



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, September 15, 2009

AGENDA

Members of the City Council

*Michael Martin, Mayor
Woody Fridae, Mayor Pro Tempore
Harold Anderson
Cecilia Aguilar-Curry
Tom Stone*

*John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk*

7:00 p.m. – City Council/Community Development Agency
Executive Session

AGENDA

Conference with Labor Negotiator as per Government Code Section 54957.6
Agency Negotiator John Donlevy and the City of Winters Sergeant's Association

Conference with Legal Council – Anticipated Litigation as per Government Code
Section 54956.9 Regarding 111-115 Main Street, Winters

7:30 p.m. – Regular Meeting of the City Council

AGENDA

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held on September 1, 2009 (pp 1-7)
- B. Award of Construction Contract for I-505/Gateway Utilities Phase 1, Project No. 021-09.01 (pp 8-9)
- C. Public Safety Facility Contract Amendment with Calpo, Horn & Dong Architects (pp 10-17)
- D. Resolution 2009-50, A Resolution of the City Council of the City of Winters, Adopting a Memorandum of Understanding for the City of Winters Sergeant's Association (pp 18)
- E. Resolution 2009-51, A Resolution of the City Council of the City of Winters, Authorizing the City of Winters to Report the Value of Employer-Paid Member Contributions to the California Public Retirement System Special Compensation for the Sergeant's Association (pp 19-21)

PRESENTATIONS

Steve Karr, Board of Directors of Putah Creek Trout, regarding the protection and improvement of the wild trout fishery in Putah Creek (pp 22-30)

Bonnie Low, Greenleaf Project Management, Product Stewardship
Consultant to the California Product Stewardship Council (CPSC)
(See Discussion Item #4) (pp 31-39)

DISCUSSION ITEMS

1. Public Hearing and Introduction of Ordinance No. 2009-11, An Ordinance of the City Council of the City of Winters, Changing the Starting Time of the City Council Meetings (pp 40-41)
2. Public Hearing to Consider Ordinance 2009-10, An Ordinance of the City Council of the City of Winters, adding Chapter 17.58 to the Winters Municipal Code regarding a Form Based Code for Downtown and Rezoning Areas in the Downtown Central Business District and Resolution 2009-43 amending the City of Winters General Plan and Land Use Map (First Reading - *Continued*) (pp 42-176)
3. Police Department Update Regarding Graffiti (pp 177-180)
4. Adoption of Resolution 2009-49, A Resolution of the City Council of the City of Winters, in Support of Extended Producer Responsibility (pp 181-186)
5. League of California Cities – Conference Resolutions (pp 187-192)

COMMUNITY DEVELOPMENT AGENCY

- 1.
-

CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the September 15, 2009, regular meeting of the Winters City Council was personally delivered to each Councilmember's mail boxes in City Hall and posted on the outside public bulletin board at City Hall, 318 First Street on September 10, 2009, and made available to the public during normal business hours.

Nanci G. Mills, Admin Asst to City Clerk
Nanci G. Mills, City Clerk

Questions about this agenda – Please call the City Clerk's Office (530) 795-4910 ext. 101. Agendas and staff reports are available on the city web page: www.cityofwinters.org/administrative/admin_council.htm

General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

How to obtain City Council Agendas:

View on the Internet: www.cityofwinters.org/administrative/admin_council.htm
Any attachments to the agenda that are not available online may be viewed at the City Clerk's Office or locations where the hard copy packet is available.

Email Subscription: You may contact the City Clerk's Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.

City Council agenda packets are available for review or copying at the following locations:

Winters Library – 201 First Street

City Clerk's Office – City Hall – 318 First Street

During Council meetings – Right side as you enter the Council Chambers

City Council meetings are televised live on City of Winters Government Channel 20 (available to those who subscribe to cable television) and replayed following the meeting.

Wednesday at 10:00 a.m.

Videotapes of City Council meetings are available for review at the Winters Branch of the Yolo County Library.



Minutes of the Regular Meeting
of the Winters City Council
Held on Tuesday, September 1, 2009

7:00 p.m. – Executive Session
AGENDA

Personnel Matters as per Government Code Section 54957

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Woody Fridae and Mayor Michael Martin.

Absent: Council Member Stone

There was no reportable action taken.

7:30 p.m. – Regular Meeting
AGENDA

Mayor Michael Martin called the meeting to order at 7:30 p.m.

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Woody Fridae and Mayor Michael Martin.

Absent: Council Member Stone

Staff: City Manager John Donlevy, City Attorney John Wallace, Community Development Director Nellie Dyer, Executive Secretary Mary Jo Rodolfa, Housing Programs Manager Dan Maguire, and City Clerk Nanci Mills.

The Pledge of Allegiance was led by Andrew Skaggs.

Approval of Agenda

City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Aguiar-Curry, second by Council Member Fridae to approve the agenda with no changes. Motion carried unanimously, with one absent.

COUNCIL/STAFF COMMENTS – Council Member Aguiar-Curry reminded everyone of the upcoming festival sponsored by the Hispanic Advisory Committee to be held on Sunday, September 27. They are currently looking for cooks for the Carnitas Cook-off. Council Member Aguiar-Curry will be bringing back Resolutions from the League of California Cities to the next City Council meeting to determine how the City Council will be voting on various issues. She also wanted to compliment the Chamber of Commerce for a good job done at the Earthquake Festival, held last Friday, August 28th. Council Member Fridae and Mayor Martin echoed the compliment, with Mayor Martin adding it was a fantastic event and hopefully it will be bigger and better next year.

PUBLIC COMMENTS – Rick Gonzalez, President of the Mexican American Concilio of Yolo County, invited everyone to a fundraiser on October 17th at Waite Hall at the Yolo County Fairgrounds. A total of 14 students (2 from each High School in Yolo County) will be given scholarships based on their GPA and the Concilio is looking for sponsors.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held on August 4, 2009
- B. Minutes of the Regular Meeting of the City Council of the City of Winters Held on August 18, 2009
- C. Sacramento-Yolo Mosquito Vector Control District Vacancy
- D. Appointment of Marisela Duran Alanis and Alicia Chavez Durán to the Winters Hispanic Advisory Committee
- E. Resolution 2009-48, A Resolution of the City Council of the City of Winters Authorizing the City Manager to Extend the Term, Modify and Amend an Option and Site Lease Agreement between the City of Winters and the New Cingular Wireless PCS, LLC for the Cell Tower Located at Road 88 & Road 32A

City Manager Donlevy gave a brief overview. Motion by Council Member Fridae, second by Council Member Aguiar-Curry to approve the consent calendar. Motion carried unanimously with one absent.

PRESENTATIONS

Winters High School Principal George Griffin, Winters Superintendent of Schools Dr. Rebecca Gillespie, and Winters High School Student Body President Justin Hyer were present to accept the Proclamation from Mayor Martin, honoring Winters High School as a California Distinguished School. Mayor Martin said this was a tremendous honor and how Winters shines with this recognition. This is a

compliment to the teachers, staff, and students for receiving this prestigious award and he is very proud of them.

DISCUSSION ITEMS

1. Public Hearing and Resolution 2009-46, A Resolution of the City Council of the City of Winters, Requesting Permanent Closure of East Street at Grant Avenue

City Manager Donlevy gave a brief overview. Mayor Martin opened the public hearing at 7:45 p.m. Glen Negri, 12 E. Grant, said although the proposed closure does not affect him personally, it is a good thing. After reviewing the traffic study, the ingress and egress to Grant Avenue will be safer. Mayor Martin closed the public hearing at 7:47 p.m. Mayor Martin said the closure of East Street is an appropriate measure, as it currently adds to the congestion on Grant Avenue. He asked if the Corp Yard will be used as part of any future development in that area. City Manager Donlevy said conceivably it would make sense, but there is no development planned at this time. If approved, work will start in two weeks.

Motion by Council Member Aguiar-Curry, second by Council Member Fridae to approve Resolution 2009-46, ordering the permanent closure of East Street at Grant Avenue. Council Member Fridae requested the motion include "concur that no additional environmental review is necessary." Motion carried with the following roll call vote:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, and Mayor Martin
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None

2. Public Hearing to Consider Resolution 2009-44 adopting the Negative Declaration Pursuant to the California Environmental Quality Act (CEQA) for the Extension of the General Plan Horizon Year from 2010 to 2018 and the Adoption of the 2008-2013 Housing Element Update and Resolution 2009-45 Amending the City of Winters General Plan by Extending the General Plan Horizon Year from 2010 to 2018 and Adopting the 2008-2013 Housing Element Update

Community Development Director Nellie Dyer gave an overview of the staff report. Council Member Aguiar-Curry asked about a letter submitted by Mr. McCoy, which addresses AB32, the Global Warming Solutions Act, and SB 375,

Redesigning Communities to Reduce Greenhouse Gases. Nellie stated the current general plan addresses global warming, climate change, and greenhouse gases, and staff has completed the update for the housing element for the period 2008-2013 planning period.

Council Member Fridae said the balance between jobs and housing has gotten worse since the adoption of the General Plan and there has to be a better balance between jobs and housing. He also said it seemed that we had moved away from energy efficiency. City Manager Donlevy admitted we have a small percentage of jobs available in Winters and we need to create them by focusing on business-friendly opportunities.

Council Member Fridae said the Attorney General has written letter to Cities and Counties to extend the General Plan without adopting a mitigated negative declaration and asked if we were putting ourselves in legal jeopardy by adopting a negative declaration? Nellie said there was no legal danger in doing such. Council Member Fridae asked if there was a downside of adopting a mitigated negative declaration? Nellie said a housing element needs to be adopted, and the delay of its adoption of the housing element makes the City ineligible or non-competitive for grant funding for housing as well as transportation funding.

City Manager Donlevy pointed out that AB32 & the California Air Resources Board has yet to release any of their recommendations and the alternative would be to do extensive research based on assumptions and would have to be re-done when the Air Resources Board decides to do it. Anything we would adopt as a mitigation measure would be based purely on speculation.

Community Development Director Dyer said it would be premature for us to put in mitigation measures that could become obsolete by 2011, if not 2010. SACOG will receive targets by 9/30/2010 and then distribute to municipalities and counties, and then the City will need to address our portion of that target. One of our number one goals is to work with SACOG.

Council Member Fridae wanted to make sure the City of Winters is being proactive by providing public outreach, hosting EARTH Day, and cooperating with the Yolo County Climate Change Committee and not wait until we have to.

Community Development Director Dyer noted that some of the recent Development Agreements have encouraged energy efficiency. City Manager Donlevy said the only reason the City of Winters does not have its' own energy policy is because state law prohibits it. All developments and practically every project completed in Winters meets the Energy Star standard. The City of Winters was the first in the county to adopt a Climate Change Compact.

Mayor Martin opened the public hearing at 8:45 p.m. and closed the public hearing at 8:45 p.m. with no comments. Council Member Fridae thanked Community Development Director Dyer for putting all this information together.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve 2009-44, adopting the negative declaration pursuant to the California Environmental Quality Act (CEQA) for the extension of the General Plan horizon year from 2010 to 2018 and the adoption of the 2008-2013 Housing Element Update; approve Resolution 2009-45 amending the City of Winters General Plan by extending the General Plan Horizon Year from 2010 to 2018 and adopting the 2008-2013 Housing Element Update; and direct staff to develop a work plan and an associated timeline to implement changes to plans and fee programs currently predicated on the current horizon year of 2010. Motion carried with the following roll call:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, and Mayor Martin
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None

3. Public Hearing to Consider Ordinance 2009-10 adding Chapter 17.58 to the Winters Municipal Code regarding a Form Based Code for Downtown and Rezoning Areas in the Downtown Central Business District and Resolution 2009-43 amending the City of Winters General Plan and Land Use Map (First Reading)

Council Member Fridae indicated he and Council Member Anderson needed to step down due to a possible conflict of interest. City Manager Donlevy said the State Constitution allows for an individual to be brought back who may have a form of a conflict on an issue based on the drawing of a lot, and in this case, walnuts will be drawn to determine who stays and who goes. Council Member Fridae remained on the dais and Council Member Anderson stepped down.

Community Development Director Dyer gave an overview of the staff report. City Manager Donlevy said this item will be brought back in a workshop format.

Mayor Martin opened the public hearing at 8:30 p.m.

Glenn Devries, 112 Main Street, said with the current market and low growth development, this action is premature. We must create industry and this is like putting the cart before the horse. He has five homes on Main Street (4 on south side and 1 on north side) that will be affected.

Nicki Chapman, 107 Edwards Street, has inherited a home at 415 First Street. The look of the town is in jeopardy and she wants to keep the fabric of Winters as it is by improving the residential areas. She asked if she could build at this location, sell it as commercial property or keep it as residential property? City Attorney Wallace said based on residential use, she could utilize the property if used for residential use within 12 months of the death of the occupant. Community Development Director Dyer clarified the property is currently zoned C-2, and City Manager Donlevy said this has been a General Plan issue since 1992.

Marian Skaggs, 1008 Hillview Lane, asked whether heirs can live at her mother's property located at 107 Main Street, which is currently being used as a commercial business. Commercial property would not be able to go back to residential property.

Randy Jordan spoke on behalf of Abe Lopez regarding property at 114-116 Main Street, which has been in the family for many years. These buildings are vintage Winters, homes that attract people. This is like selling the town of Winters.

Marie Heilman, 116 Abbey Street, said her home, originally built in 1890, would be zoned commercial. She has inherited the 5th generation property and asked if she had the right to sell the property to her children as residential use. She said this is not showing respect to the long-time Winters residents. She asked that the commercial focus be re-directed to Railroad Avenue and I-505.

Glenn Negri, 12 E. Grant, said people are not familiar with this and there is a sense of confusion. When he purchased property zoned C-2 ten years ago, it fit the zoning for that time.

Mayor Martin said staff may have a hidden agenda. Council Member Fridae said the current uses should be allowed to continue: commercial to residential and vice versa. He doesn't see the point of getting rid of residential. Just let the market run its' course. Why promote commercial over residential? City Manager Donlevy said urban planning discourages conflicting uses regarding commercial and residential uses. Community Development Director Dyer said the emphasis is on Main Street between First and Second Streets. Mayor Martin said we shouldn't make it so hard and we owe the longtime Winters residents. Council Member Fridae asked if we could build in flexibility. The option should remain open for current homes built as residential.

City Manager Donlevy recommended that the public hearing be continued to the 9/15/09 City Council meeting, where a more extensive format will be brought back.

Council Member Anderson returned to the dais at this time.

4. Resolution 2009-47, A Resolution of the City Council of the City of Winters, Adopting a Retirement Plan Known as the City of Winters Supplemental Employee Retirement Plan

City Manager Donlevy gave a brief overview, stating this employee benefit plan is an added benefit and a retirement incentive to City employees. Mayor Martin said this is a great way of saving jobs, avoiding layoffs, and a way to save money during tough economic times.

Motion by Council Member Fridae, second by Council Member Anderson, to approve staff recommendation by adopting Resolution 2009-47, a retirement plan know as the City of Winters Supplemental Employee Retirement Plan. Motion carried with the following roll call vote:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, and Mayor Martin
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: We are moving forward on the street maintenance, which will cover 20% of the streets in town. He asked people not to drive on the slurry seal, or they will be responsible for the cost to have it re-done. He asked that everyone be patient. Any slurry seal auto claims will be denied. Council Member Fridae inquired about the closure of Neimann Street on a school day and asked if there was a plan, as this could be problematic. City Manager Donlevy stated that staff will contact schools.

INFORMATION ONLY

ADJOURNMENT

Mayor Martin adjourned the meeting at 9:45 p.m.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nick Ponticello, City Engineer
SUBJECT: Award for Construction of I-505/Gateway Utilities Phase 1, Project No. 021-09.01

RECOMMENDATION: Staff recommends the City Council (1) Award the construction contract for the I-505/Gateway Utilities Phase 1, Project No. 08-06, to the lowest responsible bidder following bid opening on September 17, 2009; (2) authorize construction funding limit of Four Hundred Thousand Dollars (\$400,000) based upon the engineer's cost estimate plus contingency; and (3) authorize the City Manager to execute the Contract on the City's behalf.

BACKGROUND: On May 19, 2009 City Council receive and reviewed options for water and sewer infrastructure to the Grant Avenue and I-505 Interchange and further authorized staff to proceed with the design of "Option A". Due to time constraints for construction of the water and sewer through the "McClish" property at the east end of East Baker Street, Staff completed the design and advertized for bid the construction of the infrastructure through that land. This phase 1 project must be installed by the end of October 2009 so that the McClish property owners can plant winter crops.

The bid opening for the I-505/Gateway Utilities Phase 1 project is September 17, 2009. It is anticipated to take thirty days to sign contracts and complete the sewer and water infrastructure installation. Council's approval to pre-award the project will allow the City to satisfy it's commitment to the McClish owners.

The engineer's cost estimate for this phase 1 construction is \$350,000. The additional \$50,000 requested represents a 15% contingency. The entire "Options A" construction project (attached with this staff report) excluding design, CM, & Inspection as approved by Council is estimated to cost \$922,896

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The cost of this project is being paid through 2007 Sewer and Water Bonds. A Zone of Benefit will be established to reimburse the City through the development of the properties..

Attachment: Option A Cost Estimate

**Gateway Masterplan Utility Cost Estimate (Major Backbone)
(PRELIMINARY - NOT FOR CONSTRUCTION)**

Option A

Item	Water Master Plan	Units	Unit Cost	Qty	Amount
1	Gateway Area (14-Inch) Water Mains (Project 8) ¹	FT	\$100	1550	\$155,000
2	14" Water Valves	EA	\$5,000	1	\$5,000
3	Connect to existing 14" & remove blowoff	EA	\$3,000	1	\$3,000
4	Gateway Area (8-Inch) Water Mains (Project 8) ¹	FT	\$50	1750	\$87,500
5	8" Water Valves	EA	\$2,000	1	\$2,000
6	6" FH w/lateral & valve	EA	\$7,500	2	\$15,000
7	Connect to existing 6" & remove blowoff	EA	\$3,000	1	\$3,000
8	Traffic Control	LS	\$20,000	1	\$20,000
Sub-Total					\$290,800
Sewer Master Plan					
9	Future Pump Station B (Project 7) ^{2,3}	LS		1	\$250,000
10	Force Main for Future PS B (Project 8) ^{2,3}	LF	\$100	1230	\$123,000
12	6" Sewer Main (VCP)	LF	\$42	490	\$20,580
13	48" Manhole	EA	\$5,500	4	\$22,000
14	Connect FM to existing MH	EA	\$3,000	1	\$3,000
15	East Street Pump Station (Additional Pump) ²	LS	\$60,000	1	\$60,000
Sub-Total					\$478,580
TOTAL (excluding electrical, gas, & stormwater)					\$769,080
27	Contingency		20%		\$153,818
28	Design, CM, & Inspection		24%		\$104,579
TOTAL					\$1,107,475

Notes:

- 1 Facility function or cost determined from Water Master Plan December 2006.
- 2 Facility function or cost determined from Sewer System Master Plan December 2006.
- 3 Facility structure/size determination based on entire 63 acre PC/PB area developed
- 4 All roadway development and improvements are not incorporated and assumed to be part of the development.
- 5 All dimensions and pipe sizes are estimates for project planning purposes.
- 6 OEQA costs are not included.
- 7 Fee for Drainage Zone Impact would be offset by construction of permanent Storm Drainage Master Plan facilities.
- 8 This cost estimate does not include Grant Avenue improvements (minor storm drainage, curb, gutter, sidewalk, pavement, landscaping, etc.).
- 9 Land acquisition and easement cost are not included with this cost opinion.

Nicholas J. Ponticello, PE
License: 48584
Expiration: 9/30/2008

Printed: 4/8/2009 6:07 PM



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Scott Dozier, Fire Chief and Bruce Muramoto, Police Chief
SUBJECT: Public Safety Facility, Project No. 05-03

RECOMMENDATION: Staff recommends that the City Council authorize the City Manager to execute a contract amendment with Calpo, Horn, and Dong Architects (CH&D), in the amount of \$100,680.00 for bidding, Construction administration and post construction review services.

BACKGROUND: The subject project was developed to design and construct a joint-use facility for Fire and Police. A site has been selected at the northwest corner of W. Main Street and Grant Avenue, on a parcel that has been granted to the City with the Ogando-Hudson Final Map.

On December 12, 2006, Council approved a PBS and authorized execution of a contract with CH&D for the Programming Phase - Needs Assessment and Site Master Planning. Over the past year, the consultant has been working with Fire and Police Departments to identify their program needs for the proposed new facility. Staff traveled to other facilities and talked with other Departments regarding their facilities, in order to come up with a plan that would meet the functional needs of the City of Winters Fire and Police Departments. We now have final conformed building documents including addenda 001 and 002 items.

The next step in implementing the project is to approve funding to CH&D in the amount of \$100,680.00 to commence, Bidding, construction administration and post construction review of the project. CH&D has provided a proposal with Scope of Services for this phase and they are as follows.

1. Bidding.

The CH&D Team will provide assistance during the bidding phase, including participation in Pre-Bid Meeting with contractors; responses to bid questions; preparation of Addenda; and review of Bid results. Project Deliverables include the following:

- Bid Question Log.

2. Construction Administration.

The CH&D Team will provide assistance with shop drawing review.

Requirements for shop drawings are detailed in the project specifications. Shop Drawing Log will be maintained. The CH&D Team will provide assistance in interpretation of Construction Drawings, including responses to Request For Information (RFI's); Site Visitation and Observation; open dialogue with the General Contractor. Progress Checkpoints are used to review the project at Weekly Construction Meetings, in order to maintain open lines of communication amongst all Team Members, now inclusive of the Owner and Contractor. Project Deliverables include the following :

- Site Reports
- Submittal Copies and Log
- Construction Correspondence(RFI's, Change Proposals, Weekly Meeting Minutes)
- Punch Lists

3. Post-Construction

CH&D will revisit the project with the Owner at six and eleven months after Acceptance of the Building. This allows us to review any potential warranty situations, as well as receive Feedback from the Owner and the Users.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: This phase will be funded out of Police Impact (Fund 414) and Fire Impact (Fund 415) accounts.

Attachments: CH&D fee document



September 4, 2009

City of Winters
c/o Scott Dozier, Fire Chief
10 Abbey Street
Winters, California 95694

**Subject : Bidding and Construction Administration: Scope and Fee
Winters Police-Fire Facility, Project No. 05-03**

Scott:

Calpo Hom & Dong Architects (CH&D), is pleased to submit our Scope and Fee Proposal to the **City of Winters**, for the Bidding and Construction Administration Phases of the Winters Police-Fire Facility Project.

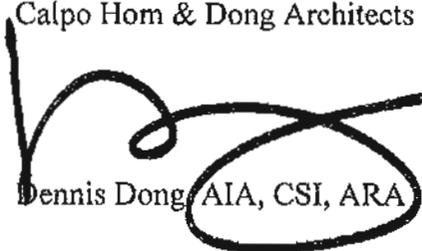
CH&D is very enthused about this unique project and it's opportunities and challenges. **CH&D** is eager to work with the **City of Winters** in order to make this a successful project.

As Principal-In-charge, I will be personally be the managing partner for this project, and am authorized to enter any contracts on behalf of the firm. I and the staff of **Calpo Hom & Dong Architects** look forward to the opportunity to further expand our qualifications and relationship with the **City of Winters**.

Please call me personally with any questions.

Sincerely,

Calpo Hom & Dong Architects



Dennis Dong, AIA, CSI, ARA

Scope of Services

1. Bidding.

The CH&D Team will provide assistance during the bidding phase, including participation in Pre-Bid Meeting with contractors; responses to bid questions; preparation of Addenda; and review of Bid results.

Project Deliverables include the following :

- *Bid Question Log.*

2. Construction Administration.

The CH&D Team will provide assistance with shop drawing review. Requirements for shop drawings are detailed in the project specifications. Shop Drawing Log will be maintained.

The CH&D Team will provide assistance in interpretation of Construction Drawings, including responses to Request For Information (RFI's); Site Visitation and Observation; open dialogue with the General Contractor.

Progress Checkpoints are used to review the project at Weekly Construction Meetings, in order to maintain open lines of communication amongst all Team Members, now inclusive of the Owner and Contractor.

Project Deliverables include the following :

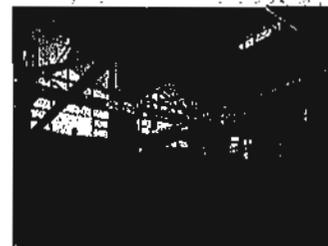
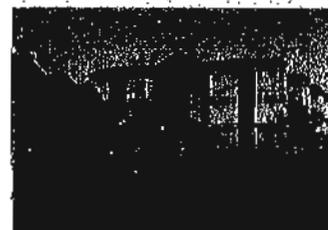
- *Site Reports*
- *Submittal Copies and Log*
- *Construction Correspondence* (RFI's, Change Proposals, Weekly Meeting Minutes)
- *Punch Lists*

3. Post-Construction

CH&D will revisit the project with the Owner at six and eleven months after Acceptance of the Building. This allows us to review any potential warranty situations, as well as receive Feedback from the Owner and the Users.

Project Deliverables include the following:

- *Site Reports*



Fee Estimate

The Fee Proposal for the City of Winters Public Safety Facility Programming and Master Site Plan is based on the Scope of Services, and the Project Scope Work Plan.

This Cost Proposal is confidential, and is for the City of Winters to review for this project *only*. We appreciate your professional treatment of this matter.

A full detailed Fee Proposal is herein attached..

Phase	Sub Total	%
Bidding	\$ 26,600	5.4%
Construction Administration	\$ 74,080	15.0%
Post-Occupancy	\$ 0	0.0%
TOTAL CONSULTANT FEE	\$ 100,680	20.4%

Fee Schedule Exclusions

The following items are noted as items not included in the Fee Schedule :

1. Costs for Reprographics Work (ie, printing, copying, etc.), except as required in the RFP.
2. Costs for Permits and Agency Approvals.
3. Environmental Analyses, Flood Plain Studies, Hydraulic Analyses.
4. Off-Site ROW Improvements.
5. Off-Site Improvements (assume all utilities are adjacent to property).
6. Professional Renderings and/or Models.
7. CEQA compliance.
8. Toxic Waste Reports
9. Traffic Signal Design

City of Winters Public Safety Facility, Project No. 05-03



Bidding

Consultant	Hours	Rate	Subtotal	Total
Calpo Hom & Dong Architects				
Principal Architect	8.00	175.00	1,400.00	
Project Manager	40.00	160.00	6,400.00	
Architect/Specification Writer	8.00	150.00	1,200.00	
Technician	16.00	85.00	1,360.00	
Clerical	24.00	50.00	1,200.00	
				11,560.00
Buehler & Buehler Associates (Structural)				
Principal Structural Engineer	4.00	175.00	700.00	
Project Engineer	4.00	160.00	640.00	
Technician	0.00	85.00	0.00	
Clerical	0.00	50.00	0.00	
				1,340.00
Sigma Engineering (Mechanical)				
Principal Mechanical Engineer	4.00	175.00	700.00	
Project Engineer	4.00	160.00	640.00	
Technician	0.00	85.00	0.00	
Clerical	0.00	50.00	0.00	
				1,340.00
Capitol City Design (Electrical)				
Principal Electrical Engineer	4.00	175.00	700.00	
Project Engineer	4.00	160.00	640.00	
Technician	0.00	85.00	0.00	
Clerical	0.00	50.00	0.00	
				1,340.00
Warren Consulting Engineers (Civil)				
Principal Civil Engineer	8.00	175.00	1,400.00	
Project Engineer	24.00	160.00	3,840.00	
Technician	16.00	85.00	1,360.00	
Clerical	8.00	50.00	400.00	
				7,000.00
Yamasaki Landscape Architecture (Landscape)				
Principal Landscape Architect	4.00	175.00	700.00	
Project Landscape Architect	4.00	160.00	640.00	
Technician	0.00	85.00	0.00	
Clerical	0.00	50.00	0.00	
				1,340.00
On-Line Consulting (Security)				
Principal Security Designer	8.00	175.00	1,400.00	
Project Security Designer	8.00	160.00	1,280.00	
Technician	0.00	85.00	0.00	
Clerical	0.00	50.00	0.00	
				2,680.00
Bleckmann Construction Estimating				
Principal Cost Estimator	0.00	160.00	0.00	
				0.00
BIDDING				26,600.00

City of Winters Public Safety Facility, Project No. 05-03



Construction Observation and Administration

Consultant	Hours	Rate	Subtotal	Total
Calpo Hom & Dong Architects				
Principal Architect	24.00	175.00	4,200.00	
Project Manager	120.00	160.00	19,200.00	
Architect/Specification Writer	16.00	150.00	2,400.00	
Technician	40.00	85.00	3,400.00	
Clerical	24.00	50.00	1,200.00	
				30,400.00
Buehler & Buehler Associates (Structural)				
Principal Structural Engineer	8.00	175.00	1,400.00	
Project Engineer	24.00	160.00	3,840.00	
Technician	16.00	85.00	1,360.00	
Clerical	8.00	50.00	400.00	
				7,000.00
Sigma Engineering (Mechanical)				
Principal Mechanical Engineer	8.00	175.00	1,400.00	
Project Engineer	24.00	160.00	3,840.00	
Technician	16.00	85.00	1,360.00	
Clerical	8.00	50.00	400.00	
				7,000.00
Capitol City Design (Electrical)				
Principal Electrical Engineer	8.00	175.00	1,400.00	
Project Engineer	24.00	160.00	3,840.00	
Technician	16.00	85.00	1,360.00	
Clerical	8.00	50.00	400.00	
				7,000.00
Warren Consulting Engineers (Civil)				
Principal Civil Engineer	16.00	175.00	2,800.00	
Project Engineer	40.00	160.00	6,400.00	
Technician	40.00	85.00	3,400.00	
Clerical	8.00	50.00	400.00	
				13,000.00
Yamasaki Landscape Architecture (Landscape)				
Principal Landscape Architect	8.00	175.00	1,400.00	
Project Landscape Architect	16.00	160.00	2,560.00	
Technician	8.00	85.00	680.00	
Clerical	4.00	50.00	200.00	
				4,840.00
On-Line Consulting (Security)				
Principal Security Designer	8.00	175.00	1,400.00	
Project Security Designer	16.00	160.00	2,560.00	
Technician	8.00	85.00	680.00	
Clerical	4.00	50.00	200.00	
				4,840.00
Bleckmann Construction Estimating				
Principal Cost Estimator	0.00	160.00	0.00	
				0.00
CONSTRUCTION OBSERVATION AND ADMINISTRATION				74,080.00

2007 Hourly Rates
Calpo Hom & Dong Architects, Inc.

<u>CLASSIFICATION</u>	<u>RATE PER HOUR</u>
Principal Architects	\$175.00/hr.
Associates / Architects	\$160.00/hr.
Project Managers / Architects	\$160.00/hr.
Job Captains	\$150.00/hr.
Interior Designers	\$150.00/hr.
CADD/Draft Support	\$85.00/hr.
Clerical	\$50.00/hr.

