



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, October 6, 2009

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
Executive Session
AGENDA

Conference with Labor Negotiators pursuant to
Government Code Section 54957.6
Agency Negotiators John W. Donlevy Jr. and Nanci Mills
Employee Organization(s): Winters Police Officer's Association

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 Winters City Council Held on September 15, 2009 (pp 1-11)
- B. Minutes of the Special Meeting of the Winters Community Development Agency Held on September 28, 2009 (pp 12-13)
- C. Seed Money for Winters Community Dinner (pp 14)
- D. Project Acceptance – 2008 Water & Sewer Main Rehabilitation, Project No. 08-0 (pp 15)
- E. Jordan Infrastructure Agreement (pp 16-24)

PRESENTATIONS

DISCUSSION ITEMS

- 1. City Hall Re-Organization (pp 25-26)
- 2. Fiscal Sustainability (pp 27-32)
- 3. Second Reading and Adoption of Ordinance 2009-11, an Ordinance of the City Council of the City of Winters, Changing the Starting Time of the City Council Meetings (pp 33-34)
- 4. Introduction and Waive the First Reading of Ordinance 2009-12, An Ordinance of the City Council of the City of Winters Repealing and Re-Adopting Chapter 13.04 of the Winters Municipal Code Pertaining to

- Water Service, and Amending Chapter 13.08 of the Winters Municipal Code Pertaining to Billing for Wastewater Services (pp 35-50)
5. Second Hearing and Possible Adoption of Ordinance 2009-10 adding Chapter 17.58 to the Winters Municipal Code pertaining to 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 (pp 51-183)
 6. Request Approval to Fund and Construct Grant Avenue Widening and Safety Improvements, Phase 2, Project No. 09-05 (pp 184-186)
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COMMUNITY DEVELOPMENT AGENCY

1. Award for Acquisition of Two (2) Emergency Standby Generators for the New Police-Fire Facility and City Well Projects (pp 187-192)
 2. Grant Avenue Commercial Property (pp 193-195)
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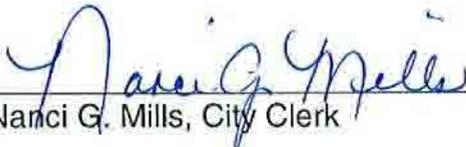
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the October 6, 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 October 1, 2009, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

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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.

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

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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 Winters City Council Meeting
Held on Tuesday, September 15, 2009

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

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

There was no reportable action taken.

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

Mayor Michael Martin called the regular meeting of the City Council to order at
7:38 p.m. following the Executive Session.

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

Absent: None

Staff: City Manager John Donlevy, City Attorney John Wallace, Police
Chief Bruce Muramoto, Community Development Director Nellie
Dyer, Environmental Manager Carol Scianna, Associate Elliot
Landes, and City Clerk Nanci Mills.

Glenn DeVries led the Pledge of Allegiance.

Approval of Agenda: Council Member Fridae requested Discussion Items #2
and #3 be heard in reverse order. Motion by Council Member Stone, second by
Council Member Fridae to approve the agenda with the specified changes.
Motion carried unanimously.

COUNCIL/STAFF COMMENTS

Council Member Fridae said the event sponsored by the Chamber of Commerce and held at the Community Center to welcome the district teachers was great. It was a wonderful welcome for the teachers, many of whom work but do not live in Winters.

Council Member Aguiar-Curry said the Community Festival and Carnitas Cook-Off, scheduled for Sunday, September 27, is still looking for 1-2 teams to cook carnitas, as well as volunteers for the event.

Council Member Stone echoed Council Member Fridae's comments, as did Mayor Martin. Council Member Fridae also added that the event was well-attended.

PUBLIC COMMENTS

Mark Wilson, 208 Toyon Lane, complimented the City Council for their infrastructure far-sightedness regarding the recent slurry seal project, stating it was a great project. He also wanted to address the Council regarding recent gang activity. He requested strategic leadership regarding the mitigation of gang activity, as it is a threat to the community and the economy of Winters. He asked that the Police Department receive support to keep the gang activity from expanding.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held on September 1, 2009
- B. Award of Construction Contract for I-505/Gateway Utilities Phase 1, Project No. 021-09.01
- C. Public Safety Facility Contract Amendment with Calpo, Hom & Dong Architects
- 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
- 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

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

PRESENTATIONS

Steve Karr, Board of Directors of Putah Creek Trout, gave a power point presentation regarding the protection and improvement of the wild trout fishery in Putah Creek.

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

City Manager Donlevy gave an overview of Ordinance 2009-11, which, if approved, would change the starting time of the City Council meetings from 7:30 p.m. to 6:30 p.m. Council Member Anderson asked if this would apply to the Planning Commission as well as the City Council. Community Development Director Nellie Dyer surveyed the Planning Commission, who recommended the 6:30 p.m. starting time. Mayor Martin opened the public hearing at 8:05 p.m. and closed the public hearing at 8:05 p.m. with no public comment. Motion by Council Member Stone, second by Council Member Aguiar-Curry, to waive the first reading and introduce Ordinance No. 2009-11, which would change the starting time of the City Council meetings from 7:30 p.m. to 6:30 p.m. Motion carried with the following roll call vote:

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

2. Police Department Update Regarding Graffiti (Previously Item #3)

Police Chief Bruce Muramoto gave an informational report. Council Member Fridae commended the police department, saying he appreciated the information and the speed in which it was brought forth. He inquired about 1) the establishment of a call line to be published for people to call and report graffiti. As a result, photos can be taken and the graffiti painted over until a better match can be found; 2) a different call line for anonymous tips, not just those calls

relating to gang activity or graffiti; and 3) establish a liaison committee, similar to the 2 X 3, where the City Manager and Superintendent would work closely to make available the proper color paint to paint over the graffiti at the schools. He would like to see this adopted as a policy. Chief Muramoto confirmed there is a tip line on the City website, and that most graffiti on school grounds are discovered by the maintenance staff. City Manager Donlevy stated that civil action would be brought against juveniles and their parents for graffiti or tagging, as private property is affected by their actions. Council Member Aguiar-Curry asked if photos of the graffiti were placed on a database. Chief Muramoto confirmed they are placed on a shared database with Davis and Woodland police departments. He also reiterated the need for a detective, who would meet with other jurisdictions, investigate and follow-up and added this would be invaluable service to the department. It's hit and miss with the patrol officers due to their responding to other calls. City Manager Donlevy stated tips from informants are needed, as there is no School Resource Officer. Mayor Martin added the other facet is parents knowing what their kids are doing. Chief Muramoto commended Community Service Officer Gail Jimenez for compiling photos of the recent graffiti and providing the aerial map of the tagged areas and thanked Council and the City Manager for all available resources. Council Member Fridae said resources cost money and the City can't afford the services we do need. The tagging is running wild, which affects the public presence and starts a downward spiral. He also thanked Chief Muramoto for his continued efforts in this area.

3. Adoption of Resolution 2009-49, A Resolution of the City Council of the City of Winters, in Support of Extended Producer Responsibility (Previously Item #4)

Environmental Manager Carol Scianna gave an overview and introduced Bonnie Low, Greenleaf Project Management, Product Stewardship Consultant to the California Product Stewardship Council (CPSC), who gave a power point presentation and asked Council not to underestimate the importance of this resolution. City Manager Donlevy indicated the resolution is included in the packet and staff is recommending its' adoption.

Motion by Council Member Fridae, second by Council Member Aguiar-Curry, to adopt Resolution 2009-49, in support of Extended Producer Responsibility.

Council Member Anderson asked if some cities or counties adopts the resolution and other don't, wouldn't it be cheaper to buy the specified products elsewhere? Bonnie agreed that this might be the issue and is why national legislation is needed. There will be a lot of work at the local level if multi-state product stewardship is not passed. Motion carried with the following roll call vote:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, Stone, and Mayor Martin

NOES: None
ABSENT: None
ABSTAIN: None

**4. League of California Cities – Conference Resolutions (2)
(Previously Item #5)**

Motion by Council Member Fridae and seconded by Council Member Stone to move this item, originally Item #5, to #4. Motion carried unanimously.

City Manager Donlevy gave an overview, stating the League of California Cities will be convening their annual conference this week, where Council Member Aguiar-Curry has been appointed the City of Winters delegate and Council Member Anderson being appointed the alternate delegate. The first resolution addresses social host liability originating from the City of Elk Grove. Law enforcement currently has limited control when being dispatched to private parties. This resolution would allow the officers to cite the property owner regarding underage drinking as well as the parents who allow it to happen. The second resolution calls for City Governments to divest from banks that fail to cooperate with foreclosure prevention efforts. City Manager Donlevy said the passage of this resolution will send a message.

Motion by Council Member Fridae, second by Council Member Stone, to authorize Council Member Aguiar-Curry as primary delegate and Council Member Anderson as secondary delegate and support both resolutions as presented. Motion carried unanimously.

5. 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) (Previously Item #2)

Council Members Anderson and Stone recused themselves due to a possible conflict of interest.

Community Development Director Nellie Dyer gave an overview of the staff report. She recommended that the City Council approve the Form Based Code as presented. Alternatively, she mentioned that the City Council could deny the Downtown Form Based Code or approve it with changes. Director Dyer suggested that the Council could revise the Form Based Code by splitting Main Street into two zones: 1) Main Street D-A; and 2) Main Street D-B. Main Street

D-B would cover the land south of Main Street between First and Second Streets. Under Table 17.58-2, Main Street D-A would have the same uses as the uses listed for Main Street. However, Main Street D-B would allow Detached Single-Family Residential as a Conditional Use.

Mayor Martin continued the public hearing from the September 1st City Council meeting at 9:30 p.m.

Julie Skaggs-Campbell, 719 Main Street, said she wasn't aware of any use change. The noise level at 107 Main Street (First Adventure Day Care) is no different than the four residences across the street and asked the Council to be fair. Mayor Martin assured her that the daycare business will continue and they are not being forced out. She asked if the property was to be inherited down, would the property be transferred to residential use or would it remain commercial use? City Attorney Wallace said if the use is changed, or the area changes, for health and safety reasons, or if the use interferes with residents, the Planning Commission will decide whether it still fits the area (regarding C2.) He also said there are legal non-conforming issues when changes are made and you cannot go back once a change has been made.

Andrew Skaggs, 44331 N. El Macero Drive, El Macero, said he is a living steward for Main Street. He added that the "Good Neighbor" policy is in place, where the lot at 107 Main Street utilizes the lot to utilize the back door of neighboring businesses.

Nancy Meyer, Realtor, voiced her concerns with the Form Based Code and re-building. If a residential property burns down, must it be re-built as residential? City Attorney Wallace replied yes, and construction must commence within one year. Nancy said under current Fannie Mae/Freddie Mac guidelines, you cannot get financing under the new Form Based Code and asked if she could get fire letters. City Manager Donlevy replied yes, based on the legal non-conforming uses, and added that it is in the code. The Form Based Code is giving property zoned C-2, which was adopted in 1992, a broader use of these properties. Nancy asked if the use could be changed in 12 months? City Manager Donlevy replied she would be unable to expand or change the home. Mayor Martin said regarding the expansion of homes in the C-2 area, there has been no new building in this zone in many years. Nancy said she had a clear understanding of what is allowed and asked if notification was sent to property owners? City Manager Donlevy confirmed that public workshops have been held and a ten-day notice was issued for the first public hearing held at the September 1st City Council meeting, and this is a continuation of that public hearing. Council Member Aguiar-Curry added that the public hearing was properly noticed in the local newspaper. Nancy claimed this was not proper notification.

Glenn DeVries, 112 Main Street, said that splitting Main Street into two zones is helpful. Beyond the Form Based Code, existing homes are still in the C-2 zone.

He was unable to get a residential loan and had to get a high rate commercial loan. He added that a lot of homes can't get loans and asked for a correction in writing regarding commercial and residential loans.

Mayor Martin asked for verification whether residential loans can be obtained in the C-2 zone. City Manager Donlevy replied that the question had not be raised.

Community Development Director Nellie Dyer said there are issues surrounding the C-2 zone, and that it is a monster into itself. Much of First Street is zoned commercial and she doesn't understand why. She said staff can look at this as a separate issue and address it separately.

City Manager Donlevy said four years has been spent working on this. Over \$100,000 has been spent, along with grant money on this item. Community workshops have been held, where he has attended and participated. Outside consultants and staff members have worked on it and it has appeared before Council four or five times. A lot of time, effort and money has been spent. In general, the City is attempting to maximize the use and values of the properties, while allowing the broadest range of use.

Community Development Director Nellie Dyer offered a suggestion in response to comments: split Zoning District D-A down the alley and include it in Zoning District D-B.

Council Member Fridae requested that the City provide fire letters and 12 or 24 months to rebuild. Mayor Martin said overall, he likes the Form Based Code, which provides tremendous opportunity. He envisions a downtown with many types of businesses. He likes Options D-A, which is a good solution, as well as Option D-B. Council Member Aguiar-Curry also thanked staff for the solution presented, which will benefit economic development and act as a guideline or tool to help. She has been frustrated with the process and is ready to move forward. Council Member Fridae acknowledged that this will affect the homes and investments of those residents in attendance. Nellie has helped clarify the process, where current uses will continue and in the event of a loss, re-building is to occur within 2 years. In the existing C-2 area, there is one significant item: the one property on the north side of Main Street will not be returned to residential use. This property has been functioning as a business in various ways for a long time. Mayor Martin then closed the public hearing at 10:05 p.m.

Motion by Council Member Fridae to 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, which will include the designation of Zone D-B on the south side of Main Street, and adopt Resolution 2009-43, amending the City of Winters General Plan and Land Use Map. Seconded by Council Member Aguiar-Curry. Motion carried with the following roll call vote:

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

Mayor Martin thanked staff for their hard work in coming up with options. He also wanted to verify that the motion does not include one property on the north side of Main Street between First and Second Streets.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: There are two events planned in conjunction with the new Winters Public Library: the Grand Opening is scheduled for November 13th, which will include the school and the community, and a small reception to be held on the eve of the Grand Opening, on November 12th. The Homecoming Rally will be held on Friday, October 2nd. The All-Sports Booster Club is having a fund-raising Tri-Tip dinner at the Community Center on September 16. A Notice to Proceed was issued today for the Public Safety Facility. There will be an organizational meeting scheduled sometime within the next couple of weeks. Fencing has been put around the building site, a construction trailer has been erected and they will be preparing the site during the next couple of weeks. Crews are also moving on Water Well #7. The Public Safety Facility should be completed in 12 months.

INFORMATION ONLY

None

ADJOURNMENT

Mayor Martin adjourned the meeting at 10:15 p.m.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Special Meeting of the
Winters Community Development Agency
Held on Monday, September 28, 2009

Mayor Pro Tem and Agency Chairman Woody Fridae opened the meeting of the Winters Community Development Agency at 4:00 p.m.

Present: Council Members/Agency Members Cecilia Aguiar-Curry, Harold Anderson, and Mayor Pro Tem/Agency Chairman Woody Fridae.

Absent: Council/Agency Member Tom Stone and Mayor/Agency Member Michael Martin

Staff: City Manager John Donlevy, City Attorney John Wallace, Community Development Director Nellie Dyer, Police Chief Bruce Muramoto, Fire Chief Scott Dozier, Director of Financial Management Shelly Gunby, and City Clerk Nanci Mills.

The Pledge of Allegiance was led by Nellie Dyer.

Approval of Agenda

COUNCIL/STAFF COMMENTS: None

PUBLIC COMMENTS: None

COMMUNITY DEVELOPMENT AGENCY

1. **Award a Contract for Interim Geotechnical Inspection Services for the Public Safety Facility**

City Manager Donlevy gave a brief overview of the staff report, recommending approval of the award of contract to Matriscope to provide interim special

inspections services for the Public Safety Facility for the interim period September 29, 2009 and October 23, 2009.

Motion by Agency Member Anderson and seconded by Agency Member Aguiar-Curry to approve staff recommendation, authorizing the Executive Director to award a contract to Matriscope in the amount of \$6,865.00 for the interim Geotechnical Inspection Services for the Public Safety Facility, and to approve an overlay of \$3,000 for Geotechnical Services provided by Engeo, if needed.

CITY MANAGER REPORT: None

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT

Mayor Pro Tem/Agency Chairman Fridae adjourned the meeting of the Winters Community Development Agency at 4:23 p.m.

Woody Fridae,
Mayor Pro Tem and Agency Chairman

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE : October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci Mills, Director of Administrative Services/City Clerk
SUBJECT: Seed Money for Winters Community Dinner

RECOMMENDATION: Discuss seed money for the Winters Community Dinner to be held on Sunday, November 22, 2009, which will benefit many Winters residents. The expected attendance is approximately 800 residents.

BACKGROUND: Marie Heilman, Community Dinner Chairperson and representative of the Winters Ministerial Association, requested, through Council Member Stone, that this item be placed on the agenda in order to request a donation.

Due to current economic conditions and an expected increase in attendance, Council Member Stone is proposing a donation of \$1,000, an increase of approximately 25% from the 2008 donation amount of \$750.

FISCAL IMPACT: \$1,000



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nick Ponticello, City Engineer
SUBJECT: Project Acceptance
2008 Water and Sewer Main Rehabilitation, Project No. 08-01

RECOMMENDATION: Staff recommends that City Council accept the 2008 Water and Sewer Main Rehabilitation project as complete and direct the City Clerk to file a Notice of Completion.

BACKGROUND: On December 16, 2008 City Council awarded a contract to Terracon Pipelines for the rehabilitation of the water and/or sewer mains in Walnut Lane, East Edwards Street, Russell Street, Second Street, and Mermod Place. The old mains and water laterals have been replaced and all deficient sewer laterals and cleanouts were repaired or replaced. Terracon completed the project and demobilized on June 25, 2009. The construction portion of the project is complete and determined to be acceptable by Staff.

Council authorized \$3,601,000 for completion of this work. The current cost of completion is approximately \$1,668,000 with some minor additional cost to be incurred for project close-out. Savings from the project was due to efficiencies of design and construction management with a savings of over \$200,000 and the very competitive construction bidding environment with a savings of approximately \$800,000 based on the final engineer's estimate.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded through the sale of Infrastructure Revenue Bonds, which will be paid back with utility user fees.



Office of the City Attorney
John C. Wallace, City Attorney
Steven Rudolph, Asst. City Attorney
City Hall, 318 First Street
Winters, CA 95694
(530) 795-4910/FAX (530) 795-4935
john.wallace@cityofwinters.org
srudolph@meyersnave.com

September 30, 2009

To: Winters City Council

From: John C. Wallace, City Attorney 

Through: John W. Donlevy, Jr. City Manager

Re: Public Infrastructure Agreement (Jordan)

The City staff has reached agreement on the Jordan property for the extension of City services to I-505. The City Council needs to (1) approve the extension by motion; and (2) authorize the Mayor, City Clerk and staff to execute the agreement. The agreement will be recorded, the City receiving a permanent right of way therefrom. Approval is recommended.

318 First Street
Winters, CA 95694
Phone: 530.795.4910
Fax: 530.795.4935

COUNCIL MEMBERS
Cecilia Aguiar-Curry
Harold Anderson
Tom Stone

MAYOR
Michael Martin
MAYOR PRO TEM
Woody Fridae

CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Donlevy,

**Recording Requested by
and when Recorded, return to:**

City of Winters
318 First Street
Winters, CA 95694
Attn: City Manager

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

PUBLIC INFRASTRUCTURE AGREEMENT

This Public Infrastructure Agreement ("**Agreement**"), dated _____, 2009 ("**Effective Date**") is executed by and between **JORDAN FAMILY PARTNERSHIP II**, a California Partnership ("**Owner**") and the City of Winters, a municipal corporation (the "**City**"). Owner and City are hereinafter collectively referred to as the "**Parties**."

