



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, July 17, 2012

6:00 p.m. – Executive Session

AGENDA

Safe Harbor for Closed Session – Pursuant to Government Code Section 54954.5

Pursuant to Government Code Section 54956.8 – Real Estate Negotiations – 314 Railroad Avenue, Winters, CA, APN # 003 204 006, Real Property Negotiator City Manager John W. Donlevy, Jr.

6:30 p.m. – Regular Meeting

AGENDA

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Woody Fridae, Mayor Pro-Tempore
Harold Anderson
Wade Cowan
Michael Martin*

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

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 July 3, 2012 (pp 1-4)
- B. Authorize Issuance of Professional Services Contract for Environmental Consulting Services to BSK Associates for Environmental Mitigation for the Orchard Village Park Construction Project (pp 5-13)
- C. Street Closure Request by Winters District Chamber of Commerce Requesting Approval of a Temporary Street Closure on August 24th for the Earthquake Street Festival, including Main Street from Railroad Avenue to First Street and East Main Street from Railroad Avenue to Elliot Street (pp 14-15)
- D. Approve Proposal from ZSI, Inc. for Modifying the Design for the El Rio Villa Lift Station (SPS4) and East Street Headworks (SPS2) Motor Control Centers (MCC's) in the Amount not to Exceed \$23,750 (pp 16-18)

DISCUSSION ITEMS

- 1. Public Hearing to Consider Proposed I-505/Grant Avenue Planning Area Land Use Modification Project (pp 19-235)

**CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY**

1.

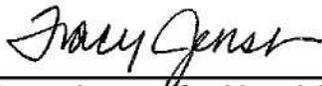
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the July 17, 2012 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 July 13, 2012, and made available to the public during normal business hours.



Tracy Jensen for Nanci G. Mills, City Clerk

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

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

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

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

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

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

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

Winters Library – 708 Railroad Avenue

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

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

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

Wednesday at 10:00 a.m.

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



Minutes of the Winters City Council Meeting
Held on July 3, 2012

6:00 p.m. - Executive Session

AGENDA

Safe Harbor for Closed Session - Pursuant to Government Code Section 54954.5

Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 - One Potential Case

6:30 p.m. – Regular Meeting

AGENDA

Mayor Aguiar-Curry called the regular meeting of the City Council to order at 6:30 p.m.

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Michael Martin and Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Clerk Nanci Mills, City Attorney John Wallace, Director of Financial Management Shelly Gunby, Environmental Services Manager Carol Scianna, Housing Programs Manager Dan Maguire

Councilmember Wade Cowan led the Pledge of Allegiance.

COUNCIL/STAFF COMMENTS: Councilmember Anderson attended the Reception for the new WJUSD Superintendent on 6/20; attended the Yolo Leaders on Economic Development, and Household Hazardous Waste on 6/23, which he thought was not utilized to its potential.

Councilmember Fridae attended the Yolo Leaders meeting; met with Mayor Aguiar-Curry and President Dan Maquire from the WJUSD Board to discuss the joint meeting with the WJUSD Board.

Councilmember Cowan attended the Reception for the new WJUSD Superintendent on 6/20; and attended the Yolo Leaders meeting.

Councilmember Martin attended the Yolo Leaders meeting; attended the Reception for the new WJUSD Superintendent on 6/20; on 7/18 will be meeting with Solano Community College to discuss their goals for the future.

Mayor Aguiar-Curry has received inquiries from residents wanting to get their GED; attended a Valley Vision meeting regards broadband that has Federal and State funding available; attended Environmental Quality meeting/Nominating Committee, attended Economic Formation Committee; and Yolo County Housing meeting.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, June 19, 2012
- B. Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference
- C. Claim Against the City of Winters – Frances A. Callison – Deny and Refer to YCPARMIA
- D. Approve an Exclusive Negotiating Rights Agreement Extension between the City and Presidio Companies in Regards to the Downtown Hotel Project

City Manager Donlevy gave an overview. Councilmember Fridae made a motion to approve the agenda, second by Councilmember Martin to approve the Consent Calendar. Motion carried unanimously.

PRESENTATIONS: None

DISCUSSION ITEMS

1. Authorize Issuance of Professional Services Contract to Melton Design Group for Design and Engineering Services to be Used as a Basis for Construction Drawings/Documents for the Orchard Village Park Construction Project (APN # 003 360 025)

Dan Maguire, Housing Programs Manager gave an overview, who said that 13 firms responded to the Request for Proposal (RFP) for the project, and five finalists were selected for an interview. All five were qualified, however the selection committee picked Melton Design Group.

Councilmember Fridae made a motion to receive the report from staff updating City Council on the responses to the City's RFP for Professional Services for Design and Engineering Services to be used as a basis for construction drawings/documents for the Orchard Village Park Construction Project, and authorize the City Manager to negotiate and execute a Professional Services Contract with Melton Design Group for Design and Engineering Services for the Orchard Park Construction Project.

2. Councilmember Liaison Assignments

Mayor Aguiar-Curry gave an overview of the new liaison assignments.

City Manager Donlevy indicated that the Winters Fire Board would only meet on an as needed basis. Councilmember Anderson made a motion to approve the revised liaison list. Seconded by Councilmember Cowan. Motion carried unanimously.

3. Planning Commission Vacancy

Mayor Aguiar-Curry indicated that she had received a letter from Planning Commissioner Philip Meisch, who informed her that he was unable to fulfill his commitment to the commission due to a job change, and would no longer be able to attend the meetings.

Councilmember Friday made a motion nominating Richard Kleeberg. Seconded by Councilmember Cowan. Motion carried unanimously.

Councilmember Fridae also indicated that he would like to appoint Sally Brown to the vacant seat on the Putah Creek Committee.

Council directed staff to meet in regards to the closed session item.

CITY MANAGER REPORT City Manager Donlevy indicated that there was a two alarm grass fire.

INFORMATION ONLY None

ADJOURNMENT Mayor Aguiar-Curry adjourned the meeting in memory of Susie Swenson at 7:12 p.m.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: July 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Authorize Issuance of Professional Services Contract for Environmental Consulting Services to BSK Associates for Environmental Mitigation Services for the Orchard Village Park Construction Project (APN # 003 360 025)

RECOMMENDATIONS:

1) Receive the report from staff recommending the issuance of a contract for Professional Services for Environmental Consulting Services to be Used as a Basis for Environmental Mitigation for the Orchard Village Park Construction Project, and 2) Authorize the City Manager to execute a contract with BSK Associates for the Consultant Services.

BACKGROUND:

The City is under contract to receive Prop 84 grant funds from the California State Parks and Recreation Department, and will also receive CDBG grant funds from the State's CDBG General Allocation Program. Funding from both sources will be utilized for the development of a new city park to be located on the 5 acre parcel (APN # 003 360 025) between Dutton Street and Walnut Lane due east of the new Orchard Village Apartments. The developer of the Orchard Village Apartments (Pacific West Companies) secured the services of the Municipal Resource Group ("MRG") to work with staff to prepare and submit the Statewide Park Program Grant application ("Prop 84") for the development of the 3.4 acre portion of the 5 acre park. MRG did substantial community outreach to assist in the preparation of the successful grant application, with the attached Landscape Master Plan being one of the resulting work products. This conceptual plan, along with the CDBG and Prop 84 grant contracts define the project deliverables.

As defined by the environmental report for Orchard Village, the park site includes .38

acres of seasonal wetlands that will need to be mitigated. The Prop 84 Grant included a \$200,000 budget for environmental mitigation. Staff is recommending approval of a Professional Services Contract for BSK as they have previously provided environmental support on various projects in Winters. Staff checked with Lowell Landowski, Project Manager for State Parks, who indicated the City could enter into a sole source contract for these services as long as the City was compliant with the City's procurement policy/procedures. City Attorney Wallace reviewed and confirmed we would be in compliance to utilize BSK for the Orchard Village Park Project.

FISCAL IMPACTS:

Total contract cost is not to exceed \$12,000. The issuance of the Professional Services Contract will have no impact on City's General Fund or other City funds as expenses incurred in providing Park Project Environmental Mitigation Services are eligible for reimbursement under the terms of the Prop 84 Grant. Mitigation services are an eligible pre-construction cost under the terms of the Prop 84 Grant.

ATTACHMENTS:

BSK Scope of Service
BSK Rate Sheets

Mr. Dan Maguire
City of Winters, Housing Programs Manager
318 First Street
Winters, CA 95694

Dear Mr. Maguire;

BSK Associates (BSK) is pleased to provide the following scope of services in support of the City of Winters' Orchard Park Development project. BSK proposes to review and assess the documentation associated with the wetland features, and then develop a mitigation strategy to allow site development. The mitigation strategy depends on the specifics of the wetland functions and the site development characteristics, and ultimately which agencies have legal jurisdiction. These details will be ascertained and the strategy will be developed to respond to these issues in a manner that is cost-effective and timely for the City of Winters.

Proposed Tasks:

- Review available documents, including ESA's report, CEQA and other City findings and correspondence.
- Review site Development Plan.
- Develop mitigation alternatives and provide estimated costs.
- Complete strategic planning with City Engineer and Manager to accomplish mitigation.

BSK will complete those proposed tasks on a time and materials basis, not to exceed \$12,000.

BSK's staff have a long history of providing permitting support to the City. BSK is committed to supporting the City meeting its environmental permitting needs. We look forward to working with you and assisting the City on this project. Please contact me if you have any questions or comments.

