Winters Fire Protection District provides primary fire protection service to the project site. The City of Winters Police Department provides primary police protection service. The proposed project could nominally increase demand for these fire and police protection services by increasing the amount of development and businesses within the Departments' service areas. This increase in development is consistent with City plans for the project site, as reflected in the General Plan. Because the project site is already in the City, the proposed project would not increase the size of the service area of the Fire District or Police Department. Thus, the proposed project would have a less than significant adverse impact.

c, d, & e. The proposed project is for a church and a rectory. As such, it does not require trigger requirements for school services, parkland, or other public facilities.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
14. RECREATION.				
a. Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a & b. As discussed in Item 13(c,d and e), the proposed church and rectory would not generate recreational demands. This is a less than significant impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
15. TRANSPORTATION/CIRCULATION.				
<i>Would the project:</i>				
a. Cause an increase in traffic which is substantial in relation to the existing 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e. Result in inadequate emergency access?
- f. Result in inadequate parking capacity?
- g. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Discussion

The Winters Highlands, Callahan Estates, Ogando-Hudson & Creekside Estates Traffic Impact Study (July, 2004) was prepared to examine the impacts from proposed development projects in the City of Winters which would impact the area around the proposed church and rectory. The analysis provides information on the potential effects associated with increases in traffics volumes at eight local intersections as a result of anticipated development in Winters. Based on the findings of the Study, the following level of service (LOS) and traffic volumes were identified in the vicinity of the proposed church and rectory:

Intersection	Level of Service			
	AM Peak Hour		PM Peak Hour	
	Existing	Projected	Existing	Projected
Grant Avenue/Railroad Avenue	C	D	C	C
Grant Avenue/Hemenway Street	B	C	C	B
Grant Avenue/West Main Street	B	C	C	C
Grant Avenue/Valley Oak Drive	A	B	B	B

Roadway Segment	Traffic Volumes			
	Existing		Projected	
	General Plan Daily Threshold	Existing Volume	General Plan Daily Threshold	Forecast Volume
Grant Avenue: Railroad Avenue to W. Main Street	15,000	8,100	15,000	9,700
Grant Avenue: W. Main Street to Valley Oak Drive	15,000	4,500	30,000	6,300

The City of Winters' General Plan contains the following Policies regarding Level of Service:

Policy III.A.1 – The City shall endeavor to maintain a Level of Service “C” or better as defined by the 1985 Highway Capacity Manual or subsequent revision, on all streets and intersections within the City.

Policy III.A.8 – The City shall comply with and implement that program and policies of the Yolo County Congestion Management Plan (CMP).

The CMP identifies LOS D as the threshold for Grant Avenue and Railroad Avenue.

- a. & b. Existing and projected traffic volumes and levels of service are consistent with the City's General Plan Policies. Based upon the Institute of Transportation Engineers' (ITE) trip generation rates for 'Place of Worship' and 'Single-Family Housing', the project would only contribute approximately 112 trips per day for the church expansion and 10 trips per day for the Rectory. This low level of trip generation is not likely to impact the LOS of nearby intersections and would be a less than significant impact.
- c. The project site is not located near an airport and it does not include any improvements to airports or change in air traffic patterns. No impact would occur.
- d,e. The proposed project includes land uses that are similar to other development in the project vicinity. The circulation system does not include any tight curves or other design hazards. As discussed in Item 15a,b above, the minor amount of average daily trips would not substantially increase congestion on local roadways given the existing and projected traffic levels. For these reasons, there would be no adverse impacts related to roadway hazards or interference with emergency access.
- f. The existing community center, auxiliary building and proposed church and rectory would require a total of 271 parking spaces. There are currently 78 parking spaces on-site. The site plan provides for an additional 158 on-site spaces for a total of 236 spaces including 9 ADA spaces. Based upon the parking ratios listed in the City of Winters Municipal Code (17.72.020), the existing community center, auxiliary building and proposed church and rectory would require a total of 271 parking spaces. The 236 spaces proposed are approximately 87% of the required parking.

Currently, overflow parking on neighborhood streets and adjacent vacant lots occurs when large events are held at the community center. Development of the church and rectory will convert some of the ad hoc parking area. The development of additional on-site parking will be beneficial but overflow neighborhood parking is would continue to be expected during large events. This represents a status quo and as such is a less than significant impact.

- g. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project includes appropriate pedestrian and bicycle route connections. Therefore, this impact would be less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
16. UTILITIES AND SERVICE SYSTEMS.				
<i>Would the project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Public sewer service is available adjacent to the project site. The proposed church and rectory will be required to connect to City sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. As a public/quasi-public and residential development, the proposed project is not anticipated to generate wastewater that contains unusual types or levels of contaminants, so it would not inhibit the ability of the Winters Wastewater Treatment Plant (WWTP) to meet State water quality standards. For these reasons, this would be a less than significant impact.

- b,e. Municipal water is proposed to be provided to the site via the existing 12 inch water main on the north side of the property and the 10 inch water main on the west side of the property. Water would be conveyed within the site via an 8 and

4 inch lines which are proposed to connect to the municipal lines on the north and west sides of the property.

Sanitary sewer service for the church is proposed to be provided via an 8" main which would be constructed across the central portion of the site and would connect to an existing 8 inch municipal sanitary sewer line located at the western boundary of the property. Sanitary sewer service for the rectory would be provided via connections to the existing 8 inch municipal sanitary sewer line located at the western boundary of the property. The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for this proposed project and approximately 600 additional residential hook-ups. The City's recent residential project approvals exceed this amount and expansion of the plant is planned. The City will continue to monitor the WWTP on an annual basis to assess available capacity. The Phase 2 expansion of the WWTP will bring the capacity to 1.2 mgd. The timing of this expansion is not set. The Phase 2 expansion will need to take place before full build out of the residential units

With the applicant's agreement to accept and implement the following mitigation measures, this potential impact would be mitigated to a less than significant level by ensuring that adequate wastewater treatment capacity is available.

***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.*

- c. The construction of impervious surfaces on the project site for the church, rectory and parking development would incrementally increase storm water runoff in the project vicinity. Stormwater drainage from the project site would be conveyed to the existing storm drainage main in West Main Street. The existing storm drainage system is designed to sufficiently handle the stormwater capacity that the project would create during a 100-year flood. Therefore, the project would not result in additional environmental effects beyond those analyzed in this document. This is a less than significant impact.
- d. The proposed project would be served by the City of Winters, which uses groundwater for municipal water supply. The City of Winters currently operates five groundwater wells to meet urban demand for water. Over the last ten years the City's pumping has ranged from a low of 1,540 acre-feet in 1995 to a high of 1,830 acre-feet in 2003. In 2003, production from the five wells dropped again to 1,565 acre-feet. In addition to the City's pumping, local agriculture, three local industries, one commercial enterprise, and several rural residences also pump water from the aquifer underlying the General Plan boundary. Over the last two years this additional pumping totaled approximately 90 acre-feet/year on top of the City's

pumping. In summary, currently between 1,655 and 1,920 acre-feet per year of groundwater are pumped to serve uses within the General Plan boundary. This compares to pumping in 1990 of about 2,660 acre-feet. The difference is due to whether or not surface water was available for agriculture. When less surface water is available, as was the case in 1990, there is greater groundwater pumping by agriculture.