RECITALS

A. Owner is the owner in fee of the real property (the "**Property**") located within City of Winters on Grant Avenue, known as APN Nos. 038-070-28, 038-070-30, and 038-070-31.

B. City has requested and Owner is willing to dedicate to City a permanent public utility easement to the City, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by this reference, for the purpose of construction, installation, removal, repair, replacement, reconstruction, maintenance, operation and use of utilities such as water distribution systems, sewer collection systems, sewer pump station, electrical and cable facilities, and associated appurtenances, over, along, upon, under, and across the easement area.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

1. Dedication. Owner hereby grants to City, the following dedications upon the terms and conditions set forth in this Agreement:

A permanent public utility easement as more particularly described and depicted in Exhibit A attached hereto for the purpose of construction, installation, removal, repair, replacement, reconstruction, maintenance, operation and use of utilities such as water distribution systems, sewer collection systems, electrical facilities, and associated appurtenances, over, along, upon, under, and across the easement area. The permanent public utility easement shall be at a width of sixty (60) feet. All facilities shall be installed at a depth of at least five (5) feet below the surface so as not to interfere

with farming operations.

2. Temporary Construction Easement. Owners agrees to grant City a temporary construction easement of an additional ten (10) feet on either side of the public utility dedications described in paragraphs 1 above. The construction easement shall include use of the existing dirt roadway along the west side of the Property. City shall endeavor not to otherwise interrupt the Owner's use of the property.

3. Character of Dedications; Successors in Interest. The public utility dedications created by this Agreement, and the public facilities in, on or under such dedications (the "Improvements") are expressly for the benefit of the City, public utilities and agencies maintaining the Improvements and the general public, and shall be binding upon Owner and its successors in interest. Whenever a reference in this Agreement is made to City or Owner, such reference shall be deemed to also mean a reference to the successors in interest of each such Party (or Parties), as applicable, as if in every case so expressed.

4. No Interference or Barriers.

(a) City shall make a good faith effort to insure that the activities permitted under this Agreement do not interfere with or disrupt Owner's existing or future use of the Property, including but not limited to the continuation of farming operations on unimproved areas within the public utility easement.

(b) The Parties shall not prevent, impair or discourage the use or exercise of the dedications granted by this Agreement or the free access and movement across the Property and dedicated areas.

5. Construction and Maintenance.

(a) At City's sole cost and expense, City may construct, maintain, replace and reconstruct all Improvements.

(b) City shall perform all construction, maintenance and repair obligations hereunder in a manner so as to minimize disruption in the use of the Property and dedicated areas during the course of such work.

(c) City shall monitor and control all vehicle access to, from and across the dedicated areas.

(d) City shall review and control the landscaping, planting, trimming, maintenance and/or removal of any trees or other plants within the dedicated areas

(e) City shall review and control all signage and other appurtenances in the dedicated areas.

(f) As a result of the grant of the dedications contained in this Agreement, Owner shall have no obligation to pay for or to construct, maintain, repair, replace or reconstruct Improvements upon or through the dedicated areas.

6. Reimbursement. City and Owner understand and agree that the costs of engineering, planning, and constructing Improvements shall be paid initially by the City, but shall be subject to reimbursement on a pro-rata basis, upon the subsequent development of the Property, as more particularly described in Exhibit B, attached hereto and incorporated herein by this reference.

7. Indemnification. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, claim, demand, action, suit, legal or administrative proceeding, penalty, fine, damage, judgment, expenses (including reasonable attorneys' fees and costs of litigation) and costs (all of the foregoing, collectively "**Claims**") arising out of or related to the grant of the dedications contained in this Agreement, or City's construction and/or maintenance of Improvements in the dedicated areas, including any damage to crops. This indemnification shall not extend to Claims caused by the negligence or willful misconduct of the Owner.

8. Taxes. Owner shall be responsible for payment of all taxes, assessments, and fees, including without limitation real estate taxes and possessory interest taxes, in any, payable with respect to the public utility easement area, until such time as the public right of way is constructed.

9. Insurance.

(a) City shall at all times during the term of this Agreement maintain, in full force and effect, general liability insurance in the amount of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) annual aggregate, including coverage for injury to or death of persons and damage to or destruction of property resulting from the construction, use, operation, repair and maintenance of the dedicated areas and the Improvements.

(b) City shall furnish to Owner, within thirty (30) days of the Effective Date of this Agreement, evidence that the insurance referred to in this Section is in full force and effect. Each policy of insurance shall: (i) name the Owner as an additional insured, (ii) stipulate that the insurance is primary insurance and that no insurance or self-insurance of Owner will be called upon to contribute to a loss, and (iii) provide that the policy may not be cancelled or amended without at least thirty (30) days prior written notice to City.

10. Enforcement; Events of Default; Remedies. An event of default under this Agreement shall occur if a Party fails to fulfill or perform any obligation required to be fulfilled or performed by such Party hereunder and the failure of such Party to cure such default within ten (10) days after receipt of written notice thereof (or in the case of a nonmonetary default, the failure to commence to cure such default within thirty (30)

days and thereafter to proceed with due diligence to cure such default. Upon the occurrence of an event of default hereunder, either Party may pursue all remedies at law or in equity, expressly including the remedy of specific performance of this Agreement. The remedies afforded hereunder are cumulative. Failure to provide notice of any default shall not constitute a waiver of such default.

11. Miscellaneous.

(a) No Joint Venture. No provision of this Agreement shall be deemed to constitute the Parties as partners, principal and agent, or joint venturers with one another. Each Party represents and warrants to the other that no brokers have been retained or consulted in connection with this transaction other than as disclosed in writing to the other Party.

(b) No Waiver. No waiver of, acquiescence in or consent to any breach of any term, covenant or condition hereof shall be construed as, or constitute a waiver of, acquiescence in, or consent to, any other, further or succeeding breach of the same or any other term, covenant or condition.

(c) Notices. Except as otherwise specified herein, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified below or to such other address as a Party may designate by written notice delivered to the other parties in accordance with this Section. All such notices shall be sent by:

(i) personal delivery, in which case notice is effective upon delivery;

(ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered on receipt if delivery is confirmed by a return receipt;

(iii) nationally recognized overnight courier, with charges prepaid or charged to the sender's account, in which case notice is effective on delivery if delivery is confirmed by the delivery service;

(iv) facsimile transmission, in which case notice shall be deemed delivered upon transmittal, provided that (a) a duplicate copy of the notice is promptly delivered by first-class or certified mail or by overnight delivery, or (b) a transmission report is generated reflecting the accurate transmission thereof. Any notice given by facsimile shall be considered to have been received on the next business day if it is received after 5:00 p.m. recipient's time or on a nonbusiness day.

**City: City of Winters
318 First Street
Winters, CA 95694
ATTN: John Donlevy, City Manager**

**Owner: Mary L. Jordan
10411 Pittsburgh Road
Nevada City, CA 95959
Phone: (530) 272-5400**

**Copy to: Jordan Family Partnership 4
c/o Denise Gilbert
1600 Executive Court
Sacramento, CA 95825
Phone: (916) 973-2800**

(d) Further Assurances. The Parties agree to execute, acknowledge and deliver to the other such other documents and instruments, and to undertake such other actions, as either shall reasonably request as may be necessary to carry out the intent of this Agreement.

(e) Governing Law; Venue. This Agreement shall be construed in accordance with the laws of the State of California without regard to principles of conflicts of law. Any action to enforce or interpret this Agreement shall be filed in the Superior Court of Yolo County, California or in the Federal Court for the Eastern District of California.

(f) Severability. If any term, provision, covenant or condition contained in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Agreement shall continue in full force and effect.

(g) Attorneys' Fees. In any action at law or in equity, arbitration or other proceeding arising in connection with this Agreement, the prevailing Party shall recover reasonable attorneys' fees (including the allocated costs of staff counsel) and other costs, including but not limited to court costs and expert and consultants' fees incurred in connection with such action in addition to any other relief awarded, and such attorneys' fees and costs shall be included in any judgment in such action.

(h) Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

(i) Amendments. This Agreement may be modified or amended, in whole or in part, only by an instrument in writing, executed and acknowledged by the Parties, and recorded in the Official Records of Yolo County.

(j) Assignment. This Agreement shall not be assigned by City without the prior written consent of Owner.

(k) Captions; Construction; Entire Agreement. The section headings used in this Agreement are for convenience only and are not intended to affect the interpretation or construction of the provisions herein contained. The Parties acknowledge that this

Agreement is the product of negotiation and compromise on the part of both Parties, and the Parties agree, that since both Parties have participated in the negotiation and drafting of this Agreement, this Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and all prior negotiations, documents and discussions with respect thereto are hereby superseded.

SIGNATURES ON FOLLOWING PAGE.

IN WITNESS WHEREOF, the Parties have executed this Public Infrastructure Agreement as of the Effective Date.

OWNER, JORDAN FAMILY PARTNERSHIP II

By: 
DENISE C. GILBERT, General Partner

CITY OF WINTERS, a municipal corporation ("City")

By: _____
JOHN W. DONLEVY, JR., City Manager

Attest:

By: _____
NANCI G. MILLS, City Clerk

Approved as to Form:

By: _____
JOHN C. WALLACE, City Attorney

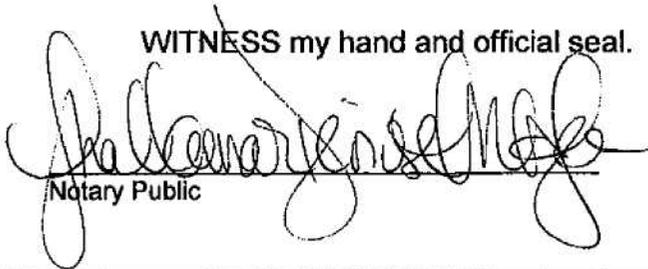
SIGNATURES MUST BE NOTARIZED.

SIGNATURES CONTINUE ON FOLLOWING PAGE.

STATE OF CALIFORNIA)
) ss.
COUNTY OF YOLO)

On Sept 14, 09 before me, Shallamar Denise McCabe Notary Public,
personally appeared Denise C. Gilbert,
~~personally known to me~~ (or proved to me that on the basis of satisfactory evidence) to
be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public



STATE OF CALIFORNIA)
) ss.
COUNTY OF YOLO)

On _____ before me, _____,
personally appeared _____,
personally known to me (or proved to me that on the basis of satisfactory evidence) to
be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: October 6, 2009
FROM: John W. Donlevy, Jr., City Manager
SUBJECT: City Hall Reorganization

RECOMMENDATION:

That the City Council approve as follows:

1. Modification of the counter hours of the Building Department to Tuesdays and Thursdays from 9:00 a.m. to 12:00 p.m. and by appointment.
2. Building Inspection days (limited hours) to Tuesdays and Thursdays.
3. Reallocation of positions from the Community Development between the Water Fund and Finance Department.
4. Reallocation of Recreation and Financial Management Positions

BACKGROUND:

With the actions of the State of California to borrow and take local property taxes and redevelopment revenues, the City Staff is recommending a number of actions to reorganize the internal organization. This is being done to reduce the overall payroll impact to the City's General Fund, reduce payroll costs and prevent the need to layoff employees in order to meet budget requirements.

Staff is recommending as follows:

1. **Community Development:** Modification of the Planning and Building functions to reduce the overall counter hours to six (6) hours per week and by appointment.
2. **Reorganization:** Shift portions of the Building Department personnel to duties in the Financial Management and Water Divisions to assume other duties due to retirements and basic need.

3. **Recreation:** Allow the position of Recreation Coordinator to remain unfilled and the retirement of the Finance Clerk to be absorbed in other positions.

Justifications:

With the overall slowdown in the building industry, the Community Development Department is experiencing a significant reduction in the number of permits and offsetting revenue to support the Department. While it is anticipated that the reduction in hours will have an impact on availability and customer service, it is necessary to cut the time allocation to these areas.

The proposal includes the reallocation of 50% of the time for both the Building Inspector and the Planning and Building Clerk. The Clerk will be assigned 50% to the Department of Financial Management and will replace a portion of the position which is retiring. Key assignments will include cash receipts and billing. The Building Inspector will be assigned 50% to the Water Meter Project and will assist in the installation project for new water meters City-wide.

The Staff will also be re-organized to provide a higher level of customer service. All counter services will be moved to the First Floor of City Hall.

FISCAL IMPACT:

2009-2010 Savings to General Fund Approx \$89,000

2010-2011 Savings to General Fund Approx \$150,000



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: October 6, 2009
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Fiscal Sustainability Review Session 2: Key hurdles

RECOMMENDATION:

That the City Council receive Session 2 of the Fiscal Sustainability Review from the City Staff and provide appropriate comments and direction.

BACKGROUND:

In August, 2009, the City Staff began a review of key issues and concerns regarding the fiscal sustainability of the City of Winters. This includes a three (3) session presentation on many of the key issues which are impacting the economics of the City of Winters.

This presentation will include a review of many of the current hurdles facing the City is achieving economic success.

DISCUSSION:

This report is meant to provide a critical and analytical review of the economics of the City of Winters. The discussion is to identify many of the factors which are stalling the fiscal and economic sustainability of the community. While many of the statements can be construed as "negative", they are presented to allow a more empirical review of those things which are barriers to the economic survival of the community.

The City of Winters faces a number of key hurdles toward gaining an economy which allows for sustainability. These include:

1. No current economic base from which to build.
2. Proximity of businesses to economic corridors.
3. Undeveloped, Undevelopable and Costly to develop Land
4. Low revenue generation from existing businesses

Current Economic Base:

The current economic base for the City provides a number of hurdles for fiscal sustainability. These include the following:

1. Lack of businesses and job base to support economic expansion and internal fiscal growth.
2. Inadequate population base to support the retail economic models desired by major businesses.
3. Absence of a business to business climate to support internal business growth.

Business:

From an economic standpoint, Winters has changed dramatically during its history. A once bustling business climate in the 1950's and early 1960's devolved into a shell of its former self during the 1970's, 80's and 90's. The Downtown has served as the economic core of the City, yet has not kept up with modernization of retail and business trends. The Winters business community once include multiple car dealers, grocery and department stores and generally served as the main servicing point for the surrounding farming community. The Downtown once served as the hub of economic activity for business transactions. The combination of the loss of the railroad line and the emergence of the neighboring communities of Vacaville, Woodland and Davis significantly shrank the economic climate of the City.

Since the 1960's and with the exception of the emergence of the Mariani Nut Company, there has been minimal economic or industrial growth in Winters. Job development has been minimal, especially in the range of positions which are able to support a household. The reality is that the footprint of Downtown is the same as it was 120 years ago!

A key cause for much of the non development has been the proximity of business to key economic corridors. The rise of Winters was initially tied to the fact that the railroad proceeded through the center of town. The literal presence of the railroad and its stop, created the hub of activity needed for persons to gather in Winters. A key road was Road 89 which served as a key traffic corridor for vehicles travelling north. Not unlike the Pixar movie "CARS" where the town of Radiator Springs was bypassed, the loss of the railroad and the construction of 1505 has taken its toll on Downtown Winters. Once the thoroughfare, Downtown is now hidden and must be "found".

The traffic patterns of Winters also is a prohibiting factor for economic advancement. On average, there are approximately 10,000 car trips each day on Grant Ave. both easterly and westerly. On an

average day, only 1,600 of those cars turn from Grant Ave on to Railroad Ave into Downtown. This indicates that 84% of the traffic on the City's main corridor are not visiting the core economic area of the City.

The key economic corridor for Winters has clearly shifted to the I505 and Grant Ave. The Downtown still serves as the heart of Winters, but in order to advance both fiscally and economically, the focus must become these key transited areas.

Population:

In the 1991 General Plan, the economic analysis pointed toward the importance of generating a population base which would allow local servicing businesses to succeed. At the time, the estimated population need was a minimum of 15,000 residents to support the models dictated by the typical retail business model for density and service area. Thus, the current and even predicted size of Winters, 12,500 will not support or justify a typical retailer relocating to the City. As stated in the previous fiscal sustainability report, 95% of our residents spending for comparison goods is done outside of Winters because retail does not exist within the City.

The City also seriously lacks a daytime population base from which to support local businesses. From an economic standpoint, retail experts will support that "people shop by where they work, not by where they live". In Winters, the overall lack of daytime job population is lacking to the point that most businesses close by 5:00 p.m.. Demographically, 80% of the working population of the City are commuters. Peak commute times show that most persons leave the City before 7:30 a.m. and return after 6:00 p.m. each work day.

The result is dramatic and a double hit on the Winters economic community. Not only is the population too small to support retail, but the daytime population is even smaller due to the lack of jobs and industry. Most residents cannot even support the local businesses because they are closed before they arrive back into town from work.

Business to Business:

The American economy is driven on the basis of "business to business" commerce. Business-to-business (B2B) describes commerce transactions between businesses, such as between a manufacturer and a wholesaler, or between a wholesaler and a retailer. Typically, this means having industry or production sharing products within the economy. In an economic analysis benefiting your economy, it means importing more revenue than is exported. This is reflected in a deficit of revenue coming into the Winters economy whereby our residents and businesses are spending more outside than is brought into the economy.

In the Winters economy, the only real production to manufacturing (B2B) is the agricultural production (mostly nuts) with the Mariani Nut Company. The few businesses which exist within

Winters have external B2B which does not create jobs or internal revenues within the City.

The need to establish B2B is critical to the overall economy. It is what generates jobs and multiple levels of transactions for many products. The best example is a car manufacturer who purchases glass, tires, metal and parts from multiple suppliers. Other businesses which support each other can be seen in auto repair, with garages such as Pisani and Biasi purchasing products from Napa Auto Supply. In Winters, most transactions are single transactions, the sale of a food product or a bottle of wine.

The lack of businesses in Winters is a serious issue and hurdle to the overall sustainability of the City. From jobs to business tax revenue generation, the need to locate businesses which circulate products (B2B) is a critical component to the long term success of the community from an economic standpoint.

The absence of a revolving economy makes Winters a challenge for any business to justify locating within the community if it is reliant on B2B. Successful economic development will result once the City of Winters is capable of establishing a business culture whereby local businesses are not reliant on marketing outside of the community.

Undeveloped, Undevelopable and Costly to Develop Land:

The need to establish a jobs based is mostly hampered by the sheer lack of businesses within the City. The City has simply not developed!

Job development opportunities which exist in Winters are as follows:

- **North Industrial Area:** In total, the City has approximately 80 acres of industrially zoned property along 505 to the north of Grant Ave. Of this land, only 10 acres of the property is developed with Pavestone, Teichert and the former Woodtech property.
- **Gateway Master Plan:** This includes approximately 46 acres of property which are designated for light industrial development. There is a "master plan" for the site which includes an additional 7 acres of freeway serving commercial. The plan has been adopted, but the land has not been re-zoned.
- **Planned Commercial Re zoning:** The City has less than 20 acres zoned along Grant Avenue which the General Plan designates as "Planned Commercial". None of this acreage has been developed.

In fact, very little of the City land designated for job and industrial production has developed. The last property to be developed was the Woodtech property along County Road 90 which was completed in 2002. This produced fewer than 20 jobs and closed in 2006.

There are a variety of reasons why there has been no industrial job growth in Winters. Key reasons include:

- The 1992 General Plan designated all of the industrially zoned property into a “Flood Overlay Area” which was prohibited from development until a comprehensive flood solution was developed and a fee program established to fund such. The project and fee program were finally completed in 2008. This is the key reason for no development in this area.
- The Gateway Master Plan area has been held from development by the property owners for a variety of reasons.
- There are no utilities to service these areas and the combination of the Flood Overlay Area and property owner inaction have caused the area to stay undeveloped. This is the second key reason for lack of development.