Sincerely,


Erik Ringelberg
Ecological Services Group Manager

PERSONNEL RATES

PROFESSIONAL STAFF

Principal.....	(per hour)	\$175
Senior Professional/Senior Project Manager	(per hour)	160
Project Professional/Project Manager	(per hour)	145
Staff Professional	(per hour)	115
Project Assistant	(per hour)	65
GIS Specialist.....	(per hour)	95
Technical Illustrator	(per hour)	75
Administrative Assistant/Clerical	(per hour)	60

TECHNICIAN (Non-Prevailing Wage)

Non-Destructive Inspection/Testing.....	(per hour)	\$95
Special Inspector.....	(per hour)	95
Engineering Technician.....	(per hour)	90
Technician	(per hour)	85

MISCELLANEOUS

Per Diem	(per day)	\$125
Mileage.....	(per mile)	0.85

LITIGATION and LITIGATION SUPPORT RATES (Includes expert witness services, deposition, testimony, data acquisition, research and compilation services)

Principal	(per hour)	\$225
Senior Professional/Senior Project Manager	(per hour)	190
Project Professional/Project Manager	(per hour)	175
Staff Professional	(per hour)	150
Project Assistant	(per hour)	95
GIS Specialist	(per hour)	150
Technical Illustrator	(per hour)	105
Administrative Assistant/Clerical	(per hour)	90

***Sworn deposition and arbitration/trial testimony will be invoiced at \$380.00 per hour (4 hour minimum).**

GENERAL CONDITIONS FOR ENVIRONMENTAL CONSULTING SERVICES

1. DEFINITIONS

1.1. Contract Documents. Plans, specifications, and agreements between Client and Contractors, including addenda, amendments, supplementary instructions, and change orders.

1.2. Contractor. The contractor or contractors, and including its/their subcontractors of every tier, retained to perform remediation work on the Project for which Consultant is providing Services under this Agreement

1.3. Day(s). Calendar day(s) unless otherwise stated.

1.4. Hazardous Materials. Any toxic substances, chemicals, radioactivity, pollutants or other materials, in whatever form or state, known or suspected to impair the environment in any way whatsoever. Hazardous Materials include, but are not limited to, those substances defined, designated or listed in any federal, state or local law, regulation or ordinance concerning hazardous wastes, toxic substances or pollution.

1.5. Governmental Agencies. All federal, state and local agencies having jurisdiction over the Project.

1.6. Services. The professional services provided by Consultant as set forth in this Agreement, the SCOPE OF SERVICES included in Exhibit A and any written amendment to this Agreement.

1.7. Work. The labor, materials, equipment and services required to complete the work described in the Contract Documents.

2. SCOPE OF SERVICES

Consultant will perform the Services set forth in the attached SCOPE OF SERVICES, which may be amended by Client and Consultant in writing.

2.1. Changes in Scope. If Consultant provides Client with a writing confirming a change in the SCOPE OF SERVICES, it will become an amendment to this Agreement unless Client objects in writing within 5 business days after receipt. All Services performed by Consultant on the Project are subject to the terms and limitations of this Agreement. If Consultant provides Services, but the parties do not reach agreement concerning modifications to the SCOPE OF SERVICES or compensation, then the terms and limitations of this Agreement apply to such Services, except for the payment terms. The parties agree to resolve disputes concerning modifications to scope or compensation pursuant to Section 18, "Disputes."

2.2. Licenses. Consultant will procure and maintain business and professional licenses and registrations necessary to provide its Services.

2.3. Excluded Services. Consultant's Services under this Agreement include only those Services specified in the SCOPE OF SERVICES.

2.3.1. General. Client expressly waives any claim against Consultant resulting from its failure to perform recommended additional Services that Client has not authorized Consultant to perform, and any claim that Consultant failed to perform services that Client instructs Consultant not to perform.

2.3.2. Biological Pollutants. Consultant's SCOPE OF SERVICES specifically excludes the investigation, detection, prevention or assessment of the presence of Biological Pollutants. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, viruses, and/or any of their byproducts. Consultant's SCOPE OF SERVICES will not include any interpretations, recommendations, findings, or conclusions pertaining to Biological Pollutants. Client agrees that Consultant has no liability for any claims alleging a failure to investigate, detect, prevent, assess, or make recommendations for preventing, controlling, or abating Biological Pollutants. Furthermore, Client agrees to defend, indemnify, and hold harmless Consultant from all claims by any third party concerning Biological Pollutants, except for damages caused by Consultant's sole negligence.

3. PAYMENTS TO CONSULTANT

3.1. Basic Services. Consultant will perform all Services set forth in the SCOPE OF SERVICES AND SCHEDULE OF CHARGES for the amount(s) set forth therein.

3.2. Additional Services. Any Services performed under this Agreement, except those Services expressly identified in the attached SCOPE OF SERVICES, will be provided on a time and materials basis unless otherwise specifically agreed to in writing by both parties.

3.3. Estimate of Fees. Consultant will, to the best of its ability, perform the Services and accomplish the objectives defined in this Agreement within any written cost estimate provided by Consultant. Client recognizes that changes in scope and schedule, and unforeseen circumstances can all influence the successful completion of Services within the estimated cost. The use of an estimate of fees or of a "not to exceed" limitation is not a guarantee that the Services will be completed for that amount; rather, it indicates that Consultant will not incur fees and expenses in excess of the estimate or limitation amount without obtaining Client's agreement to do so.

3.4. Rates. Client will pay Consultant at the rates set forth in the SCHEDULE OF CHARGES.

3.4.1. Changes to Rates. Client and Consultant agree that the Schedule of Charges is subject to periodic review and

amendment, as appropriate to reflect Consultant's then-current fee structure. Consultant will give Client at least 30 days advance notice of any changes. Unless Client objects in writing to the proposed amended fee structure within 30 days of notification, the amended fee structure will be incorporated into this Agreement and will then supersede any prior fee structure. If Client timely objects to the amended fee structure, and Consultant and Client cannot agree upon a new fee structure within 30 days after notice, Consultant may terminate this Agreement and be compensated as set forth under Section 17, "Termination."

3.4.2. Prevailing Wages. Unless Client specifically informs Consultant in writing that prevailing wage regulations cover the Project and the SCOPE OF SERVICES identifies it as covered by such regulations, Client will reimburse, defend, indemnify and hold harmless Consultant from and against any liability resulting from a subsequent determination that prevailing wage regulations cover the Project, including all costs, fines and attorneys' fees.

3.5. Payment Timing; Late Charge. All invoices are due upon receipt. All amounts unpaid 30 days after the invoice date will include a late payment charge from the date of the invoice, at the rate of 1-1/2% per month or the highest rate permitted by law.

4. STANDARD OF PERFORMANCE; DISCLAIMER OF WARRANTIES

4.1. Professional Standards. Client acknowledges that Projects that include hazardous or toxic materials and/or investigations of chemicals in the environment involve inherent uncertainties, such as limitations on laboratory analytical methods and variations in subsurface conditions. Such uncertainties may adversely affect a Project's results, even though the Services are performed with skill and care.

4.1.1. Evolving Technologies. The investigation, characterization and remediation of hazardous wastes involve technologies which are rapidly evolving. Existing state-of-the-art technologies are often new and untried, and future technologies may supersede current techniques. In addition, standards for remediation, including statutes and regulations, change with time. Client understands that Consultant's recommendations must be based upon current technologies and standards and may differ from the recommendations that might be made at a later time.

4.1.2. Level of Service. Consultant offers different levels of Environmental Consulting Services to suit the desires and needs of different clients. Although the possibility of error can never be eliminated, more detailed and extensive Services yield more information and reduce the probability of error, but at increased cost. Client must determine the level of service adequate for its purposes. Client has reviewed the SCOPE OF SERVICES and has determined that it does not need or want a greater level of service than that being provided.

4.1.3. Standard of Care. Subject to the limitations inherent in the agreed SCOPE OF SERVICES as to the degree of care, the amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, Consultant may perform its Services consistent with that level

of care and skill ordinarily exercised by other consultants practicing in the same discipline and locale under similar circumstances at the time the Services are performed.

4.2. No Warranty. No warranty, express or implied, is included or intended by this Agreement.

5. CONTRACTOR'S PERFORMANCE

5.1. Contractor's Performance. Consultant is not responsible for the means, methods, techniques or sequences used by Contractor during the performance of the Work. Consultant will not supervise or direct Contractor's Work, nor be liable for any failure of Contractor to complete its Work in accordance with the Contract Documents or with applicable laws and regulations. Client understands and agrees that Contractor, and not Consultant, has sole responsibility for the safety of persons and property at the Project Site during remediation.

5.2. Tests. Tests performed by Consultant on finished Work or Work in progress are taken intermittently and indicate the general acceptability of the Work on a statistical basis. Consultant's tests and observation of the Work are not a guarantee of the quality of other parties' work and do not relieve other parties from their responsibility to perform their work in accordance with applicable plans, specifications and requirements.

6. ESTIMATE OF REMEDIATION COSTS

Client acknowledges that environmental remediation costs are subject to many influences that are not subject to precise forecasting and are outside of Consultant's control. Client further acknowledges that actual costs incurred may vary substantially from the estimates prepared by Consultant and that Consultant does not warrant or guaranty the accuracy of environmental remediation cost estimates.

7. CLIENT'S RESPONSIBILITIES

In addition to payment for the Services performed under this Agreement, Client agrees to:

7.1. Cooperation. Assist and cooperate with Consultant in any manner necessary and within its ability to facilitate Consultant's performance under this Agreement.