Direct Cost Separated from Overhead Cost

Factor of 3.5



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Resolution 2009-50, A Resolution of the City Council of the City of Winters, Adopting a Memorandum of Understanding (MOU) for the Sergeant's Association

RECOMMENDATION:

The City Council adopts Resolution 2009-50 ratifying the Memorandum of Understanding for the Sergeant's Association.

BACKGROUND:

Staff has met and agreed to all issues with the representatives of the bargaining unit.

The Sergeants Association has agreed to a one year contract ending June 30, 2010.

The following are the changes to this MOU:

- Uniform increase of \$100 annually
- Shift Differential of \$1.00 per shift
- Caesar Chavez pay, if worked
- Youth Day Holiday pay, if worked
- EPMC (Employer Paid Member Contribution)

FISCAL IMPACT:

\$2,500 for the term of this MOU



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Resolution 2009-51, A Resolution of the City Council of the City of Winters, Authorizing the City Winters to Report the Value of Employer-Paid Member Contributions to the California Public Retirement System as Special Compensation

RECOMMENDATION:

It is respectfully requested that the City Council adopts Resolution 2009-51, Authorizing the City Winters to report the value of Employer-Paid Member Contributions to the California Public Retirement System as Special Compensation for the Sergeant's Association.

BACKGROUND:

In this agenda the City Council is asking for approval of the Sergeants MOU. In it is an improvement to the current retirement program. The retirement enhancement allows the reporting of the value of employer-paid member contributions (EPMC) to the California Public Employees Retirement System (PERS).

In order to implement the EPMC provision of the Sergeants agreement, PERS requires that the governing body of the contracting agency adopt the resolution. Reporting of the value of the EPMC as special compensation results in a higher average monthly pay rate for the purpose of computing the employee's retirement allowance. The cost to the City of providing this benefit was factored into the final compensation provided to the Sergeant group.

FISCAL IMPACT:

The approximate cost of the EPMC is \$1,500 a year, or approximately \$1,100 for the remainder of this fiscal year.

RESOLUTION NO. 2009-51

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ADOPTING A RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS WITH
TIME-IN-GRADE EXCEPTIONS**

WHEREAS, the governing body of the City of Winters has elected to pay all or a part of the normal member contributions to the California Public Employees' Retirement System (CalPERS) pursuant to Government Code Section 20691, and applicable labor policies or agreements; and

WHEREAS, the governing body of the City of Winters may elect a time-in-grade Exception to said Employer Paid Member Contributions (EPMC) within a given group or class of employees as defined in Government Code Section 20636(e)(1) and as specifically authorized in Title 2, California Code of Regulations Section 569; and the Employer desires to provide retirement benefits to its employees under such a plan; and

WHEREAS, the governing body of the City of Winters has identified the following conditions for the application of said Exception:

- This exception shall apply to all employees of the City of Winters Sergeant's Association.
- The City of Winters elects to pay 9% for all current employees.
- For employees hired after 7/1/2004, the City of Winters will pay EPMC according to the following time-in-grade schedule:

Year: 9/15/2009 at 9%

- Once a newly-hired employee accrues five (5) years of total service (either on a continuous or cumulative basis), s/he shall be entitled to payment of EPMC on the same terms that apply to all other employees in the group or class. In so resolving, the governing body of the City of Winters agrees to abide by Section 569, the terms of which are incorporated-by-reference as if fully set forth herein.
- The effective date of this Resolution shall be 9/15/2009.

NOW, THEREFORE, IT IS RESOLVED that the governing body of the City of Winters elects a time-in-grade Exception as set forth above.

IT IS HEREBY CERTIFIED that foregoing Resolution No. 2009-51 was duly introduced and legally adopted by the City Council at its regular meeting held on this 15th day of September, 2009, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

I, Nanci Mills, City Clerk of the City of Winters, of Yolo County, California, hereby certify that the above and the foregoing Resolution was duly and regularly adopted by the said Council at a regular meeting thereof on the 15th day of September, 2009 and passed by a majority vote of said Council.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2009.

Nanci G. Mills, CITY CLERK



Est. 1875

**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Public Hearing and Introduction of Ordinance No. 2009-11, Changing the Starting Time of the City Council Meetings

RECOMMENDATION:

Hold public hearing and introduce Ordinance No. 2009-11, an Ordinance changing the starting time of the City Council meetings from 7:30 p.m. to 6:30 p.m.

BACKGROUND:

On July 7, 2009 staff came before the City Council and recommended changing the start time of City Council meetings from 7:30 p.m. to 6:30 p.m. Council directed staff to prepare Ordinance and bring back to Council

The City of Winters Municipal Code, Section 2.04.010 currently states that City Council meetings begin at 7:30 p.m. It is necessary to adopt an ordinance amending the Code to change the start time from its current 7:30 p.m. to the proposed 6:30 p.m.

FISCAL IMPACT:

Unknown.

ORDINANCE 2009-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 2.04 OF THE WINTERS MUNICIPAL CODE
REGARDING CITY COUNCIL MEETING TIMES

WHEREAS, the City of Winters wishes to change the time the City Council holds its regularly scheduled meetings.

THE CITY COUNCIL OF THE CITY OF WINTERS DOES ORDAIN AS
FOLLOWS:

SECTION 1. AMENDMENT OF CODE. Section 2.04.010 of the City of Winters Municipal Code is amended to read as follows:

2.04.010. Time of meetings.

The City Council shall meet twice monthly, on the first and third Tuesday of each and every month, at six-thirty p.m.

Each meeting on the first Tuesday of the month shall be designated the regular monthly meeting. Each meeting on the third Tuesday of the month shall be designated the regular mid-monthly meeting.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption it shall be posted in two (2) public places within the City of Winters and the ordinance,, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Winters prior to the effective date.

INTRODUCED on the 15th day September, 2009

PASSED AND ADOPTED as an ordinance of the City of Winters at a regular meeting of said Council on the ____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nelia C. Dyer, Community Development Director *NCD*
SUBJECT: Public Hearing to Consider Ordinance 2009-10 adding Chapter 17.58 to the Winters Municipal Code regarding a Form Based Code for Downtown and Rezoning Areas in the Downtown Central Business District and Resolution 2009-43 amending the City of Winters General Plan and Land Use Map (First Reading - Continued)

RECOMMENDATION: Staff recommends that the City Council take the following actions:

1. Receive Staff Report
2. Conduct Public Hearing; and
3. Waive first reading, read by title only, and introduce:
 - a. Ordinance 2009-10 adding Chapter 17.58 to the Winters Municipal Code regarding a Form Based Code for Downtown and Rezoning Areas in the Downtown Central Business District
4. Introduce:
 - a. Resolution 2009-43 amending the City of Winters General Plan and Land Use Map

BACKGROUND: The City of Winters General Plan calls for a Central Business District Plan (Implementation Program I.6). In March 2006, after a lengthy public process, the City adopted the Downtown Master Plan, which provides the vision for the development and redevelopment of the downtown core of Winters. The Downtown Master Plan focuses on:

- concentrating specialty commercial businesses in the downtown core
- supporting infill development along Railroad Avenue
- improving the Railroad Avenue streetscape
- creating an attractive north gateway to the downtown
- establishing downtown-oriented parking policies
- retaining downtown's historic building character

- improving the Rotary Park/Downtown Green and expanding the Putah Creek Nature Park

The Downtown Master Plan identified several tools for fulfilling the vision in the Plan. One of those tools is the creation, adoption and use of a Form-Based Code for the Downtown Master Plan Area.

Cities use Form-Based Codes to control the look and type of buildings, streets, landscaping and building details such as signs, awnings, and storefronts to create and maintain an interesting, attractive and livable town. Standards for land use, density, setbacks, and design are presented in a consolidated, graphical format that can be used easily by landowners, applicants, business owners, and City staff and officials.

PROJECT HISTORY: Based upon the vision promulgated by the Downtown Master Plan, the City began preparation of a Form-Based Code which:

- preserves and protects the historic character of Winters' downtown core
- provides for uses which will vitalize the downtown business district
- creates a visually appealing, pedestrian oriented downtown
- promotes environmentally progressive development standards
- fosters infill development
- provides a user-friendly zoning document
- provides certainty in the design review process
- simplifies and streamlines the entitlement process

SUMMARY OF THE PROJECT: The proposed Form-Based Code for Downtown establishes unique allowed use and development standards for the Downtown Form-Based Code Area. It is the intent of these standards to help preserve and protect the existing historic and distinctive character of the Downtown by requiring new construction, remodels and existing development and uses to complement the character and sense of place found in the historic downtown core. Additionally, the application of these standards will ensure that the Downtown will continue to be the pedestrian-orientated shopping, dining, entertainment, and community center of the greater Winters area.

The Form-Based Code for Downtown (Attachment A) would apply to the area shown as DA and DB in the Regulating Plan (Figure 17.58-1, of the Form-Based Code) which is situated along Main Street (from Second to Elliot) and Railroad Avenue (from Wolfskill Street to Anderson Avenue) and includes portions of Abbey, East Abbey, East Edward, East Baker, and Wolfskill Streets. It encompasses approximately 33.5 acres including the historic commercial downtown core.

The proposed draft Form-Based Code for Downtown would be incorporated into the City Zoning Ordinance as Chapter 17.58 and would become the Zoning Code for the Downtown Form-Based Code Area. The City's Zoning Map would also be revised to incorporate the Regulating Plan shown in Figure 17.58-1 of the Form-Based Code for Downtown. There are a total of 65+/- acres of Central Business District/C2 in Winters. The adoption of proposed 33.5 acre Downtown Form-Based Code Area would re-designate 50.8 percent of the Central Business District/C2 area of Winters.

The proposed Form-Based Code for Downtown is comprised of eight sections that provide:

- regulating plan which functions as a zoning map
- definitions

- street typologies
- allowed use regulations
- development standards including parking, signage and landscaping
- architectural and design standards
- special use regulations

The proposed Form-Based Code for Downtown does not create new land uses in the project area. Instead it refines those currently allowed and provides a regulatory framework to create and maintain a visually appealing, pedestrian-oriented historic downtown, which is vitalized and sustainable. Allowed uses are listed according to districts and downtown zones within the districts in Section 17.58.050 of the proposed Form-Based Code for Downtown.

The following table identifies the permitted uses within the Downtown. These allowed use regulations are listed by street type, then by Zoning District (D-A or D-B), as applicable. The uses listed are defined in Section 17.58.050.B (Definitions of Permitted Uses). The symbols in the table are defined as:

- P - Permitted Use
- C - Conditionally Permitted Use
- N - Not Permitted

TABLE 17.58-2: PERMITTED USES

Use	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D/A	D/B	D/A	D/B	D/A	D/B
Attached Single-Family Residential	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	C	P	P
Bar, Pub and Cocktail Lounge	C	C	C	N	N	C	C
Bed and Breakfast Inn	P ¹	P ¹	P	P	P	P ¹	P
Child Day Care	N	N	N	C	C	N	C
Commercial Recreation and Entertainment	C	C	C	N	N	C	C
Detached Single-Family Residential	N	N	N	C	P	N	N
Government/Institutional	P	P	P	P	C	P	P
Hotel or Motel	P ¹	P ¹	P ¹	P	P	P ¹	P
Live/Work Unit	C	P	P	P	C	N	C
Mixed-Use	P	P	P	P	C	C	P

Uses	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Multi-Family Residential	C ¹	P ¹	P ¹	P ¹	P	N	P ¹
Neighborhood Commercial	P	P	P	P	C	C	N
Offices	P	P	P	P	C	P	P
Personal Services	P	P	P	P	C	C	P
Religious Institutions	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	N	P	P
Service Station	N	C	C	N	N	C	C
Sit-Down Restaurants ²	P	P	P	C	C	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C

Notes:

1. Only on the second floor or above.
2. Drive -thus are not allowed within the Downtown Form-Based Code Area (See Section 17.58.070A2d)

The proposed Form-Based Code for Downtown provides development standards (Section 17.58.060), architectural and design standards (Section 17.58.070), special use regulations and standards (Section 17.58.080) to ensure that new/infill development, substantive remodels and ancillary uses will be compatible with the existing historic character of the downtown.

Process: Adoption of the Form-Based Code for Downtown requires a General Plan Amendment, amendment of the City of Winters Municipal Code to include the Form-Based Code for Downtown as Chapter 17.58, and a rezoning of a portion of the Central Business District.

General Plan Amendment

Amend the General Plan Land Use Map to delineate the area of the Central Business District, which is covered by the previously adopted Downtown Master Plan, and designate a portion of the Central Business District's Downtown Master Plan Area as the Downtown Form-Based Code Area as shown in Exhibit A.

The General Plan Land Use Standards for the Central Business District require amendment to facilitate mixed use and eliminate of Floor Area Ratios (FARs) within the Downtown Form-Based Code Area. The proposed amendment to the Central Business District Standard is as follows:

Central Business District (CBD)

This designation provides for restaurants, retail service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses. Outside of the Downtown Form-Based Code Area, residential densities shall be in the range of 10.1 to 20.0 units per acre; the FAR for offices and commercial uses shall not exceed 2.0 and the FAR for all other uses shall not exceed 0.60. Outside of the Downtown Form-Based Code Area, residential uses shall be subject to discretionary review and approval.

Two General Plan Land Use Policies also require amendment to facilitate mixed use and provide for Bed and Breakfast inns as a permitted use. The proposed amendments are as follows:

Land Use Policy L.B.4

First priority for ground floor uses in the Central Business District shall be given to retail uses. Outside of the Downtown Form-Based Code Area, new residential and office uses shall be permitted on a case-by-case basis over ground floor retail uses.

Land Use Policy L.D.6

Bed and breakfast inns shall be allowed in residential neighborhoods ~~and the Central Business District~~, subject to discretionary review and approval by the City.

Zoning

Amendment of the City of Winters Municipal Code to include the Form-Based Code for Downtown Winters as Chapter 17.58

The C2 (Central Business District), O-F (Office), and a portion of the PQP (Public/Quasi-Public) zoning within the Form-Based Code Area needs to be rezoned to street specific D-A and D-B zones as shown in the Regulating Plan (Exhibit A) and defined in the proposed Form-Based Code for Downtown. The proposed changes to the zoning are:

Current Zoning	Proposed Zoning
C2	Main Street DA
C2	Railroad Avenue DA
C2 and O-F	Railroad Avenue DB
C2	Grant Avenue DA
C2 and PQP	Grant Avenue DB
C2	Secondary Street DA
C2	Secondary Street DA

The PQP zoning for the City Hall, Fire Station, Library, Rotary Park, and Community Center properties would remain the same.

Environmental Review: An Initial Study/Negative Declaration for this project was circulated between December 18, 2008 and January 16, 2009 (SCH 200842018). A letter from California Department of Transportation (Caltrans) dated January 16, 2009 was the only comment received.

Caltrans advised that planter strips on Grant Avenue/SR128 will need to comply with their Planting Guidelines; requests that new trees planted on Grant Avenue /SR128 not create fruit or litter conflicts with pedestrian or bicycle use; Maintenance Agreement(s) between the City and Caltrans will be required; and Encroachment Permits will be required for work conducted in the State's right of way. These are all implementation issues that are standard for working with Caltrans and that are known to the City.

Several revisions to further accommodate office and services use have been made to the proposed land uses that would be regulated by the Form-Based Code since the circulation of that Initial Study/Negative Declaration. Based on those changes, a revised Initial Study (Attachment B) was prepared and circulated between July 7, 2009 and August 10, 2009 (SCH 2008122063). A letter from the California Department of Transportation (Caltrans) dated July 31, 2009 was the only comment letter received. The comments provided by Caltrans were the same as the comments provided in the letter dated January 16, 2009.

Public Outreach and Community Input: To kick-off the process, the City and consultants held two informational workshops on Form-Based Codes in late January 2008 for those interested in the downtown. The workshops provided an overview of Form-Based Codes and opportunity for community members to provide ideas and input on a Code for our downtown. Based on the City's goals for a Code and the feedback received at the January workshops, the consultants and staff prepared a draft Code for a portion of the Downtown Master Plan Area known as the Form-Based Code for Downtown.

The draft Form-Based Code for Downtown was introduced to the Winters community at a workshop on July 2, 2008, which nearly two dozen community members attended. A CD of the draft Form-Based Code for Downtown as well the At-A-Glance sheets was distributed to those in attendance. The draft Form-Based Code for Downtown and At-A-Glance sheets were also posted on the City's website on July 3, 2008, and staff sent an email blast with links to the Code to the downtown email list and members of the Winters Chamber of Commerce. Staff also did a brief presentation on the Code at the Chamber's July 11, 2008 meeting.

On July 29, 2008, a joint Planning Commission and City Council workshop was held to receive public comment on the draft and so the Commission and Council could provide feedback and direction to staff and the consultants. Based on the results and direction from the workshop, the draft was finalized for the purposes of CEQA analysis and the adoption process.

A second Planning Commission workshop was held to solicit feedback and receive public comment on the proposed Allowed Uses in the Downtown Form-Based Codes Area on May 26, 2009. Two realtors and the Executive Director of the Winters Chamber of Commerce provided comments. Staff received the following feedback and comments from the Planning Commission and community members who attended the workshop:

- Consider broadening the conditionally allowed uses on secondary streets to include additional restaurant uses.

- First floor lobbies for second floor hotels should be considered
- Additional consideration should be given to the use of detached single family residential structures for either commercial/office space or residential uses per Ordinance #2006-06
- Opportunities for future review of Form-Based Code after it is adopted

A public hearing was held at the Planning Commission meeting on August 11, 2009 regarding the Form Based Code. At the meeting, staff recommended that the Planning Commission recommend to the City Council adoption of the Initial Study/Negative Declaration and approval of the Form Based Code as presented. A business owner within the Downtown Form Based Code Area expressed his concern with the Form Based Code and how it interacts with Ordinance #2006-06. Staff stated that the Form Based Code supersedes the Ordinance #2006-06. After the public hearing, the Planning Commission deliberated on the topic and recommended approval of the Form Based Code to the City Council with further consideration of maintaining Ordinance #2006-06.

DISCUSSION: Staff recommends that the City Council the approval of the Initial Study/Negative Declaration and the Form-Based Code as presented. Staff did revise the May 26th draft Form-Based Code to allow sit-down restaurants in the Secondary Street D-B zone in response to Planning Commission comments from the May 26th workshop. First floor hotel lobbies would be considered an ancillary use and would be addressed via project review during the design review process. There is no set review process for the Form-Based Code itself; however, it can be reviewed and amended at anytime per the provisions of Chapter 17.28 (Zoning Amendments) in the Winters Municipal Code.

The use of the existing detached single family residences within the Form-Based Code Area was brought up during the May 26th workshop and the August 11th public hearing. Within the Form-Based Code Area, there are 11 detached single family residential structures that appear to be in residential use at this time. Staff has given additional consideration to the use of detached single family residential structures for either commercial/office space or residential uses per Ordinance #2006-06. The following policies are relevant:

Winters General Plan Policy - I.B.4: First priority for ground floor uses in the Central Business District shall be given to retail uses. New residential and offices uses shall be permitted on a case-by-case basis over ground floor retail uses.

Downtown Master Plan Development & Design Guidelines - Downtown Core 1: Residential units should be allowed on upper floors to support local commercial businesses and to create a lively "all hours" downtown.

Downtown Master Plan Development & Design Guidelines - Downtown Core 10: First floor retail, restaurant, and/or other "specialty" commercial space should be provided on Main Street and Railroad Avenue. First floor office is not recommended; first floor residential use is strongly discouraged.

While residential use in the downtown is plainly expected, even encouraged, it is clearly intended to be secondary to commercial uses and not to be located within the pedestrian realm of first floor/street

level. This is a long standing vision for the downtown and, notwithstanding Ordinance 2006-06, staff continues to recommend that detached single family residential structures not be a permitted use within the Form-Based Code Area. Staff recommends that the existing units phase out into retail, commercial, office, bed and breakfast, or other specialty commercial uses per the vision of the Downtown Master Plan in accordance with Chapter 17.104 (Nonconforming Uses) of the Winters Municipal Code (Attachment G).

FISCAL IMPACT: The General Plan requires fiscal neutrality from development. The Form-Based Code for Downtown Winters is expected to facilitate economic development and redevelopment of the downtown core, which, in turn, would generate sales tax, provide jobs, and additional economic opportunity. Thus the project is expected to provide fiscal benefit to the City.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the proposed Ordinance and Resolution by making the affirmative motions as follows:

1. I MOVE THAT THE WINTERS CITY COUNCIL WAIVE THE FIRST READING, READ BY TITLE ONLY, AND INTRODUCE ORDINANCE 2009-10 ADDING CHAPTER 17.58 TO THE WINTERS MUNICIPAL CODE REGARDING A FORM BASED CODE FOR DOWNTOWN AND REZONING AREAS IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT

2. I MOVE THAT THE WINTERS CITY COUNCIL INTRODUCE RESOLUTION 2009-43 AMENDING THE CITY OF WINTERS GENERAL PLAN AND LAND USE MAP

ATTACHMENTS:

Exhibit A	Regulating Plan showing delineation of Downtown Master Plan Area, proposed Form-Based Code Area, and proposed land use zones
Attachment A	Proposed Form-Based Code for Downtown
Attachment B	Initial Study/Negative Declaration
Attachment C	Letter from California Department of Transportation (Caltrans) dated 1/16/09
Attachment D	Letter from California Department of Transportation (Caltrans) dated 7/31/09
Attachment E	Resolution 2009-43 Amending the City of Winters General Plan and Land Use Map
Attachment F	Ordinance 2009-10 Adding Chapter 17.58 to the Winters Municipal Code Regarding a Form-Based Code for Downtown
Attachment G	Chapter 17.104 (Nonconforming Uses) of the Winters Municipal Code

Exhibit A

Attachment A

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

CHAPTER 17.58: FORM-BASED CODE FOR DOWNTOWN DOWNTOWN ZONING DISTRICTS (D-A, D-B) ALLOWED USES AND FORM-BASED DEVELOPMENT STANDARDS

SECTIONS IN THIS CHAPTER:

- 17.58.010 Purpose, Intent, and Applicability
- 17.58.020 Introduction to the Form-Based Code for Downtown
- 17.58.030 Form-Based Code for Downtown Definitions
- 17.58.040 Regulating Plan and Street Typologies and Standards
- 17.58.050 Allowed Use Regulations
- 17.58.060 Development Standards
- 17.58.070 Architectural and Design Standards
- 17.58.080 Special Use Regulations and Other Standards

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

17.58.010 PURPOSE, INTENT, AND APPLICABILITY

A. Chapter Purpose and Intent. The purpose of this Chapter is to establish unique allowed use and development standards for properties within the Downtown Master Plan Area of Winters. These standards are intended to help preserve and protect the existing, historic, and distinctive character of the downtown by requiring new construction and remodels and existing development to complement the existing built environment. Through the application of these standards, the Downtown will continue to be the pedestrian-oriented shopping, dining, entertainment, and living center of the greater Winters area.

B. Applicability of Standards and Entitlement Review. The Downtown Master Plan Area has been divided into Downtown-A (D-A) and Downtown-B (D-B). These Districts are shown on the Regulating Plan (Figure 17.58-1). The standards of this Chapter apply to all property zoned either Downtown-A (D-A) or Downtown-B (D-B). All qualifying projects under Section 17.36.020 (Requirements for Design Review) within the D-A or D-B zones shall be subject to Design Review prior to issuance of building permit. Additionally, those uses that require a use permit as listed in Section 17.58.050 (Allowed Use Regulations) shall obtain a Use Permit prior to establishment of the use.

The application of both the Zoning District and the Regulating Plan (see Section 17.58.030 for definition) are described in more detail in Sections 17.58.020.A (Defining the Form-Based Code for Downtown) and 17.58.030 (Regulating Plan and Street Typologies and Standards). Generally, the Zoning District designation (D-A or D-B) defines the character and allowed use provisions for the subject site while the Regulating Plan defines the development standards (setbacks, building typology, street standards).

C. Applicability of Regulating Plan Standards. Generally, the development standards applicable to a property shall be those for the respective zone (either D-A or D-B) and street frontage as reflected in the Regulating Plan. However, for those properties that face onto multiple street frontages (e.g., a corner lot or a double frontage lot), the following shall apply:

1. **Site Development:** The development standards applicable to the site shall be reflective of the individual sides of the lot. For instance, if a corner lot faces Street A and Street B, then that side of the lot facing Street A shall be developed consistent with the standards for Street A and the side facing Street B shall be developed consistent with the standards for Street B. At the corner, the design shall merge and unify the two standards together such that:

- a. The more restrictive setback requirement shall prevail on that side of the corner. For instance, if Street A has a five foot build to line and Street B has a zero foot build to line, then that side facing Street A

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

shall be located at the five foot build to line and the side facing Street B shall be located at the zero foot build to line (note: in this example, the building is not centered on the corner, this is consistent with the intent of this provision).

b. The more restrictive design standards shall prevail on that side of the corner, provided the two standards are architecturally integrated together. For instance, if Street A allows for a Stoop frontage and Street B does not, a Stoop may be developed along the Street A frontage, but at the corner the design of the building must architecturally transition into a frontage type that is allowed along Street B. The same shall be true for allowed building types, storefront regulations, sign types, and landscaping. Only those features allowed on that frontage may be developed on said frontage.

2. **Allowed Uses:** The least restrictive use provisions shall apply to the entire lot, provided that the primary entrance for the use either faces the street with the least restrictive use regulations or (preferred) faces the intersection/street corner. For instance, if a corner lot faces Street A and Street B and Street A allows a particular use by right and Street B requires a conditional use permit for the same use, then the use shall be allowed by right on that lot provided the primary entrance to the use is located facing Street A or (preferred) facing the intersection/at the corner.

3. **Parking:** Parking requirements are generally based on the use of the building; however, where there is a conflict based upon street frontages, the more restrictive/higher parking ratio shall prevail (e.g. 1.75 spaces per unit are required, not 1.5 spaces per unit) across the entire site.

17.58.020 INTRODUCTION TO THE FORM-BASED CODE FOR DOWNTOWN

A. Defining the Form-Based Code for Downtown. The Form-Based Code for Downtown is the regulating document for development within the Winters Downtown Master Plan Area. The Form-Based Code for Downtown recognizes the historic character of the Downtown and identifies a special set of development standards, allowed use regulations, and other special use regulations that, when applied to new construction and qualifying remodels/expansions (as identified in Section 17.36.020, Requirements for Design Review), will ensure that the historic character is positively complemented.

The standards in this Chapter are presented in a format that is unique to the Downtown – through a Form-Based Code. Form-Based zoning provides a method of regulating development to achieve a desired urban form. Form-Based provisions address the relationship between building facades and the public realm, the form and mass of buildings, and the size, character and type

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

of streets and blocks. The central focus of Form-Based provisions is the regulating plan that designates the appropriate form (and character) of development rather than only distinctions in land-use types, which is the basis of conventional zoning.

This Form-Based Code for Downtown also includes regulations for the street – the space between buildings. Part of the historical context of the Downtown includes how individual developments relate and interact with the street. This is because the street acts as a unifying thread across all development.

B. Relationship to Other Zoning Provisions. Generally, the regulations of this Chapter shall govern development within the Downtown – specifically within the D-A and D-B Zoning Districts. In cases where there is a conflict between the provisions of this Chapter and the regulations elsewhere in the Zoning Code, this Chapter shall prevail. However, with regard to topics that this Chapter is silent on, provisions elsewhere in the Zoning Code shall prevail.

C. Administration of the Form-Based Code for Downtown.

1. Review of Development Applications. Generally, review of development applications (e.g., Design Review, Use Permit, and Variance) located within the Downtown (D-A, D-B) Zoning Districts is the responsibility of the Planning Commission. The designated approval authority for each planning permit is listed under the regulations for each permit type:

- a. **Use Permit – Chapter 17.20**
- b. **Variances – Chapter 17.24**
- c. **Design Review – Chapter 17.38**

2. Amendments to the Form-Based Code for Downtown. Amendments to the Form-Based Code for Downtown shall be processed like any other Zoning Code Amendment as described under Chapter 17.28 (Zoning Amendments).

3. Findings for Approval. When approving an application for a development application and/or amendment to the Form-Based Code for Downtown, the designated approving authority shall, in addition to any other findings required by this Zoning Code, make the following findings:

- a. **Development Application –** That the proposed development complies with the regulations of the Form-Based Code for Downtown, promotes the spirit of the Downtown by integrating into the fabric of its DNA and complementing the architectural quality of the Downtown.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

b. Amendment to the Form-Based Code for Downtown – The proposed amendments to the Form-Based Code for Downtown are consistent with the intent of the Form-Based Code for Downtown by helping to preserve and protect the existing, historic, and unique character of the Downtown.

17.58.030 FORM-BASED CODE FOR DOWNTOWN DEFINITIONS

The following terms are used throughout the Form-Based Code for Downtown and are defined as follows:

Building Type. Defines the type of structure based on massing, layout, and use. (See section 17.58.060.E for further discussion.)

Build-to Line (BTL). An urban setback dimension that delineates the maximum distance from the property line a front or street side building façade can be placed. Typically, build-to lines range from 0'-10'.