By 2020, demand for groundwater within the City is estimated to increase to 3,620 acre-feet per year unrestricted and 3,250 acre-feet per year assuming a conservation scenario of six percent. The Proposed Project is estimated to generate a demand for municipal water of 6.42 acre-feet of water annually as shown in the table below.

Per the City Engineer the project would require 2,000 gallons per day per acre for a total site demand of 11,120 gallons per day. The increment of pumping needed to serve the proposed project would be available and would not adversely affect groundwater levels or storage underlying the City. This impact is less than significant. However, analysis for the City's Water Master Plan Update recommends that a new well will be required for any future development in the City. The City is in the process of bidding out the construction of a new that will be located near the intersection of West Grant Avenue and West Main Street.

With the applicant's agreement to accept and implement the following mitigation measure, the potential for impact associated with water supply and infrastructure will be mitigated to a less than significant level.

Mitigation Measure Utilities 2 – *A Certificate of Occupancy shall be issued only after the City Engineer has established that water supply will be available to serve the building.*

- f, g. Solid waste from the project site will be collected by the City of Winters and disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The proposed project site has been planned for development since at least 1992. This project is part of the planned growth for which the landfill has been sized and therefore solid waste generated by the project would not have unanticipated impacts on the life of the landfill. Therefore, this impact is considered less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. No important examples of major periods of California history or prehistory in California were identified, and mitigation identified in Section 5 would ensure that subsurface resources, if present, would be protected. No wetlands or habitat for special-status species were identified on-site. Mitigation measures provided under Section 4 (Biological Resources) and Section 5 (Cultural Resources) of this Initial Study would ensure that impacts on biological resources would be less than significant.
- b. As discussed throughout this Initial Study, the proposed project is consistent with the Winters General Plan and assumptions made in the Winters General Plan EIR. Therefore cumulative impacts as analyzed in the 1992 General Plan EIR remain valid, and this project would not result in new or increased cumulative effects.
- c. As discussed in Sections 1 (Aesthetics), 3 (Air Quality), 6 (Geology and Soils), 9 (Land Use Planning), 11 (Noise), and 16 (Utilities and Service Systems) the potential for impacts on human beings would be reduced to less than significant levels by mitigation identified in these sections.

Summary of Mitigation Measures

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.

Mitigation Measure Air 1

- 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.

Mitigation Measure Air 2

- 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.*

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.*

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-feet) 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.

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 bird 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.

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.

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.

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.

Mitigation Measure Geology 1 – The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.

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.

Mitigation Measure Land Use 2 – The proposed project height and parking provisions are subject to approval of a Planned Development Overlay for the subject property.

Mitigation Measures Noise 1- The project applicant shall submit a construction noise mitigation plan to the City of Winters for review and approval. The plan shall depict the location of construction equipment and describe how noise would be mitigated through methods such as, but not limited to, locating stationary noise-generating equipment (such as pumps and generators) as far as possible from nearby noise-sensitive receptors. Where practicable, noise-generating equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as structures or haul trucks. Onsite noise sources such as heavy equipment located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed around noise-generating equipment located within 200 feet of existing residences. Water tanks and equipment storage, staging, and warm-up areas shall be located as far from noise-sensitive receptors as possible. All noise attenuation measures identified in the plan shall be incorporated into the project.

Mitigation Measure Noise 2 - Construction activities shall adhere to the following noise requirements:

All construction equipment shall utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

Hours of construction shall comply with those established in Chapter 8.20.100 of the Winters Municipal Code. Those hours are weekdays from 7:00 a.m. through 7:00 p.m. Construction is prohibited on weekends and federal holidays.

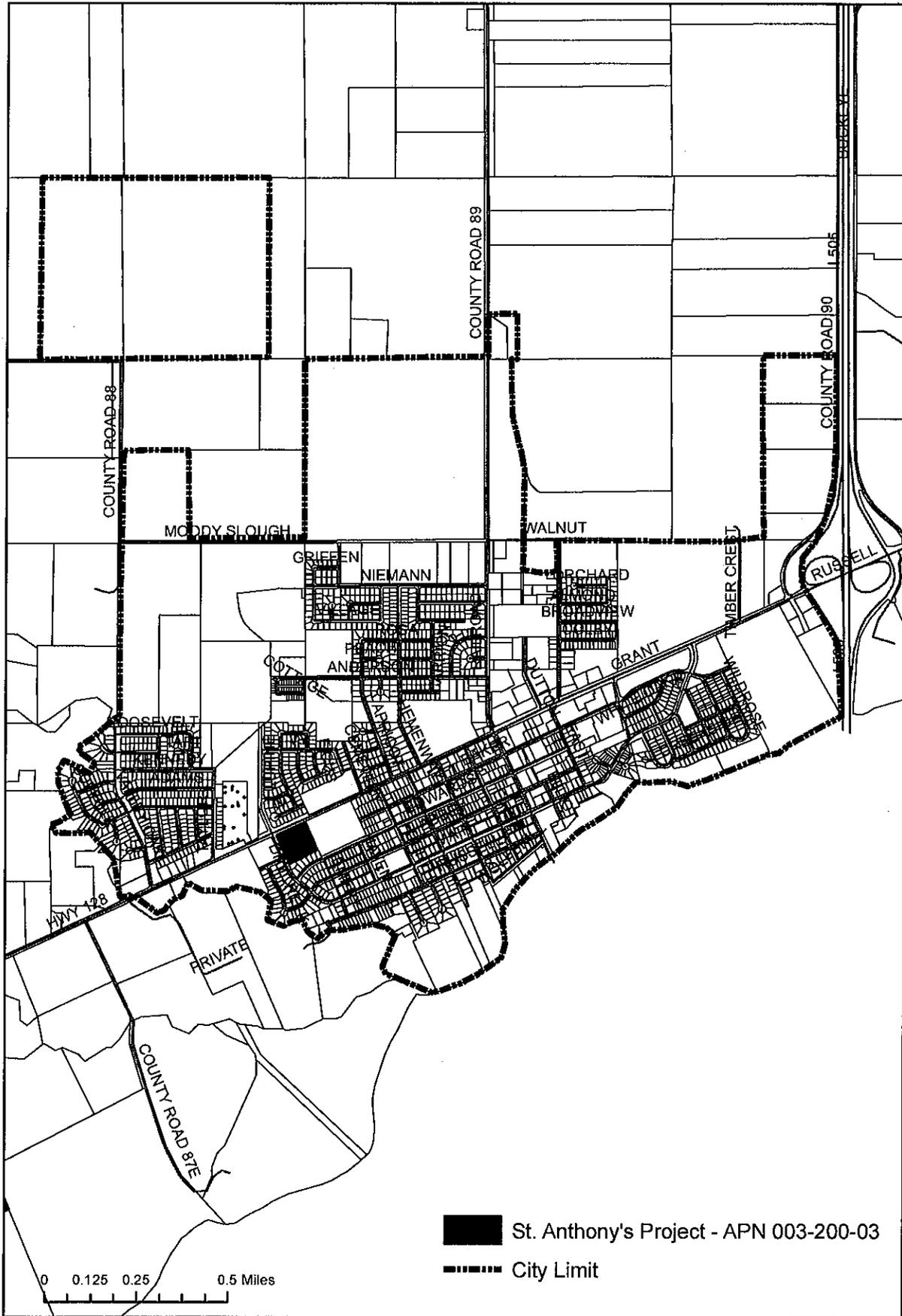
Mitigation Measure Utilities 1 -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to approval of improvement plans. The project is required to fund and construct off-site improvements necessary to support the development. 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.