Undevelopable and Costly to Develop Land:

When considering where to develop, key considerations are location, price of land and the costs per acre to implement the project. The “Flood Area” designation and the General Plan prohibition against development have factored negatively into the lack of development for the Winters industrial area.

The industrially zoned properties in Winters are also cost prohibitive to develop. In the 2004 update of the City’s impact fee program, the comparable fees for the industrially zoned properties were as follows:

<u>Location</u>	<u>Cost Per Acre</u>	<u>Cost with Flood Fee</u>
Winters	\$112,570	\$184,570
Vaca Valley Industrial Park	\$101,625	
Vacaville Business Park	\$101,080	
Solano Business Park	\$77,418	
Farifield Business Park	\$74,920	
Dixon	\$71,595	
Napa Gateway	\$60,186	

The cost to develop in Winters is almost 83% higher than the Vaca Valley location and almost 200% higher than the lowest comparison. In a recent survey of the land costs in the industrial area, the development costs are 6.8 times the cost of land values at \$27.000 per acre.

The extension of utilities to the I505 will clearly create a more positive climate for development, however the cost of development is prohibitive at this time.

Revenue Generation from Existing Businesses

The amount of revenue generated from existing businesses is a key factor in the overall fiscal sustainability of the City. Some key facts regarding the revenue generation throughout Winters:

- In the 4 quarters ending in June, one Grant Ave. business produced more sales tax revenue than the ENTIRE Downtown, including the 3 Buckhorn businesses.
- 18 Grant Ave. businesses produced approximately \$230,000 in sales tax, as compared to \$106,000 for 32 Downtown businesses.
- Of the top 10 revenue generating businesses, 8 are located on Grant Avenue. 12 of the top 20 are also located on Grant Ave.

SUMMARY:

The foregoing analysis has been presented as a highly critical and empirical analysis of the current economic and development capability of the City. It has been provided to help form a basis for a number of forthcoming recommendation in the third session of the fiscal and economic sustainability review of the City.

Session 3 will be an opportunity to focus on alternatives and recommendations to help improve the current issues raised in the first two sessions.

FISCAL IMPACT: None by this action.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Second Reading and Adoption of Ordinance No. 2009-11, Changing the Starting Time of the City Council Meetings

RECOMMENDATION:

Perform second reading and adopt 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 the current time of 7:30 p.m. to the proposed time of 6:30 p.m.

FISCAL IMPACT:

Unknown.

ORDINANCE No. 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 6th day of October, 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 Councilmembers
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Introduction and Waive First Reading of Ordinance 2009-12, An Ordinance of the City Council of the City of Winters Repealing and Re-Adopting Chapter 13.04 of the Winters Municipal Code Pertaining to Water Service and Amending Chapter 13.08 of the Winters Municipal Code Pertaining to Billing for Wastewater Services.

RECOMMENDATION:

Staff recommends the City Council take the following actions;

1. Receive this staff report
2. Introduce and Waive First Reading of Ordinance 2009-12, An Ordinance of the City Council of the City of Winters Repealing and Re-Adopting Chapter 13.04 of the Winters Municipal Code Pertaining to Water Service and Amending Chapter 13.08 of The Winters Municipal Code Pertaining to Billing for Wastewater Services.
3. Schedule Public Hearing and Second Reading of Ordinance 2009-12 at the October 20, 2009 City Council Meeting.

BACKGROUND:

Staff has been working on a program to install water meters throughout the City and begin billing on a consumption basis once installation is complete, and has been before the City Council at prior meetings to get direction on a metering program.

The first step in moving forward with a metering program was to have the authority in our municipal code to require water meters be installed on existing water services regardless of whether they have changed ownership. This ordinance addresses the following water issues:

1. Provides for the consumer of City water services to be either the property owner or a tenant of a property.
2. Increases the amount of the deposit required for new water service from \$100.00 to

\$200.00.

3. Allows for the discontinuation of water service if the utility bill is not paid within 60 days of the due date.
4. Gives authority to install water meters on all existing unmetered water service connections through a phased water meter installation program, with fees and payment programs set by City Council Resolution.
5. Sets up a requirement that all meters shall be unobstructed and accessible to City Employees for the purpose of reading and maintaining the meter.
6. Sets up a mechanism for testing meters for accuracy.

Staff will bring the program for installing water meters along with a resolution setting fees and payment programs for the water meter installation program on October 20, 2009 to accompany the second reading of this ordinance.

FISCAL IMPACT:

Increase in the deposit for new utility customers from \$100.00 to \$200.00 effective the effective date of Ordinance 2009-12.

ORDINANCE NO. 2009-12

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
REPEALING AND RE-ADOPTING CHAPTER 13.04 OF THE WINTERS
MUNICIPAL CODE PERTAINING TO WATER SERVICE, AND AMENDING
CHAPTER 13.08 OF THE WINTERS MUNICIPAL CODE PERTAINING TO
BILLING FOR WASTEWATER SERVICES.**

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

SECTION 1. Repeal and Re-Adoption of Chapter 13.04

Chapter 13.04, "Water Service" is hereby repealed in its entirety and re-adopted as follows:

Section 13.04.010 City Water Service

The Water Department of the City of Winters shall furnish a safe and potable water supply in accordance with applicable state and federal law.

Section 13.04.020 Definitions

Words used in this Chapter 13.04 are defined as hereinafter provided:

"Applicant" means any person, group of person, firm, corporation or association who applies for use of the city's water system.

"City" means the City of Winters.

"City Water System" means those City facilities used to provide water service to Consumers.

"Consumer" means any person, group of persons, firm, corporation, or association receiving Water Service from the City.

"Director" means the Director of Financial Management of the City.

"Minimum Charge" means the periodic charge to be paid by a Consumer if connected to the City Water System, even if no water is used during the period for which such charge is made.

"Premises" means the real property to which water service is or will be provided.

"Water Department" means the City of Winters Water Department.

“Water Distribution Facilities” means the water lines, pipes and associated equipment owned by the City and necessary to deliver water to Consumers.

“Water Service” means a connection through which water is supplied or is available to a Consumer from the City Water System.

Section 13.04.030 Application for Water Service

- A. After the effective date of this chapter, no person shall connect a hose, pipe or other conduit to the City Water System before first applying for Water Service with the Water Department, submitting a deposit to guarantee payment for such Water Service in the amount of two hundred dollars (\$200), and receiving authorization from the Water Department to make the requested connection.
- B. Existing Consumers shall not be required to increase the amount of the deposit prior to moving to a new location within the City, unless Water Service has been terminated in accordance with the provisions of Section 13.04.090. New property owners or tenants shall be required to submit the deposit specified in Section 13.04.030A prior to receiving Water Service.
- C. Existing Consumers who own real property but do not reside on the Premises, may have the Water Service account transferred to the tenant or occupant of the Premises, upon the payment of the deposit specified in Section 13.04.030A.

Section 13.04.040 New Connection Application

- A. Any person requesting Water Service from the City for Premises where Water Distribution Facilities are not installed shall apply to the Water Department for permission to install the Water Distribution Facilities. The application shall contain improvement plans for the proposed Water Distribution Facilities that conform to the City Improvement Standards and Construction Specifications, and other requirements of the Water Department.
- B. After the Water Department certifies in writing that the improvement plans submitted conform to the requirements specified in paragraph A above, and the Applicant has obtained an encroachment permit from the City for any work to be performed on City owned property, the Applicant may install the Water Distribution Facilities. All costs associated with the installation Water Distribution Facilities shall be the responsibility of the Applicant.
- C. The Water Department shall inspect and approve all work before the Water Distribution Facilities are connected to the City Water System and/or are placed into service.

- D. After the Water Department issues a notice of completion, all Water Distribution Facilities on the “street-side” of the water meter, and the water meter, shall automatically become the property of the City.

Section 13.04.050 Service Connection Fee

A service connection fee for connection to the City’s Water System shall be established by resolution of the City Council, and shall be paid at the time of application to install Water Distribution Facilities, or prior to connection to the City Water System for those Premises where Water Distribution Facilities are already installed. The service connection fee shall be in addition to any other fees or charges imposed by the City, including but not limited to, development impact fees.

Section 13.04.060 Rates

Any rates, charges and fees authorized or imposed by this chapter shall be established by resolution of the City Council, which may be amended from time to time.

Section 13.04.070 Billing

The charges, rates and fees imposed for City Water Service to a Consumer by this chapter shall be billed monthly in a manner determined by the Director, together with the charges for any other utility services rendered to a Consumer by the City.

Section 13.04.080 Lien

Bills for Water Service shall be payable monthly. If a Consumer is also the owner of the Premises being supplied Water Service, all charges for Water Service that are not paid for in a timely manner may be assessed against the Consumer and become and remain a lien on the Consumer’s Premises until such charges are paid.

In the alternative, pursuant to Section 5470 et seq., of the California Health and Safety Code, the City Council may elect to have such delinquent charges collected on the tax roll in such manner and at the same time as its general taxes and shall give the notice, hold a hearing, prepare and file a report as to such delinquencies as required by the California Health and Safety Code. Such delinquent charges shall thereafter, pursuant to said code, constitute a lien against the Premises against which the charges have been imposed.

Section 13.04.090 Discontinuance of Service

Water Service may be discontinued for the following reasons:

- A. Nonpayment of Bills. A Consumer’s Water Service shall be discontinued if the Consumer’s bill is not paid within sixty (60) days of the due date.

Prior to the discontinuance of Water Service for nonpayment of the bill, the Director shall cause a written notice to be mailed to the Consumer, informing the Consumer that Water Service will be discontinued for nonpayment of charges. The written notice shall inform the Consumer of an opportunity for a hearing with the Director to present objections to the outstanding bill and the deadline for requesting a hearing. The deadline for requesting a hearing shall be ten (10) days from the date of the written notice.

If a hearing is not timely requested, or if a hearing has been requested and the person requesting the hearing fails to appear for it, and a continuance has not been requested and approved by the Director, the Water Department shall discontinue Water Service.

Not less than five (5) days prior to the scheduled discontinuance of Water Service, a second notice shall be mailed postage prepaid to the Consumer. Not less than seventy-two hours (72) prior to the scheduled discontinuance, a copy of the notice shall be posted on the Premises where Water Service is to be discontinued. Not less than twenty-four (24) hours prior to the scheduled discontinuance of Water Service, a final notice shall be posted on the Premises where Water Service is to be discontinued.

The Director shall also have the authority to delay the date of Water Service discontinuance by up to fifteen (15) additional calendar days if the Premises served is a dwelling and if a tenant of the Premises requests such a delay.

- B. Noncompliance with Regulations. If a Consumer fails to comply with any of the regulations of this chapter, the Water Department has the right to discontinue Water Service after providing written notice of the violation and an opportunity for a hearing to the Consumer in accordance with the procedures provided in this section. If a Consumer corrects the violation within the time stated in the written notice, to the satisfaction of the Water Department, then Water Service will not be discontinued.
- C. Consumers About to Vacate Premises. Each Consumer about to vacate any Premises receiving Water Service shall give thirty (30) days written notice of his or her intention to vacate the Premises to the Water Department and specify the date for Water Service to be discontinued. Otherwise, the Consumer will be held responsible for all water furnished to such Premises until the City becomes aware that the Consumer has vacated the Premises and arranges for termination of Water Service. A Consumer shall not receive Water Service at a new location until any outstanding bills for City Water Service at another location have been paid in full.

Section 13.04.100 Account Disputes

Any Consumer desiring to dispute a bill for Water Service or any portion thereof may request a hearing on the matter within ten (10) days of receiving the bill. Upon receipt of

a request for hearing, a hearing shall be scheduled not later than ten (10) days from the date of the request. The hearing shall be conducted in an informal manner by the Director, who is authorized to review disputed bills and to correct any errors. At the hearing, evidence may be presented and shall be considered in determining whether the correct amount has been charged for the service which has been rendered. At the conclusion of the hearing, the Director shall make a decision based upon the evidence and shall have the authority to adjust the amount due in a fair and equitable manner, or permit the Consumer to amortize the unpaid balance of his or her account over a reasonable period of time pursuant to an amortization agreement. The decision of the Director shall be final, unless timely appealed to the City Council in accordance with procedures provided in Chapter 2.44 of this Code.

Section 13.04.110 Reconnection of Service

In the event that Water Service to any Premises is discontinued in accordance with this chapter, Water Service to that Premises shall not be restored until the following amounts are paid: (1) any unpaid and past due bills, (2) a reconnection fee, in the amount established by resolution of the City Council to cover the administrative costs of discontinuing and restoring Water Service to the Premises, and (3) a deposit in the amount of two hundred dollars (\$200).

Section 13.04.120 Use after Shut Off

Whenever the Water Department has shut off Water Service to any Premises, it shall be unlawful for any person to turn on or restore Water Service to such Premises, until Water Service is restored by the Water Department in the manner specified in Section 13.04.110. Failure to comply with this section shall result in the imposition of a fine in the amount of one hundred dollars (\$100.00) for a first violation; (2) a fine of two hundred dollars (\$200) for a second violation within one year; (3) a fine of five hundred dollars (\$500) for each additional violation within one year.

Section 13.04.130 Cross Connections

It shall be unlawful for any Consumer to allow any person to attach a pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water to any other lot or parcel. A violation of this section shall result in the imposition of a fine in the amount of one hundred dollars (\$100.00) for a first violation; (2) a fine of two hundred dollars (\$200) for a second violation within one year; (3) a fine of five hundred dollars (\$500) for each additional violation within one year.

Section 13.04.140 Water Rates Outside City Limits

- A. The rates to be charged for Water Service furnished to Premises outside the City shall be established by resolution of the City Council.
- B. No Water Service shall be furnished to Premises outside the City without the

express approval of the Yolo County Local Agency Formation Commission (LAFCO) and the City Council.

Section 13.04.150 Stand-by Emergency Service

Where Water Service is maintained for emergency purposes only, the monthly charge shall be the Minimum Charge that is applicable to the type of Premises.

Section 13.04.160 Private Fire Protection

Where Water Service is provided solely for private fire protection, the Consumer shall be required to pay for the actual cost of installing necessary Water Distribution Facilities. Such Water Services shall be used only for fire suppression . If any person shall use such Water Service for other than fire suppression purposes, the Water Department shall collect a fine in the amount of one hundred dollars (\$100.00) for each unlawful use, plus the metered rate for the water used. A fine of two hundred dollars (\$200) shall be charged for a second violation within one year and a fine of five hundred dollars (\$500) shall be charged for each additional violation within one year.

Section 13.04.170 Construction Water

Water for dust control, compaction and other construction purposes obtained from the City's water supply shall be paid for at the metered rate, subject to a minimum charge. The metered rate and minimum charge shall be set by resolution of the City Council. All such charges shall be paid in full prior to the issuance of a building permit for the applicable Premises. The cost of placing and removing a temporary connection and meter shall be paid for by the party requesting water in advance of the delivery of water.

Section 13.04.180 Leaky Fixtures

It shall be unlawful for any Consumer to maintain or allow on his or her Premises a leaky or faulty water pipe, connection, or device. The failure to repair or disconnect the faulty pipe, connection or device within ten (10) days after being notified in writing to do so by the Water Department shall be sufficient cause for the discontinuance of Water Service to the Premises until such time as repairs have been made.

Section 13.04.190 Wasteful Use of Water

It shall be unlawful for any person to waste water. Any of the following acts or omissions shall constitute the waste of water:

- A. Excessive application of water for irrigation.
- B. Allowing an unrestricted flow of water from a tap, hose, faucet, pipe, sprinkler, or nozzle, beyond the amount of water reasonably necessary for the intended purpose, such as washing or cleaning.

- C. Allowing any fixture, pipe or mechanical equipment to leak or discharge water.
- D. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices or with leaks.
- E. Discharging water from, overflowing or refilling, swimming pools, decorative basins or ponds in excess of the frequency reasonably necessary to maintain the health, maintenance or structural considerations of the pool, basin or pond.
- F. Application of water to an impervious surface, other than for cleaning, or incidentally applied during irrigation.
- G. Irrigation of lawns or landscaping when it is raining.

Section 13.04.200 Inspection

It shall be unlawful for any person to interfere or attempt to interfere with the inspection by Water Department employees of any water fixture, pipe, connection or device to which City water is connected; provided that, before entering occupied dwellings or Premises for the purpose of making an inspection, the consent of the occupant thereof shall be secured. If consent is not secured, the Water Department employee shall take steps to effect an inspection as provided by law.

Section 13.04.210 Fire Hydrants

- A. No person other than authorized employees of the Water Department or Fire Department or other persons duly authorized by the city manager shall open or operate any public fire hydrant or attach any hose, tubing or pipe thereto for any purpose, without first obtaining a permit from the Water Department.
- B. No person, whether authorized to open a public fire hydrant or not, shall leave a public fire hydrant open or leave the cap off the nozzle of a public fire hydrant after having ceased to use it. Any person that opens or operates a public fire hydrant, whether or not authorized as provided herein, shall indemnify and hold harmless the city, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising therefrom.
- C. No person shall block or obstruct any public fire hydrant in such a manner that interferes with its operation, use, maintenance or repair.

Section 13.04.220 Encroachment Permit Required for Construction Activities in City Streets

No person shall make any excavations, install any water pipes, gas pipes, sewer pipes, drain pipes or do any other construction in or upon City streets, without first obtaining an

encroachment permit therefore from the City building department and notifying the Water Department ten (10) days prior to such work.

Section 13.04.230 Discontinuance of Service—No Liability

Water Service may be discontinued at any time without notice to Consumers for repairs to Water Distribution Facilities or for any other reason, and the City shall not be liable for any damage or costs resulting from such discontinuance. Where feasible, the Water Department shall provide reasonable notice to Consumers for planned maintenance or repairs to the City's Water Distribution Facilities. The City does not guarantee, and shall not be liable for any failure in continuity of water service or water pressure.

Section 13.04.240 Purpose of Water Meter Installation Requirements

- A. The provisions of California Water Code Sections 521, et seq., impose certain requirements for the installation and use of water meters. The City has enacted regulations requiring the installation of water meters, in part, to implement these state laws and further advance the water conservation goals of the City of Winters.
- B. Water furnished or used without any method of determination of the quantities of water used by the person to whom the water is furnished has caused, and will continue to cause, waste and unreasonable use of water, and this waste and unreasonable use should be identified, isolated, and eliminated.
- C. Water metering and volumetric pricing are among the most efficient conservation tools, providing information on how much water is being used and pricing to encourage conservation.
- D. Without water meters, it is impossible for homeowners and businesses to know how much water they are using, thereby inhibiting conservation, punishing those who conserve, and rewarding those who waste water.
- E. Existing law requires the installation of a water meter as a condition of water service provided pursuant to a connection installed on or after January 1, 1992, but the continuing widespread absence of water meters and the lack of volumetric pricing could result in the inefficient use of water for municipal and industrial uses.

Section 13.04.250 Installation of water meters on water service connections made on or after January 1, 1992.

- A. In accordance with the provisions of California Water Code Section 525, no new water service connections may be attached to the City water distribution system, unless such connection is equipped with a water meter. As used in this section, "new water service connection" includes any existing water service connection that is used to provide water to buildings or residential units that was constructed on or after January 1, 1992. Fire service connections are exempt from the provisions of this chapter. The superintendent of the water department may adopt standards and requirements to implement the provisions of this section.