Bulkhead. The portion of a commercial façade located between the ground and the bottom of the street level display windows. It is typically constructed of stone, brick, or concrete.

Dwelling Unit. Any room or group of connected rooms that have sleeping, cooking, eating, and bathroom facilities, and are intended for long term occupation.

Expression Line. An "expression line" is an architectural embellishment that delineates the end of the ground floor and the start of the second floor of a building.

Façade. The architecturally finished side of a building, typically facing onto a public right-of-way or street.

Form-Based Code (FBC). A development code emphasizing the regulation of building form, scale, and orientation, rather than zoning and land use.

Frontage Line. A lot line fronting a street, public right-of-way, paseo, plaza, or park.

Height. The vertical distance of a building measured between the point where the final grade intersects a building or its foundation to the highest point of the building directly above that point.

Regulating Plan. A Regulating Plan designates building form and streetscape standards based on location, street hierarchy, and character. More specifically,

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

It addresses how development interacts with the street and how the street is developed, and it defines the development standards (setbacks, building typology, street standards).

Setback. The required distance between a property line and a building or ancillary structure.

17.58.040 REGULATING PLAN AND STREET TYPOLOGIES AND STANDARDS

A. Establishment of the Regulating Plan and Street Hierarchy and Character. In addition to the application of the Downtown (D-A or D-B) Zoning Districts, development within the Downtown is also governed by the Regulating Plan. The Regulating Plan “codes” development based upon the street it is located along. This plan is based on the following street hierarchy and character, and as illustrated on the Regulating Plan (see Figure 17.58-1, The Regulating Plan):

1. Main Street – Main Street is the historic commercial heart of Downtown Winters and the social soul of the community. It is pedestrian-oriented and the focus is on the preservation and rehabilitation of existing buildings, as well as the development of new infill structures that are compatible with the uniquely small town character of the district. This area benefits from the presence of specialty retail businesses, restaurants, nightlife, and tourism-oriented services.

2. Railroad Avenue – Railroad Avenue was traditionally lined with packing sheds for the local fruit and nut industry and rail-transported goods. Due to its industrial past, Railroad Avenue benefits from larger lots than Main Street. Currently, this area is in transition and is expected to eventually shift to mixed-use commercial, live/work, and residential infill development.

3. Secondary Streets – The secondary streets of Downtown Winters display a mix of local retail and residential development. They have a more intimate nature than the other areas and this is reflected in the narrower sidewalks and streets, and abundance of street trees and landscaping.

4. Grant Avenue – Grant Avenue is the gateway to Downtown Winters and more automobile-oriented than the other areas. As a gateway, new development and street improvements along both sides of Grant Avenue should be coordinated to create an attractive, small town boulevard frontage that encourages visitors to shop and explore downtown.

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

B. Street Typologies and Standards. The purpose of this section is to provide roadway standards that will facilitate the creation of streets that are inviting, multimodal public places for vehicular traffic, bicyclists, and pedestrians. These streetscape typologies and standards are unique to Chapter 17.58 and are intended to implement the vision of the 2006 Winters Downtown Master Plan.

1. Street Typologies. The Streetscape Typologies allowed in zones D-A and D-B are listed below:

a. Avenue (Grant Avenue and Railroad Avenue). Avenues connect districts or regions and are capable of carrying a high amount of vehicular traffic while still maintaining a higher quality pedestrian environment and retail-supporting urban edge. This street typology may be used in place of an Arterial.

The landscaping strip along the sides of the roadway should be designed to facilitate the safe passage of pedestrians. It is suggested that the strip include a continuous landscaped area between the edge of the curb and the sidewalk. This area should include street trees and lighting designed at a pedestrian scale. Landscape strips should be a minimum of five feet wide, where feasible, in the area south of Grant Avenue. Additionally, Grant Avenue corridor pedestrian pathways are designated to be at least eight feet wide with landscape strips that are also eight feet wide. This width allows large tree canopy shade for pedestrians, and creates a buffer from high volume traffic.

Wherever an Avenue intersects with another Avenue, Main Street, or a Neighborhood Street, the intersection should be designed to enhance pedestrian safety and convenience. Features may include pedestrian bulbouts, differentiated accent paving within the intersection, in-street crossing lights (if there is no crosswalk signal), and pedestrian refuge areas within the medians of Avenues.

b. Main Street. Street trees should frequently interrupt the parking lanes to soften visual impact of the parked vehicles and to help cool the air heated by the pavement.

Diagonal parking and wide sidewalks should create a safe, inviting environment for both pedestrians and motorists.

Wherever a Main Street intersects with an Avenue or a Neighborhood Street, the intersection should be designed to provide pedestrians with safe passage. Features may include pedestrian bulbouts, differentiated accent paving within the intersection, and in-street crossing lights (if there is no crosswalk signal).

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

Turning movements typically occur from within the main travel lanes; however, short (one to two car-lengths) turn pockets may be provided at some intersections in lieu of parking on one side of the street.

c. Secondary Streets. Neighborhood streets are home to the majority of residential development in Downtown Winters as well as a few small offices and neighborhood-serving retail stores. These streets have a more intimate nature than the other areas and due to this, landscaping and larger street trees should frequently interrupt the parking lanes to soften visual impact of the parked vehicles and to help cool the air heated by the pavement.

d. Alley. Alleys are narrow public drives serving commercial and residential development. In commercial developments, alleys provide the primary service access and loading areas for businesses.

Customer entrances may also be located off of alleys. In addition, if it does not obstruct the flow of vehicular and pedestrian traffic, portions of the alley may be used for outdoor retail space, patios, art gardens, and related uses. In residential development, parking should be accessed via alleys.

Alley street lighting and landscaping should be designed at a pedestrian scale with an emphasis on creating an inviting, safe and secure environment. Additionally, landscaping shall not impede automobile or pedestrian visibility within or immediately adjacent to an alley.

e. Paseo. Paseos are local and private pathways serving pedestrians and bicyclists only, and may also provide limited service access during specified periods of the day. In addition, if it does not obstruct the flow of pedestrian traffic, portions of the paseo may also be used for outdoor dining, retail space, patios, art gardens, and related uses.

These types of "streets" are not shown on the regulating plan but are appropriate to include in the D-B district as part of a unified development plan to connect uses and activities in a pedestrian orientation without additional public right-of-ways. Paseos could also be used in the D-A district when connecting front (street) and rear (alley) activity areas of the commercial block.

Paseo street lighting and landscaping should be designed at a pedestrian scale. Larger canopy trees should be used where possible for shade.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

2. Street Typology Standards. The following table displays associated standards for each Street Typology.

TABLE 17.58-1: STREET TYPOLOGY STANDARDS

	Grant Avenue	Railroad Avenue	Main Street	Secondary Streets	Alley	Paseo
Thoroughfare Type:	Avenue	Avenue	Collector	Local	Alley	Pathway
Right-of-Way Width:	60'-126'	60'-80'	60'	44' – 60'	15 – 25'	20'–100'
Through Traffic Lanes:	2-4 Lanes	2 Lanes	2 Lanes	2 Lanes ¹	1 Lane	Emergency Only
Turning Lanes:	N/A	N/A	Optional Turn Pockets	N/A	N/A	N/A
Parking Lanes:	N/A	9.5' wide min, Diagonal, Each Side	9' wide min., Diagonal, Each Side	9' wide, Parallel, One or Two Sides	N/A	N/A
Planter Strip Width	8'	5'	4'	4'	N/A	N/A
Curb Radius:	25' ²	25'	25'	25'	25'	25'
Bike Facilities:	On-street, stripped	On-street, stripped	On-street, not stripped	On-street, not stripped	N/A	Designated Bicycle Lane(s)

Notes:

1. While Wolfskill Street is identified as a Secondary Street, due to its narrow width it is only improved to a narrow one-lane one-way street.
2. Twenty five feet is ideal but actual curb radius shall be determined in consultation with CalTrans and the City Engineer.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

17.58.050 ALLOWED USE REGULATIONS

This section lists allowed uses by zoning district within the Downtown Form-Based Code Area. The zoning districts are shown on the Regulating Plan (Figure 17.58-1). This list is not meant to be comprehensive and does not regulate building character or design, but instead delineates the types of uses allowed within a building. These allowed use regulations are unique to Chapter 17.58 and are intended to implement the vision of the 2006 Winters Downtown Master Plan.

A. Principally Permitted Uses: The following table identifies the permitted uses within the Downtown. These allowed use regulations are listed by street type, then by Zoning District (D-A or D-B), as applicable. The uses listed are defined in Section 17.58.040.B (Definitions of Permitted Uses). The symbols in the table are defined as:

P – Permitted Use

C – Conditionally Permitted Use

N – Not Permitted

TABLE 17.58-2: PERMITTED USES

Uses	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Attached Single-Family Residential	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	C	P	P
Bar, Pub and Cocktail Lounge	C	C	C	N	N	C	C
Bed and Breakfast Inn	P ¹	P ¹	P	P	P	P ¹	P
Child Day Care	N	N	N	C	C	N	C
Commercial Recreation and Entertainment	C	C	C	N	N	C	C
Detached Single-Family Residential	N	N	N	C	P	N	N
Government/Institutional	P	P	P	P	C	P	P

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Uses	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Hotel or Motel	P ¹	P ¹	P ¹	P	P	P ¹	P
Live/Work Unit	C	P	P	P	C	N	C
Mixed-Use	P	P	P	P	C	C	P
Multi-Family Residential	C ¹	P ¹	P ¹	P ¹	P	N	P ¹
Neighborhood Commercial	P	P	P	P	C	C	N
Offices	P	P	P	P	C	P	P
Personal Services	P	P	P	P	C	C	P
Religious Institutions	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	N	P	P
Service Station	N	C	C	N	N	C	C
Sit-Down Restaurants ²	P	P	P	C	C	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C

Notes:

1. Only on the second floor or above.
2. Drive -thus are not allowed within the Downtown Form-Based Code Area (See Section 17.58.070A2d)

B. Definitions of Permitted Uses

1. Attached Single-Family Residential. A building designed exclusively for occupancy by one family on a single lot that has zero side yard setbacks, and shares a party wall with the adjacent building(s) (e.g., townhouse).

2. Banks and Financial Institutions. Financial institutions such as banks and trust companies, credit agencies, holding companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATMs)

3. Bar, Pub and Cocktail Lounge: Establishments, including brew pubs, which are primarily designed, maintained, operated, used or intended to be used for the selling and on-site consumption of beer, wine and/or distilled spirits. Food sales may be incidental to the bar use. Live

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

entertainment may also be offered as an incidental use if conducted within a building. The storage and sale of alcoholic beverages, including a liquor store, is included in this classification.

4. Bed and Breakfast Inns. Residential structures with up to four bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A Bed and Breakfast Inn with more than four guest rooms is considered a hotel or motel.

5. Child Day Care. A State licensed facility which provides non-medical, care, protection and supervision, to children under 18 years of age, on a less than 24-hour basis. Commercial or non-profit child day care facilities includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use

6. Commercial Recreation and Entertainment. Establishments providing indoor or outdoor recreation and entertainment services including: bars, movie theaters, dance halls, electronic game arcades, bowling alleys, billiard parlors, ice/rolling skating rinks, health clubs, skateboard parks.

7. Detached Single-Family Residential. A building designed exclusively for occupancy by one family on a single lot. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007).

8. Government/Institutional. This use includes government agency and service facilities (e.g. post office, civic center, police department, fire department), as well as public educational facilities, and publicly owned parkland.

9. Hotel or Motel. A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

10. Live/Work Unit: An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

- a. Complete kitchen space and sanitary facilities in compliance with the city building code; and
- b. Working space reserved for and regularly used by one or more occupants of the unit.

11. Mixed-Use. Mixed-Use facilities are characterized by commercial retail use on the ground floor, and office, hotel, or residential uses on the upper floors.

12. Multi-Family Residential. A building designed and intended for occupancy by two or more families living independent of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., duplex, triplex, quadplex, apartment, apartment house, condominium). Also includes senior housing.

13. Neighborhood Commercial. A pedestrian oriented market store oriented to the daily shopping needs of the surrounding residential areas. Neighborhood markets are less than 8,000 square feet in size and operate no more than 18 hours a day. Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use. Alcohol sales are allowed for off-site consumption, or on-site consumption as part of the beverage tasting facility only.

14. Offices. This use includes businesses providing direct services to consumers (e.g. insurance companies, utility companies), professional offices (e.g. accounting, attorneys, doctors, dentists, employment, public relations, real estate), and offices engaged in the production of intellectual property (e.g. advertising, architectural, computer programming, photography studios).

15. Personal Services. Establishments providing non-medical services as a primary use, including, but not limited to barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, day spas, laundromats (self-service laundries), printing and reproduction, business support services, shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided.

16. Religious Institutions. Facility operated by religious organizations for worship, or the promotion of religious activities (e.g. churches, mosques, synagogues, temples) and accessory uses on the same site (e.g. living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (e.g. recreational camp) are classified according to their respective activities.

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

17. Retail Commercial. Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug stores, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, and stationery stores.

18. Service Stations. A retail business selling motor vehicle fuels, related products and providing vehicle services. Body work is not permitted. Boundary landscaping is required along all property lines abutting streets, except for driveways. Landscaped areas shall have a minimum width of five feet, and shall be separated from abutting vehicular areas by a wall or curbing at least six inches higher than the abutting pavement. Planters at the pump islands are encouraged.

19. Sit-Down Restaurants. A retail business selling food and beverages prepared and/or served on the site, for on-premise consumption where most customers are served food at tables, but may include providing food for take-out. Also includes coffee houses, and accessory cafeterias as part of office and industrial uses. Alcohol sales are allowed for on-site consumption only.

20. Specialized Agriculture and Processing. Establishments that provide locally produced foods and spirits including but not limited to produce, cheese, beer, and wine for retail, on-site sale. This use includes on-site agricultural processing in support of the on-site retail activities.

17.58.060 DEVELOPMENT STANDARDS

Development standards are intended to encourage, protect, and preserve the historic urban image of Downtown Winters. They are also intended to improve overall aesthetic appearance and to serve as an incentive for private investment in the Downtown area.

An important initiative of the Winters Form-Based Code for Downtown is to clearly spell out development standards that shape the desired urban form. Building intensities are regulated through conformance to the prescribed development standards and design guidelines (e.g. height, setbacks, parking, form, massing). These standards are designed to simplify, streamline, and customize the standards and requirements described in the Winters Zoning

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Ordinance (Winters Municipal Code Title 17) and to encourage preservation, investment, and revitalization of property in the Downtown area.

A. General Development Standards

1. Mandatory Conformance. Standards listed in this section, as well as architectural and design standards listed in Section 17.58.070 are mandatory requirements that must be satisfied for all new projects and modifications to existing development. Projects shall be reviewed for conformance with these provisions as part of Design Review. For "qualifying modifications" to existing development that only require issuance of a Building Permit, conformance with these standards shall be reviewed as part of Plan Check during Building Permit review. "Qualifying modifications" are all modifications to a structure except repair, restoration, or reconstruction of a structure where such work, as determined by the Community Development Director, maintains the outer dimensions and surface relationships of the existing structure (e.g., repainting, replacement of windows or doors with matching size and style, repair of exterior materials such as stucco, brick, and wood).

2. Area-Wide Maximum Allowable Residential Development. The maximum allowable residential development in Downtown Winters is 20 dwelling units per acre.

B. Height Requirements: The maximum height of 45' in Downtown Winters is intended to preserve the compact, walkable, historic downtown core while simultaneously stimulating economic development in the commercial heart of the City.

Table 17.58-3 displays height requirements for each Downtown Winters district.

TABLE 17.58-3: HEIGHT REQUIREMENTS

Maximum Height	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
	45'	45'	45'	35'	35'	45'	45'

The Zoning Administrator or Planning Commission may approve architectural features such as tower elements, elevator service shafts, and roof access stairwells that extend above the height limit. Telecommunications antennas and service structures located on rooftops may also exceed the maximum building height but shall be hidden to the maximum extent possible using appropriate screening and "stealth" technologies.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

As part of the Design Review, and on the recommendation of the Planning Commission, the City Council may approve buildings that exceed the maximum height adopted in the D-A or D-B zones.

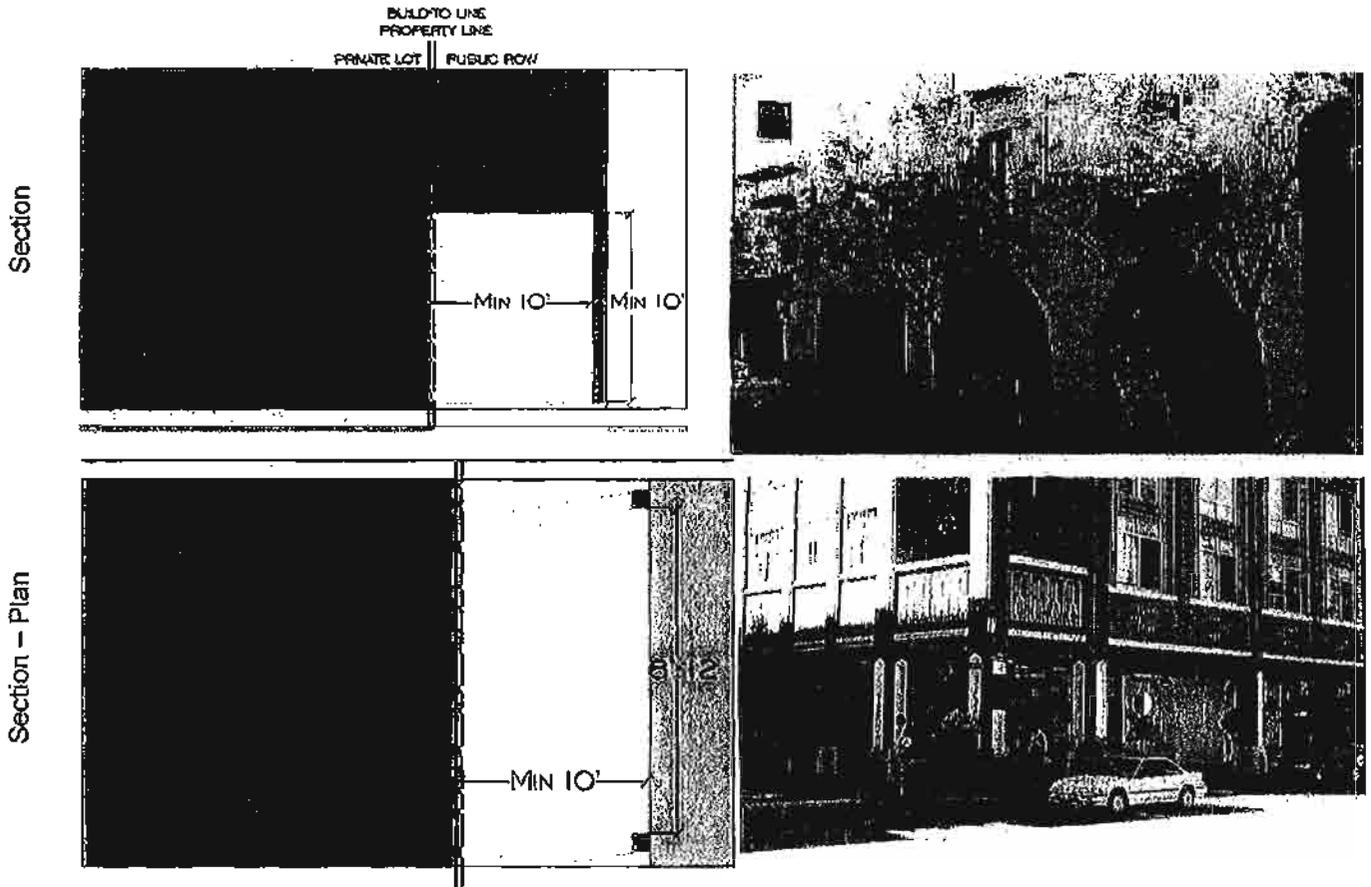
C. Frontage Types: Frontage type refers to the architectural composition of the front façade of a building; particularly concerning how it relates and ties into the surrounding public realm. The Downtown Winters frontage types are intended to enhance social interactions in the historic downtown retail core while simultaneously providing appropriate levels of privacy in residential areas. Allowed frontage types in the different districts and along the four street types are listed in Table 17.58-5 and defined below. An "X" means that the frontage type is allowed; a blank cell means that the frontage type is not allowed.

TABLE 17.58-4: ALLOWED FRONTAGE TYPES

Allowed Frontage Types	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Arcade	X	X	X	X	X		
Gallery	X	X	X	X	X		
Storefront	X	X	X	X	X	X	X
Stoop				X	X		
Door Yard/Terrace			X	X	X		
Porch				X	X		
Neighborhood Yard				X	X		
Alley/Paseo	X	X	X	X	X		X

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

ARCADE



- Depth = 10ft. minimum from the build-to line to the inside column face
- Height = 10 ft. minimum clear
- 75% - 100% of the building front

An Arcade frontage is nearly identical in character to the Gallery frontage except that the upper stories of the building may project over the public sidewalk and encroach into the public right-of-way.

The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it.

This frontage is typically for retail use.

An encroachment permit is needed to construct this frontage type.

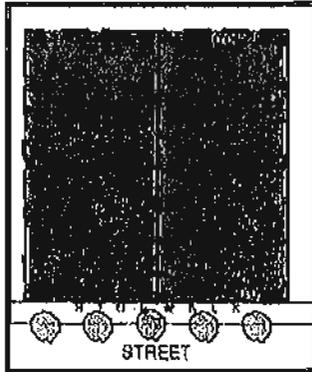
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-5 Arcade Setback Requirements

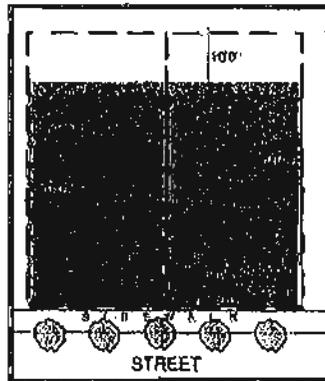
Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'		
Minimum Side Yard	0'	0'	0'	0'	0'		
Minimum Rear Yard ²	0'	10'	20'	10'	20'		

1. "Build To" lines are defined as the edge where the public right-of-way ends and the private property boundary begins. It is the maximum distance from the property line a front or street side building façade can be placed. Typically, build-to lines range from 0'-10'.
2. Alley loaded garages may be located with a 0' rear yard setback.

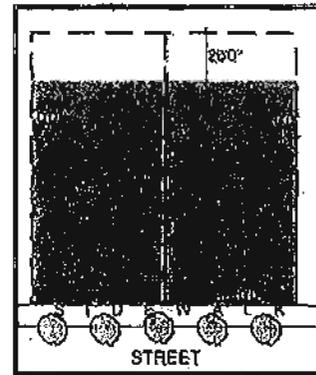
Building Placement



Main Street

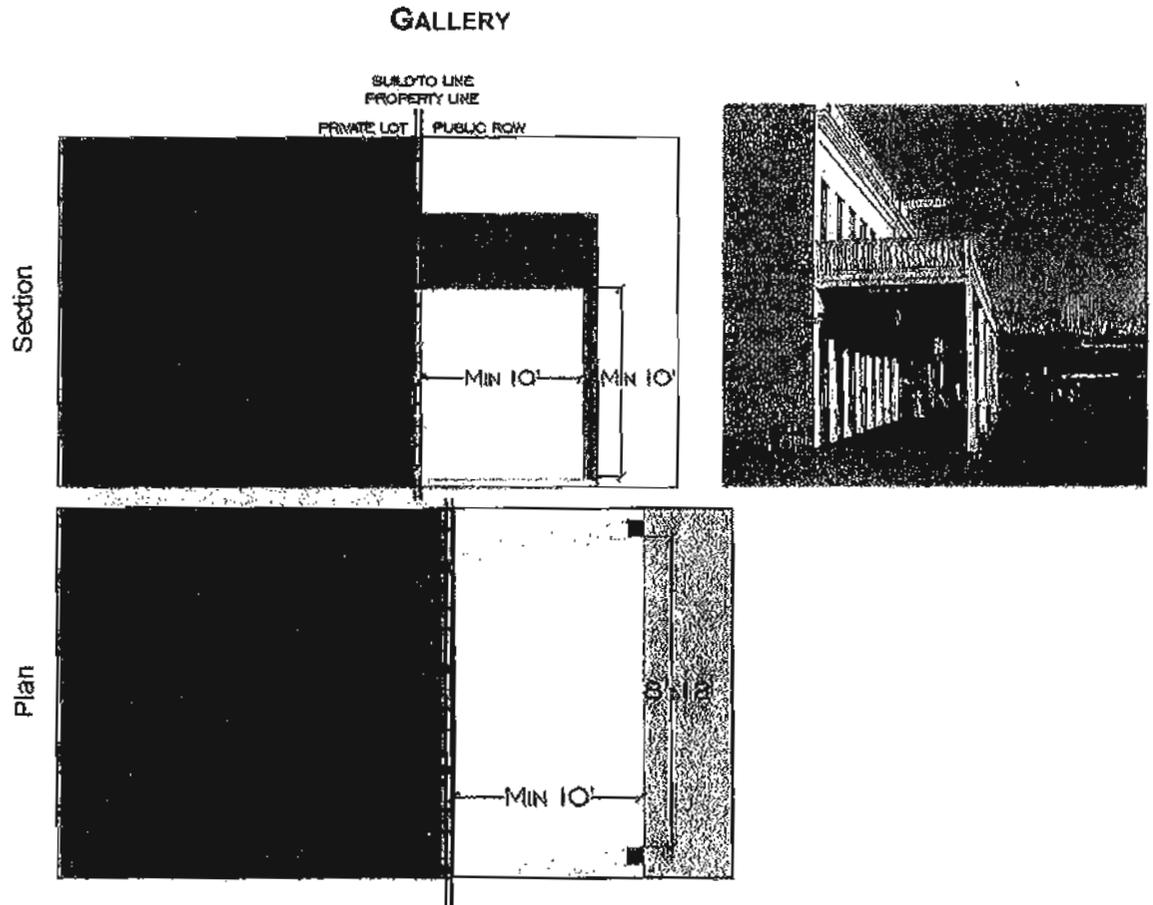


Railroad Avenue D-A
Secondary D-A



Railroad Avenue D-B
Secondary Street D-B

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN



- Depth = 10ft. minimum from the build-to line to the inside column face
- Height = 10 ft. minimum clear
- 75% - 100% of the building front

A Gallery frontage is characterized by a façade which is aligned close to or directly on the right-of-way line with the building entrance at sidewalk grade, and with an attached colonnade that projects over the public sidewalk and encroaches into the public right-of-way.

The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it.

This frontage is typically for retail use.

An encroachment permit is needed to construct this frontage type.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-6 Gallery Setback Requirements

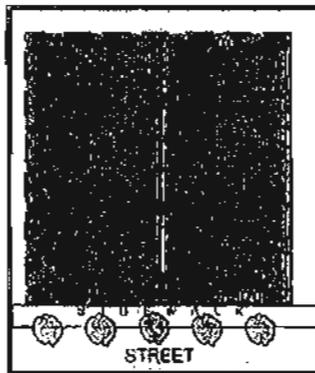
Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'		
Minimum Side Yard	0'	0'	0'	0'	0'		
Minimum Rear Yard ²	0'	10'	20'	10'	20'		

1. "Build To" lines are defined as the edge where the public right-of-way ends and the private property boundary begins. It is the maximum distance from the property line a front or street side building façade can be placed. Typically, build-to lines range from 0'-10'.

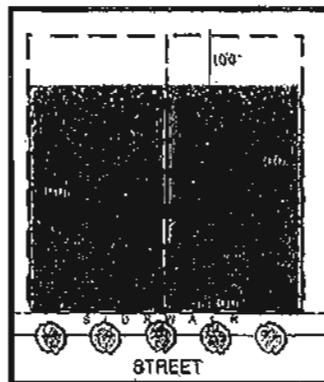
2. Alley loaded garages may be located with a 0' rear yard setback.

Note: A blank cell indicates that frontage type is not allowed in that zone.