7.2. Representative. Designate a representative with authority to receive all notices and information pertaining to this Agreement, communicate Client's policies and decisions, and assist as necessary in matters pertaining to the Project and this Agreement. Client's representative will be subject to change by written notice.

7.3. Rights of Entry. Provide access to and/or obtain permission for Consultant to enter upon all property, whether or not owned by Client, as required to perform and complete the Services. Consultant will operate with reasonable care to minimize damage to the Project Site(s). However, Client recognizes that Consultant's operations and the use of investigative equipment may unavoidably alter conditions or affect the environment at the existing Project Site(s). The cost of repairing such damage will be borne by Client and is not included in the fee unless otherwise stated.

7.4. Relevant Information. Supply Consultant with all information and documents in Client's possession or knowledge that are relevant to Consultant's Services. Client warrants the accuracy of any information supplied by it to Consultant, and acknowledges that Consultant is entitled to rely upon such information without verifying its accuracy. Prior to the commencement of any Services in connection with a specific property, Client will notify Consultant of any known potential or possible health or safety hazard existing on or near the Project Site, with particular reference to Hazardous Materials or conditions.

7.5. Subsurface Structures. Correctly designate the location of all subsurface structures on plans to be furnished to Consultant such as pipes, tanks, cables and utilities within the property lines of the Project Site(s) and be responsible for any damage inadvertently caused by Consultant to any such structure or utility not so designated. Consultant is not liable to Client for any losses, damages or claims arising from damage to subterranean structures or utilities that were not correctly shown on plans furnished by Client to Consultant.

7.6. Manifests. Execute all manifests or other documents evidencing ownership, possession or control over Hazardous Materials.

7.7. Notification to Authorities. Provide all required notifications to applicable Governmental Agencies, regulatory bodies or the public related to the existence, discharge, release, disposal, and/or transportation of Hazardous Materials.

8. CHANGED CONDITIONS

If Consultant discovers conditions or circumstances that it had not contemplated at the commencement of this Agreement ("Changed Conditions"), Consultant will notify Client in writing of the Changed Conditions. Client and Consultant agree that they will then renegotiate in good faith the terms and conditions of this Agreement. If Consultant and Client cannot agree upon amended terms and conditions within 30 days after notice, Consultant may terminate this Agreement and be compensated as set forth in Section 17, "Termination."

9. CERTIFICATIONS

Client agrees not to require Consultant to execute any certification with regard to Services performed or Work tested and/or observed under this Agreement unless: 1) Consultant believes that it has performed sufficient Services to provide a sufficient basis to issue the certification; 2) Consultant believes that the Services performed or Work tested and/or observed meet the criteria of the certification; and 3) Consultant has reviewed and approved in writing the exact form of such certification prior to execution of this Agreement. Any certification by Consultant is limited to an expression of professional opinion based upon the Services performed by Consultant, and does not constitute a warranty or guaranty, either expressed or implied.

10. ALLOCATION OF RISK

10.1. Limitation of Liability. The total cumulative liability of Consultant, its subconsultants and subcontractors, and all of

their respective shareholders, directors, officers, employees and agents (collectively "Consultant Entities") to Client arising from Services under this Agreement, including attorney's fees due under this Agreement, will not exceed the gross compensation received by Consultant under this Agreement or \$50,000, whichever is greater; provided, however, that such liability is further limited as described below. This limitation applies to all lawsuits, claims or actions that allege errors or omissions in Consultant's Services, whether alleged to arise in tort, contract, warranty, or other legal theory. Upon Client's written request, Consultant and Client may agree to increase the limitation to a greater amount in exchange for a negotiated increase in Consultant's fee, provided that they amend this Agreement in writing as provided in Section 19.

10.2. Indemnification.

10.2.1. Indemnification of Client. Subject to the provisions and limitations of this Agreement, Consultant agrees to indemnify and hold harmless Client, its shareholders, officers, directors, employees, and agents from and against any and all claims, suits, liabilities, damages, expenses (including without limitation reasonable attorney's fees and costs of defense) or other losses (collectively "Losses") to the extent caused by Consultant's negligent performance of its Services under this Agreement.

10.2.2. Indemnification of Consultant. Client will indemnify and hold harmless Consultant Entities from and against any and all Losses to the extent caused by the negligence of Client, its employees, agents and contractors. In addition, except to the extent caused by Consultant's sole negligence, Client expressly agrees to defend, indemnify and hold harmless Consultant Entities from and against any and all Losses arising from or related to the existence, disposal, release, discharge, treatment or transportation of Hazardous Materials, or the exposure of any person to Hazardous Materials, or the degradation of the environment due to the presence, discharge, disposal, release of or exposure to Hazardous Material.

10.3. Consequential Damages. Neither Client nor Consultant will be liable to the other for any special, consequential, incidental or penal losses or damages including but not limited to losses, damages or claims related to the unavailability of property or facilities, shutdowns or service interruptions, loss of use, profits, revenue, or inventory, or for use charges, cost of capital, or claims of the other party and/or its customers.

10.4. Continuing Agreement. The indemnity obligations and the limitations of liability established under this Agreement will survive the expiration or termination of this Agreement. If Consultant provides Services to Client that the parties do not confirm through execution of an amendment to this Agreement, the obligations of the parties to indemnify each other and the limitations on liability established under this Agreement apply to such Services as if the parties had executed an amendment.

11. INSURANCE

11.1. Consultant's Insurance. Consultant will obtain, if reasonably available, the following coverages:

11.1.1. Statutory Workers' Compensation/Employer's Liability Insurance;

11.1.2. Commercial General Liability Insurance with a combined single limit of \$1,000,000;

11.1.3. Automobile Liability Insurance, including liability for all owned, hired and non-owned vehicles with minimum limits of \$1,000,000 for bodily injury per person, \$1,000,000 property damage, and \$1,000,000 combined single limit per occurrence; and,

11.1.4. Professional Liability Insurance in amounts of \$1,000,000 per claim and annual aggregate.

11.2. Contractor's Insurance. Client will require that all Contractors and subcontractors for the Project name Consultant as an additional insured under their General Liability and Automobile Liability insurance policies. If Client is not the Project owner, Client will require the Project owner to require the owner's Contractor to purchase and maintain General Liability, Builder's Risk, Automobile Liability, Workers' Compensation, and Employer's Liability insurance with limits no less than as set forth above, and to name Consultant and its subcontractors and subconsultants as additional insureds on the General Liability insurance.

11.3. Certificates of Insurance. Upon request, Consultant and Client will each provide the other with certificate(s) of insurance evidencing the existence of the policies required herein. Except for Professional Liability and Workers' Compensation Insurance, all policies required herein shall contain a waiver of subrogation.

12. OWNERSHIP AND USE OF DOCUMENTS

12.1. Client Documents. All documents provided by Client will remain the property of Client. Consultant will return all such documents to Client upon request, but may retain file copies of such documents.

12.2. Consultant's Documents. Unless otherwise agreed in writing, all documents and information prepared by Consultant or obtained by Consultant from any third party in connection with the performance of the Services, including, but not limited to, Consultant's reports, boring logs, maps, field data, field notes, drawings and specifications, laboratory test data and other similar documents (collectively "Documents") are the property of Consultant. Consultant has the right, in its sole discretion, to dispose of or retain the Documents.

12.3. Use of Documents. All Documents prepared by Consultant are solely for use by Client and will not be provided by either party to any other person or entity without Consultant's prior written consent. Except as set forth herein, neither Consultant nor Client will disclose, disseminate or otherwise provide such reports or information except as required for the completion of Contractor's Work or the monitoring of the Project by Governmental Agencies.

12.3.1. Use by Client. Client has the right to reuse the Documents for purposes reasonably connected with this

Project for which the Services are provided, including without limitation design and licensing requirements of the Project.

12.3.2. Use by Consultant. Consultant retains the right of ownership with respect to any patentable concepts or copyrightable materials arising from Services and the right to use the Documents for any purpose.

12.4. Electronic Media. Consultant may agree at Client's request to provide Documents and information in an electronic format. Client recognizes that Documents or other information recorded on or transmitted as electronic media are subject to undetectable alteration due to (among other causes) transmission, conversion, media degradation, software error, or human alteration. Accordingly, all Documents and information provided by Consultant in electronic media are for informational purposes only and not as final documentation. Unless otherwise defined in the Scope of Services, Consultant's electronic Documents and media will conform to Consultant's standards. Consultant will provide any requested electronic Documents for a 30-day acceptance period, and Consultant will correct any defects reported by Client to Consultant during this period. Consultant makes no warranties, either express or implied, regarding the fitness or suitability of any electronic Documents or media.

12.5. Unauthorized Reuse. No party other than Client may rely, and Client will not represent to any other party that it may rely on Documents without Consultant's express prior written consent and receipt of additional compensation. Client will not permit disclosure, mention, or communication of, or reference to the Documents in any offering circular, securities offering, loan application, real estate sales documentation, or similar promotional material without Consultant's express prior written consent. Client waives any and all claims against Consultant resulting in any way from the unauthorized reuse or alteration of Documents by itself or anyone obtaining them through Client. Client will defend, indemnify and hold harmless Consultant from and against any claim, action or proceeding brought by any party claiming to rely upon information or opinions contained Documents provided to such person or entity, published, disclosed or referred to without Consultant's prior written consent.

13. SAMPLES AND CUTTINGS

13.1. Sample Retention. If Consultant provides laboratory testing or analytic Services, Consultant will preserve such soil, rock, water, or other samples as it deems necessary for the Project, but no longer than 45 days after issuance of any Documents that include the data obtained from these samples. Client will promptly pay and be responsible for the removal and lawful disposal of all contaminated samples, cuttings, Hazardous Materials, and other hazardous substances.