- B. Prior to the installation of a water meter in accordance with the terms of this section, the Consumer shall pay all applicable fees, which may be established from time to time by resolution of the City Council, to recover the costs incurred by the City in providing, installing or supervising the installation of a water meter.
- C. Water meters for water service connections made on or after January 1, 1992 shall be installed by the City or under the City's supervision in accordance with all applicable City water and building codes, regulations, and standards, as such standards may be established from time to time.
- D. A water meter for a water service connection made on or after January 1, 1992 shall not be installed by a party other than the City unless a water meter installation inspection has been completed prior installation of the water meter.
- E. No occupancy permit for any structure served by a water service connection made on or after January 1, 1992 shall be issued until meter installation is complete, inspected by the City, and deemed to be in compliance with all applicable City regulations and standards.

Section 13.04.260 Installation of meter upon sale of property.

- A. Upon the sale of any property receiving Water Service from the City through an unmetered water service connection, notice of such sale shall be given to the Water Department. Water Service shall not be provided to the Premises after the transfer of property ownership until meter installation is complete, inspected by the City, and deemed to be in compliance with all applicable City regulations and standards. Notwithstanding the above provision, the Director is authorized to accept a cash security deposit to cover the estimated cost of meter installation, in lieu of meter installation, if in the best interests of the City, or upon a showing of good cause by the new property owner.
- B. Water meters shall be installed by the City or under the City's supervision in accordance with all applicable City water and building codes, regulations, and standards, as such standards may be established from time to time. A water meter shall not be installed by a party other than the City unless a water meter installation inspection has been completed prior installation of the water meter.

Section 13.04.270 Phased meter installation program.

- A. The City shall install water meters on all existing unmetered water service connections through a phased meter installation program. The phased meter installation program shall be approved by resolution of the City Council. Consumers shall pay such rates, fees and/or charges as may be established from time to time by resolution of the City Council to fund, among other costs, the development and implementation of the phased meter installation program.

- B. In accordance with California Water Code Section 521(g), a low-income reduction for water meter costs shall be offered to qualifying households to relieve any unreasonable burden placed on low income families. Any household with a total income no greater than that specified by the U.S. Department of Housing and Urban Development as "very low income" may apply for a reduction in the water meter installation charge. An application for a reduced charge shall be filed with the Director. The amount of the installation charge reduction shall be established by resolution of the City Council.

Section 13.04.280 Reading meters.

The Consumer receiving Water Service shall keep water meters unobstructed and accessible for reading, maintenance and repair, and shall provide City employees and/or its contractors access to the Premises where the Consumer receives Water Service as may be required by the City for such purposes. Compliance with this section shall be a condition of receiving or continuing to receive Water Service.

Section 13.04.290 Testing meters.

- A. Any Consumer may request in writing that the meter through which water is being furnished be examined and tested by the City to determine whether the meter is registering accurately the amount of water that is being delivered through it. Upon receipt of such request, the City shall examine and test the meter. If the meter is found to register over or under three percent (3%) more or less water than actually passes through it, the Consumer's water bill will be adjusted accordingly. If the meter is found to register a variance of three percent (3%) or less, no billing adjustment will be made. Meter testing will be performed at a Consumer's request, at no charge to the Consumer, not more than once every twelve (12) months.
- B. If a Consumer requests more frequent testing, the Consumer's request shall be accompanied by a deposit of an amount established by resolution of the City council, to recover testing and inspection costs incurred by the City. Upon receipt of such request, the City shall examine and test the meter. If the meter is found to register over or under three percent (3%) more or less water than actually passes through it, the Consumer's water bill will be adjusted accordingly and the deposit shall be returned, without interest. If the meter is found to register a variance of three percent (3%) or less, no billing adjustment will be made and the deposit shall be used by the City to pay its inspection and testing costs.

Section 13.04.300 Water meter use – Indemnity.

No person other than authorized employees of the City or other persons duly authorized by the City shall install, maintain, repair, move, replace, adjust, tamper with, manipulate, damage, disconnect or remove any water meter. Any person or entity performing any of

the foregoing actions without the authorization of the City, shall pay the City's costs of investigating and repairing any resulting damage and/or replacing any removed item(s), and shall indemnify and hold harmless City, its officers and employees from any claims, actions, costs (including attorney fees), damages or other liability resulting or arising from such damage or unauthorized removal.

SECTION 2. Amendment of Code.

The definitions in Section 13.08.020 of Chapter 13.08 of the Winters Municipal Code entitled, "Definitions," is hereby amended to read as follows:

"Applicant" as used herein, means any person, group of persons, firm, corporation or association who applies for use of the city's wastewater collection, treatment, and disposal system.

"Consumer" as used herein, means any person, group of persons, firm, corporation, or association having a connection into the water system owned and operated by the City.

"Director" as used herein, means the Director of Financial Management of the City.

SECTION 3. Amendment of Code.

Subsections 13.08.130(B) and (C) of Chapter 13.08 of the Winters Municipal Code entitled, "Enforcement," is hereby amended to read as follows:

B. Delinquencies.

1. **Penalty Fee.** In the event the Consumer fails to pay the sewer service charge, connection fee, sewer rental charge, industrial cost recovery, monitoring fees, and other required charges and fees by the fifteenth (15) of the month following presentation of a bill by the City therefor, a penalty for late payment in the amount of ten (10) percent shall be added to such bill, and the Director shall collect such penalty in addition to the delinquent charge. In the event that Consumers or persons fail to pay the storm sewer charges and storm drainage charges by the fifteenth day of the month following presentation of a bill by the City therefor, a penalty for late payment in the amount of ten (10) percent shall be added to the bill, and collected as described above.
2. Prior to the discontinuance of sewer service for nonpayment of the bill, or nonpayment of a portion thereof, the Director shall cause a written notice to be mailed to the Consumer, informing the Consumer that water service will be discontinued for nonpayment of charges. The written notice shall contain notice of an opportunity for a hearing with the

Director to present objections to an outstanding bill. The deadline for requesting a hearing shall be no more than ten (10) days after the date of mailing the written notice.

If a hearing is not timely requested, or if a hearing has been requested and the person requesting the hearing fails to appear for it or have it continued within a reasonable time as determined by the Director, the City shall discontinue sewer service.

Not less than five (5) days prior to the scheduled discontinuance of sewer service, a second notice shall be mailed postage prepaid to the Consumer. Not less than seventy-two hours prior to the scheduled discontinuance, a copy of the notice shall be posted on the premises where sewer service is to be discontinued. Not less than twenty-four (24) hours prior to the scheduled discontinuance of sewer service, a final notice shall be posted on the premises where sewer service is to be discontinued.

The Director shall also have the authority to delay the date of sewer service discontinuance by up to fifteen (15) additional calendar days if the premises served is a dwelling and if a tenant of the premises requests such a delay.

3. Court Action. In addition to remedies listed above under discontinuance of services, at the option of the city, the city may file a civil action against the Consumer for the collection of any amounts due and unpaid. Such remedy shall be cumulative and in addition to any other remedy provided in this chapter.
4. Lien. Bills for sewer service shall be payable monthly in advance. If a customer is also the real property owner of the premises being supplied sewer service by the city, all unpaid charges for sewer service may be assessed against the customer and become and remain a lien on the customer's real property until such charges are paid.

In the alternative, the council, pursuant to Sections 5470 through 5473a of the Health and Safety Code of the state, may elect to have such delinquent charges collected on the tax roll in such manner and at the same time as its general taxes and shall give the notice, hold the hearing, and prepare and file the report as to such delinquencies as required by the Health and Safety Code of the state. Such delinquent charges shall thereafter, pursuant to said Code, constitute a lien against the lot or parcel of land against which the charges have been imposed.

5. Reconnection of Service. Sewer service shall not be restored until all charges, including the expense of service restoration have been paid.

7. Ownership and Occupancy. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

C. Account Disputes

Any Consumer desiring to dispute a bill for sewer service or any portion thereof may request a hearing on the matter within ten (10) days of receiving the bill. Upon receipt of a request for hearing, a hearing shall be scheduled not later than ten (10) days from the date of the request. The hearing shall be conducted in an informal manner by the Director, who is authorized to review disputed bills and to correct any errors. At the hearing, evidence may be presented and shall be considered in determining whether the correct amount has been charged for the service which has been rendered. At the conclusion of the hearing, the Director shall make a decision based upon the evidence and shall have the authority to adjust the amount due in a fair and equitable manner, or permit the Consumer to amortize the unpaid balance of his or her account over a reasonable period of time pursuant to an amortization agreement. The decision of the Director shall be final, unless timely appealed to city council in accordance with procedures provided in Chapter 2.44 of this code.

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 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 October 6, 2009, and was passed and adopted at a regular meeting of the City Council held on _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

1292334.3



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nelia C. Dyer, Community Development Director *WCD*
SUBJECT: Second Hearing and Possible Adoption of Ordinance 2009-10 adding Chapter 17.58 to the Winters Municipal Code pertaining to 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

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

1. Receive Staff Report
2. Finalize and Adopt the Negative Declaration for the Form Based Code; and
3. Waive second reading, read by title only, and adopt:
 - 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
 - b. 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

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

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

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 rezone 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 I.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 I.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	Main Street DB
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-Base 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.

Changes have been made to the Downtown Form Based Code as a result of the City Council Meeting on September 15, 2009. These changes include:

- 1) Main Street was split into two zones: 1) Main Street D-A and 2) Main Street D-B. This change is reflected in the following exhibits and tables:
 - a. Figure 17.58-1: City of Winters Form Based Code For Downtown Regulating Plan
 - b. Table 17.58-2: Permitted Uses
 - c. Table 17.58-3: Height Requirements
 - d. Table 17.58-4: Allowed Frontage Types
 - e. Table 17.58-5: Arcade Setback Requirements
 - f. Table 17.58-6: Gallery Setback Requirement
 - g. Table 17.58-7: Storefront Setback Requirements
 - h. Table 17.58-8: Stoop Setback Requirements
 - i. Table 17.58-9: Door Yard/Terrace Setback Requirements
 - j. Table 17.58-10: Porch Setback Requirements
 - k. Table 17.58-11: Neighborhood Yard Setback Requirements
 - l. Table 17.58-12: Alley/Paseo Setback Requirements
 - m. Table 17.58-13: Allowed Building Types
 - n. Table 17.58-14: Storefront Design Standards
 - o. Table 17.58-15: Parking

The City of Winters is not required to recirculate the Negative Declaration prior to adoption since the new information that has been added "merely clarified, amplifies, or makes insignificant modifications to the negative declaration." (Section 15073.5(c))

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 as 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.

The public hearing and first reading of the proposed Form Based Code ordinance and resolution was held at the City Council meeting on September 1, 2009. The staff report did not include a color copy of the Form Based Code; therefore, the City Council continued the public hearing and first reading of the Form Based Code ordinance to the next City Council meeting (September 15, 2009). Continued items do not require public hearing notice.

The continued public hearing and first reading of the proposed Downtown Form Based Code ordinance and resolution was held at the City Council meeting on September 15, 2009. Based on the public comments pertaining to the detached single family residences on Main Street received at the September 1, 2009 City Council meeting, staff suggested that that the Council could revise the Form Based Code by splitting Main Street into two zones: 1) Main Street DA; and 2) Main Street DB. Main Street D-B would cover the land south of Main Street between First and Second Streets. Under Table 17.58-2, Main Street D-A would have the same uses as the uses listed for Main Street. However, Main Street D-B would allow Detached Single-Family Residential as a Conditional Use. The City Council waived the first reading and introduced Ordinance 2009-10 with this suggested change. This change is reflected in this staff report, the regulating Plan Area for the Form Based Code (Exhibit A) and the Draft Form Based Code (Attachment A)

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 FINALIZE AND ADOPT THE NEGATIVE DECLARATION FOR THE DOWNTOWN FORM BASED CODE

- 2. I MOVE THAT THE WINTERS CITY COUNCIL WAIVE THE SECOND READING, READ BY TITLE ONLY, AND ADOPT 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

- 3. I MOVE THAT THE WINTERS CITY COUNCIL ADOPT 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

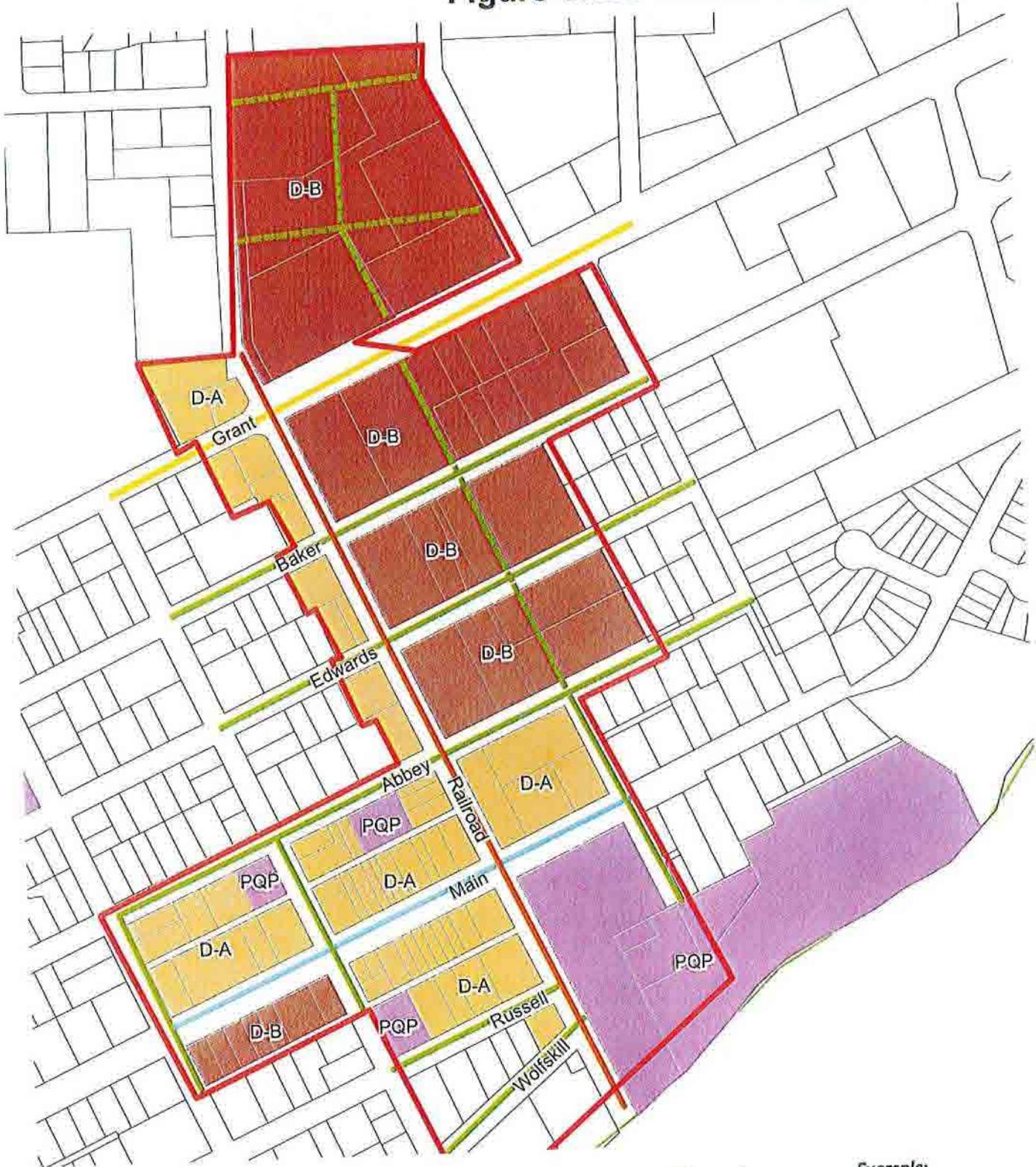
- Attachment B Initial Study/Negative Declaration

- 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

Exhibit A

Figure 17.58-1: The Regulating Plan



Zoning Districts

- D-A: Downtown A
- D-B: Downtown B
- PQP - Public Quasi Public (parks, City Hall, Fire station)
- Downtown Master Plan Boundary

Street Typology

- Avenue (Grant Avenue)
- Avenue (Railroad Street)
- Main Street
- Secondary Streets
- Dashed infrastructure are proposed to continue the grid pattern

Street Hierarchy

- Highest (Primary) ↑ Main Street
- Railroad Street
- Secondary Streets
- Lowest (Secondary) ↓ Grant Avenue

Example:



This building is located at the intersection of Main Street and Railroad Street types. Main Street is higher than Railroad Street in the Hierarchy of Street Types, therefore the building should follow Main Street requirements.

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

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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

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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

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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 17.36**

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.

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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,

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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.

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Figure 17.58-1: The Regulating Plan



Zoning Districts

- D-A, Downtown A
- D-B, Downtown B
- P-QP - Public/Quasi-Public (parks, City Hall, Fire station)
- Downtown Master Plan Boundary

Street Typology

- Avenue (Grant Avenue)
- Avenue (Railroad Street)
- Main Street
- Secondary Streets
- Dashed infrastructure are proposed to continue the grid pattern

Street Hierarchy

- Highest
- Main Street
 - Railroad Street
 - Secondary Streets
 - Grant Avenue
- Lowest

Example:



Prepared by WINTERS CITY ENGINEERS CONSULTANTS AND ARCHITECTS, INC. 2009

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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).

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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.

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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.

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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 17.58.050.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

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

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

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

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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 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:

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- 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.

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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

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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	D-A	D-B
	45'	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

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building height but shall be hidden to the maximum extent possible using appropriate screening and "stealth" technologies.

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.