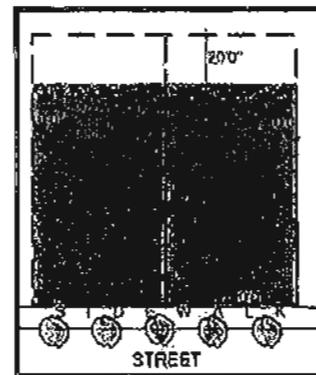
Building Placement



Main Street



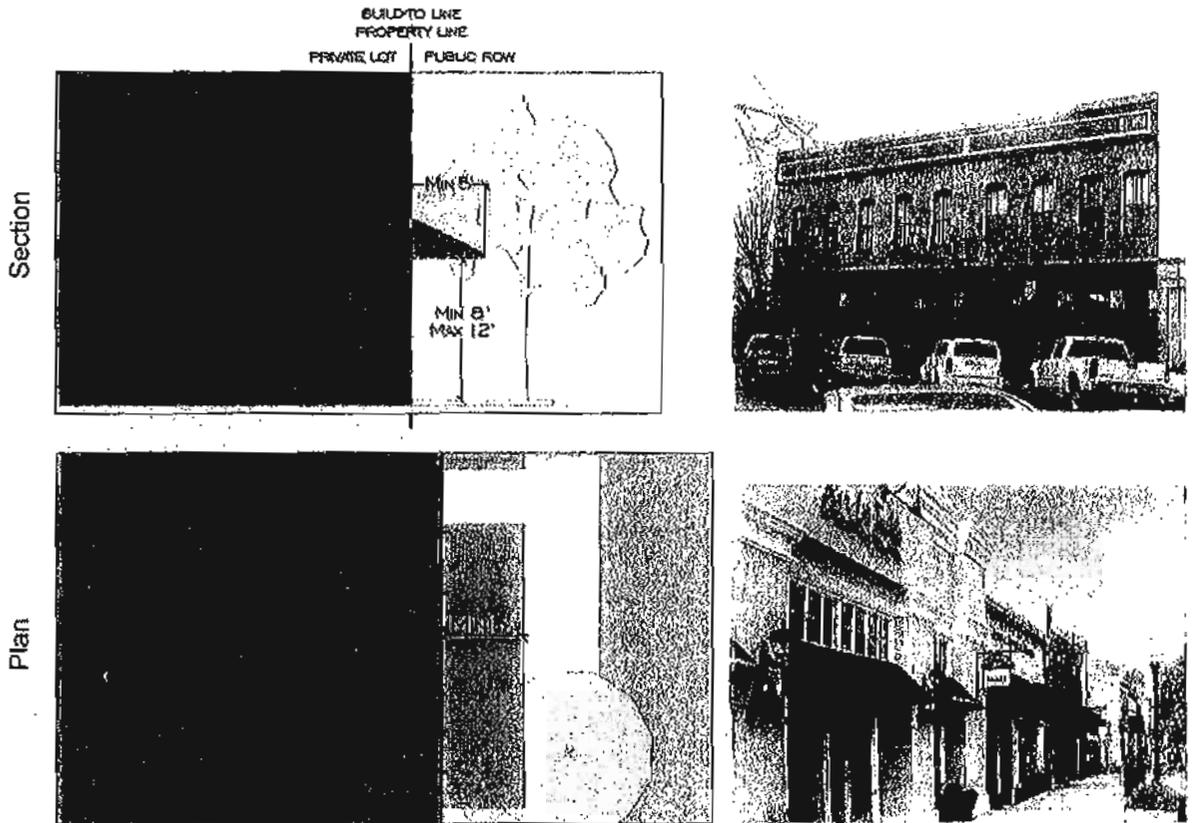
Railroad Avenue D-A
Secondary D-A



Railroad Avenue D-B
Secondary Street D-B

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

STOREFRONT



- Depth = 5ft. minimum over the sidewalk
- Height = 8 ft. minimum clear, 12 ft maximum
- Minimum of 50% of the overall building frontage

A Storefront frontage is characterized by a façade which is aligned close to or directly on the right-of-way line with the building entrance at sidewalk grade.

Storefront frontage has substantial glazing on the ground floor.

Storefront frontages provide awnings or canopies cantilevered over the sidewalk.

Building entrances may either provide a canopy or awning, or alternatively, may be recessed behind the front building façade.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

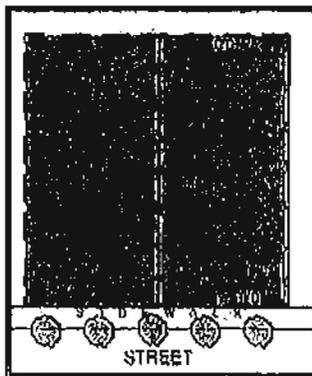
Figure 17.58-7 Storefront Setback Requirements

Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'	10'	10'
Minimum Side Yard	0'	0'	0'	0'	0'	15'	15'
Minimum Rear Yard ²	0'	10'	20'	10'	20'	20'	20'

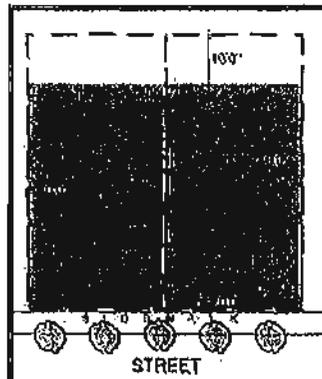
1. "Build To" lines are defined as the edge where the public right-of-way ends and the private property boundary begins. It is the maximum distance from the property line a front or street side building façade can be placed. Typically, build-to lines range from 0'-10'.

2. Alley loaded garages may be located with a 0' rear yard setback.

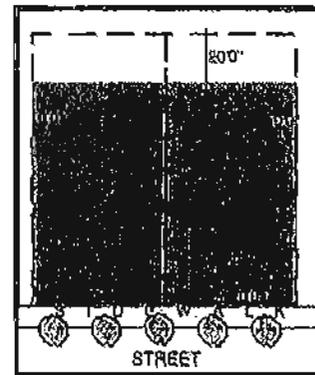
Building Placement



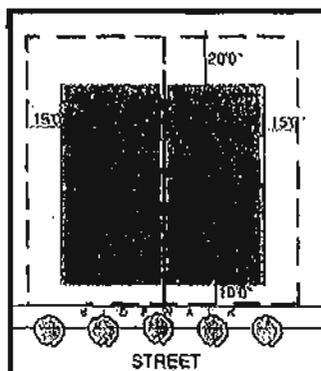
Main Street



Railroad Avenue D-A
Secondary Street D-B



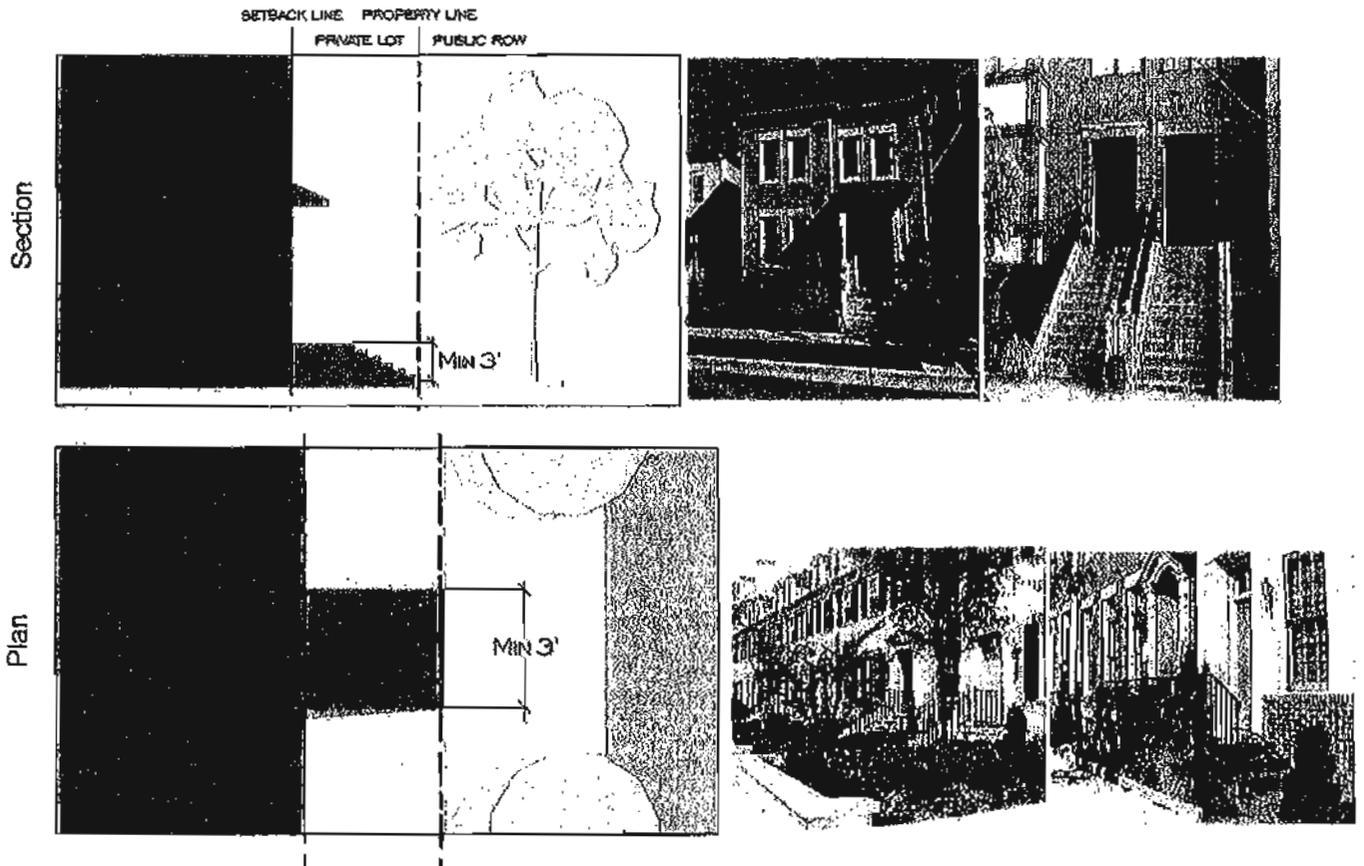
Railroad Avenue D-B
Secondary Street D-B



Grant Avenue

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

STOOP



- Stoops must rise to a minimum of 3' above grade.
- Stoop is a minimum of 3' wide.

A stoop frontage is characterized by a façade which is aligned close to the frontage line with the ground story elevated from the sidewalk to provide privacy for the ground floor uses.

The entrance is usually an exterior stair or landing which may be combined with a small porch or roof.

The Stoop frontage type is suitable for ground floor residential uses with short setbacks.

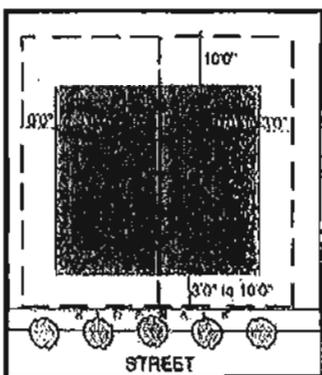
Figure 17.58-8 Stoop Setback Requirements

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

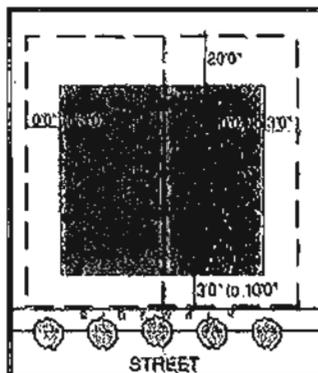
Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line				3' to 10'	3' to 10'		
Minimum Side Yard				0' to 3'	0' to 3'		
Minimum Rear Yard*				10'	20'		

* Alley loaded garages may be located with a 0' rear yard setback.
 Note: A blank cell indicates that frontage type is not allowed in that zone.

Building Placement



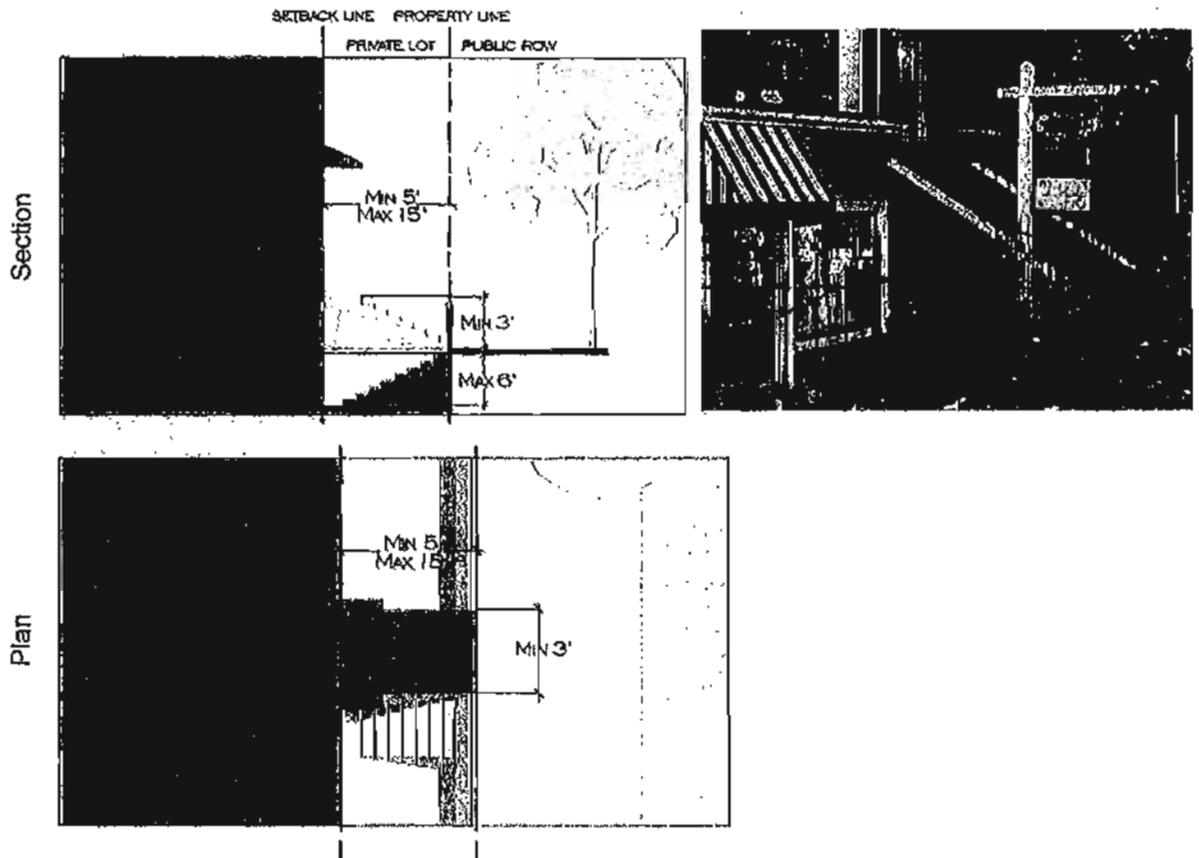
Secondary Streets D-A



Secondary Streets D-B

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

DOOR YARD/ TERRACE



- Minimum of 3' above grade,
- Minimum of 3' wide.

A Door Yard/Terrace frontage is characterized by a façade that is set back from the street property line and multiple levels of the building directly accessible from the street.

Door Yard/Terrace is a variation on the Stoop frontage, but it provides opportunities for multiple levels of commercial/retail easily accessible from the street.

Could also be used for a lower-level commercial use with office or residential on the second level.

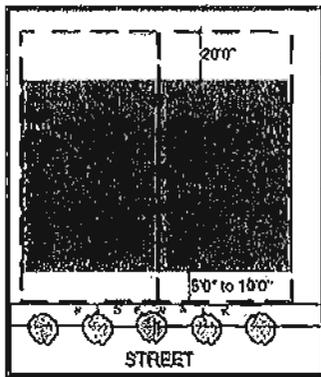
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Figure 17.58-9 Door Yard/Terrace Setback Requirements

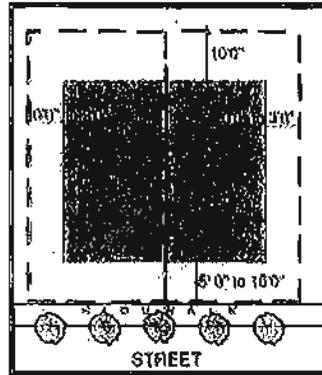
Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line			5' to 10'	5' to 15'	5' to 15'		
Minimum Side Yard			0'	0' to 3'	0' to 3'		
Minimum Rear Yard			20'	10'	20'		

* Alley loaded garages may be located with a 0' rear yard setback.
 Note: A blank cell indicates that frontage type is not allowed in that zone.

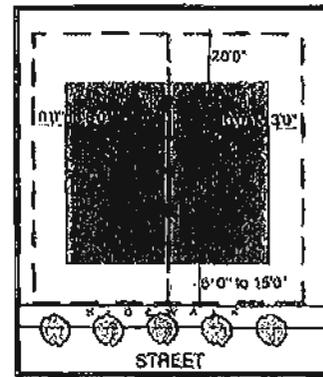
Building Placement



Railroad Avenue D-B



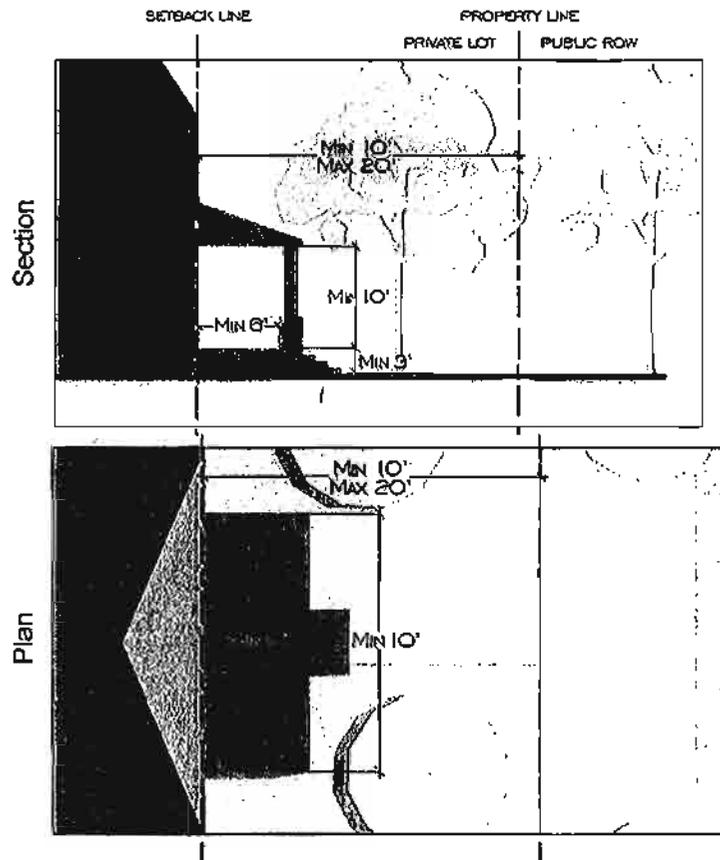
Secondary Streets D-A



Secondary Streets D-B

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

PORCH



- Minimum of 10' tall (clear).
- Minimum of 6' deep (clear).
- Porch height must be a minimum of 3' above grade.
- Minimum of 10' wide

This frontage type is characterized by a façade which is set back from the property line with a front yard, and by a porch which is appended to the front façade.

The porch may encroach into the front setback.

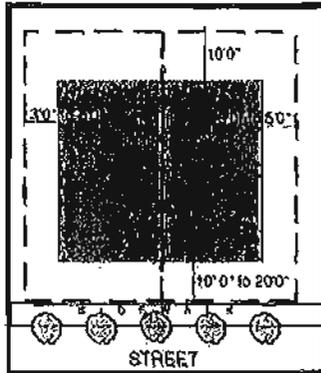
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Figure 17.58-10 Porch Setback Requirements

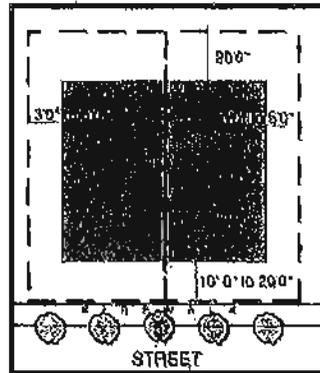
Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line				10' to 20'	10' to 20'		
Minimum Side Yard				3' to 5'	3' to 5'		
Minimum Rear Yard*				10'	20'		

* Alley loaded garages may be located with a 0' rear yard setback.
 Note: A blank cell indicates that frontage type is not allowed in that zone.

Building Placement



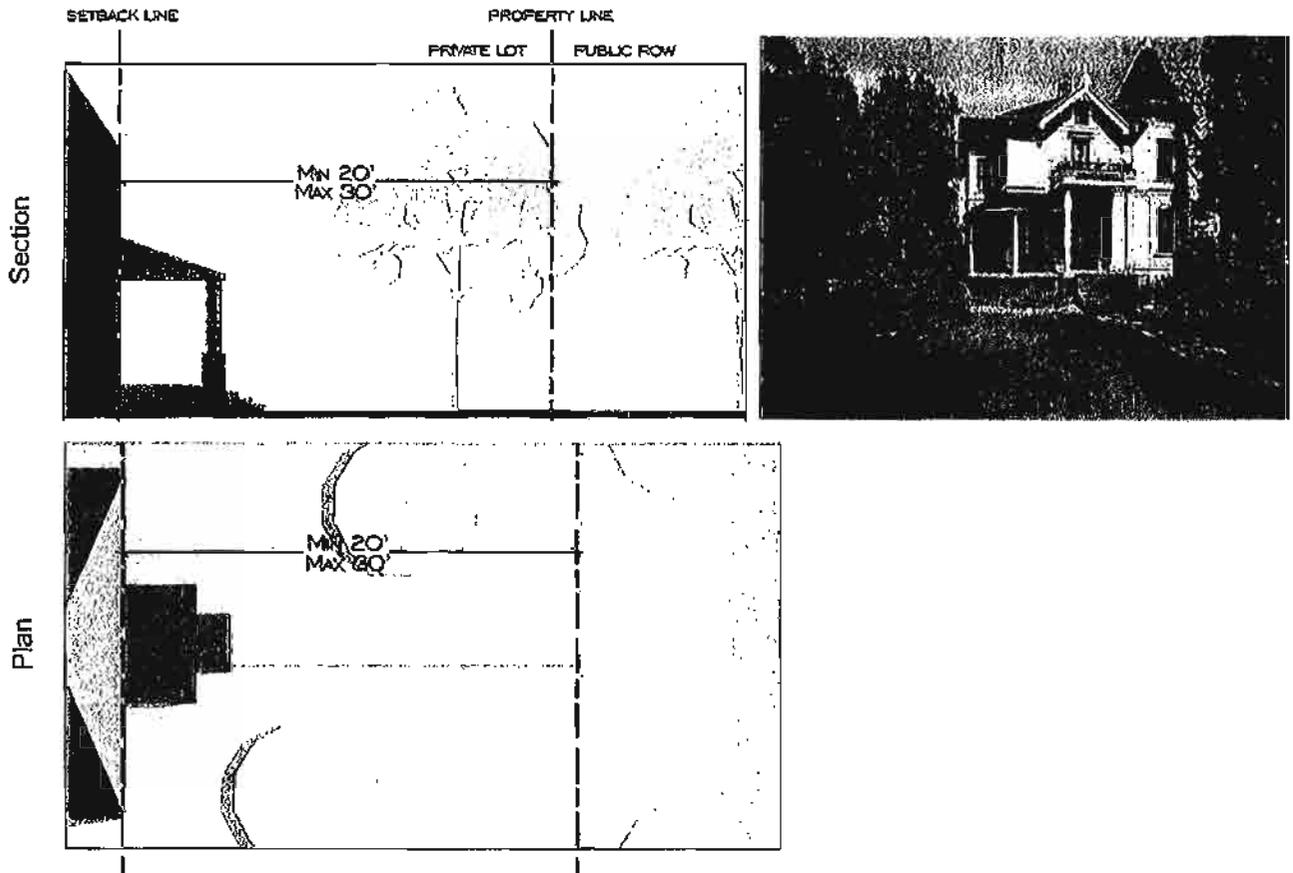
Secondary Streets D-A



Secondary Streets D-B

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

NEIGHBORHOOD YARD



- Minimum 20 foot setback,
- Maximum 30 foot setback

A Neighborhood Yard frontage is characterized by deep front yard setbacks. The building façade is set back substantially from the front property line. The resulting front yard is unfenced and is visually continuous with adjacent yards, supporting a common landscape. Porches and/or stoops are not required, though they are recommended.

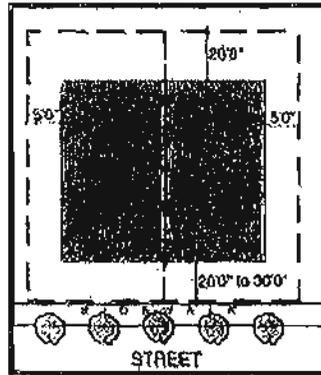
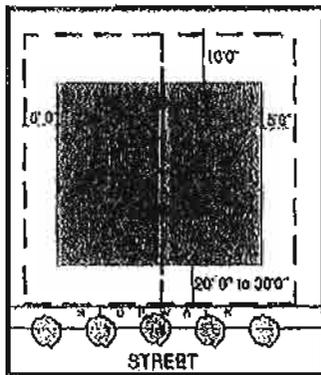
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Figure 17.58-11 Neighborhood Yard Setback Requirements

Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line				20' to 30'	20' to 30'		
Minimum Side Yard				5'	5'		
Minimum Rear Yard*				10'	20'		

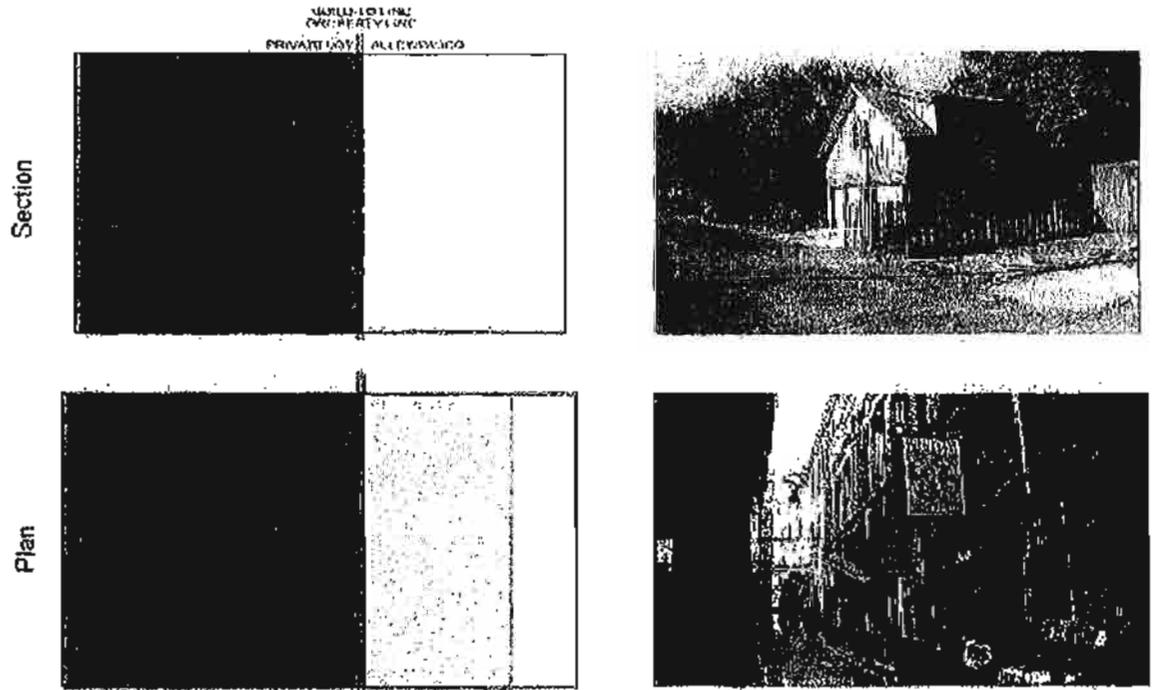
* Alley loaded garages may be located with a 0' rear yard setback.
 Note: A blank cell indicates that frontage type is not allowed in that zone.

Building Placement



CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

ALLEY/PASEO



An alley is a narrow public drive serving commercial and residential development. In commercial developments, alleys provide the primary service access and loading areas for businesses.

Paseos are local and private pathways serving pedestrians and bicyclists only, and may also provide limited service access during specified periods of the day. In addition, if it does not obstruct the flow of pedestrian traffic, portions of the paseo may also be used for outdoor dining, retail space, patios, art gardens, and related uses.

In commercial areas this type of frontage allows for buildings along the property line as well as the integration of courtyards into the property. When a ground-level courtyard is developed for a commercial or mixed use building, the courtyard may encompass any portion of the façade (e.g. 0% to 100%). The maximum depth of the courtyard, as measured from the alley or paseo, is 35% of the lot depth.

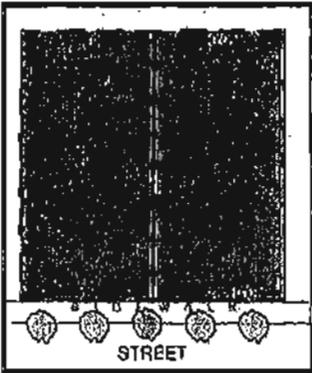
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Figure 17.58-12 Alley/Paseo Setback Requirements

Building Placement	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'		
Minimum Side Yard	0'	0'	0'	0'	0'		
Minimum Rear Yard ²	0'	0'	0'	0'	0'		

1. "Build To" lines are defined as the edge where the public right-of-way ends and the private property boundary begins. It is the maximum distance from the property line a front or street side building façade can be placed.

Building Placement



All Streets and Avenues

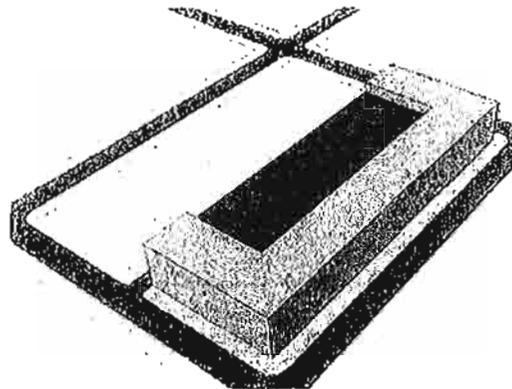
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

E. Building Types: The following building types are intended to provide a variety of flexible building styles appropriate for the small town character of Winters that can be used to guide future development. Allowed building types in the different districts and along the four street types are listed in Table 17.58-6 and defined below. An "X" means that the building type is allowed; a blank cell means that the building type is not allowed.

TABLE 17.58-13: ALLOWED BUILDING TYPES

Allowed Building Types	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Half Block Liner	X	X	X	X	X		
Infill	X	X	X	X	X		
Terraced		X	X	X	X	X	X
Front Yard Housing				X	X		
Rowhouse			X		X		
Courtyard Housing			X		X		

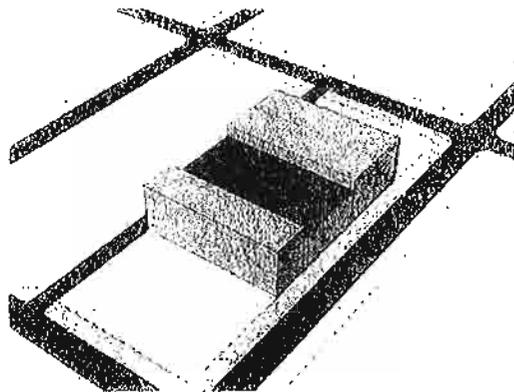
1. Half Block Liner. An attached building with a frontage of approximately one-third to one-half the length of a Downtown block, and zero side yard setbacks. It is used for mixed-use, residential, and commercial development.