13.2. Monitoring Wells. Client will take custody of all monitoring wells and probes installed during an investigation by Consultant, and will take any and all necessary steps for the proper maintenance, repair or closure of such wells or probes at Client's expense.

14. RELATIONSHIP OF THE PARTIES

Consultant will perform Services under this Agreement as an independent contractor.

15. ASSIGNMENT AND SUBCONTRACTS

Neither party may assign this Agreement, in whole or in part, without the prior written consent of the other party, except for an assignment of proceeds for financing purposes. Consultant may subcontract for the services of others without obtaining Client's consent if Consultant deems it necessary or desirable for others to perform certain Services.

16. SUSPENSION AND DELAYS

16.1. Procedures. Client may, at any time, by 10 days written notice suspend performance of all or any part of the Services by Consultant. Consultant may terminate this Agreement if Client suspends Consultant's work for more than 60 days and Client will pay Consultant as set forth under Section 17, "Termination." If Client suspends Consultant's Services, or if Client or others delay Consultant's Services, Client and Consultant agree to equitably adjust: (1) the time for completion of the Services; and (2) Consultant's compensation in accordance with Consultant's then current SCHEDULE OF CHARGES for the additional labor, equipment, and other charges associated with maintaining its workforce for Client's benefit during the delay or suspension, or charges incurred by Consultant for demobilization and subsequent remobilization.

16.2. Liability. Consultant is not liable to Client for any failure to perform or delay in performance due to circumstances beyond Consultant's control, including, but not limited to, pollution, contamination or release of hazardous substances, strikes, lockouts, riots, wars, fires, flood, explosion, "acts of God," adverse weather conditions, acts of government, labor disputes, delays in transportation or inability to obtain material and equipment in the open market.

17. TERMINATION

17.1. Termination for Convenience. Consultant and Client may terminate this Agreement for convenience upon 30 days written notice delivered or mailed to the other party.

17.2. Termination for Cause. In the event of material breach of this Agreement, the party not breaching the Agreement may terminate it upon 10 days written notice delivered or mailed to the other party. The termination notice must state the basis for the termination. The Agreement may not be terminated for cause if the breaching party cures the breach within the 10-day period.

17.3. Payment on Termination. Following termination other than for a material breach of this Agreement by Consultant, Client will pay Consultant for the Services performed prior to the termination notice date, and for any necessary Services and expenses incurred in connection with the termination of the Project, including but not limited to, the costs of completing analysis, records and reports necessary to document job status at the time of termination and costs associated with termination of subcontractor contracts in

accordance with Consultant's then current SCHEDULE OF CHARGES.

18. DISPUTES

18.1. Mediation. All disputes between Consultant and Client are subject to mediation. Either party may demand mediation by serving a written notice stating the essential nature of the dispute, the amount of time or money claimed, and requiring that the matter be mediated within 45 days of service of notice.

18.2. Precondition to Other Action. No action or suit may be commenced unless the mediation did not occur within 45 days after service of notice; or mediation occurred but does not resolve the dispute; or a statute of limitation would elapse if suit was not filed prior to 45 days after service of notice.

18.3. Choice of Law; Venue. This Agreement will be construed in accordance with and governed by the laws of the state in which the Project is located. Unless the parties agree otherwise, any mediation or other legal proceeding will occur in the state in which the Project is located.

18.4. Statutes of Limitations. Any applicable statute of limitations will be deemed to commence running on the earlier of the date of substantial completion of Consultant's Services under this Agreement or the date on which claimant knew, or should have known, of facts giving rise to its claims.

19. MISCELLANEOUS

19.1. Integration and Severability. This Agreement reflects the entire agreement of the parties with respect to its terms and supersedes all prior agreements, whether written or oral. If any portion of this Agreement is found to be void or voidable, such portion will be deemed stricken and the Agreement reformed to as closely approximate the stricken portions as the law allows.

19.2. Modification of This Agreement. This Agreement may not be modified or altered, except by a written agreement signed by authorized representatives of both parties and referring specifically to this Agreement.

19.3. Notices. Any and all notices, requests, instructions, or other communications given by either party to the other must be in writing and either hand delivered to the recipient or delivered by first-class mail (postage prepaid) or express mail (billed to sender) at the addresses given in this Agreement.

19.4. Headings. The headings used in this Agreement are for convenience only and are not a part of this Agreement.

19.5. Waiver. The waiver of any term, condition or breach of this Agreement will not operate as a subsequent waiver of the same term, condition, or breach.

End of General Conditions



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: July 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Street Closure Request by Winters Chamber of Commerce for Annual Earthquake Festival to be Held on August 24, 2012

RECOMMENDATION:

Approve the closure of Main Street between Railroad Avenue and First Street and East Main between Railroad Avenue and Elliot Street to allow for the Chamber of Commerce Earthquake Street Festival.

BACKGROUND:

The Winters Chamber of Commerce has requested the closure of Main Street between Railroad Avenue and First Street and the closure of East Main Street between Railroad Avenue and Elliot Street from 2:00 p.m. to 12:00 a.m. They have requested that barricades be placed at these intersections. The inclusion of the first block of East Main is for the relocation of the kid's area of the Festival from its previous location (western portion of the first block, Pacific Ace Hardware to First Northern Bank) as was done for last year's event. This relocation is favored by many of the merchants and also allows for the western half of Main Street (west of the mid-block crossing) to remain open until later in the afternoon.

If approved, closure notification will be posted on all affected streets a minimum of 48 hours prior to the scheduled closures.

Per the City's Street Closure Ordinance, it requires Council approval on identified streets on the attached request form.

FISCAL IMPACT:

To be Determined (Police staff overtime, signage, barricade placement).

City of Winters Request for Street Closure

Please provide a listing of the names and signatures of people living on the street (s) to be closed and acknowledging that they know why the closure is requested and that they agree to the closure. Attach additional sheets if necessary.

Petah Creek Cade	1 Main	Salli Becker
Cloth Carousel	9 Main	Ken Bower
Palms Playhouse	13 Main	Dave Fleming
Chamber / VC	11 Main	H. Meyer
Beroyessa Gap	15 Main	Brown Cemeter
Eric Aard	15 b Main	
Camiks Hair	19 Main	Coplin M... H. Meyer
Howard Brown	19 Main	MW
WHC Medical	23 Main	38
WHC Rental	31 Main	W. B... H. Meyer
Patrick Ace Hardware	35-37 Main	L. M. Jr
Velo City Bicycle	41 Main	H. Meyer
El Pueblo	43 Main	E. J. G... H. Meyer
Metro PCS	47 Main	H. Meyer
Buckhorn	2 Main	Salli Becker
Spin A Yarn	14 Main	Frank Sh... H. Meyer
Rootstock	22 Main	Frank Sh... H. Meyer
Ireland Agency	26 Main	
Adri y Fiesta	30 Main	Maria J. G.
Wiscombe Funeral	34 Main	
La Bodega	36 Main	BALMUKAND
First Northern Bank	48 Main	H. Meyer



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: July 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Approve proposal from ZSI, Inc for modifying the design for El Rio Villa lift Station (SPS4) and East Street Headworks (SPS2) Motor Control Centers (MCCs) in the amount not to exceed \$23,750

RECOMMENDATION: Approve proposal from ZSI, Inc for modifying the design for El Rio Villa lift station (SPS4) and East Street Headworks (SPS2) Motor Control Centers (MCCs) in the amount not to exceed \$23,750.

BACKGROUND: Replacement of the MCC at both El Rio lift station and East Street Headworks project, were upgrades that were identified in the sewer/water projects list developed a few years. The funding source for these projects will be from Sewer bonds and El Rio Villa operations and maintenance funds. The design for the new MCCs designs will standardize as much as possible with other similar units within the City's Wastewater systems. This proposal is \$8000 more than the initial design budget for this project, staff is expecting that the proposed design changes will allow for a more streamline construction project resulting in construction savings. An additional benefit to the new design is the standardization with the City's other lift station equipment which will bring more savings in maintenance and operations costs.

Scope of work includes:

- Providing specifications and drawings to solicit quotes from manufactures and or electricians to furnish and install MCCs
- Provide an Engineer's cost estimate and schedule for construction
- Generator receptacle (per City's specs)

FISCAL IMPACT: Estimate is \$23,750



City of Winters
Attn: Jim Fletter, PE
318 First Street
Winters, CA 95694

June 4, 2012

Subject: SPS2 & SPS4 Motor Control Center Proposals

This proposal is for modifying the design for SPS2 & SPS4 Motor Control Centers (MCCs) in the City of Winters, henceforth "City", for the purpose of standardizing as much as reasonably possible attempting to reduce the cost of the equipment and construction if possible. The scope of work for both MCCs is as follows:

Inclusions:

- 1) Provide specifications and drawings for the purpose of soliciting quotations from manufacturers and / or electricians to furnish and install MCCs.
- 2) Develop construction and demolition plans showing all known existing aboveground and underground structures and equipment that will involve or interfere with the project construction.
- 3) Provide MCC elevation plans and section details and wiring diagrams.
- 4) All plans shall be in conformance with the National Electrical Code (NEC 2008).
- 5) Provide set of plans and specifications in PDF format to the City Engineer for final approval.
- 6) Provide an Engineer's cost estimate and schedule for construction.
- 7) Modify design, specifications, and drawings based on Gateway design.
- 8) Field site visits to determine location of level sensors, floats, and cables, and to compare As-built drawings with actual conduit stub-ups at both sites, and to verify pressure tap at SPS2 is existing.
- 9) Generator receptacle (City to specify a receptacle to match either SPS1/SPS3 or SPS5).