Mitigation Measure Utilities 2 – A Certificate of Occupancy shall be issued only after the City Engineer has established that water supply will be available to serve the building.

Attachments:

1. Location Map
2. Site Plan
3. Floor Plans
4. Building Elevations
5. Landscape Plan
6. Mitigation Monitoring Plan (MMP)

St Anthony's Project - APN 003-200-03



PROPOSED PROJECT
 PASTOR'S RESIDENCE
 ST. ANTHONY
 811 MAIN STREET
 UPTOWN, CALIFORNIA 95834

McANDREWS & ASSOCIATES ARCHITECTS, INC.
 1000 CALIFORNIA STREET
 SUITE 1000
 SAN FRANCISCO, CALIFORNIA 94109
 PHONE (415) 774-1100
 FAX (415) 774-1101

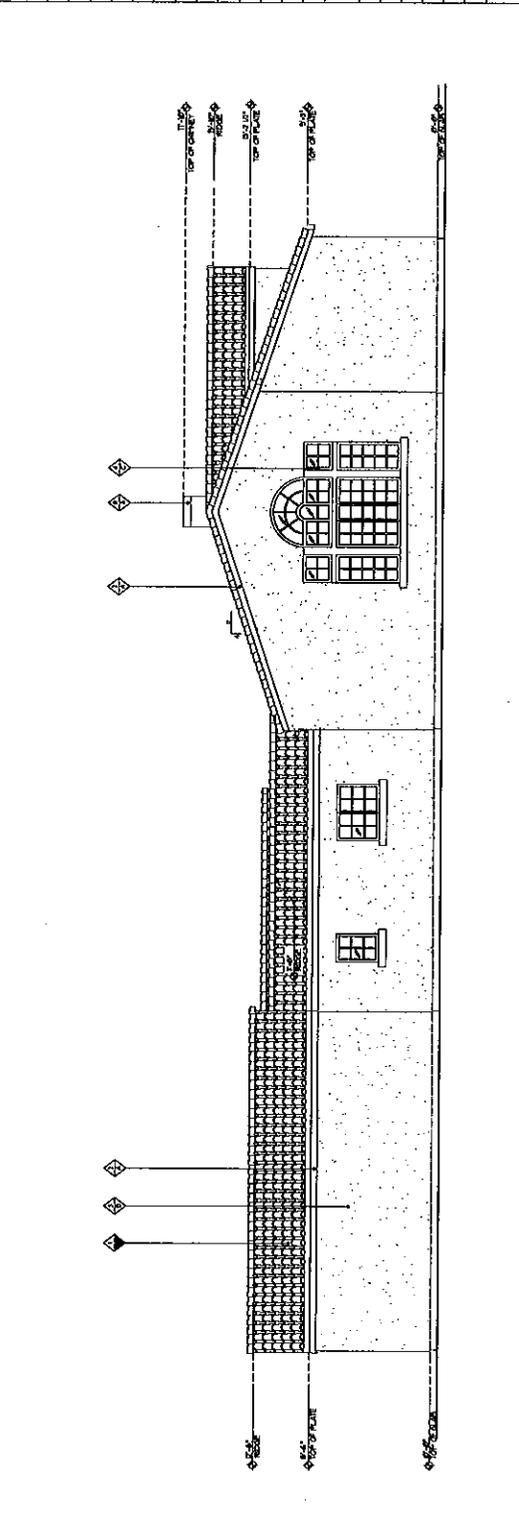
PROGRESS SET

PROJECT NO. 1234
 DATE: 10/20/2023
 SCALE: 1/4" = 1'-0"
 SHEET: 01-100
 OF 100 SHEETS

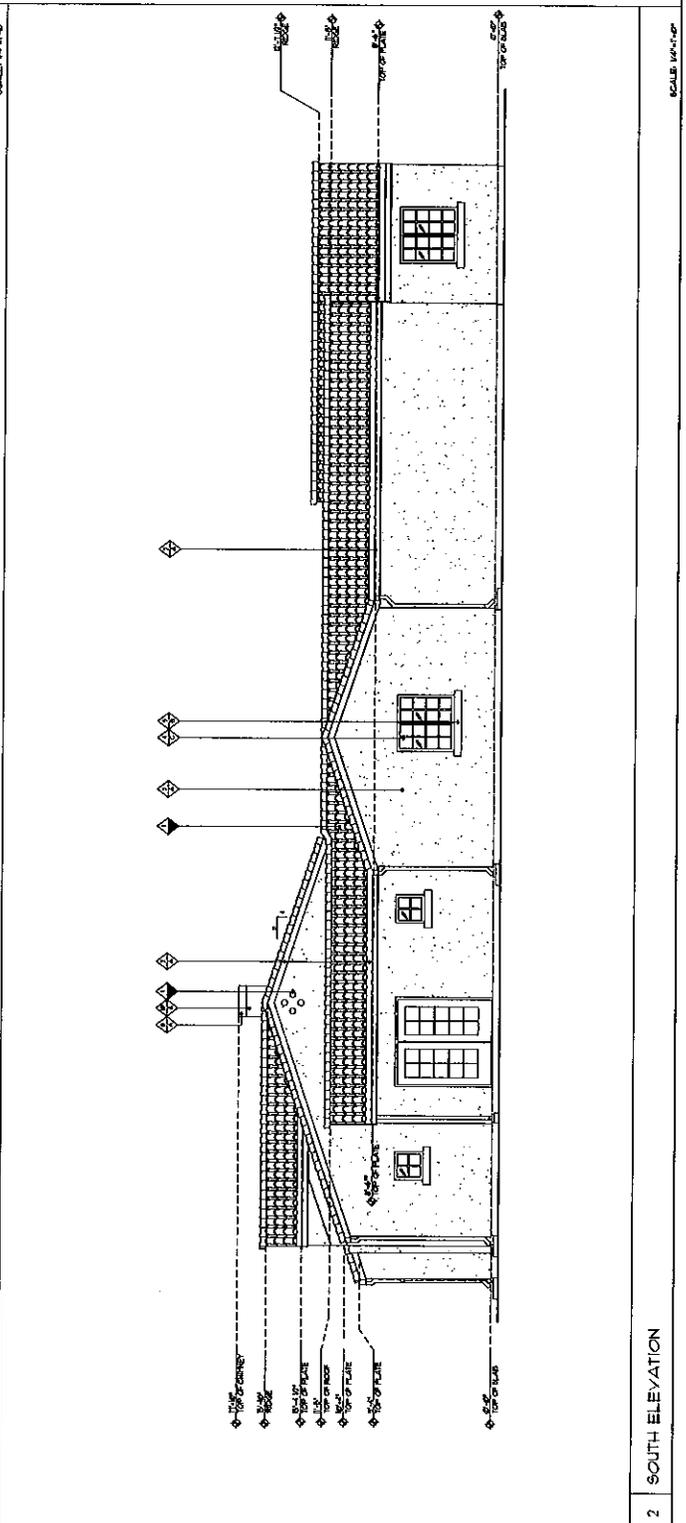
DRS
 SHEET
 OF 100 SHEETS

MATERIAL	