Half-Block Liner

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

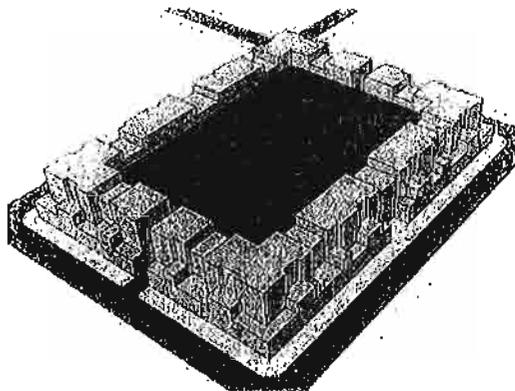
2. Infill. An attached building with a frontage that is less than one-third the length of a Downtown block, and zero side yard setbacks. It is used for mixed-use, residential, and commercial development.



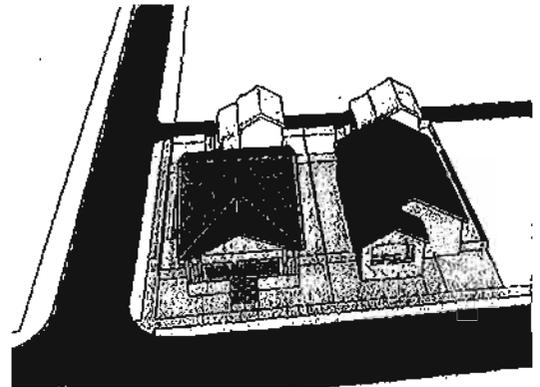
Infill Lot

3. Terraced. A mixed-use, residential, or commercial building characterized by individual units that are accessed via multi-leveled outdoor terraces. The terraces are intended to be semi-public spaces that are extensions of the public realm.

4. Front Yard Housing. A detached building designed as a single-family residence, duplex, triplex, or quadplex. Front Yard Housing is accessed from the sidewalk adjacent to the street build-to line.



Terraced Lot



Front Yard Housing

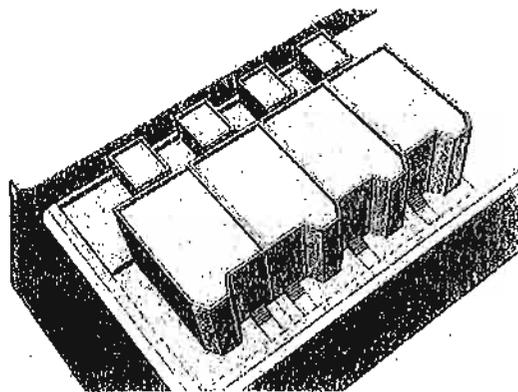
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

5. Rowhouse. Two or more detached two- or three-story dwellings with zero side yard setbacks. A Rowhouse may be used for non-residential purposes



Courtyard Housing

6. Courtyard Housing. A group of dwelling units arranged to share one or more common courtyards upon a qualifying lot in any zone. Dwellings take access from the street or the courtyard(s). Dwelling configuration occurs as townhouses, apartments, or apartments located over or under townhouses. The Courtyard is intended to be a semi-public space that is an extension of the public realm.



Rowhouse

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

F. Storefront Regulations: The following storefront standards are intended to provide continuity of building form at street level in Downtown Winters. Additionally, standards are meant to enhance the relationship between buildings and the sidewalk, subsequently encouraging more pedestrian activity.

Table 17.58-7 lists the storefront design standards. "Tags" refer to those elements labeled in **Figure 17.58-11** and described below (Storefront Design Standard Definitions). These standards shall also apply to alley and paseo development.

TABLE 17.58-14: STOREFRONT DESIGN STANDARDS

Storefront Standards	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Storefront Width	10' – 40'	20' – 50'	20' – 50'	15' – 35'	15' – 35'	20' – 50'	20' – 60'
Tag "a"							
Ground Floor Height	12' – 18'	12' – 18'	12' – 18'	10' – 15'	10' – 15'	12' – 20'	12' – 20'
Tag "b"							
Bulkhead Height	1.5' – 3'	1.5' – 3'	1.5' – 3'	1.5' – 3'	1.5' – 3'	0' – 4'	0' – 4'
Tag "c"							
Inset of front door from "Build-To" line	3' – 7'	3' – 7'	2' – 7'	2' – 6'	2' – 6'	2' – 5'	2' – 5'
Tag "d"							
Maximum Awning Extension from Building	6'	6'	6'	5'	5'	6'	6'
Tag "e"							

Storefront Design Standard Definitions.

a. Storefront Width. Refers to the front façade width as measured from one corner of the front façade to the other.

b. Groundfloor Height. Refers to the height of the front façade's first story as measured from the sidewalk level to the top of the "expression line". An "expression line" is an architectural embellishment that delineates the end of the ground floor and the start of the second floor of a building.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

c. **Bulkhead Height.** Refers to the height of the bulkhead which is the portion of a commercial façade located between the ground and the bottom of the street level display windows. It is typically constructed of stone, brick, or concrete.

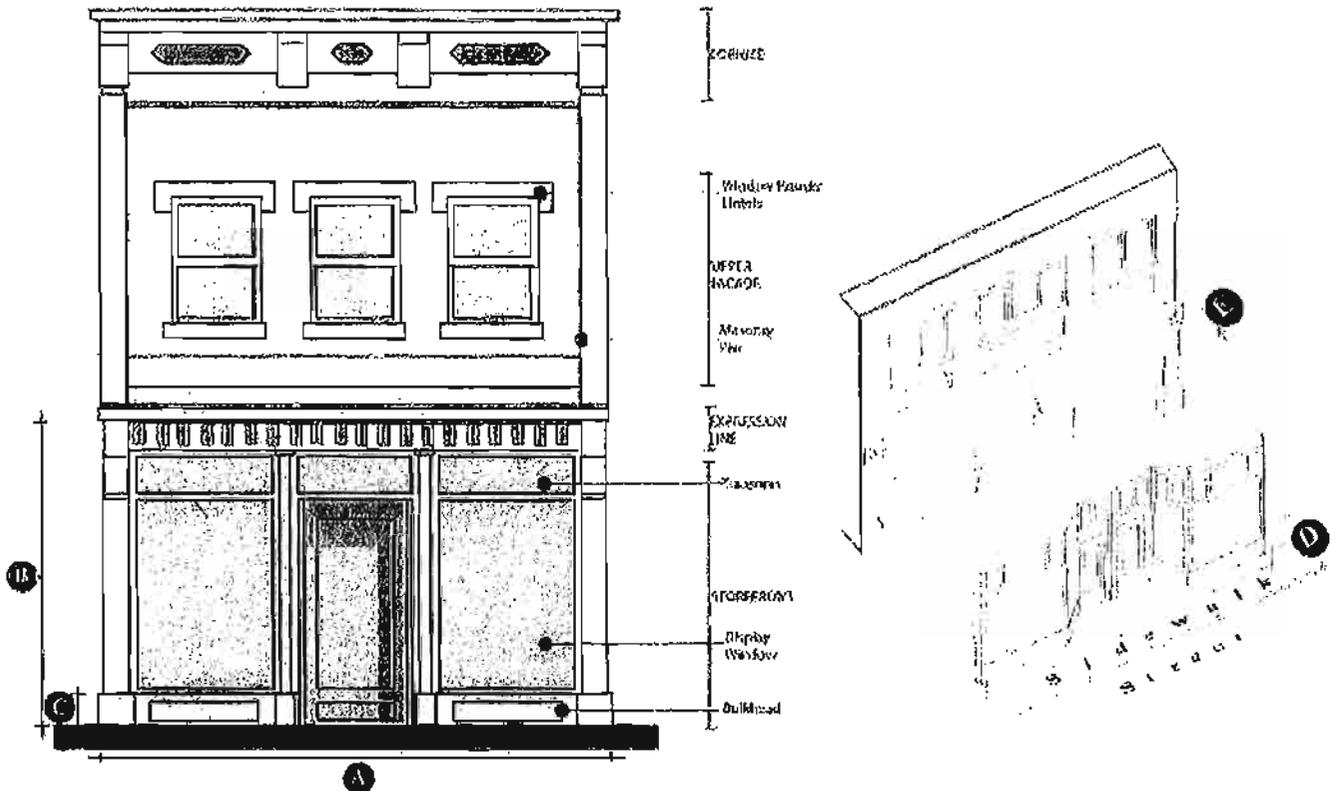
d. **Inset of Front Door from "Build-To Line".** Refers to the distance from the front door of the building to the "build-to line". A "build-to line" is an urban setback dimension that delineates the maximum distance from the property line a front building façade can be placed. Typically, build-to lines range from 0'-10'. See table 17.58-7 for build-to line regulations in Downtown Winters.

e. **Maximum Awning Extension from Building.** Refers to the maximum distance allowed between the building and the end of a fully extended awning. An awning is a temporary shelter that is supported from the exterior wall of a building. It is typically constructed of canvas or a similar fabric that is sturdy and flexible.

Storefront Standards

- 1 Storefront Width
- 2 Ground floor Height
- 3 Bulkhead Height
- 4 Inset of Front Door from "Build-To Line"
- 5 Maximum Awning Extension from Building

FIGURE 17.58-11: STOREFRONT DESIGN STANDARDS



CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

G. Parking. Parking requirements are intended to encourage pedestrian activity and economic growth in Downtown Winters. Parking facilities should be located in the back or sides of buildings in order to maintain a continuous retail façade for pedestrians along downtown streets.

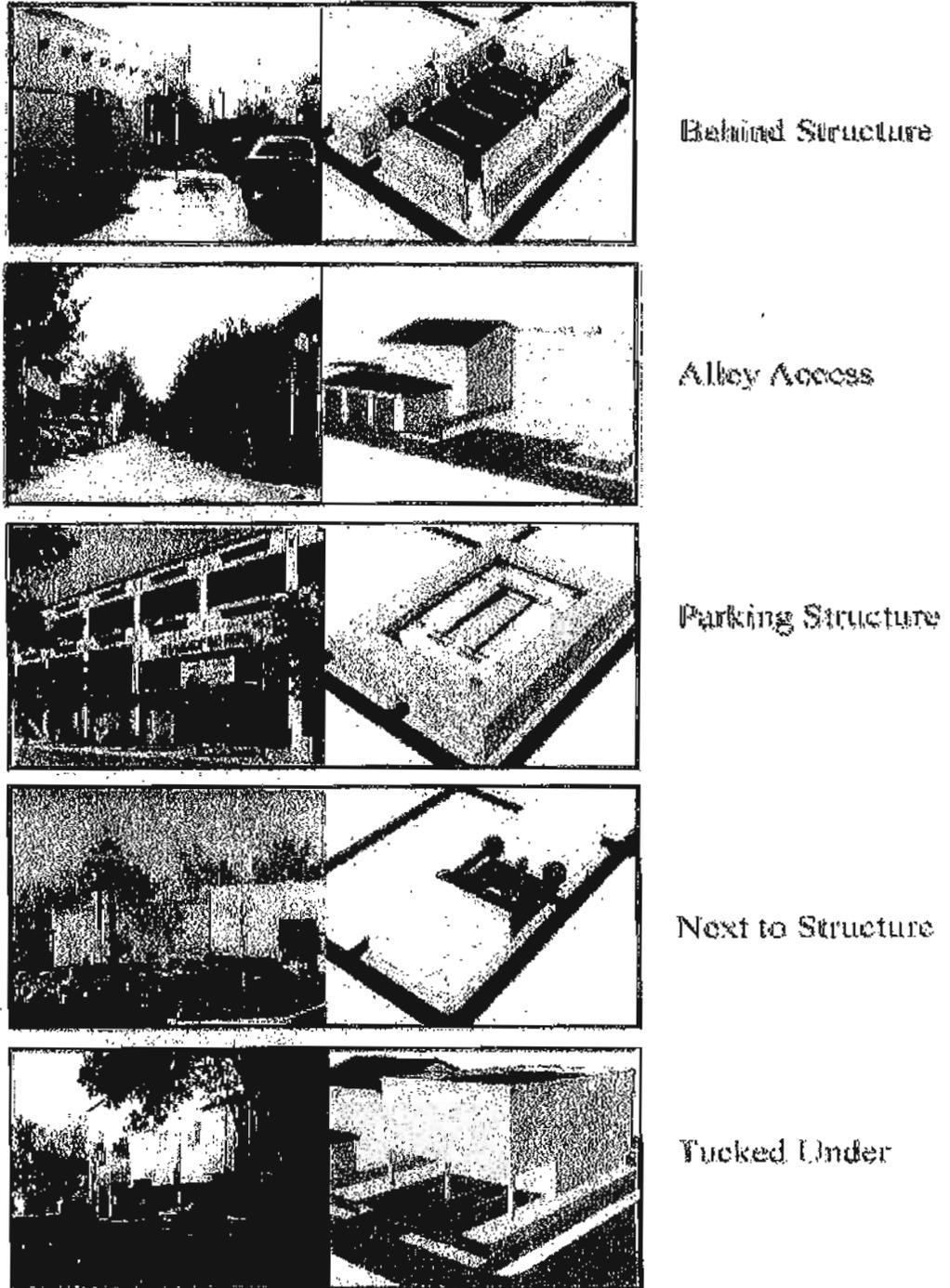
1. Allowable Parking Types. Allowable parking types listed in Table 17.58-8 and defined below. An "A" means that the parking type is allowed; a "P" means that the parking type is preferred and highly encouraged. A blank cell means that the parking type is not allowed.

TABLE 17.58-15: PARKING

Allowed Parking Types	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Surface Parking – Behind Building	P	P	P	A	A	P	P
Surface Parking – Next to Building		A	A	A		A	A
Alley Access	A	A	P	P	P	A	A
Parking Structure		A	A				A
Tucked Under Building		A	A		A	A	A
Allowed Parking Ratios	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Commercial	1 sp/400 sf	1 sp/400 sf		1 sp/400 sf		1 sp/400 sf	
Office	1 sp/500 sf	1 sp/500 sf		1 sp/500 sf		1 sp/500 sf	
Residential	N/A	1.5 sp/unit		1.75 sp/unit		N/A	
Allowed Bicycle Parking Ratios	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Commercial/Office	0.3 sp/1000 sf	0.3 sp/1000 sf		0.3 sp/1000 sf		0.3 sp/1000 sf	
Residential	N/A	1 sp/unit		1 sp/unit		N/A	

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

FIGURE 17.58-11: PARKING TYPES



CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

2. Parking Standards.

Downtown Winters should encourage "one-stop" parking where shoppers park once and visit multiple stores on foot. In addition, reduced parking requirements and shared parking lots will help create a pedestrian-oriented downtown environment.

a. Locating parking lots between the front property line and the building store front is prohibited. Instead, parking should be located to the rear of buildings.

b. When off-street parking in the rear is not possible, the visual impact of headlight bleed and the asphalt parking surface shall be minimized by landscaped berms and/or walls with a maximum height of three feet.

c. Rear parking lots should be designed and located contiguously, or adjacent to alleys, so that vehicles can travel from one private parking lot to the other either directly or via an alley without having to enter a street. This may be achieved with reciprocal shared access agreements.

d. In order to minimize conflicting vehicle turning movement along major roadways, the City encourages shared access drives within and between integrated non-residential developments. This reduces the number of driveway curb cuts. The City also encourages reciprocal access between non-residential developments to provide for convenience, safety, and efficient circulation. If incorporated, a reciprocal access agreement shall be recorded with the land by the owners of abutting properties to ensure that there will be continued availability of the shared access.

e. Parking areas that accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of larger parking areas.

f. Demarcation of parking spaces should be legible, and the spaces should be adequate but not overly generous.

g. Locate rear parking lots or structure entries on side streets or alleys in order to minimize pedestrian/vehicular conflicts.

h. Create wide, well-lit, landscaped pedestrian walkways connecting onsite pedestrian circulation systems in parking lots to offsite public sidewalks and building entries.

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

i. The layout of parking areas should be designed so that pedestrians walk parallel to moving cars.

j. Parking structures (privately owned and operated) are encouraged to incorporate retail and/or office space on the street level of the structure. This prevents the structure from becoming a pedestrian "dead zone" in Downtown Winters.

H. Landscaping. Landscaping in Downtown Winters should be pedestrian-oriented and reflect and enhance the area's small town charm. These provisions emphasize the use of potted plants, trees, landscaping along urban streetscapes, and within urban parking lots. Landscaping shall be provided on-site consistent with the standards set forth below.

1. Landscaping Standards.

a. Street Trees. Street trees shall be provided every 30 feet on center within the required landscape area. Tree selection shall be from the City's adopted street tree list and as approved to the satisfaction of the Community Development Director.

b. Standard Design Concepts.

i. Use landscaping to complement the architecture, provide visual interest, to minimize the impact of incompatible land uses, and to establish a transition between adjacent developments. Plant materials can absorb sound, filter air, curtail erosion, provide shade, and maintain privacy.

ii. Provide landscaping to break up blank walls, shade pedestrians, accent entries, and soften the connection of paving for vehicles to buildings.

iii. Landscaping strips on public streets should be wide enough for canopy shade that is consistent with the street width. See standards for landscape area width in section 17.58.040.

iv. The use of alternative types of landscaping strip ground cover is strongly encouraged. Standard grass strip is discouraged.

v. Parking facilities shall attain and maintain a minimum of 50 percent tree canopy coverage within ten years of completion of construction to provide shade and minimize visual and environmental impacts.



Tree canopies in parking lots provide shade

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

vi. In surface parking lots, trees should be installed at a ratio of one tree per three parking stalls for the perimeter of the parking lot, and one tree per six spaces for the interior of the parking lot.

vii. Placement of trees and shrubs should not conflict with vehicular overhangs, traffic and visibility patterns, and onsite structures.

viii. Owners of vacant lots without any structures shall seed and turf the lot(s) on a regular basis, or appropriately secure the lot(s), or allow the lot(s) to be maintained by neighborhood residents as a community garden.

ix. Owners of vacant lots that contain structures shall maintain the existing landscaping on a regular basis so that the lot(s) remain tidy, attractive and not become overgrown or a nuisance.

x. Landscape should be oriented in accord with the demands of the species for sunlight, and its susceptibility to the prevailing wind.

c. Irrigation. Irrigation of landscaping shall only be directed onto the landscaping. Spillover onto hardscape shall be minimized to the maximum extent feasible.

d. Tree Grates/Guards

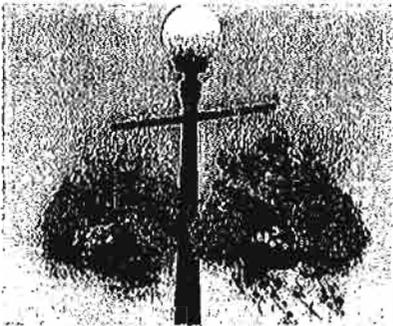
i. Install structural soil systems to direct new root growth downward below hardscape areas. This helps to postpone root damage caused to the surrounding hardscape and structures. Additional service life may be achieved by providing deep watering and air to root systems as appropriate when trees are planted within five feet of any permanent structure/paving/curb. Structural soil systems are preferred over root barriers as they are often more effective.

ii. A minimum of six feet of structural soil shall be provided for trees. The area of enhanced root zone environment shall be enlarged beyond this minimum according to the species size planted. The structural soil can be provided under tree grates and pavement.

iii. Trees and landscaping installed in parking lots should be protected from vehicle damage by a minimum six-inch tall concrete curb surrounding the planter area. Planter barriers to protect landscaping should also be designed with intermittent curb cuts to allow parking lot runoff to drain into landscape areas.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

iv. Tree grates should be utilized at passages to provide a continuous walking surface while providing adequate space for the tree to grow.



Hanging baskets beautify the Downtown.

e. Pots and Planters

i. Boxed and container plants in decorative planters of ceramic, terra cotta, metal, wood, or stucco should be used to enhance public areas.

ii. Large planters may also be incorporated into seating areas. Such planters should be open to the earth below and be provided with a permanent irrigation system.

iii. Hanging flower baskets enhance the beauty of the Downtown and are encouraged. Supports and irrigation systems for hanging flower baskets should be considered for lamp posts, arcades, galleries and porches.

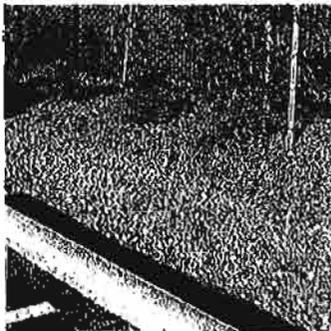
f. Water Quality and Urban Runoff in Redevelopment Areas.

Because of the proximity of the Downtown to Putah Creek and the potential impact of urban activities on the natural environment, water quality and urban runoff in redevelopment areas is of particular concern. The use of bioswales and landscaped water quality basins represent the preferred approach to urban runoff and stormwater quality control in the D-B Zone. Such features add aesthetic character, utilize natural materials, and serve as a functional element that allows for stormwater management.

i. Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance of stormwater management methods and allow for groundwater recharge.

ii. Bioswales shall be used to collect surface runoff before it crosses pavement areas and to reduce ponding and damage to walkways. Bioswales shall be graded to direct water away from paved areas into detention basins.

iii. Bioswales shall utilize a slope that is steep enough to prevent ponding and shallow enough to slow water velocity. Soils must not readily drain water; the goal is to get cleaner water to flow downstream. Recommended slopes of one to four percent should be used. Flow should be sufficiently low enough to provide adequate residence time within the channel. Flow depth should not be taller than the vegetation (a maximum depth of four inches



A small bioswale along the edge of a parking area.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

in recommended). Final design of bioswales shall be subject to approval of the City Engineer.

iv. Porous paving shall be considered when designing paved areas. If used, porous paving shall first be approved and shall be applied as directed by the City Engineer.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

17.58.070 ARCHITECTURAL AND DESIGN STANDARDS

The purpose of these Architectural and Design Standards is to guide preservation, improvements, renovations, and future development in Downtown Winters. These provisions describe and illustrate architectural and design standards that are appropriate for Downtown Winters. They establish the criteria used by the City in reviewing proposed development, and are intended to encourage high quality design and development, creativity and innovation in Downtown Winters.

Please note that the mandatory development standards contain the words "shall", "must", or "will". Standards that contain the word "should" mean that an action is required unless a determination is made that the intent of the standard is satisfied by other means.

A. Site Design. Siting involves a project's relationship to the property, the street, and adjacent buildings. In the downtown area, buildings should be sited in ways that provide a comfortable and safe environment for pedestrians while accommodating vehicles.



Buildings should meet the front setback lines to create a continuous building street wall

1. Building Siting

- a. Most of the building "streetwall" should meet the front setback lines, except for special entry features, architectural articulation, and plaza areas or other public spaces.
- b. Residential buildings should be oriented towards the street for safety considerations as well as to encourage social interaction among neighbors.

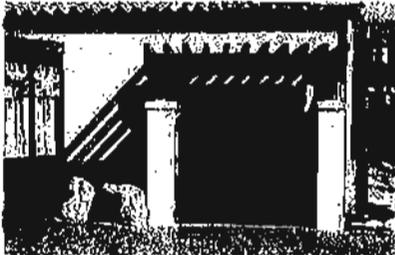
2. Compatibility with adjacent uses

- a. Commercial uses shall reduce potential nuisances to adjoining residential property by locating trash enclosures, loading areas, and restaurant vents away from residential uses and by proper screening of utilities and equipment.
- b. Commercial uses developed as part of a mixed-use project (with residential units) should not be noise intensive.
- c. A 15 foot minimum landscaped buffer should be provided between a commercial or mixed-use structure and an adjoining residential parcel unless the type of building use calls for a wall to be located along the property line and the wall(s) include a sound-reducing design.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

d. Drive-thrus are not allowed within the Downtown Form-Based Code Area.

3. Refuse, Storage, and Equipment Areas



Trash bins and other service areas should be located away from public streets and be screened from view

a. Trash storage must be fully enclosed and incorporated within the main structures or separate freestanding enclosures. Where practical, storage at each unit is preferred over common enclosures. Trash storage cannot be placed under stairways.

b. All trash and garbage bins should be stored in an approved enclosure. Refuse containers and service facilities should be screened from view by solid masonry walls with wood or metal doors. Chainlink fencing with slating is generally discouraged. Use landscaping (shrubs and vines) to screen walls and help deter graffiti.

c. Trash enclosures should allow convenient access for commercial tenants. Siting on-site service areas in a consolidated and controlled environment is encouraged.

d. Trash enclosures should be located away from residential uses to minimize nuisance for the adjacent property owners. The enclosure doors should not interfere with landscaping, pedestrian, or vehicle path of travel.

e. Trash enclosures should be architecturally compatible with the project.

f. Refuse storage areas that are visible from an upper story of adjacent structures should provide an opaque or semi-opaque horizontal cover/screen to reduce unsightly views. The screening should be compatible with the design of adjacent development and shall be approved by the Fire Department.

g. Every public, quasi-public, commercial, or mixed-use development containing two or more units or businesses shall provide at least one publicly accessible on-site trash receptacle.

h. Public trash cans along the street or a paseo may not be located near eating areas.

i. Location and design of trash storage and enclosures is subject to approval by the Fire Department.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

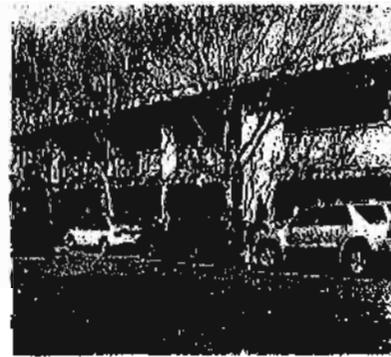
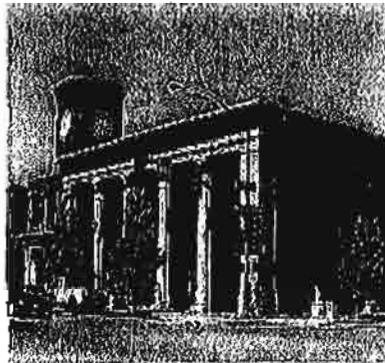


Buildings at street corners should be oriented to both intersecting streets with a building entrance fronting directly onto the corner

B. Architectural Standards. The purpose of the Architectural Standards is to guide improvements, renovations, and future development in Downtown Winters to be consistent with the vision and goals for the area as detailed in the Downtown Master Plan and this zoning code. These guidelines describe and illustrate building and landscape designs that are appropriate for Downtown Winters. They establish the criteria used by the City in reviewing proposed development, and are intended to encourage high quality design and development, creativity and innovation.

1. General Design Standards

- a. Awnings and overhangs should be used in conjunction with street trees to provide visual interest and shade for pedestrians.
- b. Any seismic structural upgrading should be conducted in the interior of the building, if possible, unless the structural elements blend into the architecture of the exposed façade. Seismic structural upgrades shall not block or alter the original design of storefront windows.



Facades of larger buildings should be divided into pedestrian scaled modules

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

2. Building Height, Form, and Mass



Primary facades should create a high level of transparency along the street

a. Incorporate elements such as covered walkways, building arcades, and trellises into the design of large structures which provide a transition to the human scale, particularly at the ground.

b. Create a comfortable and human scale of structures.

c. Corner buildings should have a strong tie to the front setback lines of each street. Angled building corners or open plazas are encouraged at corner locations.

d. On sites with multiple structures, buildings should be linked visually and physically. These links can be accomplished through architecture and site planning, such as trellises, colonnades or other open structures combined with landscape and walkway systems.

e. As a general rule, the scale of building(s) on a site edge should be compatible with the scale of adjoining development. Where surrounding development is of a small scale, large-scale buildings should be located internal to the site and transition down in scale as the outer edge of the site approaches.

f. Do not place the backs of buildings along a street frontage. Include entrances or public views into the site or building. If the rear of the building must be located along a street because of site constraints, then architectural detailing shall be included that provides the illusion of being a front to the building.

g. Building mass should be parallel or on axis with adjacent street(s).

3. Facades, Windows, and Doors

a. Design building entrances as prominent and easily identifiable; also, form a transition between the exterior and interior. Provide building entries with adequate lighting for security. Any building with more than 75 feet of street frontage should have at least one primary entry.

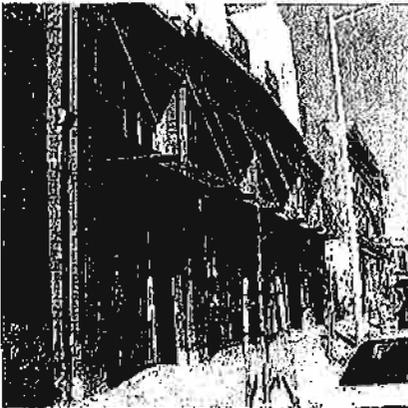
b. Building entrances should be designed to protect patrons and employees from the elements.

c. Elements of architecture including window and door placement shall be designed to add variety and interest to the project.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

d. Windows shall not be blocked from inside a building due to retail display racks, plywood sheets, posters, et cetera.

e. Additional sunlight should be brought into large developments through the use of atriums and skylights.



f. The use of security grills at windows and doors is highly discouraged. If security grilles are necessary, they shall be placed inside the building, behind the window display area, or otherwise hidden from public view.

g. The physical design of buildings facades should vary at least every 50 linear feet (quarter block). This can be achieved through such techniques as:

- Architectural Division into multiple buildings,
- Break or articulation of the façade,
- Significant change in facade design,
- Placement of window and door openings, or
- Position of awnings and canopies.



Durable materials should be used, particularly at ground level, where they are more visible

h. The design of the project shall be expressed on all exterior elevations of the building.

i. If maintaining a horizontal rhythm or alignment as a result of infill construction is not feasible, the use of canopies, awnings, or other horizontal devices should be included to maintain a (shared) horizontal rhythm.

j. Mullions - "true divided light" windows or sectional windows are recommended where a divided residential window design is desired; "snap-in" grilles or mullions shall not be used.

k. Primary building entrances should be oriented toward the street.

l. In no case shall any façade consist of a blank wall.