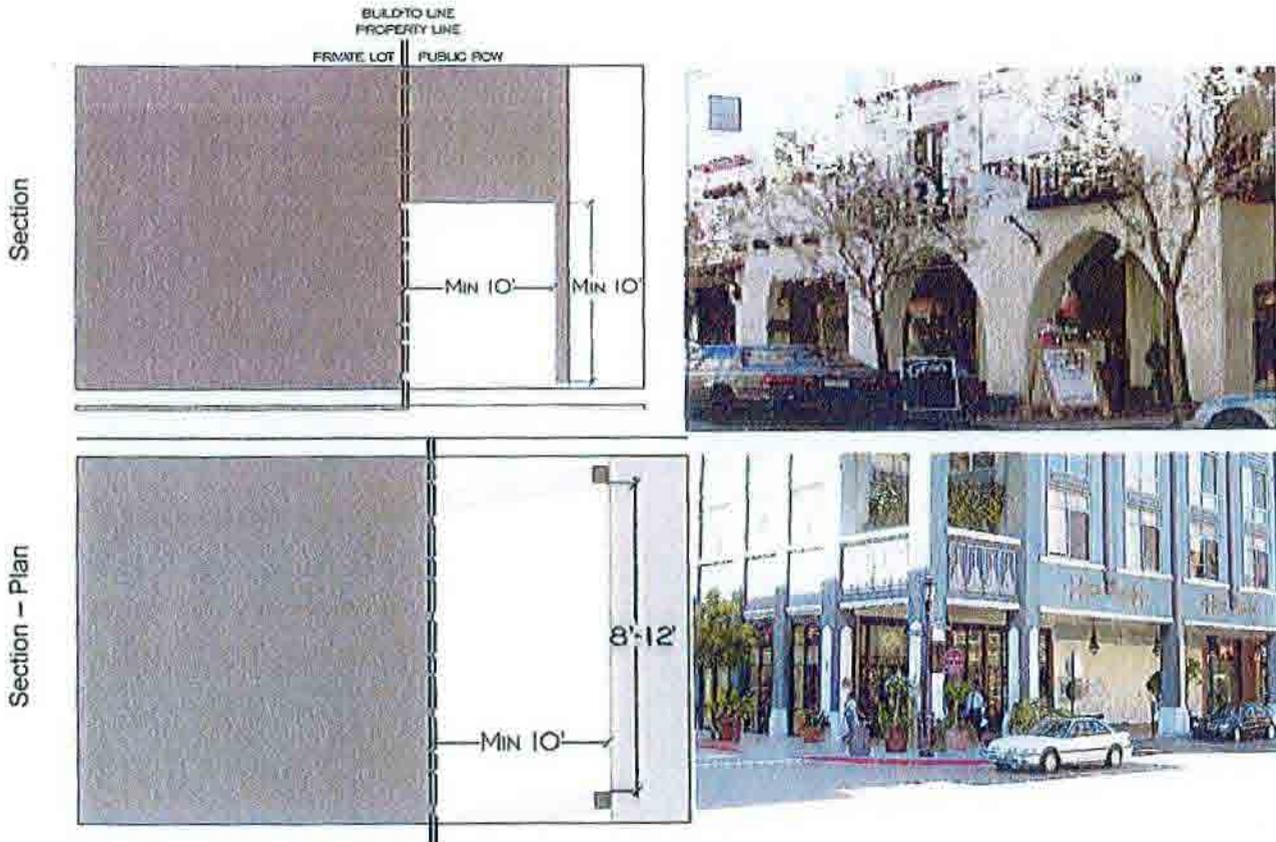
C. Frontage Types: Frontage type refers to the architectural composition of the front façade of a building; particularly concerning how it relates and ties into the surrounding public realm. The Downtown Winters frontage types are intended to enhance social interactions in the historic downtown retail 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	D-A	D-B
Arcade	X	X	X	X	X	X		
Gallery	X	X	X	X	X	X		
Storefront	X	X	X	X	X	X	X	X
Stoop		X			X	X		
Door Yard/Terrace		X		X	X	X		
Porch		X			X	X		
Neighborhood Yard		X			X	X		
Alley/Paseo	X	X	X	X	X	X		X

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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

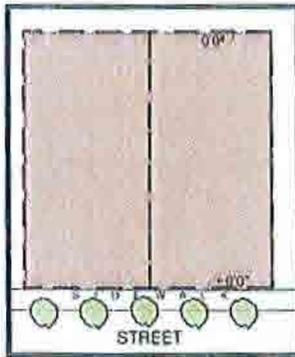
Table 17.58-5 Arcade Setback Requirements

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

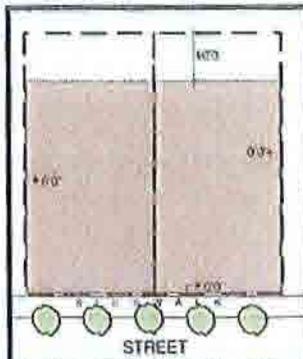
1. "Build To" lines are defined as the edge where the public right-of-way ends and the private property boundary begins. It is the maximum distance from the property line a front or street side building façade can be placed. Typically, build-to lines range from 0'-10'.

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

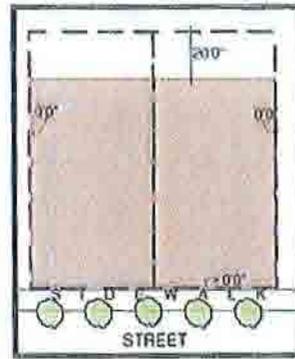
Building Placement



Main Street D-A

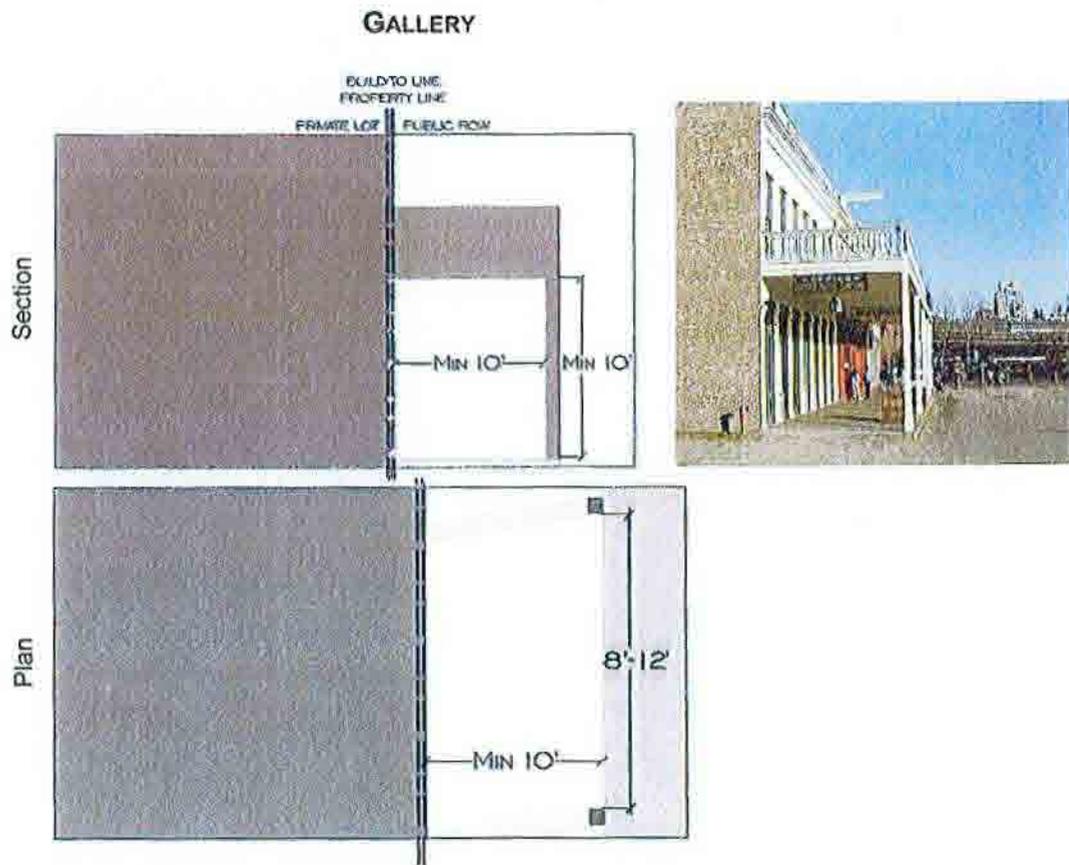


Railroad Avenue D-A
Secondary D-A
Main Street D-B



Railroad Avenue D-B
Secondary Street D-B

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- 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

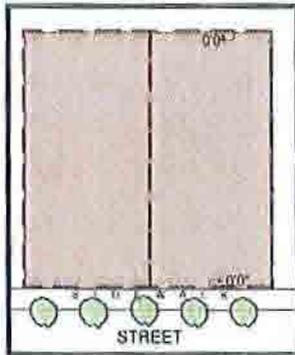
Building Placement	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'	0'		
Minimum Side Yard	0'	0'	0'	0'	0'	0'		
Minimum Rear Yard ²	0'	10'	10'	20'	10'	20'		

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'.

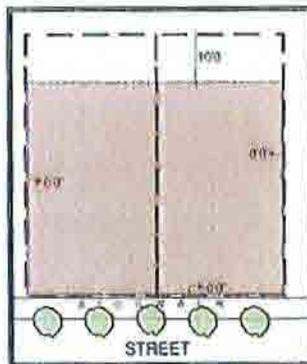
2. Alley loaded garages may be located with a 0' rear yard setback.

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

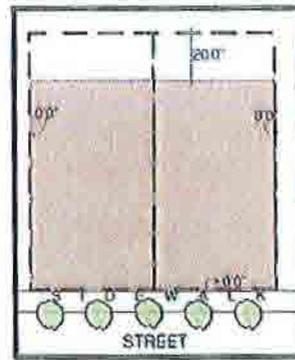
Building Placement



Main Street D-A



Railroad Avenue D-A
Secondary D-A
Main Street D-B



Railroad Avenue D-B
Secondary Street D-B

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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.

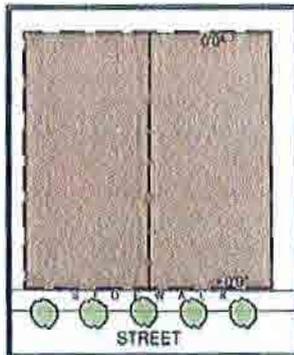
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-7 Storefront Setback Requirements

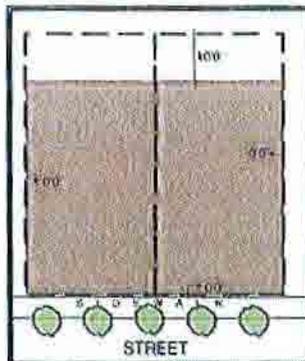
Building Placement	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'	0'	10'	10'
Minimum Side Yard	0'	0'	0'	0'	0'	0'	15'	15'
Minimum Rear Yard ²	0'	10'	10'	20'	10'	20'	20'	20'

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.

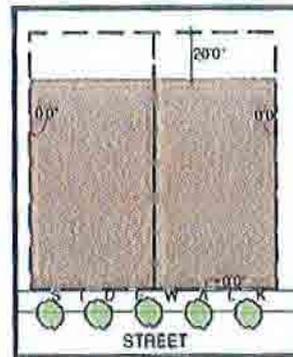
Building Placement



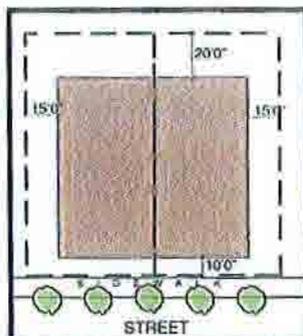
Main Street D-A



Railroad Avenue D-A
Secondary Street D-A
Main Street D-B



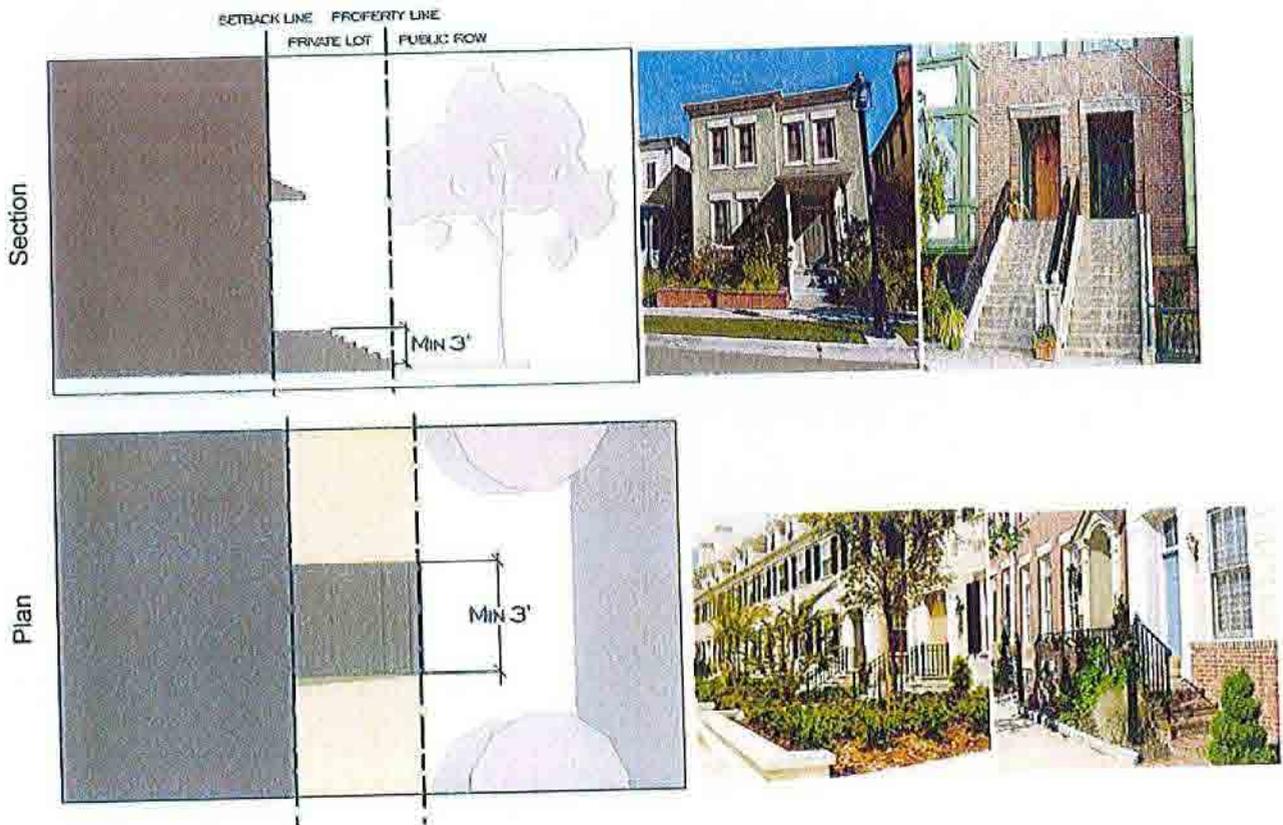
Railroad Avenue D-B
Secondary Street D-B



Grant Avenue

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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.

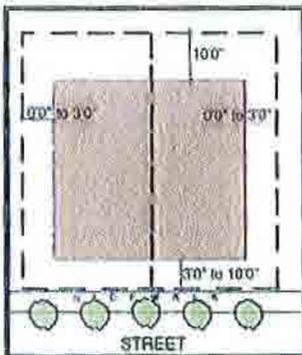
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-8 Stoop Setback Requirements

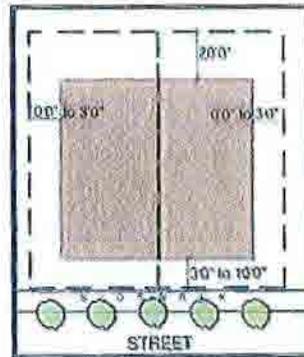
Building Placement	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line		3'-10'			3' to 10'	3' to 10'		
Minimum Side Yard		0'-3'			0' to 3'	0' to 3'		
Minimum Rear Yard [*]		10'			10'	20'		

^{*} 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



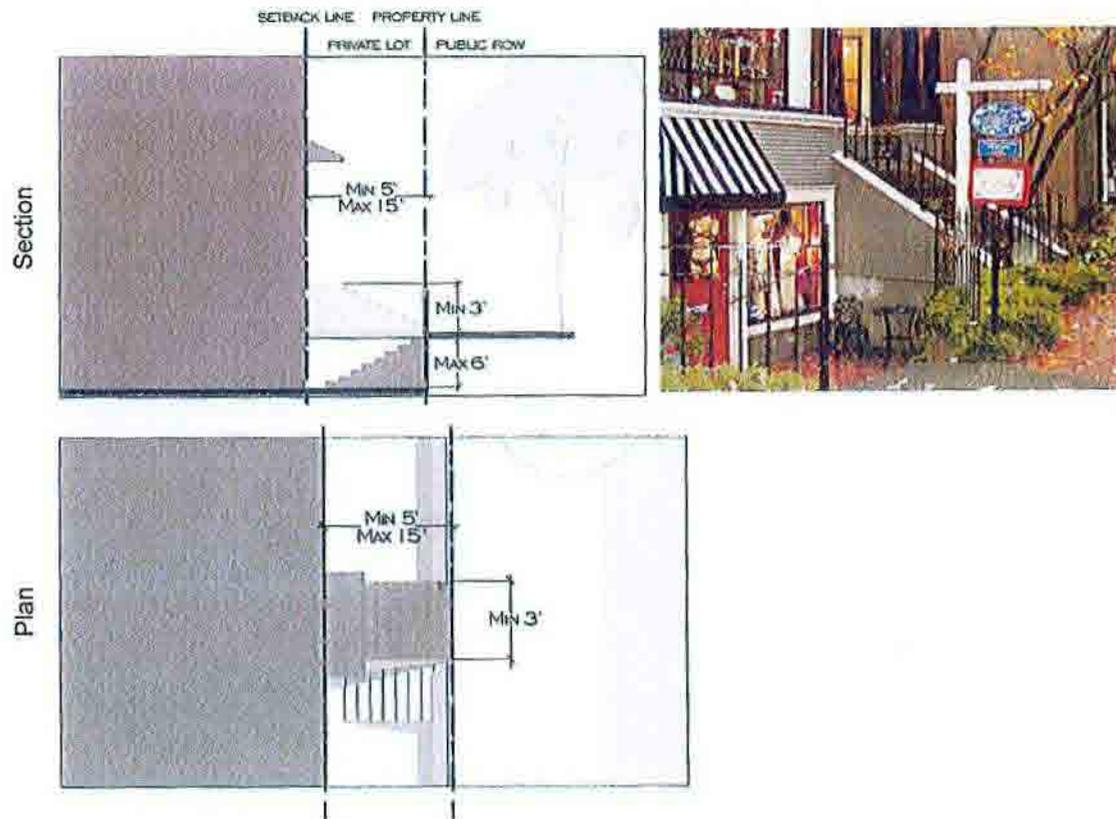
Secondary Streets D-A
Main Street D-B



Secondary Streets D-B

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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.

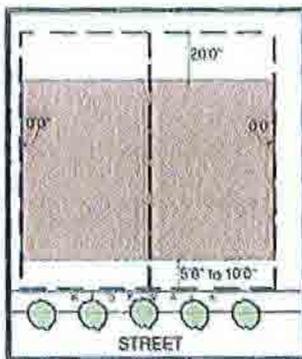
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-9 Door Yard/Terrace Setback Requirements

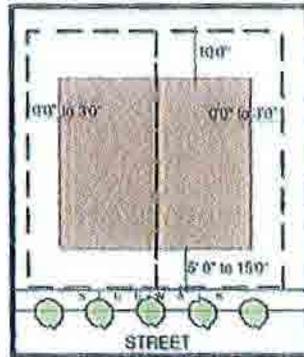
Building Placement	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line		5'-15'		5' to 10'	5' to 15'	5' to 15'		
Minimum Side Yard		0'-3'		0'	0' to 3'	0' to 3'		
Minimum Rear Yard*		10'		20'	10'	20'		

* 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.

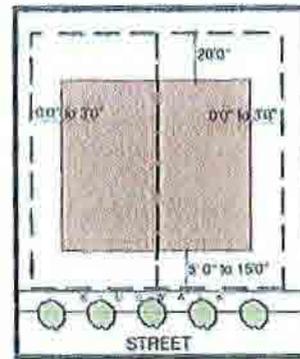
Building Placement



Railroad Avenue D-B



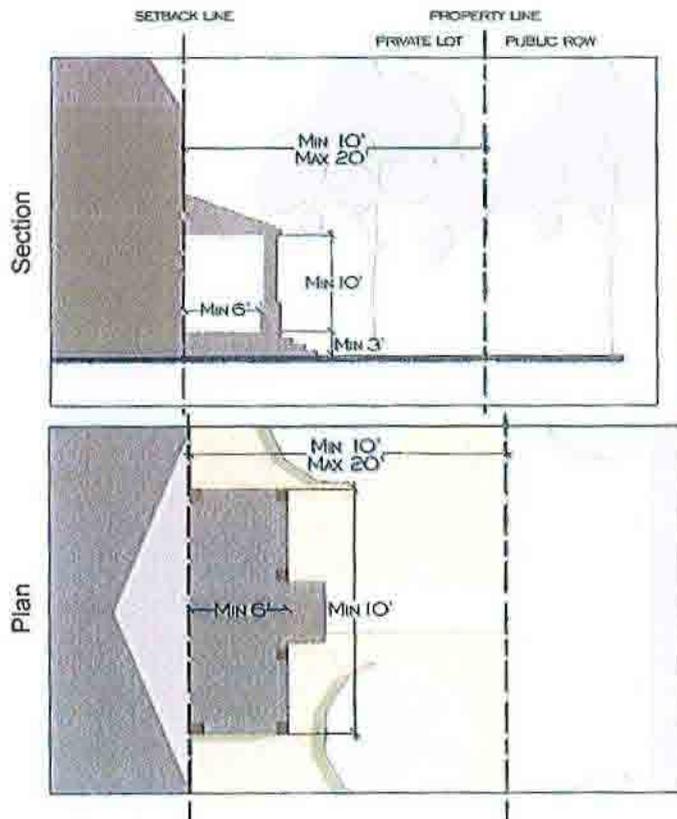
Secondary Streets D-A
Main Street D-B



Secondary Streets D-B

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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.