1	CLAY TILE TO MATCH (E) MULTI-PURPOSE BUILDING
2	MASONRY FINISH
3	STUCCO
4	METAL LINING FOR DOOR
5	COLUMN
6	GLASS GLAZING DOOR
7	DECORATIVE STUCCO
8	PLASTER
9	ROOFING
10	X
11	GLASS
12	OTHER
13	MASONRY INSULATION BATH COAT
FINISH	
A	DAK EDWARDS "MOUSE EYE" OF 254
B	DAK EDWARDS "CHAMPAGNE" OF 140
C	CORNER BRICK
D	BLACK
E	MAR VALLEY GOLF BRICK
F	GLAZING

NOTES:
 1. FINISHES TO BE PAINTED D
 2. ALL STUCCO SURFACES TO BE PAINTED A
 3. COLUMNS TO HAVE STUCCO COAT PAINTED D
 4. ROOF FLASHING IS TYPICALLY AS SHOWN OTHERWISE NOTED



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



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

DRAWN BY: [Blank]
 CHECKED BY: [Blank]
 DATE: 2-17-08
 SCALE: [Blank]
 JOB NO: 148-20
 SHEET: C1.2
 OF 3 SHEETS

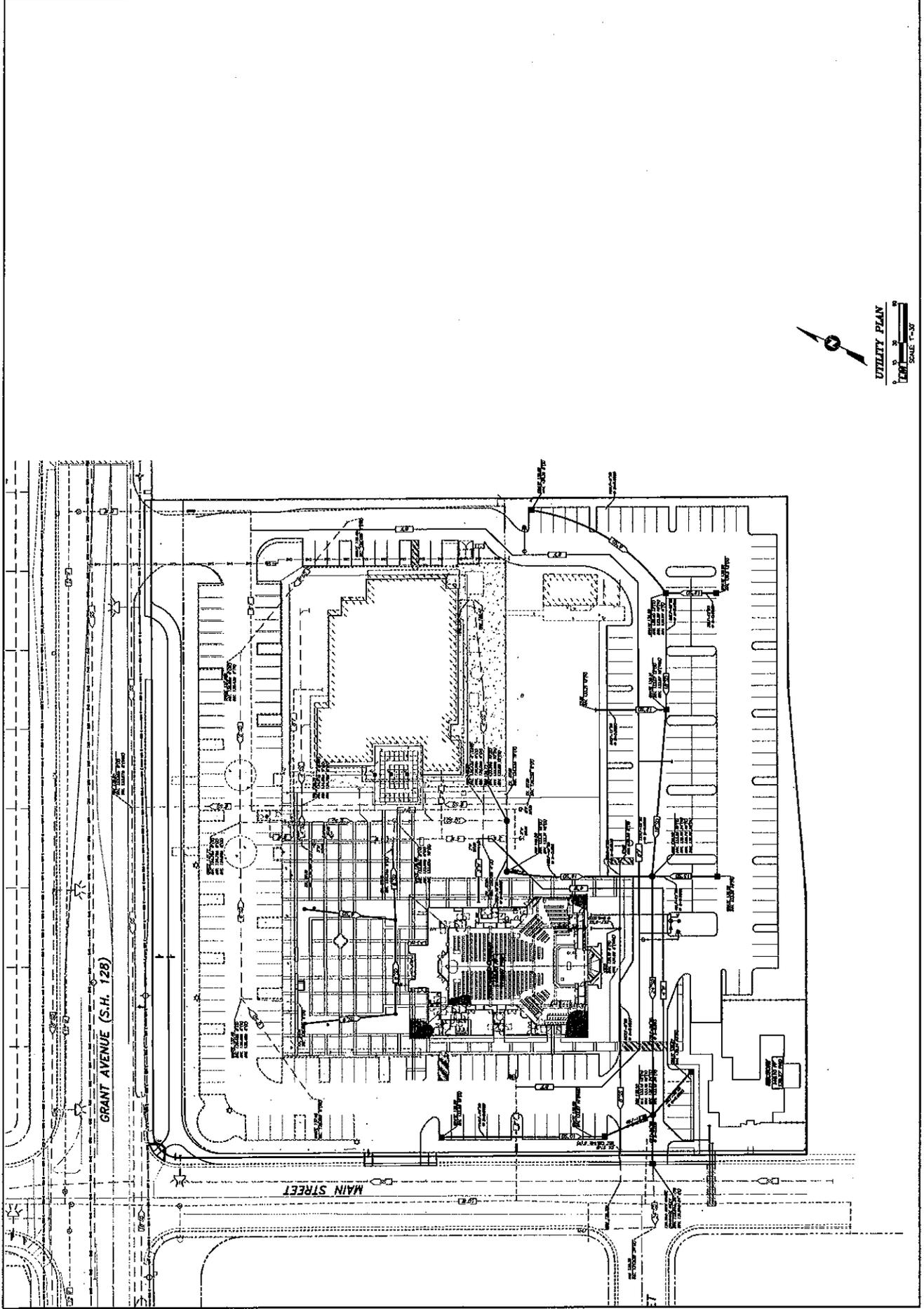
DESIGN REVIEW SET
 "PRELIMINARY"
 UTILITY PLAN