4. Roofs and Upper Story Details

a. Roofs should be given design considerations and treatment equal to that of the rest of the building exteriors.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

- b. Roofline elements should be developed along all elevations.
- c. Articulate side and rear parapet walls by using height variations, relief elements, and thoughtfully designed scuppers, downspouts, and expansion joints.
- d. Cornice lines of new buildings (a horizontal rhythm element) should transition with buildings on adjacent properties to avoid clashes in building height.
- e. The visible portion of sloped roofs should be sheathed with a roofing material complementary to the architectural style of the building and other surrounding buildings.
- f. The flat roofs of commercial buildings are encouraged to be used for outdoor lounges and dining areas when appropriate.
- g. Access to roofs should be restricted to interior access only.



Undesirable Fencing

5. Walls and Fences

- a. Walls and fences should be integrated with the overall building and site design, and shall not exceed three feet in height in the front or side yards in order to avoid the appearance of being a "fortress".
- b. The use of chain link, fabric, or concrete block fencing is prohibited.
- c. Fencing shall not obscure the front elevation of the primary structure on the property. Therefore, front yard privacy fences should not be allowed. Structural members of a fence should be turned in to face into the property.
- d. The finished side of the fence should be presented to the street. On corner lots, the guidelines apply to the front yard and street side yard of the property.

6. Building Materials and Colors

- a. Buildings and structures should be constructed with durable, low-maintenance, and timeless building materials of the same or higher quality as surrounding developments.
- b. Metal seam, clay tile, concrete tile, or a similar grade of roofing material shall be used on all visible pitched roofs.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

c. Factory-built, prefabricated, pre-manufactured buildings, portable, and similar structures, while generally discouraged, may be allowed and shall be designed in accordance with these Standards.

d. All building materials shall be properly installed.

e. Horizontal material changes should not occur at external corners, but may occur at interior corners, or at other logical terminations.

f. Reflective materials should not be used to clad a building; however, if reflective materials must be used to protect the integrity of the architectural design, then the material absolutely shall not be a nuisance to the occupants of the existing surrounding structures, or a safety hazard to any type of traffic.

g. All abandoned materials including pipes, conduits, wires, and signs shall be removed and sign anchors shall be patched to match adjacent surfaces. Operational pipes, conduits, etc, must be hidden.



Mixed-Use Development

h. Mixed-use commercial developments that contain residential units on the upper levels shall utilize materials with known vibration and sound-reduction qualities in order to minimize noise impacts.

i. Corrugated metal is an acceptable building material as long as it is not visible from a public street. However, it is acceptable for corrugated metal to be visible from an alley.

j. Colors should be consistent with a historic small rural town including, but not limited to, shades of brown and dark reds, yellows, and greens. A wide variety of colors should be considered, and accent colors are encouraged. In no case shall color be used to deny a project, except that black as a primary building color shall

be prohibited due to its severe nature. Brick shall not be painted unless it has been determined by the Community Development Department that the brick has lost its "fire face" and painting is necessary to assist in slowing the degradation of the brick and mortar.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

- k. Stucco is discouraged for use as a building material unless it exhibits a high quality of workmanship and finish.

7. Hardscape Materials



Pedestrian pathways are distinguished through the use of colored materials.

- a. Hardscape materials used in pedestrian-oriented spaces such as plazas, paths and sidewalks shall be attractive, durable, slip-resistant, of high quality, and compatible in color and pattern with a project's design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit maneuverability for people of all abilities.

- b. Pedestrian pathways crossing an on-site vehicle drive aisle, loading area, or parking area, shall be made identifiable by the use of an alternative hardscape material such as pavers, patterned, stamped or colored concrete.

- c. The primary hardscape materials used for pedestrian spaces shall be high quality poured in place concrete and silver-toned concrete.

8. Franchise/Corporate

- a. The scale, design, and materials of franchise/corporate architecture should be consistent with adjacent buildings.

- b. The City recognizes the unique development constraints for corporate retailers to accommodate the sales volume and vehicle parking demand of its users. The City encourages creative design solutions for franchise retail development to minimize the "one size fits all" look of corporate architecture.



Provide adequate security lighting for pedestrians

9. Security

- a. Create a secure development for both the site and its occupants by minimizing opportunities for crime and undesirable activities through natural surveillance, access control, and activities.

- b. Locate buildings and windows to maximize visibility of entryways, pathways, and parking lots.

- c. Adequate security and safety lighting for pedestrians from parking spaces to all building entries and exits shall be provided.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

d. Street addresses for commercial, public, or multi-use residential buildings shall be easily visible on the front of the building both during the daytime, and at night.

C. Lighting. In Downtown Winters lighting fixtures within developments should be attractively designed to complement the architecture of the project and surrounding development, and should improve the visual identification and safety of residences and businesses. Additionally, consideration should be given to the effects of light pollution on the environment, as well as energy conservation technologies.

1. General Design Standards



Lighting should provide security and visual interest



Lighting directed downward (down lit) with shielding

a. Lighting shall provide security and visual interest.

b. All exterior doors, aisles, passageways and recesses shall be equipped with a lighting device providing a minimum maintained one foot-candle of light at ground level during hours of darkness. Vandal resistant covers should protect lighting devices.

c. Decorative accent lighting and fixtures above the minimum one foot-candle illumination levels of surrounding parking lots should be provided at vehicle driveways, entry throats, pedestrian paths, plaza areas, and other activity areas.

d. Exterior lighting shall be sited and installed in a manner to minimize glare and light spillage beyond property lines. Outdoor light fixtures shall be the lowest wattage necessary to accomplish adequate lighting. Lighting shall be downlit, shielded, and directed away from areas not intended to be lit and from the night sky. All light fixtures shall be installed and shielded in such a manner that no visible light is emitted from the fixture at angles above the horizontal plane.

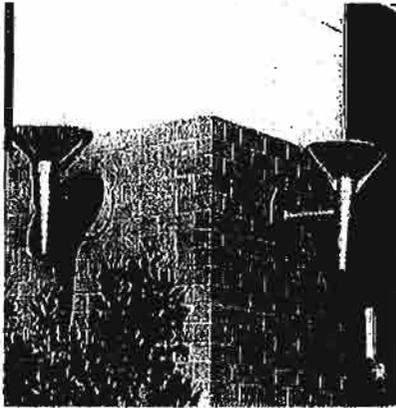
e. Lighting fixtures should be attractively designed to complement the architecture of the project.

f. Lighting should improve visual identification of residences and businesses and create an inviting atmosphere for passersby.

g. Wall mounted lights should be used to the greatest extent possible to minimize the total number of freestanding light standards.

h. Parking lot lighting fixtures should not exceed 35 feet in height. When within 50 feet of residentially zoned properties, fixtures should not exceed 20 feet.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN



Wall-mounted lights should be used to the greatest extent possible



Lighting should add drama and character to a building while being consistent with its character

i. Light standards within parking lots should be designed with raised bases to protect them from damage by vehicles.

j. Provide street lighting that is scaled for the pedestrian while still meeting vehicular needs. On local streets and within project sites, fixtures should be primarily oriented towards pedestrian's needs. On major streets, light fixtures serve to both illuminate pedestrian areas and roadways. Consider the location and intended audience when choosing a light fixture for a project.

k. Lighting for a parking lot or structures should be evenly distributed and provide pedestrians and drivers with adequate visibility and safety level at night.

l. Lighting shall be maintained along the pathway of "urban trails" (i.e. those between buildings and in dense areas of the City) at a level sufficient to make the trail and abutting landscaping visible and safer at night while not detracting from the physical and aesthetic aspects of the trail and spilling onto abutting residential uses. Light fixtures should be vandal resistant.

m. The light source used in outdoor lighting should provide a white light for better color representation and to create a more pedestrian friendly-environment.

n. Low pressure sodium lamps are prohibited.

o. Lighting should be consistent with the historic small town character of Winters.

D. Sign Design. Signs in the Downtown Form-Based Code Area are regulated by Chapter 17.80 (Signs) of the Winters Municipal Code. The following design standards are intended to guide the design of signs in the downtown and will be used as a basis of consideration for review of sign permits and management of signs in the downtown.

Design, color, materials, size, and placement are all important in creating signs that are architecturally attractive and integrated into the overall site design. Signs that are compatible with the surroundings and effectively communicate a message will promote a quality visual environment.

a. General Design Standards

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

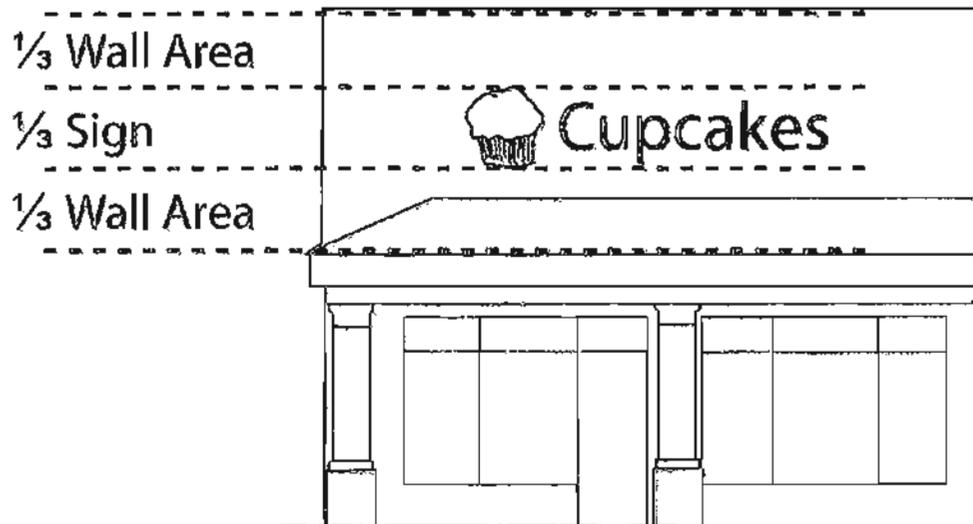
- i. Design signs in harmony with the style and character of the development and as an integral design component of the building architecture, building materials, landscaping, and overall site development.
- ii. Sign letters and materials should be professionally designed and fabricated.
- iii. Exposed conduit and tubing (raceway) is prohibited. All transformers and other equipment shall be concealed.
- iv. All signs shall be maintained in good repair, including the display surface, which shall be kept neatly painted or posted.
- v. The exposed back of all signs visible to the public shall be suitably finished and maintained.
- vi. The use of retractable awnings as a signage tool is acceptable.
- vii. Non-conforming City-designated "Heritage Signs" shall be protected.

b. Placement

- i. Signs should be generally free of obstructions when viewed from different angles. However, trees or other landscaping that grows to a point that it obstructs the view of a sign or makes it illegible shall not be grounds for removal or trimming of the plant(s).
- ii. Utilize a consistent proportion of signage to building scale, such as 1/3 text to 2/3 wall area or 1/4 text to 3/4 wall area. See Figure 17.58-14 (Text Scale).

FIGURE 17.58-14: TEXT SCALE

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

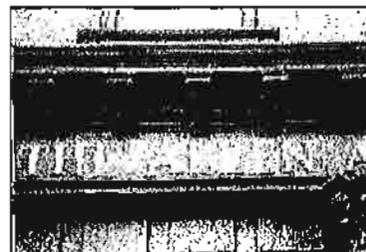


c. Materials.

- i. Paper and cloth signs are appropriate for interior temporary use only and are not permitted on the exterior of a building.
- ii. A-frame signs shall be constructed of architecturally compatible materials such as metal or wood. Plastic or similar material A-frame signs are prohibited.
- ii. The use of neon is permitted in the D-A zone if it fits with the style of the architecture (e.g., art deco) and is not a nuisance (e.g., produce glare) to the surrounding properties.

Sign Tips: Colors and Materials

- Use exterior materials, finishes, and colors in harmony with, or an upgrade to, those of the buildings or structures on site.
- The selected materials need to contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.
- Contrast is an important influence on the legibility of signs. Light letters on a dark background or dark letters on a light background are most legible.
- Limit the total number of colors used in any one sign. Small accents of several colors may make a sign unique and attractive, but the competition between large areas of many different colors decreases readability.



Exterior materials, finishes, and colors should be the same or similar to those of the building or structures on site.

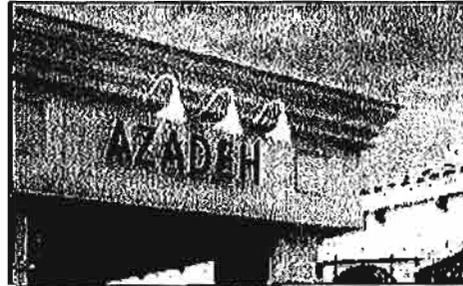
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

d. Sign Legibility.

- i. Avoid spacing letters and words too close together. Crowding of letters, words or lines will make any sign more difficult to read. Conversely, over-spacing these elements causes the viewer to read each item individually, again obscuring the message. As a general rule, letters should not occupy more than 75% of the sign panel area.

Sign Tips: Legibility

- Use a brief message whenever possible. Fewer words help produce a more effective sign. A sign with a brief, succinct message is easier to read and looks more attractive.
- Limit the number of lettering styles in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for large signs.
- Use symbols and logos in the place of words whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message.
- Avoid hard-to-read, overly intricate typefaces and symbols. Typefaces and symbols that are hard to read reduce the sign's ability to communicate.



A brief message with simple lettering is easy to read and identify.



Light source must be directed against the sign such that it does not shine into adjacent property or cause glare for motorists and pedestrians.

e. Sign Illumination

- i. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impact on residential properties in direct line of sight to the sign;
- ii. Whenever indirect lighting fixtures are used (fluorescent or incandescent), care shall be taken to properly shield the light source to prevent glare from spilling over into residential areas and any public right-of-way.
- iii. Internally illuminated plastic box "canned" signs are prohibited. Individually illuminated channel letters are acceptable.
- iv. Signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;
- v. Light sources shall utilize energy efficient fixtures to the greatest extent possible and shall comply with Title 24 of the

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

California Code of Regulations (California Building Standards Code).

Sign Tips: Illumination

- If the sign can be illuminated by an indirect source of light, this is usually the best arrangement because the sign will appear to be better integrated with the building's architecture. Light fixtures attached to the front of the structure cast light on the sign and the face of the structure as well.

- Individually illuminated letters should be backlit. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.



Spotlights are preferred for wall and projecting signs.

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

17.58.080 SPECIAL USE REGULATIONS AND OTHER STANDARDS

The following Special Use Regulations is to address concerns and provide standards for the following types of development and issues specific to Downtown Winters. These standards are intended to provide guidance to planners, developers, builders, businesses, and residents to ensure consistency with the vision and goals defined in the Downtown Master Plan and this zoning code.

A. Live/Work. Live/work units are built spaces that function predominantly as work spaces and secondarily as residences.

Live/work units shall comply with the following standards:

1. The unit must contain a cooking space and bathroom in conformance with applicable building standards.
2. Adequate and clearly defined working space must constitute no less than fifty percent of the gross floor area of the live/work unit. Said working space shall be reserved for and regularly used by one or more persons residing there.
3. At least one residence in each live/work unit shall maintain at all times a valid city business license for a business on the premises.
4. Persons who do not reside in the live/work unit may be employed in a live/work unit when the required parking is provided.
5. Customer and client visits are allowed when the required parking is provided.
6. No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

B. Newspaper racks. For the purpose of this section, "newspaper rack" is defined as any type of unattended device placed upon or abutting any public right-of-way for the vending, display, or free distribution of, newspapers, news periodicals, or other written materials.

1. Permission to install a newspaper rack requires an Encroachment Permit from the City of Winters.
2. No person shall place, erect, install, service, stock or maintain any newspaper rack or courtesy bench which obstructs or intrudes upon, in

CITY OF WINTERS

FORM-BASED CODE FOR DOWNTOWN

whole or in part, any public right-of-way. A minimum of 4 feet of clear walkway must be maintained.

3. Newspaper racks shall not be located directly in front of a building entrance.

4. Newspaper racks may not be anchored to a light pole, street sign, or other similar street element.

5. Any vendor choosing to distribute free publications in Downtown Winters shall use modular newspaper racks provided and maintained by the City. Individual privately owned free-standing newspaper racks shall not be permitted for the purpose of distributing free publications.

C. Public Art. For the purpose of this section, "public art" in Downtown Winters is defined as permanent or temporary works of art in the public realm, whether part of a building or free-standing.

1. Public art shall be incorporated into public plazas, parks, and municipal buildings. Additionally, the incorporation of public art into private development projects is strongly encouraged.

2. Possible types of public art include but are not limited to the following options:

a. Building features and enhancements such as bike racks, gates, benches, water features, or shade screens, which are unique and/or produced in limited editions by a professional artist.

b. Landscape art enhancements such as walkways, bridges, or art features within a garden.

c. Murals or mosaics covering walls, floors, and walkways. Murals may be painted or constructed with a variety of materials, including the use of imbedded and nontraditional materials.

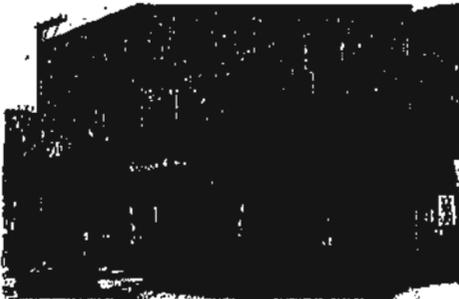
d. Sculptures, which can be freestanding, wall-supported or suspended, kinetic, electronic, and made of durable materials suitable for the site.

e. Fiberwork, neon, or glass artworks, photographs, prints, and any combination of media including sound, film, and video systems, or other interdisciplinary artwork applicable to the site. The use of light, sound, film, and video shall not create a nuisance for neighboring properties.

f. Community arts projects resulting in tangible artwork, such as community murals, sculptures, or kiosks.

CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

D. Storefront Vacancy. For the purpose of this section, a "storefront vacancy" in Downtown Winters is defined as a vacant commercial ground floor (street level) space in any otherwise occupied or unoccupied building.



Appropriately maintained storefronts

1. Vacant storefronts shall be properly locked and secured to prevent unauthorized trespassing during the period of vacancy.
2. The exterior façade of vacant storefronts shall be maintained by the property owner at the same level of quality as surrounding occupied storefronts and buildings.
3. Property owners of vacant storefronts shall implement creative temporary alternative uses of storefront window areas such as utilizing them as a display area for community info, public art by local artists, and merchandise from other stores.
4. Property owners of vacant storefronts shall consult with the City's Economic Development staff regarding possible available tenants.
5. Vacant storefronts shall not be boarded up, or otherwise appear derelict or abandoned.
6. An adequate level of exterior security lighting shall be regularly maintained regardless of storefront occupancy status.

Attachment B



NEGATIVE DECLARATION

Pursuant to Title 14, Chapter 3, Sections 15070 and 15071 of the California Code of Regulations, the **City of Winters** does prepare, make, declare, publish, and cause to be filed with the County Clerk of Yolo County, State of California, this Negative Declaration for the Project, described as follows:

PROJECT TITLE: Form Based Code for Downtown Winters

PROJECT DESCRIPTION: The project is the adoption and implementation of the Form Based Code for Downtown Winters including the following:

- 1) General Plan Amendment to delineate a portion of the Central Business District as the Downtown Master Plan Area and a portion of that as the Downtown Form Based Code Area. The Downtown Master Plan was adopted by the City in 2006.
- 2) Amend General Plan Central Business District designation to eliminate Floor Area Ratios within the Downtown Form Based Code Area.
- 3) Amend General Plan policies to provide for mixed use and allow bed and breakfast inns as a permitted use within the Downtown Form Based Code Area.
- 4) Amendment of the City of Winters Municipal Code to include the Form Based Code for Downtown as Chapter 17.58
- 5) Rezone project area from C-2 to the following zones:
 - Main Street DA
 - Railroad Avenue DA
 - Railroad Avenue DB
 - Grant Avenue DA
 - Grant Avenue DB
 - Secondary Street DA
 - Secondary Street DA

PROJECT LOCATION: Downtown Winters - Main Street from Second Street to Elliott Street and Railroad Avenue from Wolfskill Street to just north of Anderson Avenue and includes portions of Grant Avenue, Abbey, East Abbey, East Edward, East Baker, and Wolfskill Streets. It encompasses approximately 33.5 acres.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Winters, City Council

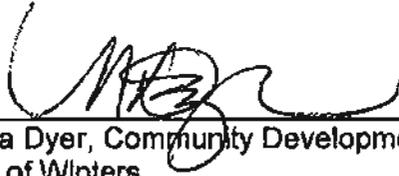
CONTACT PERSON: Nelia Dyer, Community Development Director (530) 795-4910 ext 114

NAME OF ENTITY OR AGENCY CARRYING OUT PROJECT: City of Winters

NEGATIVE DECLARATION: The City of Winters has determined that the subject project, further defined and discussed in the attached Environmental Checklist/Initial Study will not have any significant effects on the environment. As a result thereof, the preparation of an environmental impact report pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required. The attached Environmental Checklist/Initial Study has been prepared by the City of Winters in support of this Negative Declaration. Further information including the project file and supporting reports and studies may be reviewed at the Community Development Department, Winters City Hall, 318 First Street, Winters, California, 95694. Documents are also available at:

http://cityofwinters.org/community_dev/community_reports.htm

MITIGATION MEASURES: Mitigation measures have not been identified for the project.



Nella Dyer, Community Development Director
City of Winters

July 8, 2009

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: **Form-Based Code for Downtown Winters** is comprised of the adoption and implementation of the following:

- 1) General Plan Amendment to delineate a portion of the Central Business District as the Downtown Master Plan Area and a portion of that as the Downtown Form-Based Code Area. The Downtown Master Plan was adopted by the City in 2006.
- 2) Amend General Plan Central Business District designation to eliminate Floor Area Ratios within the Downtown Form-Based Code Area.
- 3) Amend General Plan policies to provide for mixed use and allow bed and breakfast inns as a permitted use within the Downtown Form-Based Code Area.
- 4) Amendment of the City of Winters Municipal Code to include the Form-Based Code for Downtown as Chapter 17.58
- 5) Rezone project area from C-2 to the following zones:
 - Main Street DA
 - Railroad Avenue DA
 - Railroad Avenue DB
 - Grant Avenue DA
 - Grant Avenue DB
 - Secondary Street DA
 - Secondary Street DA

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

Lead Agency Contact: Nelia Dyer, Community Development Director
(530) 795-4910 x114

Project Location: The Form-Based Code for Downtown project area boundaries are located within the Central Business District (Figure 1) of downtown Winters. The area, as depicted on Figure 17.58.1, covers Main Street from Second Street to Elliott Street and Railroad Avenue from Wolfskill Street to just north of Anderson Avenue and includes portions of Grant Avenue, Abbey, East Abbey, East Edward, East Baker, and Wolfskill Streets. It encompasses approximately 33.5 acres.

Project Sponsor: City of Winters
318 First Street
Winters, CA 95694

General Plan Designation(s): Central Business District (CBD)

Zoning: Central Business District (C-2)

Existing Conditions:

Surrounding land uses include:

North – Commercial and Single Family Residential

West – Single Family Residential and Public/Quasi Public

East – Single Family Residential and Commercial

South – Single Family Residential, Public/Quasi Public, and Putah Creek

The commercial core of Winters was established in the 1870's and slowly expanded to its current size by the 1940's. Existing uses include retail and neighborhood commercial, restaurants, bars, art galleries, office, mixed uses, medical services, single and multifamily residential, live music venue, agri-processing, financial services, lodging, governmental offices, personal services, childcare, city park, gas stations and auto repair.

Background: The City of Winters General Plan calls for a Central Business District Plan (Implementation Program 1.6). In March 2006, after a lengthy public process, the City adopted the Downtown Master Plan, which provides the vision for the development and redevelopment of the downtown core of Winters. The Downtown Master Plan focuses on:

- concentrating specialty commercial businesses in the downtown core
- supporting infill development along Railroad Avenue
- improving the Railroad Avenue streetscape
- creating an attractive north gateway to the downtown
- establishing downtown-oriented parking policies
- retaining downtown's historic building character
- improving the Rotary Park/Downtown Green and expanding the Putah Creek Nature Park

The Downtown Master Plan identified several tools for fulfilling the vision in the Plan. One of those tools is the creation, adoption and use of a Form-Based Code for the Downtown Master Plan Area.

Cities use Form-Based Codes to control the look and type of buildings, streets, landscaping and building details like signs, awnings, and storefronts to create and maintain an interesting, attractive and livable town. Standards for land use, density, setbacks, and design are set-out in a consolidated, graphical format that can be used easily by landowners, applicants, business owners, and City staff and officials.

Project History: Based upon the vision promulgated by the Downtown Master Plan, the City began preparation of a Form-Based Code which:

- preserves and protects the historic character of Winters' downtown core
- provides for uses which will vitalize the downtown business district
- creates a visually appealing, pedestrian oriented downtown
- promotes environmentally progressive development standards
- fosters infill development
- provides a user-friendly zoning document
- provides certainty in the design review process
- simplifies and streamlines the entitlement process

To kick-off the process, the City and consultants held two informational workshops on Form-Based Codes in late January 2008 for those interested in our downtown. The workshops provided an overview of Form-Based Codes and opportunity for community members to provide ideas and input on a Code for our downtown. Based on the City's goals for a Code and the feedback received at the January workshops, the consultants and staff prepared a draft Code for a portion of the Downtown Master Plan Area known as the Form-Based Code for Downtown.

The draft Form-Based Code for Downtown was introduced to the Winters community at a workshop on July 2, 2008 which nearly two dozen community members attended. A CD of the draft Form-Based Code for Downtown as well the At-A-Glance sheets were distributed to those in attendance. The draft Form-Based Code for Downtown and At-A-Glance sheets were also posted on the City's website and staff sent an email blast with links to the Code to the downtown email list and members of the Winters Chamber of Commerce. Staff also did a brief presentation on the Code at the Chamber's July 11, 2008 meeting.

On July 29, 2008 a joint Planning Commission and City Council workshop were held to receive public comment on the draft and so the Commission and Council could provide feedback and direction to staff and the consultants. Based on the results and direction from the workshop the draft was finalized for the purposes of CEQA analysis and the adoption process.

An additional Planning Commission and community workshop was held on May 26, 2009, which specifically focused on the proposed permitted uses in the Form-Based Code.

Previous Relevant Environmental Analysis:

The 1992 General Plan was the subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan. On May 19, 1992 the City Council adopted Resolution No. 92-13 certifying the two-volume EIR (SCH#91073080) prepared for the City General Plan and adopting the City General Plan. The General Plan EIR assumed a Central Business District as shown in Figure 4 (revised, page E&R-52, FEIR, May 8, 1992). The Central Business District remains the same today and the assumed land uses have not changed from those used for the EIR analysis. The EIR is on file at the City of Winters Community Development Department.

An Initial Study/Negative Declaration for this project was circulated between December 18, 2008 and January 16, 2009 (SCH 200842018). A letter from California Department of Transportation (Caltrans) dated January 16, 2009 was the only comment received.

Caltrans advised that planter strips on Grant Avenue/SR128 will need to comply with their Planting Guidelines; requests that new trees planted on Grant Avenue /SR128 not create fruit or litter conflicts with pedestrian or bicycle use; Maintenance Agreement(s) between the City and Caltrans will be required; and Encroachment Permits will be required for work conducted in the State's right of way. These are all implementation issues that are standard for working with Caltrans and that are known to the City.

Several revisions to further accommodate office and services use have been made to the proposed land uses that would be regulated by the Form-Based Code since the circulation of that Initial Study/Negative Declaration. This Initial Study has been prepared to incorporate those changes to the project.

Description of the Project:

The proposed Form-Based Code for Downtown establishes unique allowed use and development standards for the Downtown Form-Based Code Area. It is the intent of these standards to help preserve and protect the existing historic and distinctive character of the Downtown by requiring new construction, remodels and existing development and uses to complement the character and sense of place found in the historic downtown core. Additionally, the application of these standards will ensure that the Downtown will continue to be the pedestrian-orientated shopping, dining, entertainment, and community center of the greater Winters area.

The Form-Based Code for Downtown (Attachment A) would apply to the area shown as DA and DB in the Regulating Plan (Figure 17.58-1, of the Form-Based Code) which is situated along Main Street (from Second to Elliot) and Railroad Avenue (from Wolfskill Street to Anderson Avenue) and includes portions of Abbey, East Abbey, East Edward, East Baker, and Wolfskill Streets. It encompasses approximately 33.5 acres including the historic commercial downtown core.

The proposed draft Form-Based Code for Downtown would be incorporated into the City Zoning Ordinance as Chapter 17.58 and would become the Zoning Code for the

Downtown Form-Based Code Area. The City's Zoning Map would also be revised to incorporate the Regulating Plan shown in Figure 17.58-1 of the Form-Based Code for Downtown. There are a total of 65+/- acres of Central Business District/C2 in Winters. The adoption of proposed 33.5 acre Downtown Form-Based Code Area would re-designate 50.8 percent of the Central Business District/C2 area of Winters.

The proposed Form-Based Code for Downtown is comprised of eight sections that provide:

- regulating plan which functions as a zoning map
- definitions
- street typologies
- allowed use regulations
- development standards including parking, signage and landscaping
- architectural and design standards
- special use regulations

The proposed Form-Based Code for Downtown does not create new land uses in the project area. Instead it refines those currently allowed and provides a regulatory framework to create and maintain a visually appealing, pedestrian orientated historic downtown, which is vitalized and sustainable. Allowed uses are listed according to districts and downtown zones within the districts in Section 17.58.050 of the proposed Form-Based Code for Downtown.