Exclusions:

- 1) 10 State Standard in particular the requirement for daily pump alternation so as to match the existing control strategy of other City sites. Note that this feature and any other 10 State Standard features available to all existing pump stations for an added cost to the City not included herein.
- 2) Pump capacity calculations as related to the planned / actual peak flows (Note that pumps 1 and 2 are 85HP and pump 3 is 45HP). Calculations to be performed by others.
- 3) Totalizing and recording flow measurement to be excluded so as to match the existing features of other City sites. Note that this feature available to all existing pump stations for an added cost to the City not included herein.

201 East St – Sewer Pump Station #2

\$15,500

Modify design, specifications, and drawings based upon the following major design changes:

1. Reduce 18 pulse requirement to 6 pulse design for motor controllers.
2. Omit requirement for all three (3) pumps to run concurrently during any / all seasons.
3. Design to include power from existing generator headworks comminutor / automatic bar screen.
Field site visit to evaluate wiring.
4. Ensure continuous monitoring of pressure (pressure tap existing per Jim Fletter) and flow.



100 Myrtle Ct, "El Rio Villa" – Sewer Pump Station #4

\$8,250

Modify design, specifications, and drawings based upon the following major design changes:

1. Reduce 18 pulse requirement to 6 pulse design for motor controllers.

TOTAL PROPOSAL AMOUNT

\$23,750

In order to reduce costs to the City, this proposal is based upon certain assumptions including, but not limited to the assumption that information (written and oral) provided by city personnel, the city engineer, its consultants / representatives, and its existing documents are factual and do not require further field verification by ZSI.

Should you have any questions, please don't hesitate to let me know.

Very truly yours,

Greg Steiger, VP of ZSI, Inc.

E:\zsi_projects\active\Z0750 - Winters_Service\MCC Design, SPS2 & SPS4\Ponticello\Proposals\Z0750 - Proposal for New MCC Designs, r3.docx Monday, June 04, 2012 10:52 AM



CITY COUNCIL STAFF REPORT
July 17, 2012

TO: Honorable Mayor and Members of the City Council
THROUGH: John W. Donlevy, City Manager
FROM: Jim Bermudez, Planner
SUBJECT: Public Hearing to Consider Proposed I-505/Grant Avenue Planning Area Land Use Modification Project

Recommendation: That the City Council takes the following actions:

1. Receive Staff Report
2. Conduct Public Hearing
3. Certify that the City Council has determined that the Negative Declaration is the appropriate level of environmental review under CEQA and finds that the Negative Declaration represents the independent judgment of the City
4. Adopt Resolution 2012-29, approving the I-505/Grant Avenue Planning Area Land Use Modifications Project Mitigation Monitoring Reporting Plan and certifying the I-505/Grant Avenue Planning Area Land Use Modifications Initial Study/Negative Declaration
5. Adopt Resolution 2012-28 amending the 2008 Winters Storm Drainage Master Plan
6. Waiver the first reading and read by title only Ordinance 2012-06
 - a. Inform the public that the second reading and adoption of Ordinance 2012-06, rezoning the project site from Light Industrial (M1) to Highway Service Commercial (C-H) and Planned Commercial (PC) to Neighborhood Commercial (C-1), adoption of Resolution 2012-27 amending the General Plan Land Use Diagram from Light Industrial (L1) to Highway Service Commercial (HSC); Planned Commercial (PC) to Neighborhood Commercial (NC); Planned Commercial/Business Park (PCB) to Highway Service Commercial (HSC); Planned Commercial/Business Park (PCB) to Business/Industrial Park (BIP), and eliminate the Planned Commercial (PC) and Planned Commercial/Business Park (PCB), will be held on August 7, 2012.

Project Background: This project is a proposal of the City of Winters to modify the land use designations within a project area totaling 140.1 acres in the eastern area of town, on the north and south sides of State Route (SR) 128 (Grant Avenue), and on the west side of and adjoining Interstate (I) 505 (see Attachment A). The objectives of the project are to correct inconsistencies between general plan and zoning designations in the area, eliminate a duplicative and unnecessarily expensive requirement for "master plans" with individual project applications, rescind an outdated master plan, and promote economic development.

Project History: The current City General Plan was adopted in May of 1992. The area within the project that lies north of SR 128 (the Skreedon, Manas, Ali, and Ghai properties) was

annexed into the City of Winters in 1993 (the Matz Annexation). The Jordan and McClish properties were contemplated for urban development in the 1993 Gateway Master Plan, and subsequently annexed into the City in 1995 (the North Grant Avenue Annexation). The history of the Robata and Christie properties was not researched but both properties were within the City limits prior to 1992.

The original Planned Commercial (PC) and Medium Density Residential (MR) zoning on the Skreedan and the Planned Industrial (MP) zoning on the McClish property reflect zones that no longer exist in the City Zoning Ordinance. In 2003, the City Council adopted Resolution 2003-13 and Ordinance 2003-01, which rezoned the Skreedan Property from Medium Density (MR) to Single Family (R-1). In January 2010 as part of staff analysis for re-mapping of the Jordan property a Planning Director interpretation was issued that the MP zoning on the property is equivalent to the BIP/PD zone. In September 2010, legal counsel for the City determined that the PC zoning is effectively Neighborhood Commercial (C-1).

State law requires that the General Plan land use designations and zoning districts for any given property be consistent; however, this was never fully accomplished for the entirety of the project acreage. Available records and maps suggest that various "planned development" General Plan land use designations (PC and PCB or what is sometimes shown as PC/BP) were misinterpreted as zoning districts, and intermingled and unclearly applied to properties within the project area. Similarly the PD zoning overlay appeared to have been inaccurately applied as a General Plan designation for several of the properties as well.

In order to clarify the land use and zoning designations of the subject properties, establish consistency between the City General Plan and zoning ordinance for the subject properties, eliminate unnecessary planning requirements, and also to facilitate economic development of the properties, the City is undertaking the subject land use modifications.

On June 26, 2012, the Planning Commission unanimously approved the proposed land use modifications. At this meeting, the Commission listened to a range of public comments which focused on economic compatibility issues between the downtown businesses and future highway serving commercial businesses, design concerns, questions related to the proposed realignment of the Putah Creek Diversion Channel, cumulative traffic effects from the project, and the loss or reduction of industrial zoned property. Further background and analysis of these areas of concern is provided below.

Summary of Project: The project involves various map and text amendments to the City General Plan and changes to the City zoning map and regulations to modify the land uses currently allowed in the area. Of the 140.1 acre project area total the proposal would affect a total of 80.9 acres, with all 80.9 acres receiving a general plan amendment and 21.7 acres of the 80.9 acres receiving a zone change (see Attachments B and C)

The potential net effect of the proposed land use changes is subtle. Overall it is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, in recognition of the infrastructure master planning that has occurred since adoption of the General Plan in 1992 and the fact that the City now requires Design/Site Plan Review for all non-residential development; the proposal also eliminates the separate project-specific requirement for a master plan with each application, and rescinds the existing outdated Gateway Master Plan.

Lot development standards under existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios continue to apply. Development regulations would differ slightly for the 11 acres proposed to change from M-1 to C-H: the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other lot development regulations would remain unchanged. The following table summarizes proposed land use changes by parcel:

PROPOSED GATEWAY AREA LAND USE MODIFICATIONS

Property Owner	APN	Acreage	General Plan		Zoning	
			Existing	Proposed	Existing	Proposed
North of SR 128 (Grant Avenue)						
Ghai Property	038-050-63	1.4	LI	HSC	M-1	C-H
		0.9	HSC	No change	C-H	No change
	Subtotal	2.3				
Ali Property	038-050-57	0.9	HSC	No change	C-H	No change
	038-050-60	4.6	LI	HSC	M-1	C-H
	1.1	HSC	No change	C-H	No change	
	Subtotal	6.6				
Manas Property	038-050-29	5.2	LI	HSC	M-1	C-H
		2.5	HSC	No change	C-H	No change
	Subtotal	7.7				
Skreeden Property	038-050-18	14.0	OS	No change	OS	No change
		14.4	PC	NC	C-1	No change
		33.5	LR	No change	R-1	No change
	Subtotal	61.9				
Subtotal North		78.5	GPA 25.6 ac		Rezone 11.2 ac	
South of SR 128 (Grant Avenue)						
Jordan Property	038-070-28	7.5	PCB	HSC	C-H/PD	No change
	038-070-29	0.9	PCB	HSC	C-H/PD	No change
	038-070-30	0.8	PCB	HSC	C-H/PD	No change
	038-070-31	0.9	PCB	HSC	C-H/PD	No change
	038-070-32	0.8	PCB	HSC	C-H/PD	No change
	Subtotal	10.9				
McClish Property	038-070-37	4.5	PCB	BIP	BIP/PD	No change
	038-070-38	5.9	PCB	BIP	BIP/PD	No change
	038-070-39	23.5	PCB	BIP	BIP/PD	No change
	6.3	OS	No change	OS	No change	
	Subtotal	40.2				
Robada Property	038-070-35	4.5	PC	NC	PC	C-1
Christie Property	038-190-35	6.0	PC	NC	PC	C-1
Subtotal South		61.6	GPA 55.3 ac		Rezone 10.5 ac	
PROJECT TOTAL		140.1	GPA 80.9 ac		Rezone 21.7 ac	
Totals may be off slightly due to rounding. TSCHUDIN CONSULTING GROUP, August 28, 2011.						