MCDONALD'S & ASSOCIATES ARCHITECTS, INC.
 888 Pied Ct. #200
 Walnut Creek, CA 94598
 Tel: (925) 938-2100
 Fax: (925) 938-2120

PROPOSED PROJECT:
 ST. ANTHONY CHURCH
 511 MAIN STREET
 WAINWRIGHT, CALIFORNIA 95694

NO.	DATE	DESCRIPTION



UTILITY PLAN
 SCALE: 1"=30'
 SHEET C1.2
 OF 3 SHEETS

**GBH COMMERCIAL
MITIGATION MONITORING PLAN**

The California Environmental Quality Act requires public agencies to report on and monitor measures adopted as part of the environmental review process (Section 21081.6, Public Resources Code [PRC]; Section 15097 of the CEQA Guidelines). This Mitigation Monitoring Plan (MMP) is designed to ensure that the measures identified in the Mitigated Negative Declaration are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City has the ultimate responsibility to oversee implementation of this Plan. The Community Development Director serves as the Project Monitor responsible for assigning monitoring actions to responsible agencies. Due to financial constraints, the City will require the applicant to fund a contract Project Monitor to undertake this effort. The commitment for this will be addressed in the Development Agreement and Conditions of Approval for the project.

As required by Section 21081.6 of the PRC, the Winters Community Development Department is the "custodian of documents and other material" which constitute the "record of proceedings" upon which a decision to approve the proposed project was based. Inquiries should be directed to:

Nelia Dyer, Community Development Director
City of Winters
530-795-4910 x 114

The location of this information is:

Winters City Hall
Community Development Department
318 First Street
Winters, California 95694

In order to assist implementation of the mitigation measures, the MMP includes the following information:

Mitigation Measure: The mitigation measures are taken verbatim from the Negative Declaration.

Timing/Milestone: This section specifies the point by which the measure must be completed. Each action must take place during or prior to some part of the project development or approval.

Responsibility for Oversight: The City has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

Implementation of Mitigation Measure: This section identifies how actions will be implemented and verified.

Responsibility for Implementation: This section identifies the entity that will undertake the required action.

Check-off Date/Initials: This verifies that each mitigation measure has been implemented.

Pursuant to Section 18.04.090 of the Winters Municipal Code related to the required CEQA Mitigation Monitoring Plan, sign-off on the completion of each mitigation measure in the adopted Mitigation

Monitoring Plan (MMP) shall constitute the required "Program Completion Certificate".

The Mitigation Monitoring Plan shall be adopted pursuant to the requirements of Section 18.04.060.A and implemented pursuant to Section 18.04.070.A - E, of the Winters Municipal Code.

The applicant shall fund the costs of implementing the MMP including the payment of fees specified in Section 18.04.100.A – D of the Winters Municipal Code.

Pursuant to Section 18.04.050 of the Winters Municipal Code related to the required CEQA Mitigation Monitoring Plan (MMP), the following items shall apply:

- The adopted MMP shall run with the real property that is the subject of the project and successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Plan.
- Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, the applicant shall provide a copy of the adopted Plan to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.
- The responsibilities of the applicant and of the City, and whether any professional expertise is required for completion or evaluation of any part of the Plan, shall be as specified in the Plan and as determined by the Community Development Director or designated Project Monitor in the course of administering the MMP.
- Cost estimates for the implementation of this Plan and satisfaction of each measure are not known or available, but shall be developed by the applicant in the course of implementing each mitigation measure.
- Civil remedies and criminal penalties for noncompliance with the adopted MMP are as specified in Sections 18.04.110 and 18.04.120 of the Winters Municipal Code.

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.

Timing/Milestone – Prior to issuance of a building permit.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – Prior to issuance of a building permit for each phase or building, the applicant shall submit a photometric and proposed lighting plan to the satisfaction of the Community Development Department to ensure no spillover light and glare onto adjoining properties.

Responsibility for Implementation – Applicant and subsequent builders.

Check-off Date/Initials/Notes –

Mitigation Measure Air 1

- 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.
- 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.

Timing/Milestone – Prior to and during grading, and during appropriate period of construction.

Responsibility for Oversight – Yolo-Solano Air Quality Management District

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

Mitigation Measure Air 2

- 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.

Timing/Milestone – Prior to and during grading, and during appropriate period of construction.

Responsibility for Oversight – Yolo-Solano Air Quality Management District

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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.

Timing/Milestone – Not more than 30 days prior to commencement of grading or any physical modification of undeveloped portions of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City. The survey shall be performed by a qualified biologist in accordance with accepted protocols.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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-feet) 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.

Timing/Milestone – Not more than 30 days prior to commencement of grading or any physical modification of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City. The survey shall be performed by a qualified biologist in accordance with accepted protocols.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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 bird 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.

Timing/Milestone – Not more than 14 days prior to commencement of grading or any physical modification of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City. The survey shall be performed by a qualified biologist in accordance with accepted protocols.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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.

Timing/Milestone – Prior to commencement of grading or any physical modification of the site.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall coordinate with the appropriate agency(s) to satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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.

Timing/Milestone – During grading, construction of infrastructure, and construction of each building.

Responsibility for Oversight – City of Winters; Yolo County Coroner; State Native American Heritage Commission.

Implementation of Mitigation Measure – If other archeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archeologist and the Community Development Department (530) 795-4910 x 114 shall be contacted to assess the find and determine how to proceed.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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.

Timing/Milestone – During grading, construction of infrastructure, and construction of each building.

Responsibility for Oversight – City of Winters; Yolo County Coroner; State Native American Heritage Commission.

Implementation of Mitigation Measure – If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 666-8282, the Community Development Department at (530) 795-4910 x114, and the project archeologist to assess the find and determine how to proceed. If the remains are

found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4082, pursuant to the terms of the measure.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

Mitigation Measure Geology 1 -- The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.

Timing/Milestones – Submittal of initial improvement plans package.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This shall be documented on each set of building plans and verified during plan check.

Check-off Date/Initials/Notes –

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.