The following table identifies the permitted uses within the Downtown. These allowed use regulations are listed by street type, then by Zoning District (D-A or D-B), as applicable. The uses listed are defined in Section 17.58.040.B (Definitions of Permitted Uses). The symbols in the table are defined as:

P – Permitted Use

C – Conditionally Permitted Use

N – Not Permitted

TABLE 17.58-2: PERMITTED USES

Use	Main Street	Railroad Avenue		Secondary Street		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Attached Single-Family Residential	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	C	P	P
Bar, Pub and Cocktail Lounge	C	C	C	N	N	C	C
Bed and Breakfast Inn	P ¹	P ¹	P	P	P	P ¹	P
Child Day Care	N	N	N	C	C	N	C

Use	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Commercial Recreation and Entertainment	C	C	C	N	N	C	C
Detached Single-Family Residential	N	N	N	C	P	N	N
Government/Institutional	P	P	P	P	C	P	P
Hotel or Motel	P ¹	P ¹	P ¹	P	P	P ¹	P
Live/Work Unit	C	P	P	P	C	N	C
Mixed-Use	P	P	P	P	C	C	P
Multi-Family Residential	C ¹	P ¹	P ¹	P ¹	P	N	P ¹
Neighborhood Commercial	P	P	P	P	C	C	N
Offices	P	P	P	P	C	P	P
Personal Services	P	P	P	P	C	C	P
Religious Institutions	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	N	P	P
Service Station	N	C	C	N	N	C	C
Sit-Down Restaurants ²	P	P	P	C	C	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C

Notes:

1. Only on the second floor or above.
2. Drive-thrus are not allowed within the Downtown Form-Based Code Area (See Section 17.58.070A2d)

The proposed Form-Based Code for Downtown provides development standards (Section 17.58.060), architectural and design standards (Section 17.58.070), special use regulations and standards (Section 17.58.080) to ensure that new/infill development, substantive remodels and ancillary uses will be compatible with the existing historic character of the downtown.

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement): None.

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.

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.

- | | |
|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Land Use and Planning | <input checked="" 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

July 6, 2009

Date

Nelia Dyer, Community Development Director
Printed Name

City of Winters
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 as effect from "Potentially Significant Impact" too 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 in 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. *No Impact.* The proposed Form-Based Code would provide design guidelines which are expected to preserve the existing scenic character of the downtown and surrounding vistas. The maximum height limit would remain at 45 feet. The Downtown Form-Based Code Area is planned for urban development and existing residential, commercial, and municipal development surrounds the area. For these reasons, the proposed Form-Based Code would not substantially or adversely affect views of a scenic vista.
- b. *No Impact.* The project area does not contain any protected scenic resources. The roadways are not listed or designated as a "scenic highway" and are not designated as scenic resources by the General Plan.
- c. *No Impact.* The proposed Form-Based Code for Downtown will preserve the existing historical character of the downtown area and ensure that future development will be consistent and supportive of that character.
- d. *No Impact.* The proposed Form-Based Code would not create additional light and glare in the area. The Form-Based Code for Downtown requires that exterior lighting shall be sited and installed in a manner to minimize glare and light spillage. The Form-Based Code for Downtown provides development guidelines which ensure that building exteriors will not be highly reflective or create glare which would adversely impact surrounding land uses.

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>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. *No Impact.* The downtown 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, 2004) designates the downtown as Urban and Built-Up Land.
- b. *No Impact.* The project is located within the existing developed commercial core of downtown Winters. No part of the downtown is under a Williamson Act contract nor immediately adjacent to any lands under Williamson Act contract. In addition, the downtown is not located immediately adjacent to any lands zoned for agricultural uses. The farmlands located to the south are separated and buffered by the Putah Creek riparian corridor.
- c. *No Impact.* Implementation of the Form-Based Code for Downtown will have no impact on the conversion of other properties to non-agricultural uses or loss of farmland in general. The downtown is located in an area which has been urbanized for over 100 years. The farmlands located to the south are separated and buffered by the Putah Creek riparian corridor.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed Form-Based Code for Downtown provides design guidelines for the Winters' downtown. It also calibrates allowed land uses to emphasize pedestrian friendly, mixed use development and redevelopment within the existing commercial core of downtown Winters. An indirect result of the project would be the continued development of Central Business District with commercial, office and residential uses. This development would release air emissions; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire Commercial Business District (see pages 193 through 205 of the Draft EIR and pages E&R 31 through 32 of the Final EIR) and found air quality impacts to be significant and unavoidable. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

a. *Less Than Significant.* The proposed Form-Based Code would not conflict with or obstruct implementation of applicable air quality plans, because the development that would result from implementation of this project is consistent with land uses planned for the site in the City General Plan since at least 1992. Build-out of the City's 1992 General Plan is included in the air emissions inventory for the Sacramento region which is included in applicable air quality plans. These impacts have already been

analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less than significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

b, c, d. *Less Than Significant.* Yolo County is designated as non-attainment for ozone under both State and federal standards and non-attainment for PM10 under State standards.

POLLUTANT	ATTAINMENT FOR FEDERAL STANDARD	ATTAINMENT FOR STATE STANDARD
Ozone	No/Severe	No/Serious
NOx	Yes	Yes
PM10	Yes	No
SOx	Yes	Yes
CO	Yes	Yes

Reactive organic gases (ROG) and nitrogen oxides (NOx) react readily with sunlight to form harmful ozone that forms in the lower atmosphere. ROG and NOx are known as ozone precursors and are therefore regulated by the CARB and local air districts.

Air quality impacts fall generally into two categories: short-term emissions due to construction and long-term impacts due to project operation. Construction activities associated with implementation of the SGMPU and development that may indirectly result would generate fugitive dust and particulate matter from grading, trenching and earthmoving activities. NOx and ROG would be generated from diesel fumes associated with the operation of construction equipment. General Plan Policy VI.E.6 requires controls for construction-related dust.

Operational emissions are comprised of vehicle emissions and area source emissions. Development resulting from the proposed Form-Based Code would increase mobile source emissions in the air basin due to vehicle trips to and from the downtown. Area source emissions are generated through the use of conventional fireplaces, woodburning stoves, consumer products and landscaping equipment. General Plan Policies VI.E.1, VI.E.2, VI.E.3, and VI.E.11 require coordination with the Yolo-Solano Air Pollution Control District to ensure maximum feasible mitigation for project specific

impacts including mitigation plans for large non-residential projects. These policies would be implemented for each future project through the CEQA process.

The potential for air quality impacts from the construction and development that may result from the proposed Form-Based Code is unchanged from the original analysis in the 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new category is considered less than significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

e. Less Than Significant. The potential for impacts due to objectionable odors would be unchanged from the original analysis and would result primarily from commercial-residential interfaces and industrial-residential interfaces. In some cases this can be addressed through reliance on buffers between uses or other operational controls, which would be addressed on a case-by-case basis as future development applications are received. In other cases the impact remains unavoidable, which is consistent with the determination reached in the 1992 General Plan EIR.

The prior adopted Statement of Overriding Consideration is relied upon in this determination regarding regional air quality emissions. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less than significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

Climate Change: Assembly Bill 32 adopted in 2006 established the Global Warming Solutions Act of 2006 which requires the State to reduce greenhouse gases (GHGs) by approximately 25 percent by 2020. GHGs contribute to global warming/climate change and associated environmental impacts. The major GHGs that are released from human activity includes carbon dioxide, methane, and nitrous oxide. The primary sources of GHGs are vehicles (including planes and trains), energy plants, and industrial and agricultural activities (such as dairies and hog farms). New development results in the direct and indirect release of GHGs.

“Climate change” as a specific or distinct topic was not mentioned in the 1992 General Plan; however, the related topics of pedestrian-friendly land use and design features, transportation and circulation, energy efficiency, air quality, and waste management were addressed and are prominent in that document. These policies are effective in reducing GHGs and minimizing impacts from climate change.

The proposed Form-Based Code for Downtown does not change to the goals or land uses provided for in the General Plan. As such, the project would result in no intensification of development beyond that already approved in 1992. In fact, the mixture of uses in downtown Winters could produce more “internal” or “linked” trips in

the area, as more people live, work, and recreate within the town, and trips to other parts of Yolo County, Vacaville and the region for services are reduced. While this planned land use mixture preceded the passage of AB 32, it will none-the-less be able to assist with implementation through compliance with goal statements already contained in the City's General Plan. The existing General Plan includes the following policies relevant to this topic:

- Urban limit line (Policy I.A.2)
- Jobs housing balance (Policy I.A.6, I.E.2)
- Pedestrian and bicycle orientation (I.A.8, III.G.1 – III.G.6, VIII.A.4, VIII.B.1 – VIII.B.3, VIII.C.3)
- Infill and reuse (Policy I.B.2, I.B.5, II.B.1 – II.B.6)
- Interconnected grid streets and alleys (Policy III.A.9, VIII.C.2)
- Transit (Policy III.B.1, III.B.2, III.B.3)
- Trip reduction (Policy III.C.1, III.C.2, III.C.3, III.C.4)
- Protection of habitat (Policy VI.C.1 – VI.C.10, VI.D.1 – VI-D.9)
- Protection of air quality (VI-E.1 – VI.E.11)
- Energy conservation (II.C.1, II.C.2, VI-F.2 – VI.F.5)
- Emergency response (VII.D.1 – VII.D.4)
- Open space (VIII.A.6)
- Tree canopy (VIII.D.1 – VIII.D.6)

Compliance with these policies will be effective in minimizing GHG emissions and climate change impacts from this already planned Central Business District.

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a - d. *Less Than Significant.* The project area is the existing Central Business District which has been urbanized for over 100 years. The proposed Form-Based Code for Downtown primarily promulgates design guidelines for the Winters' downtown. It also provides for the intensification of pedestrian friendly, mixed use development and redevelopment within the existing commercial core of downtown Winters. An indirect result of the project would be the continued development of Central Business District with commercial, office and residential uses. Discretionary projects in the City are required to submit, among other things, a site specific biological resources inventory as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify habitats and species on or near the site and mitigations for potential impacts that could result.

The potential for impacts to biological resources on a regional or cumulative level as a result of implementation of the project is unchanged from the original analysis in the prior 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less than significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

e. *Less Than Significant.* General Plan Policies VI.C.1 through VI.C.10, and VI.D.1 through VI.D.9, establish various requirements to protect and preserve the City's biological resources. For example, General Plan Policy VI.C.5 establishes a "no net loss" threshold for special-status species. Notwithstanding these policies, the City in 1992 concluded that impacts to biological resources resulting from implementation of the General Plan would be significant and unavoidable. The potential for impacts to biological resources on a regional or cumulative level as a result of implementation of the project is unchanged from the original analysis in the prior 1992 General Plan EIR. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less than significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

f. *No Impact.* No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the downtown. Yolo County and the Cities are in the process of developing a countywide plan, but it is not complete. There is no impact in this category.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-d. *Less Than Significant.* The proposed Form-Based Code for Downtown establishes design guidelines for the Winters' downtown. These guidelines are structured to preserve and protect the historic character of the existing downtown core including the National Register status of the first block of Main Street. The City's Historic Preservation Ordinance (Winters Municipal Code Chapter 17.108) applies to projects located within the City. Discretionary projects in the City are also required to submit, among other things, a site-specific cultural resource assessment as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify known historical, archaeological, paleontological, and/or human remains on the site habitats, a characterization of the relative sensitivity of the site for such unknown resources, and required mitigation measures. General Plan Policies V.F.1 and V.F.2 address archeological resources and require that construction stop and appropriate mitigation through the State Archaeological Inventory occur if potential sub-surface resources are uncovered.

Section 7050.5 of the California Health and Safety Code states that, when human remains are 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. Compliance with these requirements would ensure that impacts on cultural resources are less than significant.

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 type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input 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 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 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"/>	■

Discussion

a-d. *Less Than Significant.* 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. There are no parts of the City located within an Alquist-Priolo Special Studies Zone. 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 within the City 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 Uniform 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.

Discretionary projects in the City are required to submit, among other things, a site-specific geotechnical study as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify known and potential geological hazards and identify measures to address such hazards. General Plan Policies VII.A.1 through VII.A.3 address geological hazards and require compliance with applicable State codes and requirements.

The proposed Form-Based Code would not result in new geological impacts or exposure to new hazards beyond what was analyzed in the General Plan EIR. Impacts in these areas are considered less than significant.

e. *No Impact.* The City does not allow septic systems. All projects are required to connect to wastewater treatment facilities. Therefore, there is no potential for 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 result in a safety hazard for people residing or working in the project area?	<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 result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a-c. *Less Than Significant.* During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used. Similarly, paints, solvents, and various architectural finishes would also be used. 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.

Project-specific land uses and operations that might involve the use, transport or disposal of hazardous materials would be analyzed on a case-by-case basis for each future development project. Because the routine transport, use, and disposal of hazardous materials is regulated by federal, State, and local regulations, this impact is considered less than significant.

d. *Less Than Significant.* Discretionary projects in the City are required to submit, among other things, a site-specific Phase One Environmental Site Assessment (ESA) as a part of the development application, in order to complete the project-level CEQA analysis (City Council Resolution 2005-15, adopted April 19, 2005). This report would identify known and potential hazards and identify measures to address such hazards.

The proposed Form-Based Code would not result in new hazards or exposure to new hazards beyond what was analyzed in the General Plan EIR. Impacts in this area are considered less than significant.

e,f. *No Impact.* The City is not within two miles of any public or private airports or air strips, 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.

g. *Less Than Significant.* The proposed Form-Based Code would likely have a beneficial effect on emergency planning for the City by improving circulation in the Central Business District. This would be considered less than significant under CEQA.

h. *No Impact.* The project area in the urbanized Central Business District in downtown Winters and does not qualify as "wildlands" where wildland fires are a risk; therefore, no adverse impact would occur in this 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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

The proposed Form-Based Code for Downtown provides design guidelines for the Winters' downtown. It also calibrates allowed land uses to emphasize pedestrian friendly, mixed use development and redevelopment within the existing commercial

core of downtown Winters. An indirect result of the project would be the continued development of Central Business District with commercial, office and residential uses.

This development could result in hydrological impacts; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of Winters downtown (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR; see also pages 105 through 113 of the Draft EIR and pages E&R 19 through 21) and found hydrology impacts to be less-than significant, with the exception of water quality impacts from increased runoff into Putah Creek and Dry Creek which was found to be significant and unavoidable. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis. Included in those Findings was a Statement of Overriding Considerations accepting the unavoidable water quality impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

a.f. *Less Than Significant.* Surface water quality can be adversely affected by erosion during project construction, or after the project is completed, if urban contaminants in stormwater runoff are allowed to reach a receiving water (e.g. Putah Creek and/or Dry 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.

In addition, the proposed Form-Based Code for Downtown includes for requirements for bioswales and porous paving for additional, beneficial storm water management.

Compliance with required permits and beneficial storm water management requirements would ensure that runoff during construction and occupation of the downtown would ensure that runoff does not substantially degrade water quality. Therefore, this is a less than significant impact.

b. *No Impact.* There are no facilities specifically proposed for recharge as a part of the Form-Based Code for Downtown; however some recharge will occur incidentally through the use of porous paving and required incorporation of bioswales and other, similar, natural runoff control measures into future projects. A significant portion of the project area is covered with impervious surfaces and has been for at least 50 years. As such, the area is not identified for recharge and has been planned for additional

development since at least 1992. Therefore, it can be concluded that further development of the project area would not substantially affect the aquifer.

The City of Winters would supply groundwater to the development that is anticipated by the General Plan to build out the downtown. Therefore there are no new impacts in this category.

c,d,e. *Less Than Significant.* Drainage improvements and incidental development that occurs as a result of the on-going development and infill of the downtown area would minimally 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 and infill of the Central Business District as indicated in the General Plan. Run-off from development that may proceed as a result of the project is already planned for within the drainage system. Therefore any increase in runoff is considered less than significant.

g,h. *No Impact.* The project does not fall within the City's General Plan Flood Overlay Area. The site is designated on federal FEMA floodplain maps as Zone X (outside of the 100-year floodplain). As such there would be no impact.

i. *Less Than Significant.* The City 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 Form-Based Code 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. *No Impact.* The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, there are no 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 an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. *No Impact.* Ongoing development and infill of the Central Business District consistent with the City General Plan and development patterns of the downtown since the late 1800's. The proposed Form-Based Code for Downtown provides design guidelines for the Winters' downtown. It also calibrates allowed land uses to emphasize pedestrian friendly, mixed use development and redevelopment within the existing commercial core of downtown Winters. An indirect result of the project would be the continued development of Central Business District with commercial, office and residential uses. The project would enhance and connect the established commercial district and residential community of the City, not divide it. Therefore, no impact would occur.

b. *No Impact.* The General Plan and zoning ordinance currently designates the downtown for commercial and mixed uses. There is no conflict between the proposed Form-Based Code and applicable land use plans, policies, and regulations. Therefore no impact would occur.

c. *No Impact.* No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the downtown. Yolo County and the Cities are in the process of developing a countywide plan, but it is not complete. Therefore no impact would occur.

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. *Less than Significant.* The downtown is not designated as a mineral resource zone or locally important mineral resource recovery site. The continued development and infill of the downtown 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 type="checkbox"/>	<input checked="" 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a-d. *Less Than Significant.* The Noise Element of the City of Winters General Plan establishes standards for the evaluation of noise compatibility (including land use compatibility standards, exterior noise levels limits, and interior noise level limits) and requirements for noise studies. The City has both a Noise Ordinance and Standard Specifications that regulate construction noise. These regulations restrict construction activities to 7:00am to 7:00 pm Monday through Friday only (holidays excluded).

Development and infill projects subject to the Form-Based Code for Downtown would also be subject to these policies and regulations. The General Plan EIR examined the potential for impact from full development of the General Plan and determined that this impact was less than significant. There are no new noise impacts that would result from the proposed Form-Based Code for Downtown. Impacts in these categories remain less-than-significant.

e. *No Impact.* The nearest public airport is over six miles away and the project area is not within an airport land use plan. There is no potential for exposure to excessive air traffic noise, so no impact would occur.

f. *No Impact.* The project area 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. *Less Than Significant.* The commercial and residential uses allowed by the proposed Form-Based Code for Downtown in the project area are consistent with the 1992 General Plan assumptions for the area. Therefore, infrastructure, services, and utilities are master planned to accommodate the proposed level of growth. Future site specific proposals will be subject to consideration under CEQA at the project level. The downtown is the commercial center of an urbanized area and does not require the extension of roads and other infrastructure. Because all aspects of the project are consistent with the planning assumptions of the General Plan, the project would not be considered growth inducing. This impact is less than significant.
- b,c. *Less Than Significant.* The project involves no displacement of housing or people. Impacts would be less than significant in these categories.

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 and b. *Less Than Significant.* The Winters Fire Protection District provides primary fire protection service to the project area. The City of Winters Police Department provides primary police protection service. The proposed Form-Based Code could 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 downtown, as reflected in the General Plan.

Development within the downtown would also contribute taxes and fees toward the City's General Fund, which would be used, in part, to fund fire and police protection services needed by the project. Because the downtown is already within the City, the proposed Form-Based Code would not increase the size of the service area of the Fire District or Police Department. However, the City's fiscal health over the years has been severely impacted by actions of the State. The potential sales tax funds generated by the tenants of future retail buildings would be beneficial to the City. Thus, the proposed Form-Based Code would have a less than significant adverse impact.

c. *Less Than Significant.* The City is served by the Winters Joint Unified School District, which serves the City of Winters and surrounding unincorporated areas of Yolo and Solano Counties. The District is comprised of the John Clayton Kinder School,

Waggoner Elementary School (grades 1-3), Shirley Rominger Intermediate School (grades 4-5), Winters Middle School (grades 6-8), Winters High School (grades 9-12) and Wolfskill Continuation High School.

Funding for schools and impacts for school facilities is preempted by State law. Policies I.F.2, I.F.3, IV.H.5, and IV.H.6 of the General Plan related to funding and timing of school facilities have been superseded by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996) which governs the amount of fees that can be levied against new development. Payment of fees authorized by the statute is deemed "full and complete mitigation." These fees are used to construct new schools.

Because the future development would be required to pay applicable school fees and because the amount of these fees is pre-empted by the State, the increase in students is considered by law to be a less than significant impact.

d. *Less Than Significant.* The City requires the development of parkland in conjunction with subdivision development at a ratio of 7 acres per 1,000 persons (General Plan Policy V.A.1). Therefore, impacts in this category would be less than significant.

e. *Less Than Significant.* Development that could result from the proposed project would create incremental increases in demand for other services and facilities in the City of Winters. However, because this growth would be consistent with the General Plan, there would be no new impacts beyond what was already analyzed in the General Plan EIR. This impact is less than significant.

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. *Less Than Significant.* See discussion of Item 13(d). The General Plan requires residential development to provide parkland at a ratio of 7 ac per 1,000 population. Therefore, the potential for impacts to off-site parks will be mitigated to a less than significant level by the provision of new park facilities as new residential development occurs.

b. *Less Than Significant.* The proposed Form-Based Code for Downtown provides for commercial recreation and entertainment uses as consistent with Central Business District analyzed by the 1992 General Plan EIR. Because these uses of the project area are consistent with the planning assumptions of the General Plan, the project would not be considered growth inducing. This impact is less than significant.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed Form-Based Code for Downtown provides design guidelines for the Winters' downtown. It also calibrates allowed land uses to emphasize pedestrian friendly, mixed use development and redevelopment within the existing commercial core of downtown Winters. An indirect result of the project would be the continued development of Central Business District with commercial, office and residential uses. This development could result in transportation and circulation impacts; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the downtown (see pages 71 through 96 of the Draft EIR and pages E&R 15 through 17 of the Final EIR) and found traffic impacts to be less than significant. The City Council adopted Findings of Fact documenting these conclusions

a, b, f. *Less Than Significant* Discretionary projects in the City are required to submit, among other things, a site-specific traffic and circulation study as a part of the development application, in order to complete the project-level CEQA analysis (City

Council Resolution 2005-15, adopted April 19, 2005). The General Plan Transportation and Circulation Element contains policies that address circulation using various modes, and parking. The proposed project would not result in new traffic impacts beyond what was analyzed in the General Plan EIR. Impacts in these areas are considered less than significant.

c. *No Impact.* The project area 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. *Less Than Significant* The proposed project could result in the upgrades to the street grid in the downtown to improve aesthetics and walk-ability; however all new roadway construction would be built according to adopted City standards and specifications. For this reason, the potential for design hazards would be less than significant.

g. *Less Than Significant* The proposed project facilitates and expands policies, plans, and programs supporting alternative transportation, including 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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. *Less Than Significant.* Development within the City, including the Downtown Form-Based Code Area, is required to connect to the City's sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. Land uses envisioned in were analyzed in the previous General Plan EIR and not anticipated to generate wastewater that contains unusual types or levels of contaminants. Therefore, the project is not expected to 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. *Less Than Significant.* All development within the City would receive sewer and water service from the City of Winters. The City of Winters Wastewater Treatment Plant (WWTP) currently has a capacity of 0.92 million gallons per day (mgd). The estimated number of new dwelling unit equivalents (DUEs) that could be served under current capacity is approximately 700 to 800 DUEs. In exchange for funding of Phase Two of the WWTP, the Winters Highlands project has commitment from the City that Phases I (69 units), II (127 units), and III (54 units) of the Highlands project (for a total of 250 units) will receive capacity from the existing plant. The City will continue to monitor the WWTP 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. No project is allowed to build without available sewer and water service. Therefore, these impacts are considered less than significant.

c. *Less Than Significant.* Development within the Downtown Form-Based Code Area will be required to connect to the City's stormwater drainage system. This development would result in no new impacts to the storm water drainage system's capacity and availability than already anticipated under the General Plan and therefore there are no new impacts in this category. As development occurs, the City's stormwater drainage system is regularly re-examined to determine what, if any, new facilities are needed for adequate service. Actual construction of the projects proposed within the Downtown Form-Based Code Area will require subsequent environmental review once more detailed project information is available. The proposed Form-Based Code for Downtown includes for requirements for bioswales and porous paving for additional, beneficial storm water management. The subject proposed adoption of the Form-Based Code for Downtown is consistent with the General Plan and as such was fully analyzed in the prior 1992 General Plan EIR as summarized herein. This is a less than significant impact.

d. *Less Than Significant.* Development resulting from the proposed project would be served by the City's municipal water supply. This development would result in no new impacts to water supply and availability than already anticipated under the General Plan and therefore there are no new impacts in this category. As development occurs, the City's water system is regularly re-examined to determine what, if any, new facilities are needed for adequate service. No project is allowed to build without available water service. This is a less than significant impact.

e, f. *Less Than Significant.* Solid waste from the downtown is and 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 Form-Based Code Area has been planned for commercial and residential development since at least 1992. This land uses provided for within the Downtown Form-Based Code Area and the proposed Form-Based Code 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-c. *Less Than Significant* The full range of impacts from this project were anticipated and examined in the 1992 General Plan EIR on which this analysis relies. Impacts to biological resources, cumulative air quality, loss of agricultural land, and water quality were identified as significant and unavoidable and a Statement of Overriding Considerations was adopted by the City Council. There are no new impacts associated with the project that were not previously analyzed and mitigated. Impacts in these categories are therefore considered less than significant.

Attachment C

DEPARTMENT OF TRANSPORTATION

DISTRICT 3 – Sacramento Area Office
 VENTURE OAKS, MS 15
 P. O. BOX 942874
 SACRAMENTO, CA 94274-0001
 PHONE (916) 274-0635
 FAX (916) 274-0648
 TTY (530) 741-4501



*Flex your power!
 Be energy efficient!*

January 16, 2009

08YOL0053
 03-YOL-128 PM 8.770
 Form Based Code for Downtown Winters
 Negative Declaration
 SCH# 2008122063

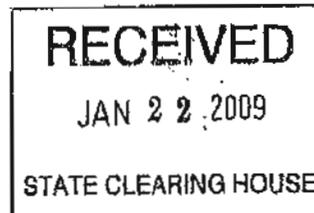
Ms. Kate Kelly
 City of Winters
 318 First Street
 Winters, CA 95694

Dear Ms. Kelly:

Thank you for the opportunity to review and comment on the Negative Declaration for the proposed Form Based Code for Downtown Winters on approximately 33.5 acres. This proposed project would adopt and implement a form based code in Downtown Winters on Main Street from Second Street to Elliott Street; Railroad Avenue from Wolfskill Street to just north of Anderson Avenue, including portions of Grant Avenue, Abbey, East Abbey, and East Edward, East Baker, and Wolfskill Streets. Grant Avenue is State Route (SR) 128 and subject to Caltrans standards. Our comments are as follows:

- The Planter Strip Width reflected on "Table 17.58-1: Street Typology Standards" will be required to comply with Caltrans Planting Guidelines Section 902.3 in the Highway Design Manual. The width will vary depending on the design speed of the Grant Avenue/SR 128 facility.
- Please ensure any new street trees planted on Grant Avenue/SR 128 do not drop litter or fruit that would conflict with pedestrian or bicycle movement.
- A Maintenance Agreement is needed between Caltrans and the City of Winters in order to maintain elements within the Caltrans right of way, including but not limited to street trees, landscaping, irrigation, tree grates/guards, pots/ planters and water runoff.

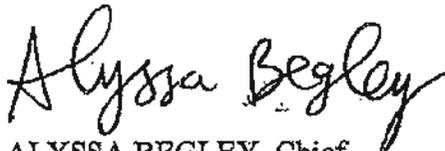
*Clear
 1-16-09
 Late
 e*



- An Encroachment Permit will be required for any work conducted in the State's right of way, such as sign placement, traffic control, light installation, landscaping, or drainage pattern changes. A cost estimate for the work within the State's right of way will be reviewed to determine whether it triggers the need for a "project funded by others" designation. Maintenance of landscaping or sidewalks built within the State's right of way becomes the responsibility of the local jurisdiction. To secure an application, please contact the Encroachment Permits Central Office at (530) 741-4403, or go online at <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Please provide our office with copies of any further actions regarding this project. If you have any questions regarding these comments, contact La Nae Van Valen at (916) 274-0637.

Sincerely,



ALYSSA BEGLEY, Chief
Office of Transportation Planning – South

cc: State Clearinghouse

Attachment D

DEPARTMENT OF TRANSPORTATION

DISTRICT 3 – Sacramento Area Office
2800 GATEWAY OAKS DRIVE, MS 19
SACRAMENTO, CA 95833
PHONE (916) 274-0635
FAX (916) 263-1796
TTY 711



*Flex your power!
Be energy efficient!*

July 31, 2009

09YOL0018
03-YOL-128 PM 8.770
Form Based Code for Downtown Winters
Recirculated Initial Study/Negative Declaration
SCH# 2008122063

Ms. Nelia Dyer
City of Winters
318 First Street
Winters, CA 95694

Dear Ms. Dyer:

Thank you for the opportunity to review and comment on the Recirculated Initial Study/Negative Declaration for the proposed Form Based Code for Downtown Winters. This proposed project would adopt and implement a form based code in Downtown Winters on Main Street from Second Street to Elliot Street; on Railroad Avenue from Wolfskill Street to just north of Grant Avenue; and on portions of east-west streets intersecting with Railroad Avenue. Grant Avenue is State Route (SR) 128 and subject to Caltrans standards. Our comments are as follows:

- The Planter Strip Width reflected on "Table 17.58-1: Street Typology Standards" will be required to comply with Caltrans Planting Guidelines Section 902.3 in the Highway Design Manual. The width will vary depending on the design speed of the Grant Avenue/SR 128 facility.
- Please ensure any new street trees planted on Grant Avenue/SR 128 do not drop litter or fruit that would conflict with pedestrian or bicycle movement.
- A Maintenance Agreement is needed between Caltrans and the City of Winters in order to maintain elements within Caltrans right of way, including but not limited to street trees, landscaping, irrigation, tree grates/guards, pots/planters and water runoff.

Ms. Nelia Dyer
July 31, 2009
Page 2

- An Encroachment Permit will be required for any work conducted in the State's right of way, such as sign placement, traffic control, light installation, landscaping, or drainage pattern changes. A cost estimate for the work within the State's right of way will be reviewed to determine whether it triggers the need for a "project funded by others" designation. Maintenance of landscaping or sidewalks built within the State's right of way becomes the responsibility of the local jurisdiction. To secure an application, please contact the Encroachment Permits Central Office at (530) 741-4403, or go online at <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Please provide our office with copies of any further actions regarding this development. If you have any questions regarding these comments, contact Arthur Murray at (916) 274-0616.