The project also includes an amendment of the citywide storm drain master plan to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the easterly property line of the Skreeden Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side

of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128.

A Conditional Use Permit (CUP), site plan review, and height variance to allow construction of a three-story hotel (up to 100 rooms) on 6.6 acres (APN 038-050-60) in the Highway Service Commercial (C-H) zone as described in the Negative Declaration/Initial Study has been removed from the project description and is not part of staff's recommended action. Future planning and design of a hotel will require a project level environmental review as required under the California Environmental Quality Act.

Analysis: At the June 26, 2012 Planning Commission meeting, the Commission commented on the issues that were raised during public comment. The following narrative includes the Commission's comments and staff's analysis of these concerns.

The project would not result in development in conflict with the General Plan or zoning as it contains all the necessary amendments to these plans and documents to prevent this from occurring or continuing. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). Overall the proposed changes are likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. The project corrects inconsistencies between general plan and zoning designations in the area, and eliminates a requirement for master plans with individual project applications.

During the Planning Commission meeting further discussion included the loss of light industrial zoning and a loss of industrial sector jobs. Staff recognizes an increase in highway service commercial but it is true one could argue a "trade" of some Light Industrial jobs (11.2ac + 10.9ac) for some Highway Service Commercial jobs but there is also a "trade" of some retail commercial jobs (33.9ac) for business/office jobs. The acreages for the latter are greater so arguably the type of jobs likely to result from all this is still better than the existing condition. More of the "better" type of job is better than no jobs which do not currently exist.

Lot development standards under existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios apply. Development regulations differ slightly for the 11 acres proposed to change from M-1 to C-H – the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other lot development regulations remain unchanged. Therefore site coverage could potentially be slightly higher; however, by requiring that the total development envelopes are not exceeded, this possibility is avoided.

Gateway Master Plan

The project includes proposed rescission of the 1993 Gateway Master Plan that covers 51 acres comprised of the Jordan and McClish properties. Currently development on approximately 70 acres in the project area cannot move forward without individual project-specific "master development plans" as specified in the General Plan land use designation. This is a duplicative and unnecessary requirement.

In recognition of the infrastructure master planning that has occurred since adoption of the General Plan in 1992 and the fact that the City now requires Design/Site Plan Review for all

non-residential development; the proposal also eliminates the separate project-specific requirement for a master plan in this area. Since the 1992 adoption of the General Plan, the City has adopted citywide infrastructure plans that address the provision of all backbone utilities throughout the City. A new traffic model that covers the entire City has been developed. The City has adopted a citywide Habitat Mitigation Program. New comprehensive requirements for submittal and processing of development applications have been established. A Noise Control Ordinance was adopted. The City has also adopted citywide and area specific design guidelines that address site plan, architecture, color, materials and other similar items. In light of all of these comprehensive citywide controls, there is no longer a need for additional master planning on a site-by-site basis.

Staff has determined that the Gateway Master Plan is outdated in that the utility, infrastructure, land use, and design guidance and regulations it contains have all been updated or superseded by newer equivalent area specific or citywide documents and plans. Based on advances in utility upgrades and overall citywide improvements, staff recommends the Planning Commission approve the attached Resolution rescinding the Gateway Master Plan (see Attachment D).

During the Planning Commission meeting, the Commission heard several comments requesting additional planning and studies and further input from the community to evaluate the amendments to the proposed land use designations. Several Commissioners stated there were several people from the City on the EDAC, and there were quite a few on EDAC that represented a cross section of the City that spent many years addressing issues of design and policy decisions for the planned area. The Commissioners stressed that the zoning needs to be in compliance with the general plan and this issue needed to be rectified. The Commission stated that EDAC did a lot of work on issues related to the build out condition of the area and established formal design guidelines, complete streets, landscaping guidelines. The Commission stressed that citywide design review is required for all projects and the City and the Planning Commission will have input on future development of the project area.

The Gateway Master Plan was approved by the Planning Commission on June 29, 1993. Staff researched historical records to determine if the City Council took formal action (via resolution) approving the plan thereafter, after an exhaustive search staff determined the City Council never took formal action to approve the plan. Due to this discovery, the action made by the Planning Commission which adopted PC-2012-01 technically rescinded the Gateway Master Plan and no further action is required by the City Council.

Storm Drain Realignment

The City is seeking the amendment of the citywide storm drain master plan to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Attachment E - Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the easterly property line of the Skreeden Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128.

The realignment of the conceptual channel is viewed as a positive for both practical and aesthetic reasons. The channel is 100' wide and includes drainage, bike/pedestrian amenities and native plants and grasses. Moving the channel to the west portion of the McClish provides additional buffer from the residential and industrial uses and linkages to existing and proposed

pedestrian corridors, therefore making practical sense to have it located as proposed. From an aesthetic standpoint, the current alignment which splits the Jordan and McClish properties would put a less than attractive drainage element as the entryway monumentation into the City and cause development difficulties for the parcels. The realignment does not impact capacity or use, just location.

When the City approved the 2008 Storm Drainage Master Plan, the location of the Putah Creek Diversion Channel was conceptual as future planning and land use amendments would be necessary to delineate a preferred location.

At the Planning Commission meeting, staff heard several comments related to the location and overall design of the planned drainage channel. There was considerable concern with the planned design of the canal and several residents expressed a desire to see a green belt amenity rather than a concrete ditch that would require more than 100-foot width of property.

The overall design and planning for the channel is still to be determined and requires further design details and additional environmental review that will be linked to the following three elements: 1 – a bike and pedestrian corridor which will interlink with trails, this is combined in Complete Streets plan and the Putah Creek Nature Park; 2 – the landscaping that will be provided when the project is ready to be developed and 3 – the overall Grant Avenue corridor design guidelines on how these will intertwine with the planned channel design. Additionally, the genesis for moving it to the west side of the McClish property is for aesthetic reasons and to serve as a buffer.

Environmental Review: An Initial Study/Negative Declaration was circulated on May 2, 2012, for a 30-day comment period extending through May 31, 2012 (see Attachment F). Several letters were received from residents as well as comments from interested agencies (see Attachment G). Staff has had an opportunity to review all correspondence and has provided grouped responses based on the commenters area of concern (see Attachment H). The Initial Study/Negative Declaration includes mitigation as a result of the project. A Mitigation Monitoring Reporting Program will be part of the project conditions (see Attachment I).

The City has shared details with Caltrans regarding the planned land use modification project. Caltrans acknowledges that the land use modifications planned by the City do not include development at this time and has requested the City amend Mitigation Measure 13 so as future development projects occur, Caltrans will have the opportunity to review project-specific traffic information to determine if the project triggers the need for transportation improvements. Mitigation Measure 13 has been amended per their request.

As previously referenced, the planned hotel referenced in the Initial Study is not part of the project approval and future planning and design of a hotel will require a project level environmental review as required under the California Environmental Quality Act. To ensure the community and provide a clear record of the change to the project, the Planning Commission, requested that staff remove all references to hotel from the CEQA documents. Resolution 2012-29 and its attached exhibits satisfy this request.

During the Planning Commission meeting, a comment was made that the Master Plan EIR identifies an air quality significant effect that cannot be mitigated but the project Initial Study stated that it is a significant effect with mitigation. Staff determined that the cumulative air quality impact is identified as significant and unavoidable effect in the General Plan EIR and

Initial Study and there is no inconsistency because the area of impact is cumulative and the other impact is project specific.

Recommended City Council Action: Staff recommends the City Council take the following actions:

1. Adopt Resolution 2012-29, certifying the I-505/Grant Avenue Planning Area Land Use Modifications Initial Study/Negative Declaration and approving the I-505/Grant Avenue Planning Area Land Use Modifications Project Mitigation Monitoring Reporting Plan
2. Adopt Resolution 2012-28 amending the 2008 Winters Storm Drainage Master Plan
3. Waive the first reading and read by title only Ordinance 2012-06
 - a. Inform the public that the second reading and adoption of Ordinance 2012-06 rezoning the project site from Light Industrial (M1) to Highway Service Commercial (C-H) and Planned Commercial (PC) to Neighborhood Commercial (C-1), adoption of Resolution 2012-27 amending the General Plan Land Use Diagram from Light Industrial (LI) to Highway Service Commercial (HSC), Planned Commercial (PC) to Neighborhood Commercial (NC), Planned Commercial/Business Park (PCB) to Highway Service Commercial (HSC); Planned Commercial/Business Park (PCB) to Business/Industrial Park (BIP), and eliminate the Planned Commercial (PC) and Planned Commercial/Business Park (PCB), will be held on August 7, 2012

ATTACHMENTS:

Attachment A I-505/Grant Avenue Planning Area Land Use Modifications Project

Attachment B Land Use Diagram Amendments

Attachment C Planned Rezone of City of Winters Zoning Map

Attachment D PC Resolution 2012-01 rescinding the Gateway Master Plan

Attachment E Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report Map

Attachment F I-505/Grant Avenue Planning Area Land Use Modifications Project Initial Study/Negative Declaration