Timing/Milestone – Prior to issuance of a building permit for each phase of construction of the project, the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Per the terms of the measure.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

Mitigation Measure Land Use 2 – The proposed project height and parking provisions are subject to approval of a Planned Development Overlay for the subject property.

Timing/Milestone – Prior to issuance of a building permit for each phase of construction of the project.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Per the terms of the measure.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

Mitigation Measure Noise 1 – – The project applicant shall submit a construction noise mitigation plan to the City of Winters for review and approval. The plan shall depict the location of construction equipment and describe how noise would be mitigated through methods such as, but not limited to, locating stationary noise-generating equipment (such as pumps and generators) as far as possible from nearby noise-sensitive receptors. Where practicable, noise-generating equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as structures or haul trucks. Onsite noise sources such as heavy equipment located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed around noise-generating equipment located within 200 feet of existing residences. Water tanks and equipment storage, staging, and warm-up areas shall be located as far from noise-sensitive receptors as possible. All noise attenuation measures identified in the plan shall be incorporated into the project.

Timing/Milestone – Prior to approval of improvement plans.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – During grading, construction of infrastructure, and construction of each building.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

Mitigation Measure Noise 2 – Construction activities shall adhere to the following noise requirements:

All construction equipment shall utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

Hours of construction shall comply with those established in Chapter 8.20.100 of the Winters Municipal Code. Those hours are weekdays from 7:00 a.m. through 7:00 p.m. Construction is prohibited on weekends and federal holidays.

Timing/Milestone – Site improvement and construction

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – During grading, construction of infrastructure, and construction of each building.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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 approval of improvement plans. 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.

Timing/Milestone – Prior to approval of improvement plans.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –

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.

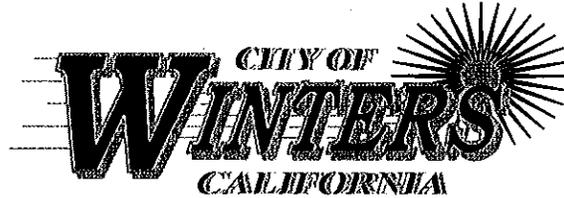
Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant

Check-off Date/Initials/Notes –



**PLANNING COMMISSION STAFF REPORT
March 24, 2009**

TO: Chairman and Planning Commissioners
BY: Nelia Dyer – Community Development Director
SUBJECT: Public Hearing and Consideration of a Conditional Use Permit for a Wine Tasting Room at 304 Railroad Avenue

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report; 2) Conduct the Public Hearing to solicit public comment; and approve the Conditional Use Permit submitted by Turkovich Family Wines for the operation of a wine tasting room at 304 Railroad Avenue (APN 003-204-08).

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject location of the proposed use is designated CBD (Central Business District) by the General Plan and is zoned C-2 (Central Business District). The existing tenant space is approximately 1,200 square feet with one entry on Railroad Avenue. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	CBD	C-2	Vacant/Retail
EAST	CBD	C-2	Retail Building
SOUTH	CBD	C-2	Putah Creek Cafe
WEST	CBD	C-2	Surface parking

STATEMENT OF ISSUES: The project applicant, Turkovich Family Wines, is seeking approval of a use permit to allow for Alcoholic Beverage Service (wine) at 304 Railroad Avenue (formerly The Winters Antiques Co.). According to the Winters Municipal Code Section 17.52.020, the C-2 zone requires issuance of a use permit for Bar, Cocktail Lounge. In addition, a use permit must be obtained from the city for all on-sale liquor establishments according to WMC Chapter 17.96 (Alcoholic Beverage Establishments).

On-sale liquor establishments include, but are not limited to, the following establishments: ballrooms, dance halls/bars, night clubs, or other private clubs. Staff considers the wine tasting room to be an on-sale liquor establishment.

PROJECT DESCRIPTION: The applicant intends to establish a new wine tasting room at 304 Railroad Avenue. The proposed business would offer a wine tasting area, which would operate similar to a winery wine tasting room in the Napa Valley area, where people can sample and purchase wine(s). Initially, the tasting room hours will be 12:00 p.m. to 9:00 p.m. Thursday through Saturday and 11:00 a.m. to 5:00 p.m. on Sunday. Eventually, the general hours of operation are anticipated to be from 10:00 a.m. to 5:00 pm. seven days per week. The tasting room will also remain open during the evenings on Thursday through Saturday. Retail sales of hand-crafted cheese, wine glasses, and other wine accessories will be available for purchase. The tasting room will also be hosting special events including, but limited to, classes, private parties, meetings, and wine club functions.

ANALYSIS: The proposed use is consistent with both the Central Business District General Plan land use category and the zoning. In addition to General Plan Consistency and code compliance, factors regarding the public health, safety, or general welfare must be considered when reviewing a conditional use permit application. The applicant is proposing to provide two restrooms, which will be adequate for the proposed use. There is no on-site parking available; however, it is anticipated that the patrons of the wine tasting room would park on the street or in the surface parking lot across Railroad Avenue. Given the limited floor area and hours/days of operation, staff does not anticipate any adverse parking impacts in the downtown as a result of this business.

In reviewing a conditional use permit application, the Planning Commission must also consider potential impacts on police resources that might result from the establishment of the business. The Police Department has reviewed the applicant's business plan and supports the venture and a use permit from the Planning Commission, subject to the proposed conditions of approval for the use permit.

According to WMC Section 17.96.030, the use is outright prohibited when located within 200 feet of sensitive uses, including schools, churches, health care facilities, or recreational uses located in the Central Business District. The separation requirement is not applicable to Rotary Park and Rotary Park is expressly excluded from the definition of a sensitive use. The proposed wine tasting room is not within 200 feet of a sensitive use.

In addition to the distance requirements, the proposed use must comply with a list of standard conditions from the Alcoholic Beverages Ordinance. These conditions are included in the Recommended Conditions of Approval for the proposed use.

METHODOLOGY: Two actions are required to process the proposed project:

- 1) Confirmation of CEQA exemption finding - Section 15332
- 2) Approval of the Conditional Use Permit and the attached conditions

APPLICABLE REGULATIONS: This project is subject to several regulations:

- o The California Environmental Quality Act (CEQA)
- o State Planning and Zoning Law
- o City of Winters General Plan
- o City of Winters Zoning Ordinance

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, March 12, 2009 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, March 19, 2009.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332.

RECOMMENDED FINDINGS FOR 304 RAILROAD AVENUE (CONDITIONAL USE PERMIT)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 32 – In-Fill Development Projects.
 - a. The project is consistent with the General Plan designation (Central Business District) for the project site and all applicable General Plan policies as well as the zoning designation (Central Business District) and regulations.
 - b. The proposed project occurs with the City Limits on a project site (3,000 square feet) of five acres or less and is substantially surrounded by urban uses.
 - c. The project site has no value as habitat for endangered, rare, or threatened species.
 - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - e. The project site can be adequately served by all required utilities and

public services.