Sincerely,



ALYSSA BEGLEY, Chief
Office of Transportation Planning – South

cc: State Clearinghouse

Attachment E

RESOLUTION NO. 2009-43

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING
THE CITY OF WINTERS GENERAL PLAN AND LAND USE MAP**

WHEREAS, the City of Winters adopted its General Plan on May 19, 1992, and has periodically updated the Housing Element, with the last updated Housing Element adopted in 2004 (collectively "General Plan"); and

WHEREAS, the Land Use Map of the General Plan was last updated in June 2003; and

WHEREAS, the City desires to help preserve and protect the existing historic and unique character of the downtown area of the City by requiring new construction, remodels and existing uses to complement the character and sense of place found in the historic downtown core; and

WHEREAS, the City has prepared a Form Based Code for Downtown that furthers the above goal by establishing unique development standards for the Downtown Form Based Code Area; and

WHEREAS, the application of the standards in the Form Based Code will ensure that the Downtown will continue to be the pedestrian-orientated shopping, dining, entertainment, and community center of the greater Winters area; and

WHEREAS, in order to facilitate the adoption of the Form Based Code for Downtown and rezone part of the Central Business District of the City of Winters, amendments to the City's General Plan are necessary ("General Plan Amendments"); and

WHEREAS, a proposed Initial Study/Negative Declaration for the Form Based Code for Downtown were released on July 7, 2009, for the thirty (30) day public review period which ended on August 10, 2009; and

WHEREAS, the General Plan Amendments necessary to facilitate the adoption of the Form Based Code will not have any significant effects on the environment, and therefore are exempt from environmental review pursuant to the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby declares and finds the following:

- A. Recitals. The above recitals are true and correct and serve in part as a basis for this decision.
- B. General Plan Amendments. The following amendments are made to the City of Winters General Plan.
 1. The General Plan Land Use Map (last amended June 2003) of the City of Winters is hereby amended to reflect those changes shown on "Figure 17.58-1: The Regulating

Plan" of the Form Based Code for Downtown," attached hereto and incorporated herein by reference as Exhibit 1.

2. The description of the Central Business District, located on page 12 of the General Plan shall be amended to read as follows:

Central Business District (CBD)

This designation provides for restaurants, retail service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses. Outside of the Downtown Form Based Code Area, residential densities shall be in the range of 10.1 to 20.0 units per acre; the FAR for offices and commercial uses shall not exceed 2.0 and the FAR for all other uses shall not exceed 0.60. Outside of the Downtown Form Based Code Area residential uses shall be subject to discretionary review and approval.

3. Land Use Policy I.B.4 is amended to read as follows:

First priority for ground floor uses in the Central Business District shall be given to retail uses. Outside of the Downtown Form Based Code Area new residential and office uses shall be permitted on a case-by-case basis over ground floor retail uses.

4. Land Use Policy I.D.6 is amended to read as follows:

Bed and breakfast inns shall be allowed in residential neighborhoods subject to discretionary review and approval by the City.

PASSED AND ADOPTED this 6th day of October, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

City Clerk

Mayor

1189346.2

Attachment F

ORDINANCE NO. 2009-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
ADDING CHAPTER 17.58 TO THE MUNICIPAL CODE
REGARDING A FORM BASED CODE FOR DOWNTOWN AND REZONING AREAS
IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT**

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

SECTION 1. Adoption of Form Based Code for Downtown

Chapter 17.58 entitled "Form Based Code for Downtown," attached hereto as Exhibit 1 and hereby incorporated as though fully set forth herein, is added to the City of Winters Municipal Code.

SECTION 2. Rezoning of Areas in Downtown Master Plan

The City of Winters Zoning Map, amended in June 2003, is hereby amended to reflect the rezoning from Central Business District (C-2), Office (O-F) and a portion of the public/quasi-public (PQP) zoning to Downtown D-A and D-B zones as those changes are shown on Exhibit 2 "Figure 17.58-1: The Regulating Plan" of the Form Based Code for Downtown, attached hereto and incorporated herein by reference.

SECTION 3. Adoption of CEQA Documentation

The City Council hereby finds and determines that a Negative Declaration is the appropriate level of review for the rezoning and adoption of the Form Based Code for Downtown. The initial study shows that there is no substantial evidence in light of the whole record before the City Council that the proposed rezoning and adoption of the Form Based Code for Downtown may have a significant effect on the environment.

SECTION 4. 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 5. 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 September 15, 2009, 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

1188883.2

Attachment G

Title 17 ZONING

Chapter 17.104 NONCONFORMING USES, STRUCTURES AND LOTS

17.104.010 Nonconforming uses.

17.104.020 Nonconforming structures.

17.104.030 Nonconforming lots.

17.104.010 Nonconforming uses.**A. Continuing Existing Buildings and Uses.**

Except as otherwise provided in this title, any use of land, buildings or structures which is legally nonconforming due to the adoption of previous zoning regulations, or a subsequent amendment to the zoning regulations contained in this title, may be continued. Except as provided for in this chapter, no legal, nonconforming use of land, buildings or structures shall be enlarged, expanded or intensified in any manner.

B. Continuing Conditional Uses.

Any use lawfully existing at the time of the adoption of these zoning regulations, or a subsequent amendment to this title, which use is listed as a conditional use in the zone in which it is located, shall remain a nonconforming use, and in no case shall the use be enlarged, expanded or intensified in any manner until a use permit has been obtained pursuant to the provisions of this title.

C. Extension of Nonconforming Uses in Buildings.

Upon an application for a use permit, the planning commission may permit the extension of a nonconforming use throughout those parts of an existing building which were designed or arranged for the use prior to the date the use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

D. Changes to Other Nonconforming Uses.

Upon an application for a use permit, the planning commission may permit the substitution of one nonconforming use for another nonconforming use which is determined by the planning commission to be of the same or more restrictive nature. Whenever a nonconforming use has been changed to be more restrictive use or conforming use, the more restrictive use or conforming use shall not be changed back to a less restrictive use or to a nonconforming use.

The nonconforming use shall not continue if more than fifty (50) percent of the area or fifty percent (50) of the use has been destroyed.

E. Cessation of Uses.

1. For the purposes of this chapter, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon the use or not, for a continuous time period as set forth in this chapter.
2. A building or structure which has been occupied by a nonconforming use shall not again be used for nonconforming purposes when the use has ceased for a continuous period of twelve (12) months or more.
3. Land on which there is a nonconforming use not involving any building or structure, except

minor structures, including but not limited to buildings containing less than three hundred (300) square feet of gross floor area, fences and signs, where the use has ceased for one month or more, shall not again be used for nonconforming purposes, and the nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within six months after the first date of cessation of use. (Ord. 2003-04 § 24; Ord. 97-03 §2 (part); prior code § 8-1.6011)

17.104.020 Nonconforming structures.

A. Nonconforming Structures—Continuation.

Structures which were legally constructed, but are now nonconforming as to setbacks, floor area, landscaping, parking or other development regulations of this title may continue to be used.

B. Nonconforming Structures—Improvement.

Any expansion of a nonconforming structure must be in conformance with current zoning and building codes. Where the health, safety or general welfare are found to be at issue, the city building official may require that modifications be made to existing nonconforming structures as part of the expansion.

C. Repair of Unsafe or Unsanitary Buildings.

The provisions of this title shall not prevent the strengthening or restoring to a safe condition any part of any nonconforming building or structure declared unsafe by the building department or declared unsanitary by the Yolo County health department.

D. Replacement of Damaged or Destroyed Nonconforming Buildings.

1. Any nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, may be restored or reconstructed and a nonconforming use continued if one exists; provided, repair or reconstruction is begun within one year and completed within two years of the date of the damage.

2. Nonconforming structures which are demolished or require major structural repairs in order to maintain the viability of the structure, as determined by the community development director, may be re-established only in conformance with Section 17.104.010(E)(3) or with development standards of this title.

E. Expansion of Legal Nonconforming Buildings.

Regardless of any other provision of this title, a building which retains its nonconforming status shall be allowed to expand, enlarge or intensify, if the following findings can be affirmatively made by the zoning administrator:

1. The use will not impair other uses in the vicinity, which uses are consistent with the zone;

2. The curtailment of full privileges for the residential use may contribute to the premature conversion of land and unnecessarily loss of housing inventory;

3. If the expansion does not encroach into required yard setbacks and is consistent with other applicable development standards of this title. (Ord. 97-03 § 2 (part); prior code § 8-1.6013)

17.104.030 Nonconforming lots.

Legally created nonconforming lots (lots which are nonconforming due to either their size and/or shape) may be developed in accord with current development standards, provided minimum required setback and open space requirements, as applicable, can be met. Development of nonconforming lots should be designed to provide consistency with the character and style of

development in the surrounding neighborhood. (Ord. 97-03 § 2 (part); prior code § 8-1.6013)

<< previous | next >>



TO: Honorable Mayor and Council Members I

DATE: September 15, 2009

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Bruce Muramoto, Chief of Police

SUBJECT: Informational Report regarding Graffiti

RECOMMENDATION:

None

BACKGROUND:

The City of Winters as well as other communities throughout the State has experienced increases of vandalism in the form of "tagging" and "gang graffiti". This vandalism has cost both the private and public sectors tens of thousands of dollars in repairing damages and repainting surfaces.

Since July 1, 2009 through September 9, 2009 there have been six (6) reported cases of graffiti vandalism in Winters. It appears that two (2) of these vandalisms are gang oriented and the remaining are "tagging".

A review of the "tagging" at City and Rotary parks suggests that the responsible(s) are Middle to High School age.

The Police Department is taking the following actions:

- Increased patrol in City parks
- Pictures of graffiti distributed to the High School, Middle and Intermediate schools for possible handwriting identification
- Officers directed to arrest/cite juvenile offenders for curfew violation and unlawful possession of spray paint and markers
- Public Works crews have been instructed to report suspicious unlawful activity to Police Department
- Public Works aggressively repairs damage to City property caused by vandals
- Contacted neighbors to report suspicious unlawful activity to Police Department

FISCAL IMPACT:

Cost to repair/replace damage to City property

ATTACHMENT(S):

Location of recent graffiti vandalisms

Definition of terms used in Graffiti

Definition of Thizz according to urban dictionary

1. thizz

To swallow MDMA (Ecstasy, XTC)

thizz or die!

get this def on a mug

by dolo May 29, 2004 share this

2. Thizz

The influential properties of extasy...

thizz'n: the act of currently being influenced by the proterties of consumed extasy

thizzle: a synonym for "thang"; derived from the word "thing"

thizzle dance: YaY area dance created by YaY area rapper Mac Dre

Thizz or Thizz'n: Took some extasy and the effects are known as thizz'n.

I want to take some extasy tonight i.e I'm want to thizz.

Thizzle: I'm out hurr doin' my thug thizzle; Do your thizzle my nizzle!

Definition of Deezy according to urban dictionary

1. Deezy

A word created by Joey B Nukkas.

A snowboarder term: Dope + Easy = Deezy

Joey B Nukkas- "Area 51 is easy and dope...it's deezy"

get this def on a mug

dank steezy joeyb tight awesome cool nice

by joeybnukkas Apr 2, 2007 share this

2. Deezy

1. Something that is easy and dope

"dude the little boy park at winter park is so dope, and its easy"

"yeah dude its deezy"

Gang Graffiti

SUR and Brown Pride refer to the Sureno gang

XIV refer to the Norteno gang



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 15, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Adoption of Resolution 2009-49 in Support of Extended Producer Responsibility

RECOMMENDATION: Staff recommends that the City Council adopt the Extended Producer Responsibility Resolution 2009-49 as presented.

BACKGROUND: The United States Environmental Protection Agency (EPA) estimates that approximately 75 percent of today's waste stream comes from manufactured products - from common household items such as televisions, cell phones, personal computers, fluorescent lights and batteries to household hazardous waste products like paint and pesticides. Electronics contain lead, cadmium, and other toxic heavy metals that pose a threat to public health and the environment when improperly disposed. Other products also contain toxic constituents, such as the mercury contained in fluorescent lights, or are packaged with problematic materials and excessive packaging. Still other products, such as hypodermic needles and other "Sharps" can injure the public and sanitation workers when improperly disposed.

In response to legitimate environmental concerns about the landfilling of such products, California has enacted landfill bans. In 2006, "Universal Waste" (fluorescent lights, household batteries, electronics, mercury switches, etc.) were banned from landfilling. In 2008, "Sharps" were banned from landfilling. Because of growing concerns about the presence of prescription and non-prescription drug residues in our waterways, it is anticipated that pharmaceutical waste will likely be banned from landfill disposal in the near future. However well-intended the disposal bans are, the responsibility for enforcing these bans has been placed on cash-strapped local governments, which lack the funding, capacity or resources to properly manage the growing list of products banned from landfills. This is an unfunded mandate and the result is a "ban without a plan."

Under today's waste management system, the responsibility for managing the end-of-life (EOL) of

these product wastes falls on local governments. Many products today are actually designed for disposal, rather than reuse or recycling. It is both the toxicity of the waste stream and the volume of waste that is of concern to local governments. Ratepayers and taxpayers are financing costly collection infrastructure and programs which, in effect, amount to a subsidy for the product manufacturers.

Residents of Winters are calling for "free" and convenient disposal options for these common products that can no longer be landfilled, but the City simply cannot afford to provide broader services. Currently, the City participates in Yolo County's household hazardous waste collection program and receives ABOP (antifreeze, batteries, oil and paint) service from the contracted waste hauler. Yolo County's cost for operating the Household Hazardous Waste program is approximately \$500,000 annually, of which Winters represents 3 percent, or \$15,000. The County estimates that it is only collecting approximately 5 percent of the total household hazardous waste generated within its boundaries each year and estimates that the cost to collect 100 percent of the household hazardous waste generated annually would exceed \$10,000,000. Winters' share of cost, based on 3 percent of the County population would be \$300,000 annually.

These statistics are in line with statewide estimates for usage of local government-sponsored household hazardous waste programs.¹ Clearly, the current system is not working and local governments cannot afford to offer expanded services.

EPR offers a solution by engaging producers in the lifecycle management of their products. EPR recognizes that all stakeholders share some responsibility, but the producer has the greatest responsibility because only producers can change the design of products. EPR does not stipulate *how* producers must take responsibility, but rather that they *must*. This gives producers the flexibility to design programs that work for their product and business model. Producers may choose to utilize and fund existing recycling facilities and programs, or to capitalize on existing distribution networks to create take-back programs that work as "reverse retail" or mail-back systems, or to work with other producers to develop third-party 'product stewardship' organizations.

Many of the world's largest and most successful businesses already operate in EPR systems elsewhere: Canada, British Columbia, Europe, Japan, Korea, and the Netherlands to name a few. These are the same companies that are not practicing product stewardship in the U.S. because they don't have to.

EPR legislation will create a level playing field for producers. Voluntary take-back programs are not fair and put the "good actors" in a position of having products that are more expensive in a competitive market place. In an EPR system, producers of selected products are required to be stewards of that product at the end of life, which "levels the playing field" as all producers are included and there are no "free riders." Producers will integrate the EOL cost into the purchase price of the product so that the consumer that buys the product pays for the EOL cost. Producers with the most cost-efficient recycling program will have the least expensive product. EPR allows the free-market system to work for recycling, not against it.

Finally, EPR will drive better product design. When producers are responsible for the EOL management of their products, there is a financial incentive to design products that have fewer toxic

¹ Based on conversations with Dept. of Toxic Substance Control staff and Annual Form 303 Reports

constituents, that are longer lasting, and that encourage recycling and reuse. Businesses do not want to pay for expensive collection programs for hazardous waste any more than local governments do, so if they have to take-it-back, there is an economic feedback system in place that makes them re-think the materials being used.

There is widespread support for Extended Producer Responsibility. The California Integrated Waste Management Board has adopted EPR "framework" legislation as a strategic goal. The framework concept would allow multiple products to be regulated under one law, as opposed to the costly and time consuming product-by-product legislation of the past. The League of California Cities, the California State Association of Counties (CSAC), and the National Association of Counties and the Regional Council of Rural Counties (RCRC) have signed resolutions that support EPR.

Currently, twenty-eight Counties, forty-seven cities and twenty-four local government associations have joined CPSC, including: the Counties of Alameda, Butte, Los Angeles, Napa, Sacramento, San Francisco, San Joaquin and Santa Clara; the cities of Burbank, Cupertino, Chula Vista, Elk Grove, Los Gatos, Oakland, Sacramento, Santa Cruz, San Jose and Vacaville; and local government associations, including the Association of Bay Area Governments (ABAG), East Bay Municipal Utility District (EBMUD), Humboldt Waste Management Authority, Central Contra Costa Solid Waste Authority, Monterey Regional Waste Management District, the California Council of Directors of Environmental Health, and the California Storm Water Quality Association.

FISCAL IMPACT: There will be no direct fiscal impact to the City of Winters resulting from the adoption of an Extended Producer Responsibility resolution; however, the City stands to gain fiscal relief in the future if EPR policy is passed on a statewide level.

**RESOLUTION NO. 2009-49
RESOLUTION OF THE CITY OF WINTERS
SUPPORTING EXTENDED PRODUCER
RESPONSIBILITY**

WHEREAS, on February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) became effective; and

WHEREAS, the Universal Waste Rule bans landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, as well as electronic devices such as video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and

WHEREAS, it is anticipated that the list of Universal and other waste products determined to be hazardous and therefore banned from landfills will continue to grow as demonstrated by the ban of treated wood effective January 2007 and Sharps in September 2008; and

WHEREAS, state policies currently make local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates; and

WHEREAS, the costs to manage Universal Waste and other products banned from landfills are currently paid by the taxpayers and garbage rate payers of the City of Winters and are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, local governments do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, since local government tax payers and rate payers, rather than product manufacturers, currently bear the costs to properly manage Universal Waste, local governments are in effect subsidizing the production of Universal Waste; and

WHEREAS, the City Council of Winters supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs; and

WHEREAS, there are significant environmental and human health impacts associated with improper management of Universal Waste, sharps, and other products; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of waste products and which has been shown to be effective; and

WHEREAS, when producers are responsible for ensuring their products are recycled responsibly, and when health and environmental costs are included in the product price,

there is strong incentive to design and purchase goods that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, it is timely to develop and support EPR legislation to address product stewardship for hazardous and problematic products currently banned from landfill disposal and those which will be added to the list of banned items in the future; and

WHEREAS, EPR framework legislation establishes transparent and fair principles and procedures for applying EPR to categories of products for which improved design and management infrastructure is in the public interest; and

WHEREAS, the California Product Stewardship Council (CPSC) is an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California; and

WHEREAS, the City of Winters wishes to incorporate EPR policies into the City's product procurement practices to reduce costs and protect the environment; and

WHEREAS, in January 2008 the California Integrated Waste Management Board adopted a Framework for an EPR System in California; and

WHEREAS, in July 2008 the National Association of Counties adopted a resolution in support of a framework approach to EPR;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WINTERS that by adoption of this Resolution, the City of Winters urges the California Integrated Waste Management board to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other waste products; and

BE IT FURTHER RESOLVED, that the City Council of Winters urges the California Legislature to enact framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle; and

BE IT FURTHER RESOLVED, that the City Manager of Winters be authorized to send letters to the League of California Cities, the California State Association of Counties, the California Integrated Waste Management Board, and the State legislature and to use other advocacy methods to urge support for EPR Framework legislation and related regulations; and

BE IT FURTHER RESOLVED, that the Mayor Michael Martin be authorized to sign the California Product Stewardship Council (CPSC) Pledge of Support; and

BE IT FURTHER RESOLVED, that the City of Winters encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials; and

BE IT FURTHER RESOLVED, that the City of Winters develop producer responsibility policies such as leasing products rather than purchasing them when applicable and requiring producers to offer less toxic alternatives and to take responsibility for collecting and recycling their products and the end of their useful life.

PASSED AND ADOPTED by the Council of the City of Winters, State of California on September 15, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed: _____ Date: September 15, 2009
Michael Martin, Mayor

ATTEST: _____
Nanci G. Mills, City Clerk
City of Winters



CITY COUNCIL

STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: September 15, 2009

THROUGH: John W. Donlevy, Jr., City Manager

SUBJECT: League of California Cities - Conference Resolutions

RECOMMENDATION:

That the City Council review and give direction to Cecilia Aguiar-Curry as the Voting Delegate from the City of Winters at the League of California Cities Annual Conference regarding League Resolution #1 - Resolution Relating to Social Host Liability and League Resolution #2 - Resolution Urging City Governments and Others to Divest from Banks That Fail to Cooperate with Foreclosure Prevention Efforts

BACKGROUND:

There are two resolutions to be considered by the League at its annual business meeting in San Jose, California on Friday, September 18, 2009. Each City Council is encouraged by the League to consider the resolutions and determine a City position so the City's voting delegate can represent the City's position on each of the resolutions when voting.

The first resolution the League will be considering is a Resolution Relating to Social Host Liability originating from the City of Elk Grove. Law enforcement officers spend many hours responding to

calls involving persons under the age of 21 consuming alcohol on private property. Under current California state law, law enforcement ability to control what happens on private property is somewhat limited. The law does not address the consequences of a minor possessing or consuming alcohol on private property or when it is done with the consent of an adult, parent, relative or legal guardian. Approval of this resolution would give League support to policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority and opposition by the League to policies that make it easy for those who are underage to access alcohol through adults, and on private property.

The League will also be considering a Resolution Urging City Governments and Others to Divest from Banks That Fail to Cooperate with Foreclosure Prevention Efforts. The source for this resolution is Richard Alarcón, Council Member, Los Angeles. Passage of this resolution would give League support to cities exploring the potential divestiture of all deposits in banking and other financial institutions that fail to cooperate with foreclosure prevention efforts that include temporary moratoriums on foreclosures, renegotiation of mortgage principles to reflect current values, and good faith negotiations with mortgagees. It would also give League support to City retirement programs and other similar organizations adopting a similar divestiture policy and a request by the League that the National League of Cities consider adopting a similar resolution.

Both resolutions in their entirety and corresponding background information are attached for the Council's review.

FISCAL IMPACT:

None.

V.
2009 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

1. RESOLUTION RELATING TO SOCIAL HOST LIABILITY

Source: City of Elk Grove
Referred to: Public Safety Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, underage persons often obtain alcoholic beverages at gatherings held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the underage service and/or consumption of alcohol; and

WHEREAS, loud or unruly parties on private property where alcoholic beverages are served to, or consumed by an underage person, are harmful to the underage person themselves and are a threat to public health, safety, quiet enjoyment of residential property and general welfare, and constitute a public nuisance; and

WHEREAS, persons responsible for the occurrence of loud or unruly parties on private property over which they have possession or control have a duty to ensure that alcoholic beverages are not served to, or consumed by underage persons; and

WHEREAS, adults who provide alcohol to adolescents explicitly indicate an approval of underage alcohol use; and

WHEREAS, law enforcement, fire, or other emergency responders repeatedly respond to underage drinking parties, resulting in a disproportionate expenditure of public safety resources on these parties, delaying police responses to other emergency calls throughout the community; and

WHEREAS, law enforcement has inadequate enforcement authority and resources to respond to underage drinking on private property; and

WHEREAS, cities and counties require a variety of enforcement strategies to abate underage drinking parties; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in San Jose, September 18, 2009, that the League support policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority; and, be it further

RESOLVED, that the League also oppose policies that make it easy for those who are underage to access alcohol through adults, and on private property.

///////

Background Information on Resolution No. 1

Source: City of Elk Grove

Title: Resolution Relating to Social Host Liability

Background:

The City of Elk Grove is located just south of the state capital of Sacramento. According to the 2007 U.S. Census, the City's population was estimated at 140,000. After incorporating in July of 2000, for six years the City contracted with the Sacramento County Sheriff's Department for police services; however in 2006, the City formed its own police department and began serving this rapidly growing community. Since the Department's inception, the city has continued to grow in size, leading to an increasing need for additional officers to patrol the streets, investigate crimes, and respond to calls for service.

Between January 1, 2007 and December 31, 2008, the Elk Grove Police Department (EGPD) responded to more than 2,000 reports of loud and unruly parties, noise and/or music at private residences. The majority of these calls involved persons under the age of 21 who were consuming alcohol. This is a dangerous combination not only for those participating and in attendance, but also for surrounding neighbors, the community, and law enforcement personnel.

Underage drinking and unruly parties lead to an array of problems such as; alcohol related traffic accidents, gang activity, fights, noise disturbances, sexual assault, property damage, and other forms of crime. When law enforcement personnel responds to gatherings involving the consumption of alcohol by minors, it takes away valuable resources from other service calls in the community, thereby placing the community at an increased risk. Additionally, adults who give alcohol to minors are explicitly approving underage drinking while showing a complete disregard for the law, the well-being of minors, and the community as a whole.

Currently, law enforcement is somewhat limited in its authority to control what occurs on private property. California state law prohibits furnishing alcoholic beverages to underage persons; however, the law does not address the consequences when a minor possesses or consumes alcohol while on private property, or when such alcohol consumption is done with the consent of an adult, parent, relative, or legal guardian.

When law enforcement officers receive a complaint regarding an unruly party or event on private property where underage drinking is occurring; it is extremely difficult to take any action that results in the responsible individual or host being held accountable. Furthermore, law enforcement, fire and emergency response services are not currently reimbursed for the costs associated with responding to a location where minors obtain, possess, and consume alcoholic beverages.

The goal of Social Host Liability is: 1) to protect public health, safety and general welfare; 2) provide a legal means of prohibiting the service to and consumption of alcoholic beverages by minors on private property; and 3) to reduce the costs of providing law enforcement, fire, and other emergency response services to premises where alcoholic beverages are being served to or consumed by minors.

>>>>>>>>>>

RESOLUTION REFERRED TO REVENUE AND TAXATION POLICY COMMITTEE

2. RESOLUTION URGING CITY GOVERNMENTS AND OTHERS TO DIVEST FROM BANKS THAT FAIL TO COOPERATE WITH FORECLOSURE PREVENTION EFFORTS

Source: Richard Alarcón, Council Member, Los Angeles
Referred to: Revenue and Taxation Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, there is currently a financial crisis in our nation, where people are losing their jobs and homes and no longer have the financial security that was once possible and which contributed to the growing prosperity of our economy; and

WHEREAS, this crisis is affecting communities at all levels, with working class communities the most severely affected, as they were often explicitly targeted and preyed upon by lenders and brokers offering unconventional loans and financing options; and

WHEREAS, as the local, state, and federal governments work on resolving the current foreclosure crisis, one of the key factors that must be addressed is the modification of loans that are "upside-down," and which need to be modified to the current market value of the home, not the original loan amount, so that homeowners facing foreclosure receive true relief from the burden of the loans they were unjustly pushed into by aggressive lenders and brokers; and

WHEREAS, currently, there is active pressure on financial institutions to modify loans for homeowners susceptible to foreclosure by reducing the principal to the current market value and many financial institutions are not inclined to do this, particularly with no financial incentive; and

WHEREAS, as with local government, financial institutions have an obligation in assisting their customers to preserve the American Dream; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled in the Annual Conference in San Jose, September 18, 2009, that the League support the City of Los Angeles, and other member cities, to explore the potential divestiture of all deposits in banking and other financial institutions that fail to cooperate with foreclosure prevention efforts that include temporary moratoriums on foreclosures, renegotiation of mortgage principles to reflect current values, and good faith negotiations with mortgagees; and, be it further

RESOLVED, that the League of California Cities also support City retirement programs and other similar organizations which adopt a similar divestiture policy; and, be it further

RESOLVED, that the League of California Cities request the National League of Cities to consider adoption of a similar resolution.

///////

Background Information on Resolution No. 2

Source: Richard Alarcón, Council Member, Los Angeles
Title: Resolution Relating to City Governments And Others To Divest From Banks That Fail To Cooperate With Foreclosure Prevention Efforts

Background:

The foreclosure crisis in America today is profound. In 2008, about 1 million homes were foreclosed. With rising unemployment, this trend is only projected to continue. While foreclosure is devastating to homeowners, it also harms property values, neighborhood safety and government revenue. Local governments are hit especially hard by the foreclosure crisis due to the decrease in property taxes collected, as well as costs related to foreclosures – particularly for safety. A single foreclosure costs up to \$34,000 for local government agencies, through inspections, court actions, police and fire department efforts, potential demolition, unpaid water and sewage, and trash removal. Foreclosures eat up money that could have been available for housing, transportation, parks and recreation, public safety, etc.

It is therefore incumbent on cities to take action to protect their communities and their finances. Cities must step in to force financial institutions to be responsible neighbors and protect the property from vandalism, return it to the market quickly, and find a buyer. Doing this remediation work is difficult but many cities have already been at work on solutions for the last two years. Unfortunately, the key “partner” in this work – the financial institutions holding the property title – have in many cases not upheld their side of the bargain. So what can cities do when the title holding bank will not cooperate? Cities can and should use their financial clout and divest their funds from financial institutions which do not cooperate with foreclosure prevention and remediation efforts, thus providing pressure for these groups to change their policies.

Earlier this year Councilmember Alarcón introduced a motion in the City of Los Angeles to do just that. The idea came from his effort in 1998 to assist Holocaust victims and their heirs in seeking restitution from the Swiss government and banks for money and assets confiscated during WWII. After the Councilmember introduced a motion to have the City of Los Angeles divest all funds from Swiss banks, negotiations involving the banks and the World Jewish Congress began and ultimately resulted in a settlement of \$1.25 billion later that year. If it worked then, it can work now.

It is Councilmember Alarcón’s belief that if cities all around California were to take action and begin the process towards divestment, it would result in banks and other financial institutions, which do not currently work with foreclosure prevention efforts, to reverse their policies. This could help thousands of families throughout California and put us back on track to a prosperous economy.

>>>>>>>>>>

[NOTE: No resolutions were assigned to the following policy committees: Administrative Services; Community Services; Employee Relations; Environmental Quality; Housing, Community & Economic Development; and Transportation, Communication & Public Works.]

#####