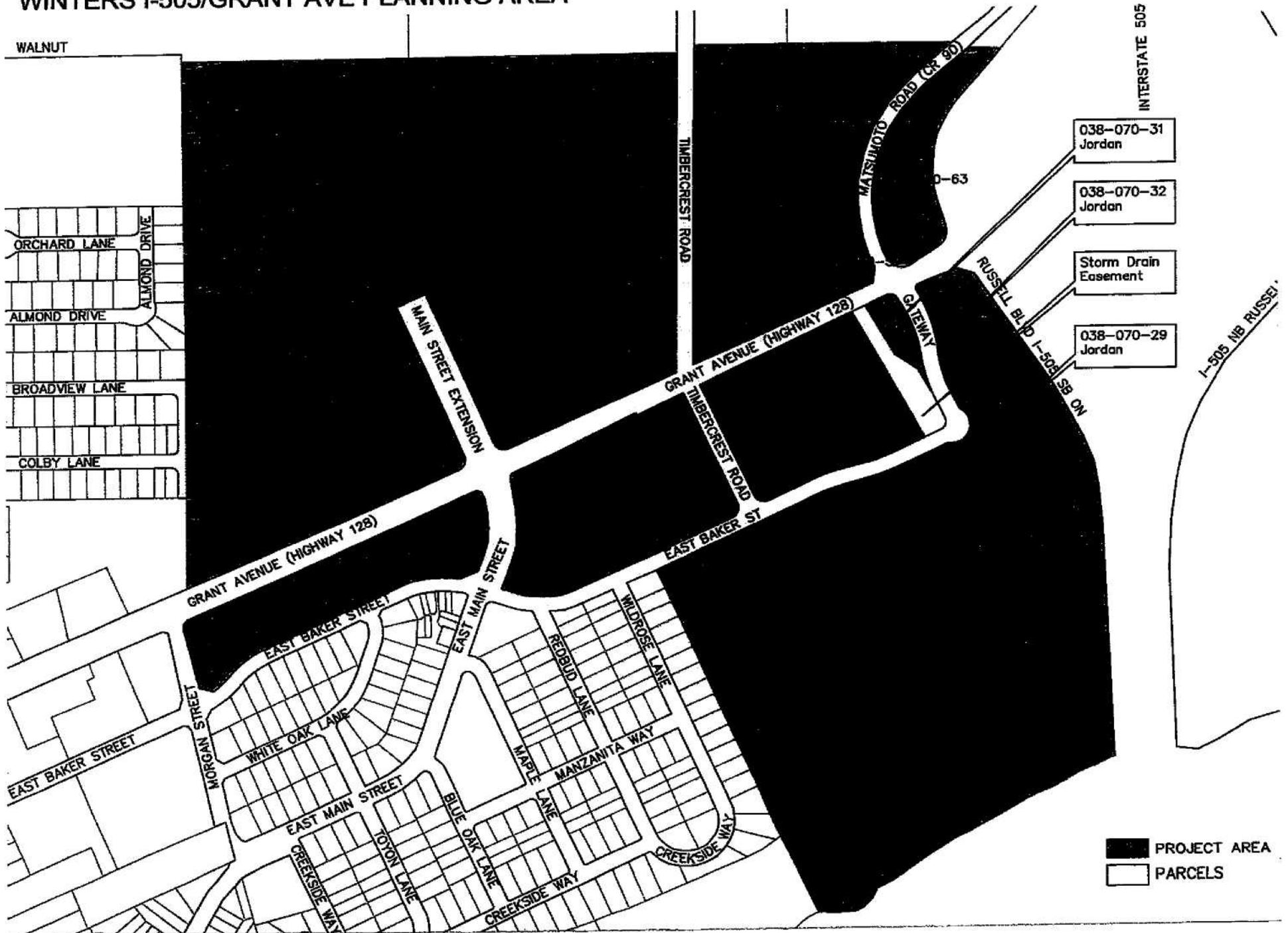
Attachment G I-505/Grant Avenue Planning Area Land Use Modifications Project Initial Study Comment Letters

Attachment H I-505/Grant Avenue Planning Area Land Use Modifications Project staff response to Initial Study Comments

Attachment I I-505/Grant Avenue Planning Area Land Use Modifications Project Mitigation Monitoring Reporting Program