2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 32 In-Fill Development Projects exemption for the 304 Railroad Avenue Project.

General Plan and Zoning Consistency Findings:

1. The use is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Central Business District and principal uses for this designation include restaurant and retail uses. The use will provide for the on-site sale and consumption of wine at a retail business.
2. The use is consistent with the provisions of the Zoning Ordinance. Permitted uses of the C-2 Zone include retail and restaurant uses. The use will provide for the on-site sale and consumption of wine at a retail business.
3. The use will not be detrimental to the public health, safety, or general welfare.
4. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities or services will be provided;
5. The use will not create a nuisance or enforcement problem within the neighborhood.
6. The requested use will not result in a negative fiscal impact upon the city.

RECOMMENDATION

Staff recommends approval of the project by making an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 304 RAILROAD AVENUE PROJECT (CONDITIONAL USE PERMIT) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Approval of the Conditional Use Permit and subject to the conditions of approval attached hereto.

ALTERNATIVES: The Commission can elect to modify any aspect of the approval or

to deny the application. If the Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

CONDITIONS OF APPROVAL FOR THE 43 MAIN STREET (CONDITIONAL USE PERMIT) LOCATED ON ASSESSOR PARCEL NUMBER 003-204-17, WINTERS, CA 95694.

1. The applicant must also obtain approval from the State of California, Department of Alcoholic Beverage Control (ABC) before commencing use of the Type 42 License for the on-site sale and consumption of beer and wine.
2. No on-sale liquor establishments shall be maintained within five-hundred feet from such consideration points as schools (public and private); established churches or other places of worship; hospitals, clinics, or other health care facilities; public parks and playgrounds and other similar uses, except that veterans clubs, fraternal organizations and bona fide restaurants may be closer than five-hundred feet from one another or any of the reference points. The distance of five-hundred shall be measured between the nearest entrances used by patrons of such establishments along the shortest route intended and available for public passage to other such establishments, or to the nearest property line of any above referenced consideration points. The separation requirement shall be reduced to two-hundred feet for operations located within the Central Business District.
3. Exterior lighting of the parking area shall be kept at an intensity of at least one-foot candle of light on the parking surface during the hours of darkness.
4. All establishments shall be required to have a public telephone listing.
5. Special security measures such as security guards, robbery and burglar alarm systems may be required.
6. The noise generated by the operation of such establishment shall not exceed 50 d.b.a. during daytime and 45 d.b.a. during nighttime, on adjoining properties zoned for residential purposes.
7. It shall be the responsibility of the applicant licensee to provide all staff with the training necessary to gain the knowledge and skills that will enable them to comply with their responsibilities under the law. The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to the following topics and skills development:
 - a) State laws relating to alcoholic beverages, particularly ABC and penal

provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws.

- b) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - c) The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle.
 - d) Methods for dealing with intoxicated customers and recognizing under-aged customers. Methods for preventing customers from becoming intoxicated.
- 8. The Zoning Administrator may approve minor modifications to the conditional use permit.
 - 9. Upon six (6) months after ceasing the use granted by the permit, the permit shall be void and a new conditional use permit shall be required.
 - 10. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit.

ATTACHMENTS:

- 1. Letter Received January 28, 2009 from the Turkovich Family
- 2. Assessor's Parcel Map for Project Site
- 3. Public Hearing Notice (mailed copy)

Peekaboo Hills Winery: Downtown Winters Tastingroom

Purpose: It is the intention of the Turkovich Family Wines LLC, to operate the Peekaboo Hills wine tastingroom in downtown Winters.

During the summer of 2009 the Turkovich Family Wines LLC would like to open and operate the Peekaboo Hills Winery tastingroom in downtown Winters located at 304 Railroad Ave. It is the goal for our tasting room to be open seven days a week. Although this is not probable for the first year of operation, it is the long-term goal; through an overall increase in a Winters customer basis for our tasting room to maintain traditional tastingroom hours (10:00 am- 5:00 pm) seven days per week. The tastingroom will also remain open during the evenings on Thursday-Saturday. Peekaboo Hills Tastingroom will be a destination business that will benefit and thrive off the synergetic interaction with other destination businesses in Winters such as the Buckhorn, Putah Creek Café and Berryessa Gap Vineyards.

The Peekaboo Hills' Winery tastingroom business model calls for both a consistent and variety of revenue generation. Wines sales will include retail sales through the tastingroom but in addition, there will be wine sales made through whole-sale outlets as well as through a wine club. The tastingroom will also serve as a retail shop where non-wine merchandise will generate income. Items such as wine glasses, accessories, winery-logo apparel, art, and specialty food items will be sold. There will also be a specialty cheese section of the tastingroom where hand crafted cheeses will be served and sold. The tasting located at 304 Railroad Ave, as 800 sqft of retail space and approximately 180sqft of storage space. There is also a 900 sqft basement which could be utilized at a later date.

It is our belief that Peekaboo Hills tastingroom is an ideal match for downtown Winters, the tastingroom offers an ideal setting for customers to enjoy handcrafted local wines and foods. The tastingroom also serves as wonderful gateway for people to learn about Winters area and all it has to offer. The addition of a second wine tastingroom in Winters will benefit both tastingrooms as well as help place Winters as an up and coming wine region. Hours of operation will be based on foot traffic in the downtown area. Initially, tasting room hours will be Thursday-Saturday from 12:00am-9:00pm and

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Sunday from 11:00am-5:00pm. The tastingroom will also be hosting special events in the tastingroom. Events could include but are not limited to:

Public events

Wine Education Classes

Cheese Education

Food and Wine events

New Wine Release Parties

Art and Wine events

Cheese Tastings

Private Event Hosted by Peekaboo Hills

Birthday Parties

Business Meetings

Private Tastings

Winemaker Dinners

Wine Club Functions

Peekaboo Hills Winery is owned and operated by Turkovich Family Wines LLC. This business is made up of Chris Turkovich and Tony and Joanie Turkovich. The Turkovich family has been in the Winters area for over sixty years and have operated a number of successful agricultural businesses in that time. The Turkovich family has been successfully involved in both business and the local community. (See attached document for Chris Turkovich's wine experience.)