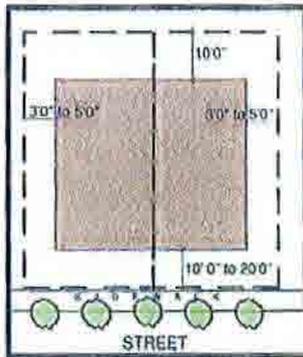
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-10 Porch Setback Requirements

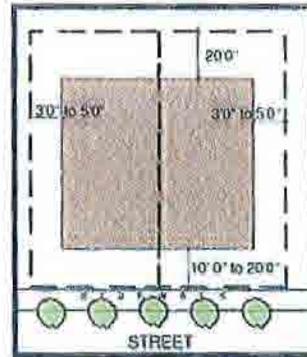
Building Placement	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line		10'-20'			10' to 20'	10' to 20'		
Minimum Side Yard		3'-5'			3' to 5'	3' to 5'		
Minimum Rear Yard*		10'			10'	20'		

* 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
Main Street D-B



Secondary Streets D-B

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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.

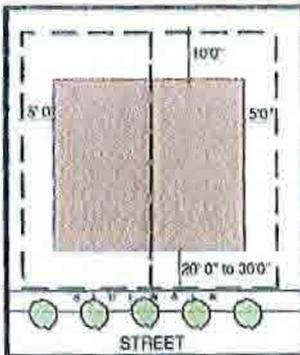
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 17.58-11 Neighborhood Yard Setback Requirements

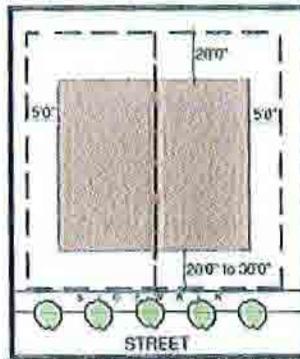
Building Placement	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Front Setback Line		20' to 30'			20' to 30'	20' to 30'		
Minimum Side Yard		5'			5'	5'		
Minimum Rear Yard*		10'			10'	20'		

* 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



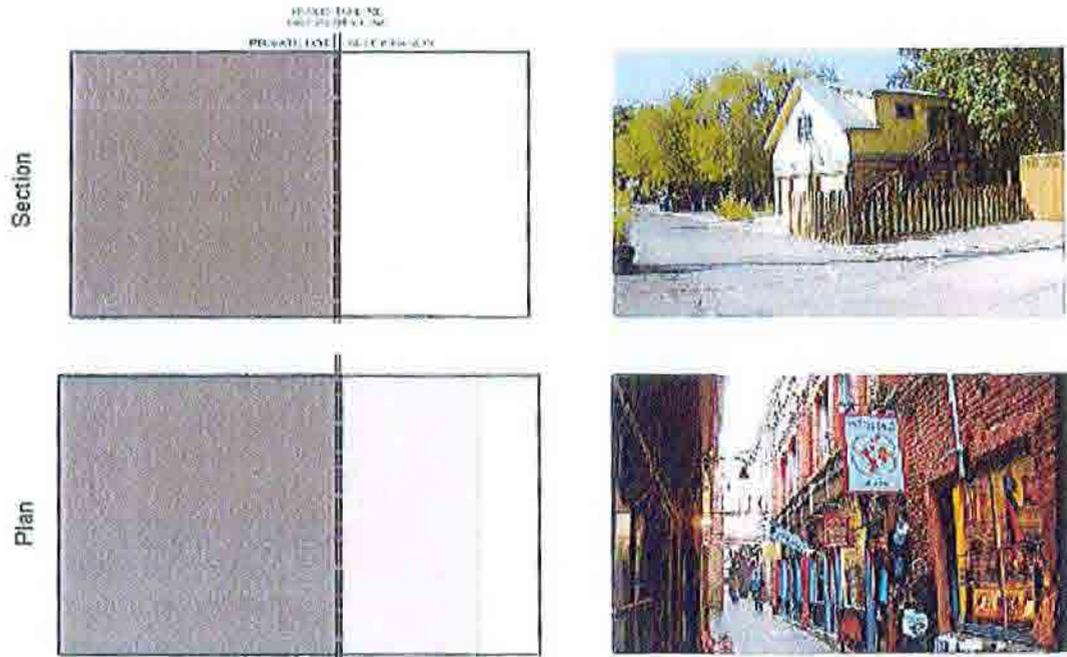
Secondary Streets D-A
Main Street D-B



Secondary Streets D-B

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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.

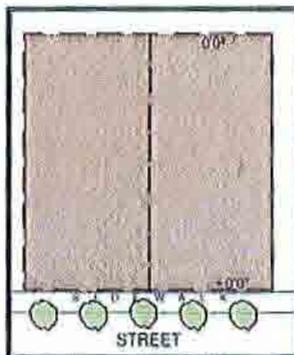
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

Table 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	D-A	D-B
"Build To" Front Line ¹	0'	0'	0'	0'	0'	0'		
Minimum Side Yard	0'	0'	0'	0'	0'	0'		
Minimum Rear Yard ²	0'	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

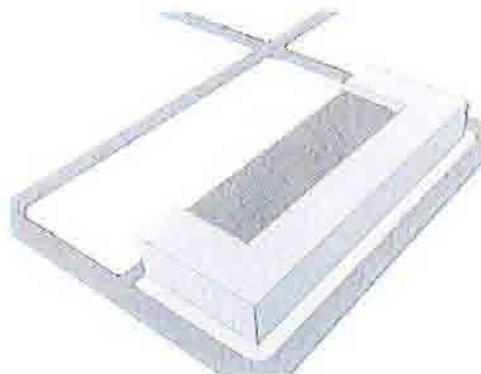
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

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	D-A	D-B
Half Block Liner	X	X	X	X	X	X		
Infill	X	X	X	X	X	X		
Terraced		X	X	X	X	X	X	X
Front Yard Housing		X			X	X		
Rowhouse				X		X		
Courtyard Housing				X		X		

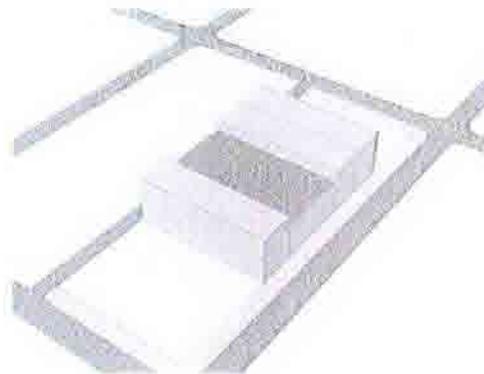
1. Half Block Liner. An attached building with a frontage of approximately one-third to one-half the length of a Downtown block, and zero side yard setbacks. It is used for mixed-use, residential, and commercial development.



Half-Block Liner

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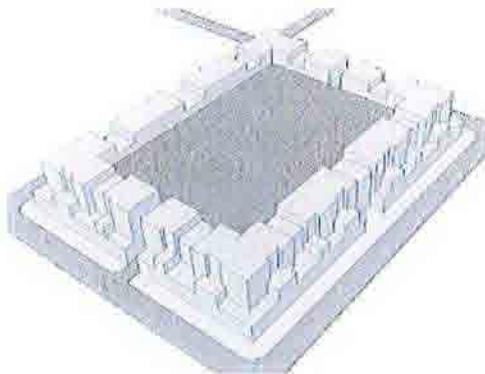
2. Infill. An attached building with a frontage that is less than one-third the length of a Downtown block, and zero side yard setbacks. It is used for mixed-use, residential, and commercial development.



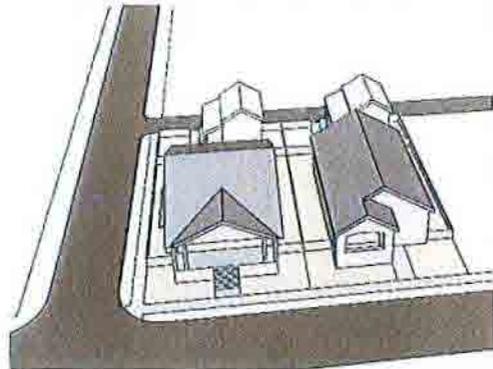
Infill Lot

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

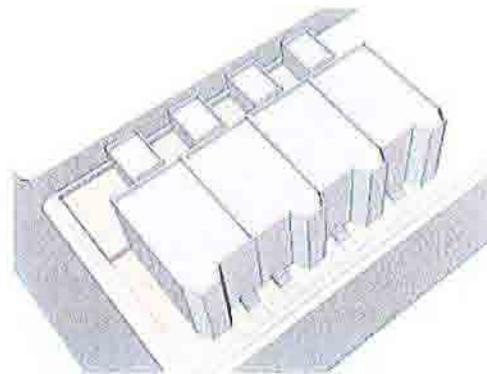
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

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

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

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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.

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.

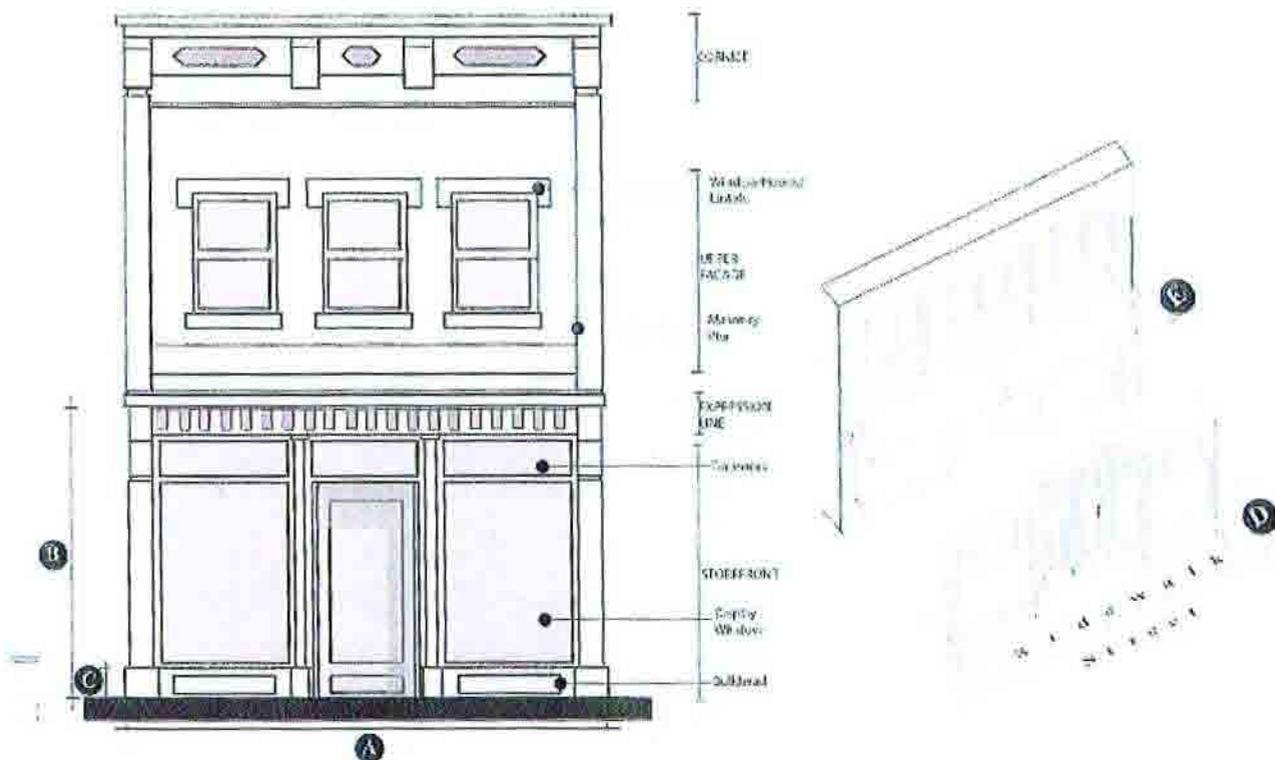
d. Inset of Front Door from "Build-To Line". Refers to the distance from the front door of the building to the "build-to line". A "build-to line" is an urban setback dimension that delineates the maximum distance from the property line a front building façade can be placed. Typically, build-to lines 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

- Ⓐ Storefront Width
- Ⓑ Groundfloor Height
- Ⓒ Bulkhead Height
- Ⓓ Inset of Front Door from "Build-To Line"
- Ⓔ Maximum Awning Extension from Building

FIGURE 17.58-11: STOREFRONT DESIGN STANDARDS



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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.

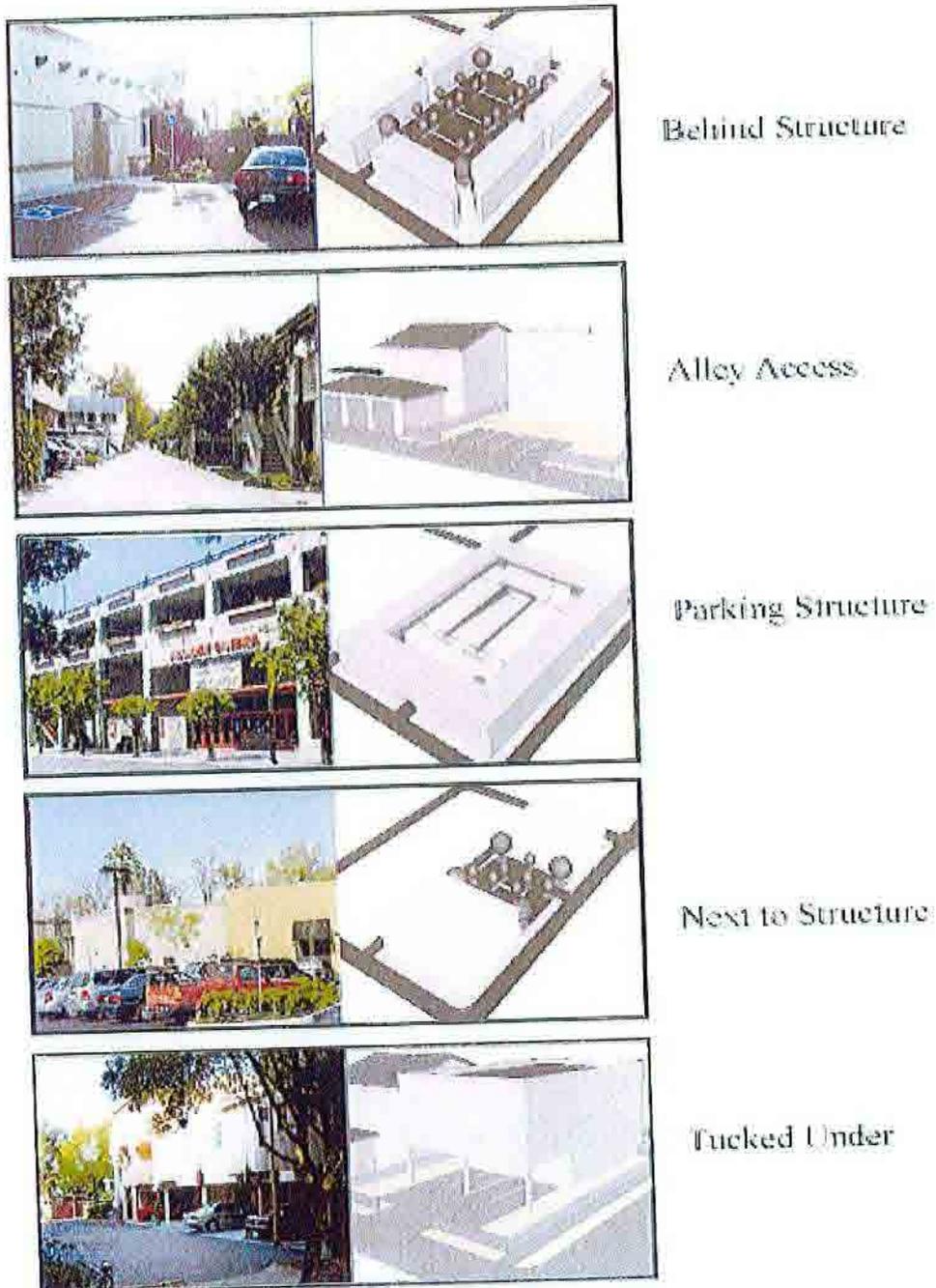
1. Allowable Parking Types. Allowable parking types listed in Table 17.58-8 and defined below. An "A" means that the parking type is allowed; a "P" means that the parking type is preferred and highly encouraged. A blank cell means that the parking type is not allowed.

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	D-A	D-B
Surface Parking – Behind Building	P	A	P	P	A	A	P	P
Surface Parking – Next to Building		A	A	A	A		A	A
Alley Access	A	P	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	D-A	D-B
Commercial	1 sp/400 sf	1sp/400sf	1 sp/400 sf		1 sp/400 sf		1 sp/400 sf	
Office	1 sp/500 sf	1sp/500sf	1 sp/500 sf		1 sp/500 sf		1 sp/500 sf	
Residential	N/A	1.5sp/unit	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	D-A	D-B
Commercial/Office	0.3 sp/1000 sf	.3sp/1000sf	0.3 sp/1000 sf		0.3 sp/1000 sf		0.3 sp/1000 sf	
Residential	N/A	1sp/unit	1 sp/unit		1 sp/unit		N/A	

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FIGURE 17.58-11: PARKING TYPES



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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.

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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

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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.

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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.

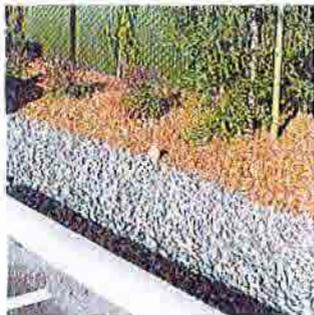
f. Water Quality and Urban Runoff in Redevelopment Areas.

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.

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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.

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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.

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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.

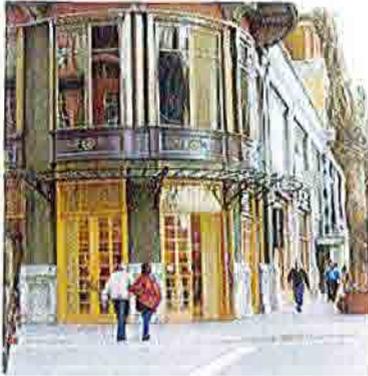
f. Refuse storage areas that are visible from an upper story of adjacent structures should provide an opaque or semi-opaque horizontal cover/screen to reduce unsightly views. The screening should be compatible with the design of adjacent development and shall be approved by the Fire Department.

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.