Promotion and Marketing efforts are critically important to the success of any wine related business. Peekaboo Hills is committed to promoting the tastingroom and wine as well as "the Winters experience." Peekaboo Hills promotion will include printed advertizing as well as promote Winters and Wine at a number of wine and food events all over northern California. The wine club and email list will be a source of constant communication for fans of the wine and of Winters. Other marketing and promotion ideas which are of great interest is crossover marketing with for example Berryessa Gap or the

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CITY OF WINTERS

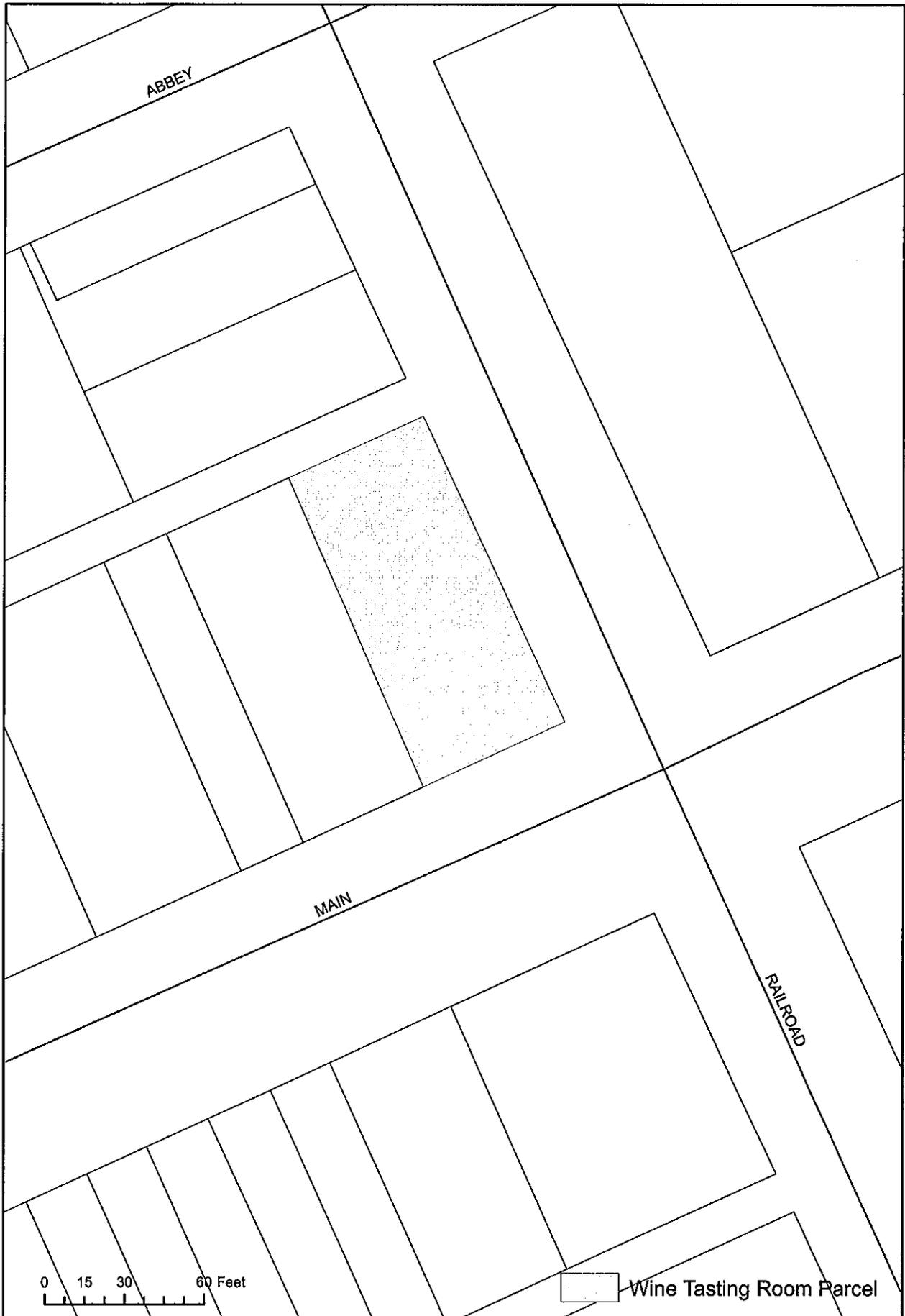
Buckhorn. It is also the intention of Turkovich Family Wines to sponsor local events whenever possible. Internet marketing will also be utilized through a website, blog and email list. The hope is to spur as many wine and food related websites, blogs and critics to think and talk and promote Winters.

RECEIVED

JUL 10 2011

CITY OF WINTERS

Wine Tasting Room Vicinity



Win

MAYOR:
Dan Martinez
MAYOR PRO TEM:
Woody Fridae
COUNCIL:
Tom Stone
Harold Anderson
Steven C. Godden



MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Margaret Dozier
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Dorlevy, Jr.

PROOF OF SERVICE BY MAIL

I am Jen Michaelis, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On March 9, 2009 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows: See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on March 9, 2009 at Winters, California.

Jen Michaelis, Community Development Administrative Assistant



NOTICE OF PUBLIC HEARING OF THE PLANNING COMMISSION OF THE CITY OF WINTERS ON PROPOSED CONDITIONAL USE PERMIT FOR WINE TASTING ROOM AT 304 RAILROAD AVENUE

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Winters ("Planning Commission") will hold a public hearing on **Tuesday, March 24, 2009, at 7:30 p.m.**, or as soon thereafter as the matter may be heard, in the **City Council Chambers located at the City Hall, 318 First Street, Winters, California**, to consider a proposed Conditional Use Permit for a wine tasting room located at 304 Railroad Avenue.

Interested persons may inspect and, upon the payment of the costs of reproduction, obtain copies of the staff report and any other information pertaining thereto at the Community Development Department at the City of Winters, City Hall, 318 First Street, Winters, California, or at the office of the City Clerk, City Hall, 318 First Street, Winters, California, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. Copies of the staff report will also be available on the City's website at www.cityofwinters.org.

Interested persons may submit written comments addressed to Nellie Dyer, City of Winters, 318 First Street, Winters, California, 95694 prior to the hour of 5:00 p.m. on March 24, 2009.

In compliance with the American with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Nellie Dyer at (530) 795-4910 ext 114. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

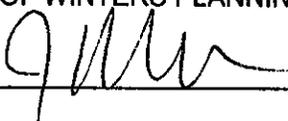
If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

For more information regarding this project, please contact Nellie Dyer at (530) 795-4910 ext. 114.

At the time and place noted above, all persons interested in the above matters may appear and be heard.

DATED: March 9, 2009.

CITY OF WINTERS PLANNING COMMISSION



Secretary

Publish: March 12, 2009

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003 160 25
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PORTELLO FAM TRUST
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8 E ABBEY ST
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