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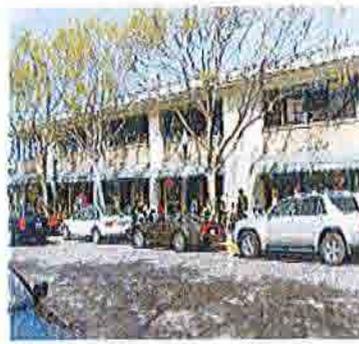
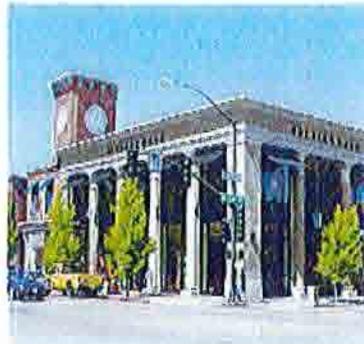


Buildings at street corners should be oriented to both intersecting streets with a building entrance fronting directly onto the corner

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

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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).

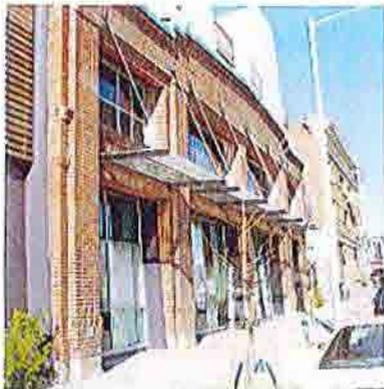
3. Facades, Windows, and Doors

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.

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

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.

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.

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- 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.

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.



Undesirable Fencing

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.

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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.

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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.

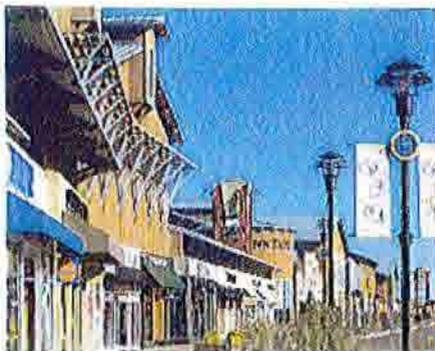
b. Pedestrian pathways crossing an on-site vehicle drive aisle, loading area, or parking area, shall be made identifiable by the use of an alternative hardscape material such as pavers, patterned, stamped or colored concrete.

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

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.



Lighting should provide security and visual interest

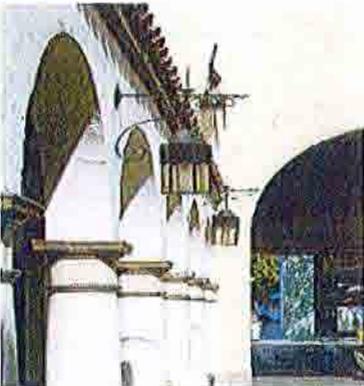


Lighting directed downward (down lit) with shielding

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

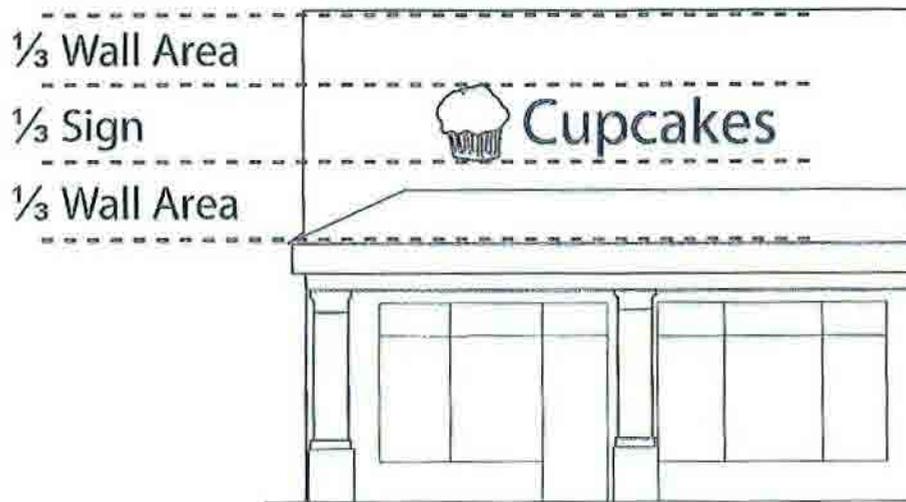
- i. Design signs in harmony with the style and character of the development and as an integral design component of the building architecture, building materials, landscaping, and overall site development.
- ii. Sign letters and materials should be professionally designed and fabricated.
- iii. Exposed 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.
- iii. 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.

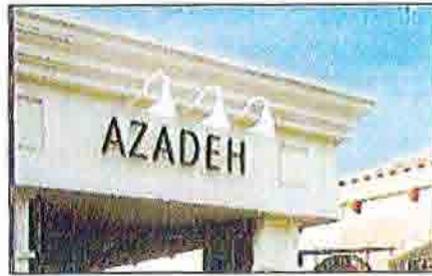
CITY OF WINTERS FORM-BASED CODE FOR DOWNTOWN

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

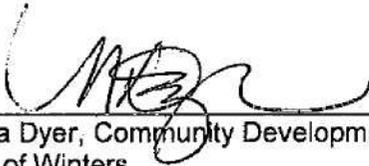
CONTACT PERSON: Nelia Dyer, Community Development Director (530) 795-4910 ext 114

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.



Nelia 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

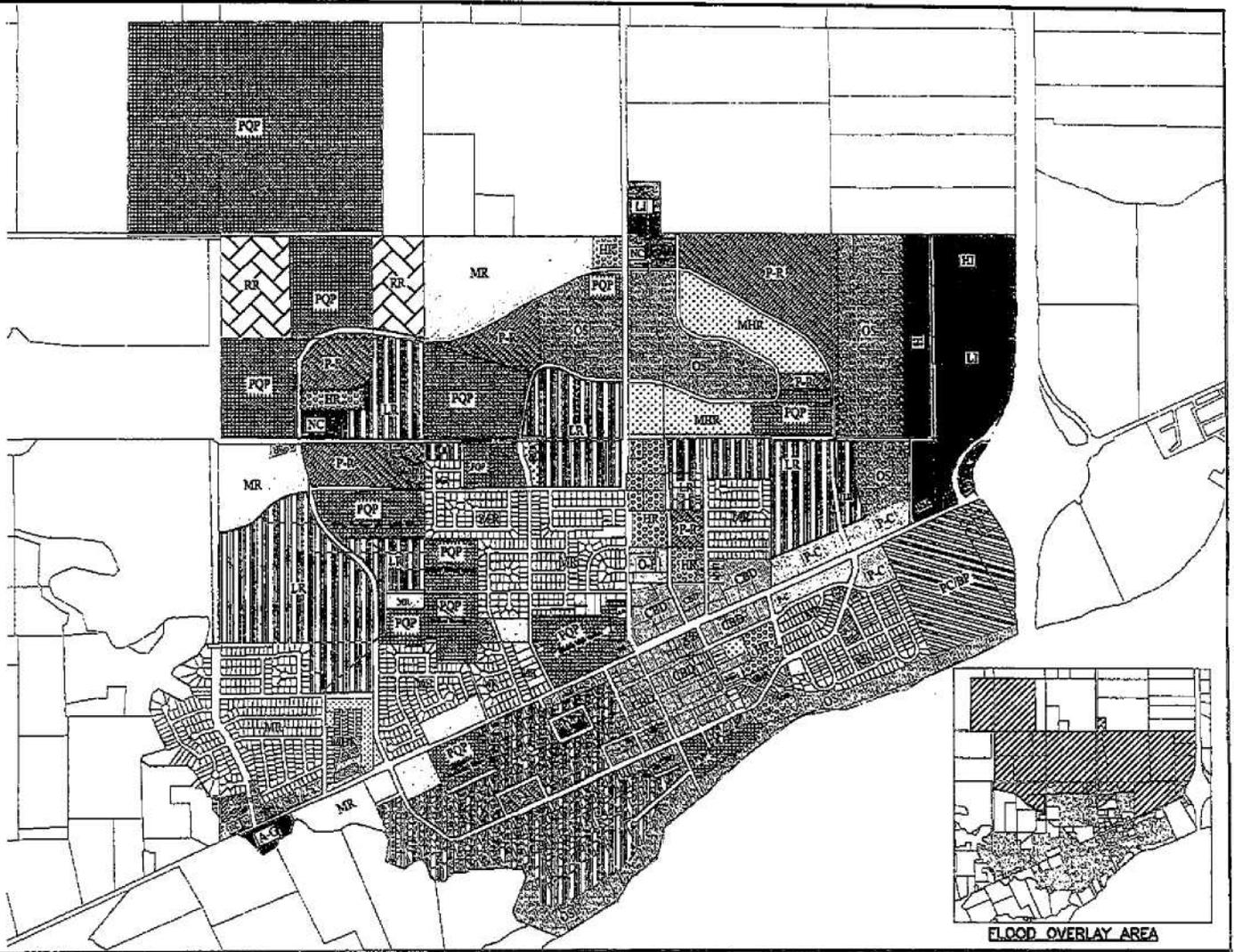
Lead Agency: City of Winters
Community Development Department
318 First Street
Winters, CA 95694

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.

**GENERAL PLAN
LAND USE DIAGRAM**

-  AGRICULTURE (AG)
-  RURAL RESIDENTIAL (RR)
-  LOW DENSITY RESIDENTIAL (LR)
-  MEDIUM DENSITY RESIDENTIAL (MR)
-  MEDIUM/HIGH DENSITY (MHR)
-  HIGH DENSITY RESIDENTIAL (HR)
-  NEIGHBORHOOD COMMERCIAL (NC)
-  CENTRAL BUSINESS DISTRICT (CBD)
-  HIGHWAY SERVICE COMMERCIAL (HSC)
-  OFFICE (OF)
-  PLANNED COMMERCIAL (PC)
-  PLANNED COMMERCIAL BUSINESS PARK (PC/BP)
-  LIGHT INDUSTRIAL (LI)
-  HEAVY INDUSTRIAL (HI)
-  PUBLIC/QUASI-PUBLIC (PQP)
-  PARKS & RECREATION (PR)
-  OPEN SPACE (OS)
-  URBAN LIMIT LINE
-  CITY LIMITS



DESIGNED BY				
DRAWN BY				
CHECKED BY				
REV.	DATE	DESCRIPTION	BY	APP'D

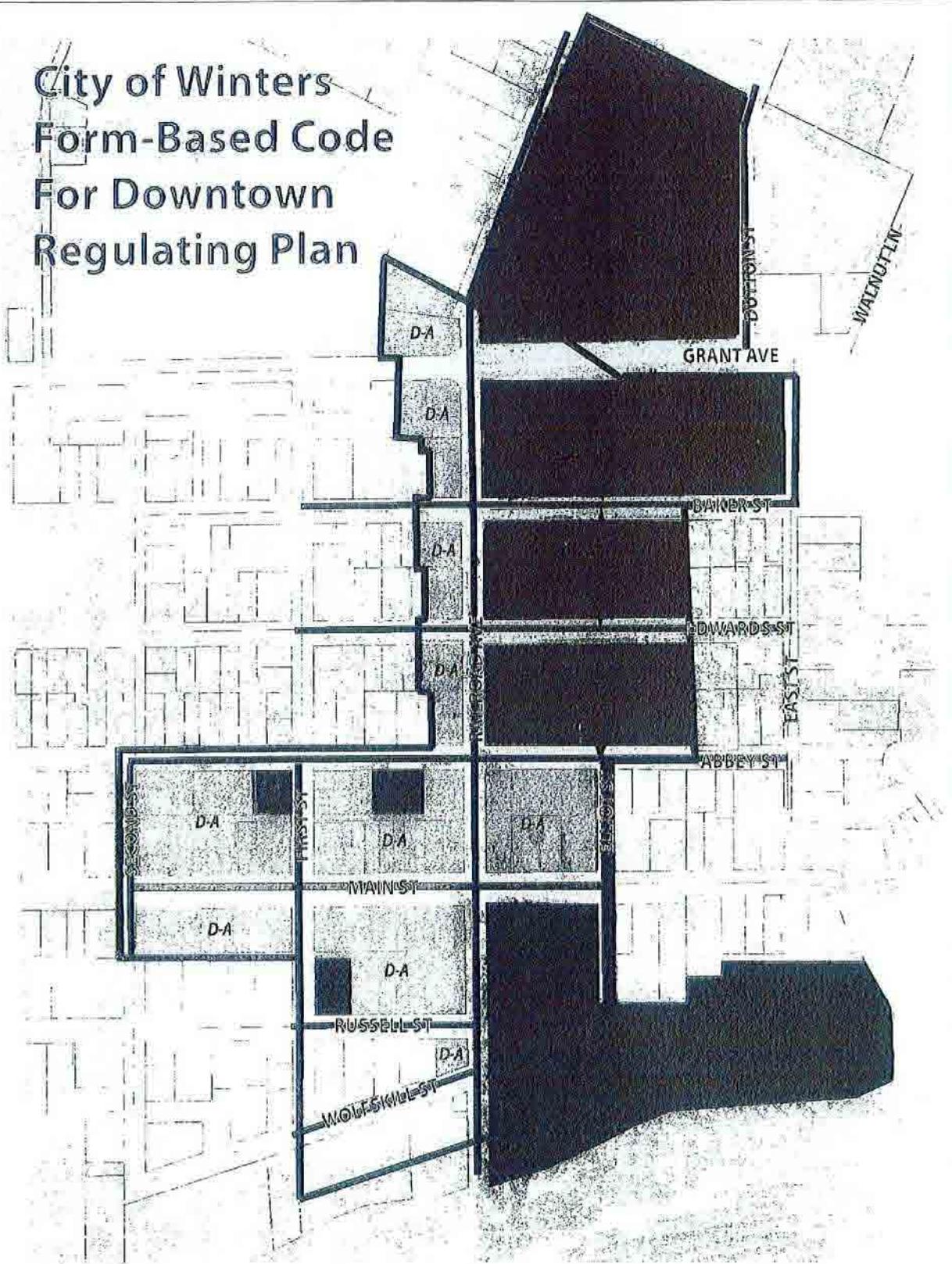


FORTIELLO ENTERPRISES
CONSULTING ENGINEERS
227 College Street, Suite 108
Woodland, CA 95694
Phone: (925) 832-3823
Fax: (925) 832-0523

GENERAL PLAN AMENDMENT MAP
JUNE 2003
CITY OF WINTERS

SCALE	SHEET
1" = 1/4 Mile	1
FUG GENERAL PLAN	OF
DATE: 06.2003	1
SHEET NO. 09001	

City of Winters Form-Based Code For Downtown Regulating Plan



Zoning Districts

- D-A: Downtown A
- D-B: Downtown B
- POP - Public Quasi Public (parks, City Hall, Fire station)
- Downtown Master Plan Boundary



LEGEND

Street Typology

- Avenue (Grant Avenue)
- Avenue (Railroad Street)
- Main Street
- Secondary Streets
- Dashed infrastructure are proposed to continue the grid pattern

Street Hierarchy

- Highest (Primary) Main Street
- Railroad Street
- Secondary Streets
- Lowest (Secondary) Grant Avenue

Example:



This building is located at the intersection of Main Street and Railroad Street types. Main Street is higher than Railroad Street in the Hierarchy of Street Types, therefore the building should follow Main Street requirements.

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 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:

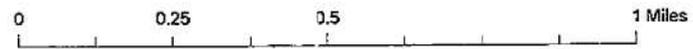
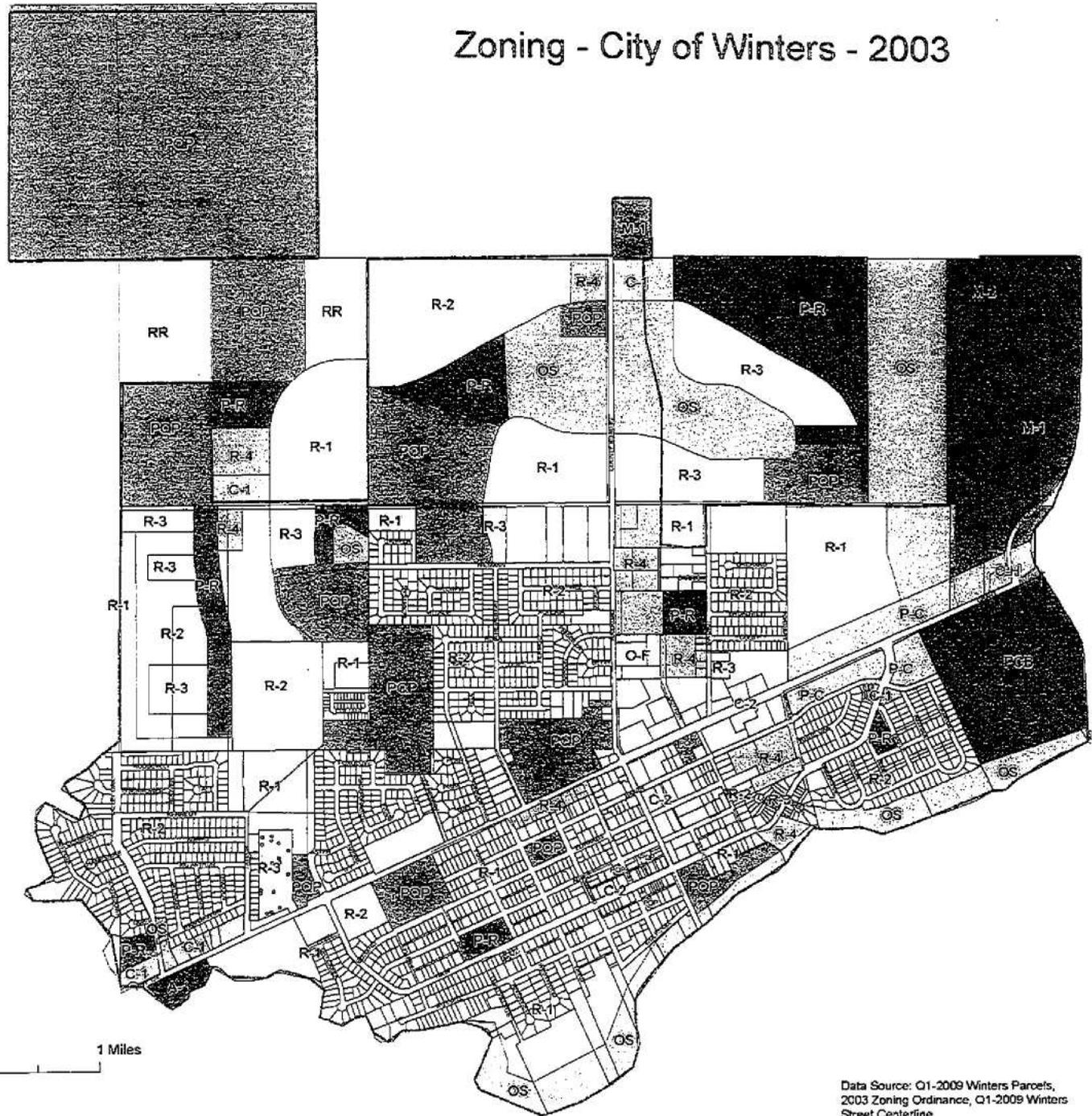
- concentrating specialty commercial businesses in the downtown core
- supporting infill development along Railroad Avenue
- improving the Railroad Avenue streetscape
- creating an attractive north gateway to the downtown
- establishing downtown-oriented parking policies
- retaining downtown's historic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

Zoning Districts

-  A-1 General Agriculture
-  C-1 Neighborhood Commercial
-  C-2 Central Business District
-  C-H Highway Service Commercial
-  M-1 Light Industrial
-  M-2 Heavy Industrial
-  O-F Office
-  O-S Open Space
-  P-C Planned Commercial
-  P-R Parks & Recreation
-  PCB Planned Commercial Business Park
-  PQP Public Quasi Public
-  R-1 Single Family Residential (7,000)
-  R-2 Single Family Residential (6,000)
-  R-3 Multi-Family Residential
-  R-4 High Density Multi-Family Residential
-  R-R Rural Residential
-  City Limit

Zoning - City of Winters - 2003



Data Source: Q1-2009 Winters Parcels,
 2003 Zoning Ordinance, Q1-2009 Winters
 Street Centerline
 Author: Jenna Michaels, Community Development

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-Base 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

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

Uses	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 -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.

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

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. <i>Would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

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 on 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-Base 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 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

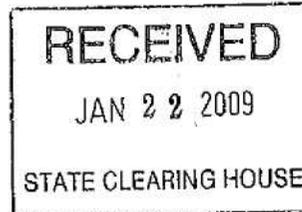
Ms. Kate Kelly
 City of Winters
 318 First Street
 Winters, CA 95694

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
 Kate
 e*

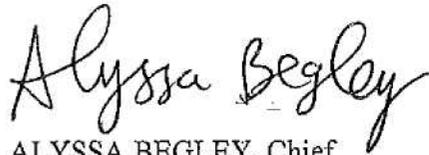


Ms. Kate Kelly
January 16, 2009
Page 2

- 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 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

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 October 6, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

1188883.2



TO: Honorable Mayor and Council Members
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nicholas J. Ponticello, City Engineer
SUBJECT: Request Approval to Fund and Construct Grant Avenue Widening and Safety Improvements, Phase 2, Project No. 09-05.

RECOMMENDATION: 1) Approve Project Budget Sheet (PBS) for Grant Avenue Widening and Safety Improvements, Phase 2, Project No. 09-05, and 2) Authorize the City Manager to expend funds within the Project Budget Sheet approvals for executing consultant services agreements on behalf of the City.

BACKGROUND: One of the projects identified in the Grant Avenue Access Study was the widening of Grant Avenue and closure of East Street at Grant. On April 7, 2009, Council approved a \$455,000 project budget for the Grant Avenue Widening and Safety Improvements Project, with \$400,000 in American Recovery and Reinvestment Act - ARRA funds and \$55,000 in TDA funds. The construction is currently underway and slated for completion in early October.

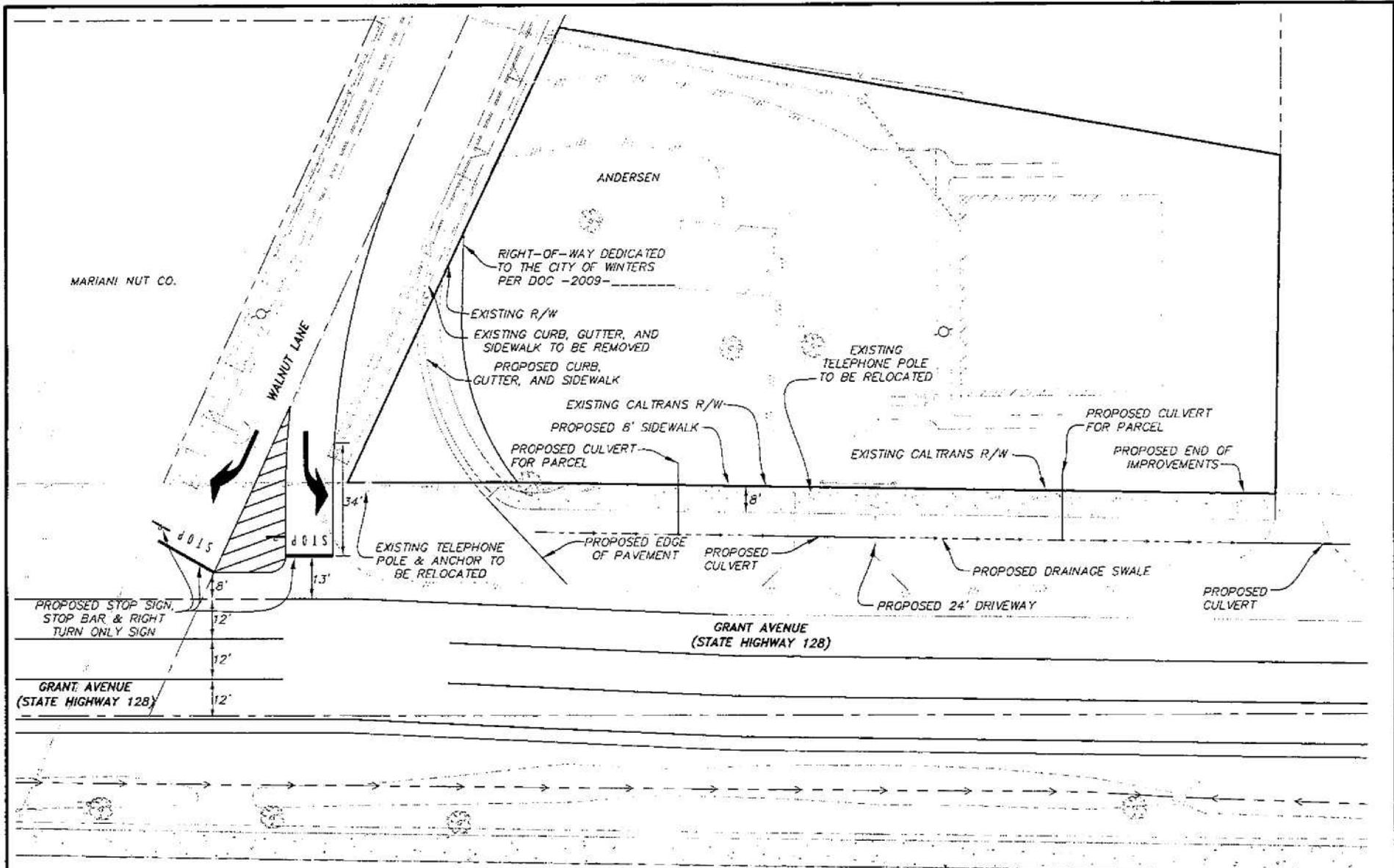
Another project which was identified was the realignment of the north leg of Walnut Lane at Grant. Due to availability of the funds and the desire to complete capital projects during this favorable bidding climate, staff has created the Grant Avenue Widening and Safety Improvements, Phase 2, Project No. 09-05.

The project will realign Walnut Lane at Grant Ave. to provide a right-angle tee intersection to improve vehicular safety movements. It includes pavement widening, overlay, storm drain pipe, pavement striping and sidewalk, and AT&T pole relocation. The project will tie-in with the improvements constructed with the Grant Avenue Widening and Safety Improvements project.

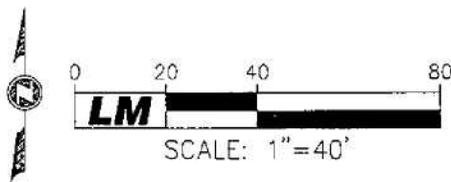
ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: Staff is working with SACOG and Caltrans to transfer the balance of ARRA funds not used with the first project into this project, which would be used along Local Transportation TDA Funds. If the ARRA Funds are not approved for the project, then only TDA Funds will be used.

Attachments:
Project Budget Sheet
Conceptual Layout



LM LAUGENOUR AND MEIKLE
 CIVIL ENGINEERING · LAND SURVEYING · PLANNING
 608 COURT STREET, WOODLAND, CALIFORNIA 95695 · PHONE: (530) 662-1755
 P.O. BOX 828, WOODLAND, CALIFORNIA 95776 · FAX: (530) 662-4602



GEOMETRIC EXHIBIT
 FOR
GRANT AVENUE CHANNELIZATION
AND SAFETY IMPROVEMENTS,
PHASE 2, PROJECT NO. 09-05
 YOLO COUNTY, CALIFORNIA
 SHEET 1 OF 1 SEPTEMBER 30, 2009



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Brad Lopez, Winters Fire Department
SUBJECT: Award for Acquisition of (2) two, Emergency Standby Generators for the New Police-Fire Facility & City Well Projects

RECOMMENDATION:

Staff recommends the City Council (1) Award Global Power Group Inc. the contract for two (2) Emergency Standby Generators for both the New Police-Fire Facility. The bid came in at \$106,580.79 for the Public Safety Facility generator and \$85,164.61 for the City Well Project generator (2) authorize the City manager to sign contract for the purchase of the generators.

BACKGROUND:

The Public Safety Facility, Project No. 05-03, was established to design and construct a facility to house both Departments. On June 15, 2005, the City Council approved the selection of the site for the new facility.

Dennis Dong, Project Architect, has worked with Police and Fire Department staff and developed a "needs assessment" and space allocation study. During this process City Staff and the Public Safety Facility Project committee met on numerous occasions to review and provide input on the design and layout of the facility. It was determined that the Public Safety Facility project's footprint should contain the following:

The new Police-Fire Facility is two-stories, with a gross building area of +/-34,759 square feet. The Second Floor is primarily Living Quarters for the Fire Department Crews. The building area breakup is as follows:

- Police Department: 8,801 sf (First Floor)
- Fire Department: 12,083 sf (First Floor) / +/-4,217 sf (Second Floor)
- Commons: 4,904 sf (Total)

In addition, a total of 3,453 square feet of Storage Mezzanine space is planned within the building footprint, divided between the Police and Fire Departments. A covered Wash Rack area is provided adjacent to the Fire Department Apparatus Bays.

The needs assessment also concluded the need for an Emergency Standby Generator that would provide 100% power for the new Police-Fire Facility and Safety Communications Tower. Emergency Generation is intricate to the New Police-Fire Facility and as it will provide support to Communications, Emergency Response and Preparedness. The facilities Training Room was designed to also allow for use as the City's EOC- Emergency Operation Center in the event of a disaster.

The Police-Fire Facility committee met with Jim Fletter of Ponticello Enterprises on two occasions to coordinate activities between the City Well Project and Police-Fire Facility. The City Well Project also called for the need for Emergency Generation for the City's well. We also concluded that a fuel tank would provide fuel to both generators as well as provide fuel dispensing for Fire Department vehicles. Since both Facilities were adjacent to each other it was agreed that it would be beneficial not only to coordinate both needs for emergency generation, but to also consolidate the specifications and purchase for both generators from the same manufacture.

Jim Fletter of Ponticello Enterprises provided their approved specifications for the City Well Project and Captain Brad Lopez of the Police-Fire Committee would be responsible for sending out the RFP- Request for Proposal for both generators. On August 4th, 2009 the RFP- Request for Proposal was provided on the City's Website and also posted a public add in the Winters Express for 2 weeks as part of the City's Purchasing Policy. On September 1st 2009, the City received only one (1) sealed bid by Global Power Group Inc. in response to the Request for Proposal for (2) Emergency Standby Generators.

ALTERNATIVES:

None recommended by staff.

FISCAL IMPACT:

The Emergency Generator for the Police-Fire Facility is funded through a COPS Technology Grant that has been awarded. The City Well Projects Emergency Generator is funded by the water bonds issued in 2007 as part of the Well#7 project

Attachment: Bid Number 09-00-01



Office of the City Attorney
John C. Wallace, City Attorney
Steven Rudolph, Asst. City Attorney
City Hall, 318 First Street
Winters, CA 95694
(530) 795-4910/FAX (530) 795-4935
john.wallace@cityofwinters.org
srudolph@meyersnave.com

September 30, 2009

To: Winters City Council

From: John C. Wallace, City Attorney 

Through: John W. Donlevy, Jr. City Manager

Re: Award of Emergency Generator Bid

The City has solicited bids for two generators. One, for the police and fire facility, needs to be paid for in front. To secure the City's payment pending installation scheduled for August of 2010, the CDA should (1) approve the bid and award it; and (2) make the generator payment on the Public Safety Facility conditioned on a purchase agreement securing the early payment funds (over \$100,000) with a Letter of Credit in a form acceptable to the City. The motion should include specific authority to staff, in case agreement cannot be reached, to take early delivery of the Public Safety Facility generator. Approval is recommended.

318 First Street
Winters, CA 95694
Phone: 530.795.4910
Fax: 530.795.4935

COUNCIL MEMBERS
Cecilia Aguiar-Curry
Harold Anderson
Tom Stone

MAYOR
Michael Martin
MAYOR PRO TEM
Woody Fridae

CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Donlevy,

PRICE SHEET

BID NUMBER 09-00-01

ITEM No.	QTY	DESCRIPTION	UNIT PRICE	NET PRICE
1.	1 EA	<u>Police & Fire Facility Generator</u> New 400 KW, 120/208 volt, 3 phase, PMG wye emergency Generator, 1200 amp ATS-Automatic Transfer Switch, including a Weather Protective Enclosure Manufacturer: <u>CUMMINS</u>	<u>\$90,681.00</u>	<u>\$90,681.00</u>
2.	1 EA	Model: <u>400 DFEH</u> New Automatic Transfer Switch Manufacturer: <u>ZENITH</u> Model: <u>ZTB</u>	<u>\$7,777.00</u>	<u>\$7,777.00</u>
3.	1 EA	<u>Well No. 7 Generator</u> New 300KW, 277/480 volt, 3 Phase, PMG wye emergency generator, including a Weather Protective Enclosure Manufacturer <u>CUMMINS</u> Model <u>300 D9HAB</u>	<u>\$78,674.00</u>	<u>\$78,674.00</u>
Subtotal Bid				<u>\$177,132.00</u>
Tax			8.25%	<u>\$ 14,613.39</u>
Shipping				<u>0</u>
Total Bid				<u>\$191,745.39</u>

* SEE ATTACHED NOTES

TOTAL BID IN WRITTEN WORDS: ONE HUNDRED NINETY ONE THOUSAND

FORTY FIVE DOLLARS AND THIRTY NINE CENTS.

BIDDER COMPANY NAME GLOBAL POWER GROUP (EL CAJON)

General Specifications

Exceptions/Clarifications:

Page 3 -1.5 Item 18: Emissions data and approved authority to construct by others
Cummins will supply required emissions data

Page 4-1.8.1 Five year Warranty limits is 1500 on run time

Page 5-2.2.2.1 Governor ECM: Cummins does not provide a remote speed adjustment

Page 6-2.2.5 Fuel system: The center of the control box is 61" high. No ladder included in proposal

Page 7-2.3.4.1 Automatic Voltage Regulator: No paralleling between gensets provided. We do not believe that is the true intent of the specification.

Page 14 2.10.1 Sound attenuated enclosure: We are at 73db on the 400kw and 75db on the 300kw

Transfer switch is 3 pole as not specified

No installation work included

SIGNATURE PAGE
Bid Number 09-00-01

DATE: 8/31/09
COMPANY: GLOBAL POWER GROUP
ADDRESS: 202 GREENFIELD DR. EL CAJON CA. 92020
TELEPHONE NO.: 619-579-1221

The undersigned agrees to the terms and conditions and is an authorized representative of the company listed above.

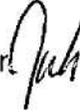
SIGNATURE: 
PRINTED NAME: BOB PETRELLA



COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT

TO: Honorable Chairman and Board of Directors

DATE: October 6, 2009

FROM: John W. Donlevy, Jr., Executive Director 

SUBJECT: Grant Avenue Commercial Property

RECOMMENDATION:

That the Board of Directors authorize the advertisement of a Request for Proposals for development projects for the Grant Avenue Commercial Property.

BACKGROUND:

In May, 2009, the Winters Community Development Agency purchased a 4.5 acre parcel located on East Grant Avenue. The purpose of the purchase was for the Agency to eventually see the property developed. Over the course of the past few months, the Agency has received numerous inquires from potential developers regarding the property.

In September, 2009, the City and Agency worked together to install many of the public improvements along Grant Ave.

DISCUSSION:

Staff has developed a Request for Proposals (RFP) which it would like to distribute and advertise to potential developers. This will include the submittal of formal project proposals and a fiscal review from potential development professionals. Attached is the draft of the RFP.

The RFP is not a "bid" or a purchase offer. It is a non-binding proposal which the Agency can then use to negotiate a development for the site. Eventually, a Development Agreement is developed which is binding toward a formal development application.

Staff is requesting authorization to begin the advertisement for proposals.

FISCAL IMPACT: None by this action.

Winters Community Development Agency Request for Proposals

Grant Avenue Commercial Property

October, 2009

The Winters Community Development Agency is seeking proposals for the development of a 4.5 acre property on Grant Avenue. A commercial and/or business use project is the most desired use.

The Agency acquired the property in 2009 through a trustee sale. The site has an approved project which was processed through the Planning Commission in 2008 which was very well received. The City has recently implemented a street widening project and has installed many of the required offsite improvements along Grant Ave.

The Agency is open to a diversified submittal. The land is zoned for commercial uses with a wide array of possibilities. The Agency has been approached by interested tenants in the financial and medical fields.

Proposers should have a demonstrated ability to finance and implement a project on the property. This should include a track record on completed projects and a team ready to work with the Agency on a quality project.

The proposal should include the following elements:

1. **Project Proposers:** This should include all persons, partners and participants who will be involved in the project.
2. **Project Description:** This should include an overview of the site, building sizes and an estimated allocation of square footages for uses.
3. **Site Plan:** The proposal should provide for a tentative site plan. Elevations of the proposed look of the buildings is highly desirable, but not required. A description of the architecture is important and is required.
4. **Off-site Improvements:** The project should discuss proposed streetscape improvements along Grant Ave.
5. **Timeline:** The proposal should include a development timeline from approval/acceptance of the project to completion.
6. **Financing:** The proposal should include a detailed pro-forma outlining projected costs, including the following:
 - a. A static (development) pro forma showing sources and uses of funds including: i) land cost (including Proposer's offer for City-owned land), ii) off-site costs, iii) "hard" construction costs, iv) "soft" costs (including A&E, fees, permits, legal, etc.), v) financing costs,

- vi) development contingencies, vii) projected rents, ;viii) cost of TI's, ix) anticipated vacancy rate, and x) M&O charges.
 - b. A dynamic (operating) fifteen-year pro forma showing: i) projected income per unit (per square foot, per residential unit, etc.), ii) projected lease terms and periodic rent increases, iii) vacancy rate, iv) CAM costs, v) other operating costs (provide detail), vi) NOI, vii) permanent loan assumptions, and viii) profits.
 - c. Discussion of financing of the project, including potential lenders or financing partners. An overview of financing the project should be included.
 - d. The Agency will review the pro formas to determine whether or not, in its sole discretion, there would be a need for Agency assistance.
7. **Past Projects and Ability to Perform:** The proposal should include examples of past projects and help in determining your overall ability to produce the proposed project.

Once received, the Community Development Agency will perform a comprehensive review of the proposals and schedule a meeting with you for review. Proposers should expect that a fiscal review by the Agency's financial advisor will occur to determine the viability of all projects.

Key criteria in the overall review of the project proposals will include:

- Quality of the overall project, including concept, diversity of uses and ability of the developer to bring a mix of tenants into the project.
- Architectural components of the project including design and materials.
- A demonstration of the proposers ability to implement the project within an aggressive time period.

This process will ultimately result in the Winters Community Development Agency and the developer entering into a Development Disposition Agreement. The Agency will enter into said agreement with a single party only.

Six (6) original copies of the proposal should be submitted to:

Winters Community Development Agency
318 First Street
Winters, CA 95694
Attention: John W. Donlevy, Jr., Executive Director

All proposals should be submitted in sealed envelopes no later than Thursday, December 10, 2009 at 4:00 p.m.

Any questions regarding this Request for Proposals should be submitted to John W. Donlevy, Jr.