WINTERS I-505/GRANT AVE PLANNING AREA

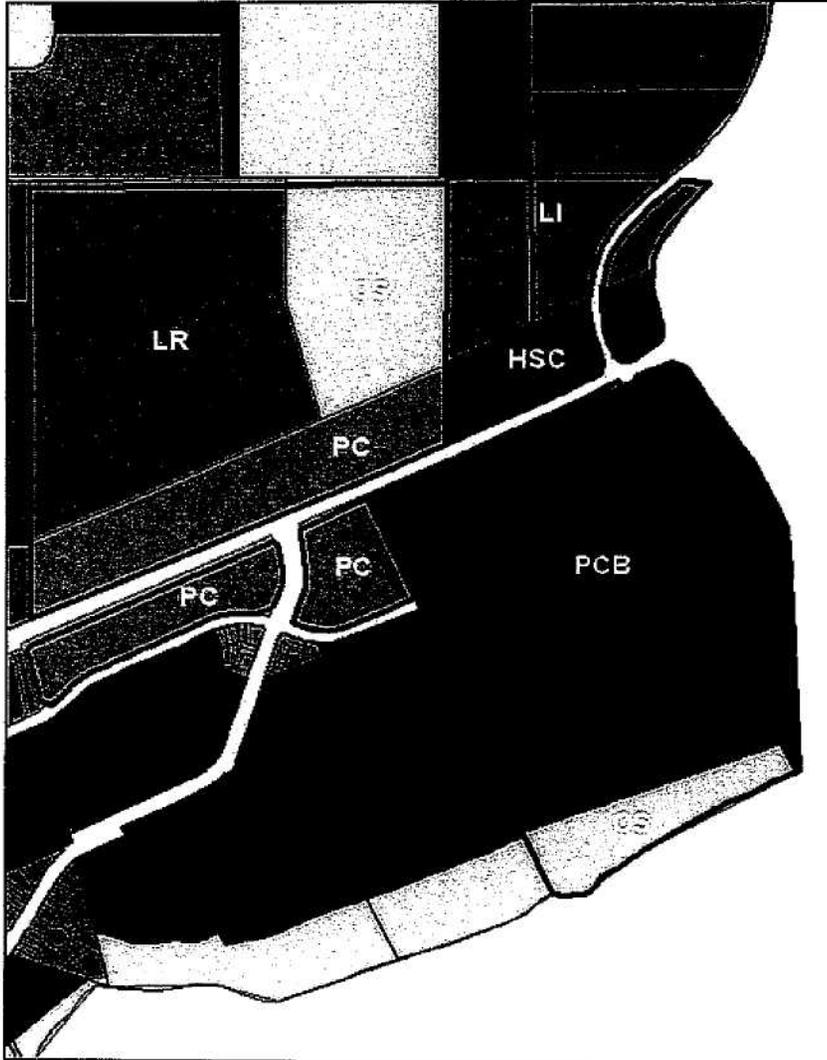
ATTACHMENT A



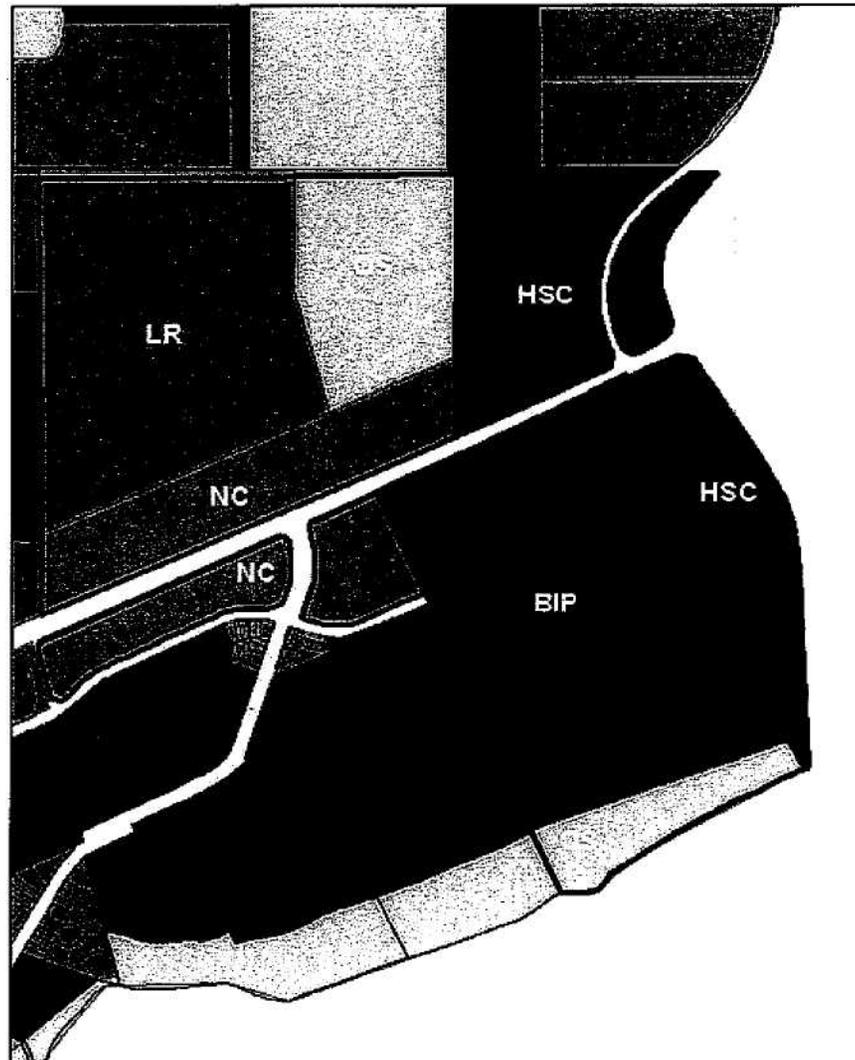
PROJECT AREA
PARCELS

General Plan Designations

Existing General Plan Designation

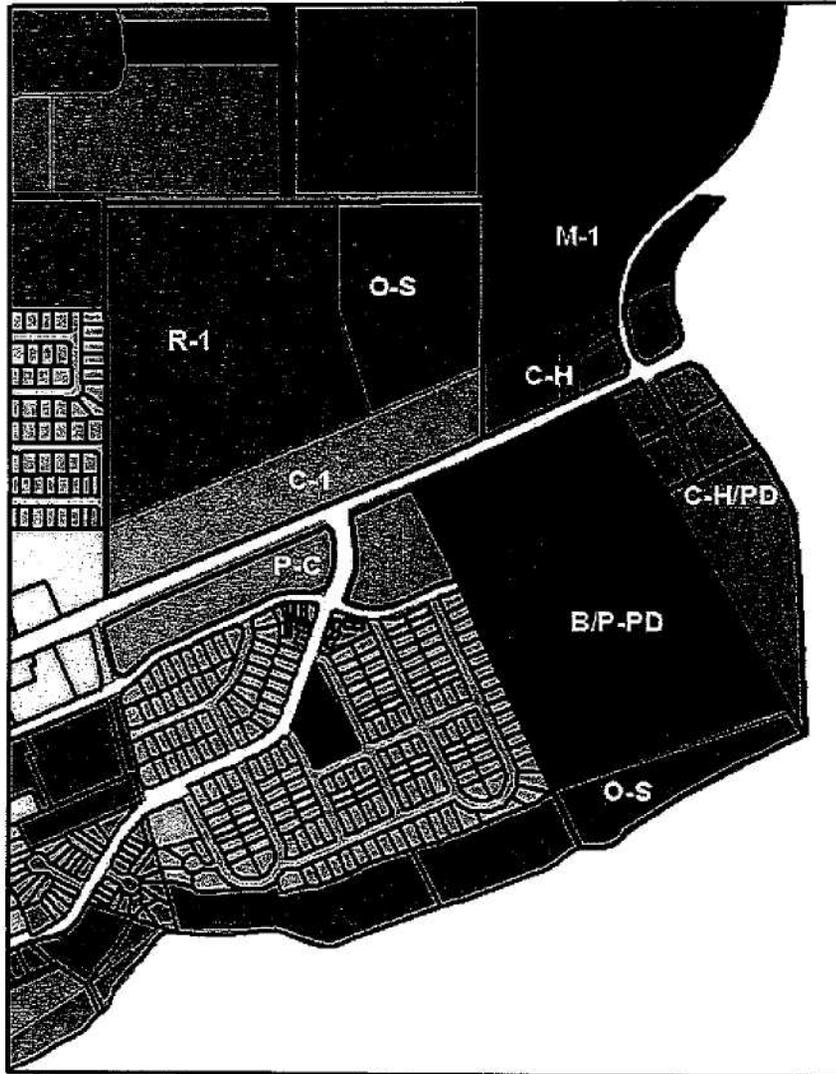


Proposed General Plan Designation

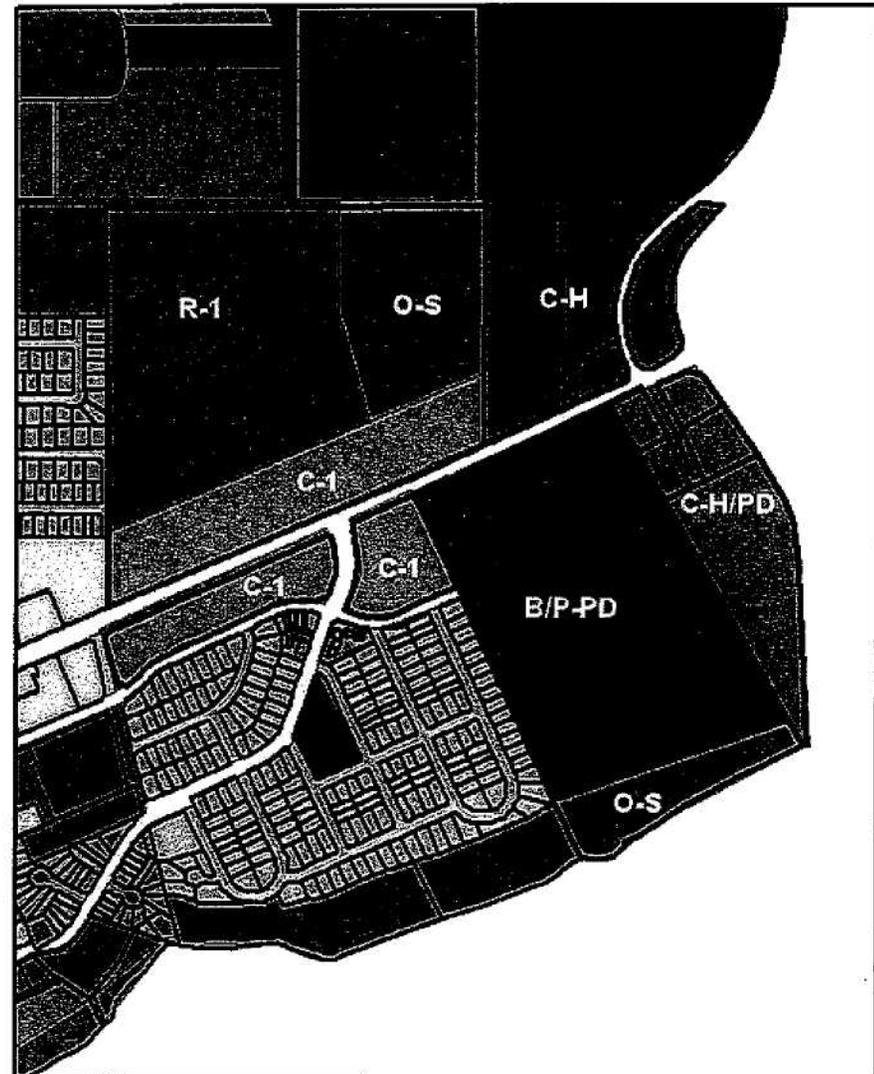


Zoning Designations

Existing Zoning Designation



Proposed Zoning Designation



RESOLUTION NUMBER PC-2012-01

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINTERS
RESCINDING THE WINTERS GATEWAY MASTER PLAN
APN 38-070-12 AND APN 38-070-08**

WHEREAS, the Planning Commission has noticed a public hearing pursuant to Government Code Section 65090 for the purpose of hearing testimony concerning the proposed project; and

WHEREAS, on June 29, 1993, the Winters Planning Commission coordinated the planning of the property known as APN 38-070-12 and 38-070-08; and

WHEREAS, on June 29, 1993, the Winters Planning Commission determined the Winters Gateway Master Plan is consistent with policies set forth in the Winters General Plan and Winters Zoning Ordinance; and

WHEREAS, on June 29, 1993, the Winters Planning Commission passed and adopted the Winters Gateway Master Plan to guide the commercial and business park development of APN 38-070-12 and 38-070-08; and

WHEREAS, pursuant to CEQA, the City has reviewed the project with an Initial Study and determined that with the implementation of mitigation measures stated herein, the project is not anticipated to have a significant environmental impact and a Mitigated Negative Declaration has been prepared; and

WHEREAS, the Gateway Master Plan is outdated and utility, infrastructure, land use, and design guidance and regulations it contains have all been updated or superseded by newer equivalent area specific or citywide documents and plans; and

NOW, THEREFORE, BE IT RESOLVED that the Winters Planning Commission hereby rescind the Gateway Master Plan.

PASSED AND ADOPTED by the Winters Planning Commission on this 26 day of June, 2012, by the following vote:

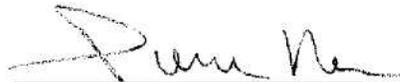
AYES: Vice Chairman Neu, Commissioners Baker, Biasi, Guelden, Reyes, and Tramontana

NOES: None

ABSENT: None

ABSTAIN: None

VACANT: One


Pierre Neu, Vice Chairman

ATTEST:


Mary Jo Rodolfa, Executive Assistant

ATTACHMENT B

LEGEND

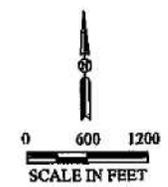
-  DETENTION/WATER QUALITY POND (NO CHANGE)
-  URBAN LIMIT
-  PROPOSED PIPE (NO CHANGE)
-  PROPOSED PIPE (OLD)
-  PROPOSED PIPE (NEW)
-  OPEN CHANNEL (OLD)
-  OPEN CHANNEL (NEW)
-  RESIDUAL 100-YEAR FLOODPLAIN
-  FEMA 100-YEAR FLOODPLAIN BOUNDARY
-  FEMA 100-YEAR FLOODPLAIN

NOTES:

1. The existing and proposed facilities presented on this plan are for illustrative purposes only.
2. A storm water quality treatment component is proposed to be added to the existing pond.
3. Residual 100-year floodplain indicated, detailed topographic mapping is required to determine the presence or extent of a residual floodplain.

SOURCE:

Topographic mapping is United States Geologic Survey Quadrangle Maps, National Geodetic Vertical Datum of 1929.



CITY OF WINTERS
PUTAH CREEK/DRY CREEK SUBBASINS
DRAINAGE REPORT

ULTIMATE CONDITIONS

WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

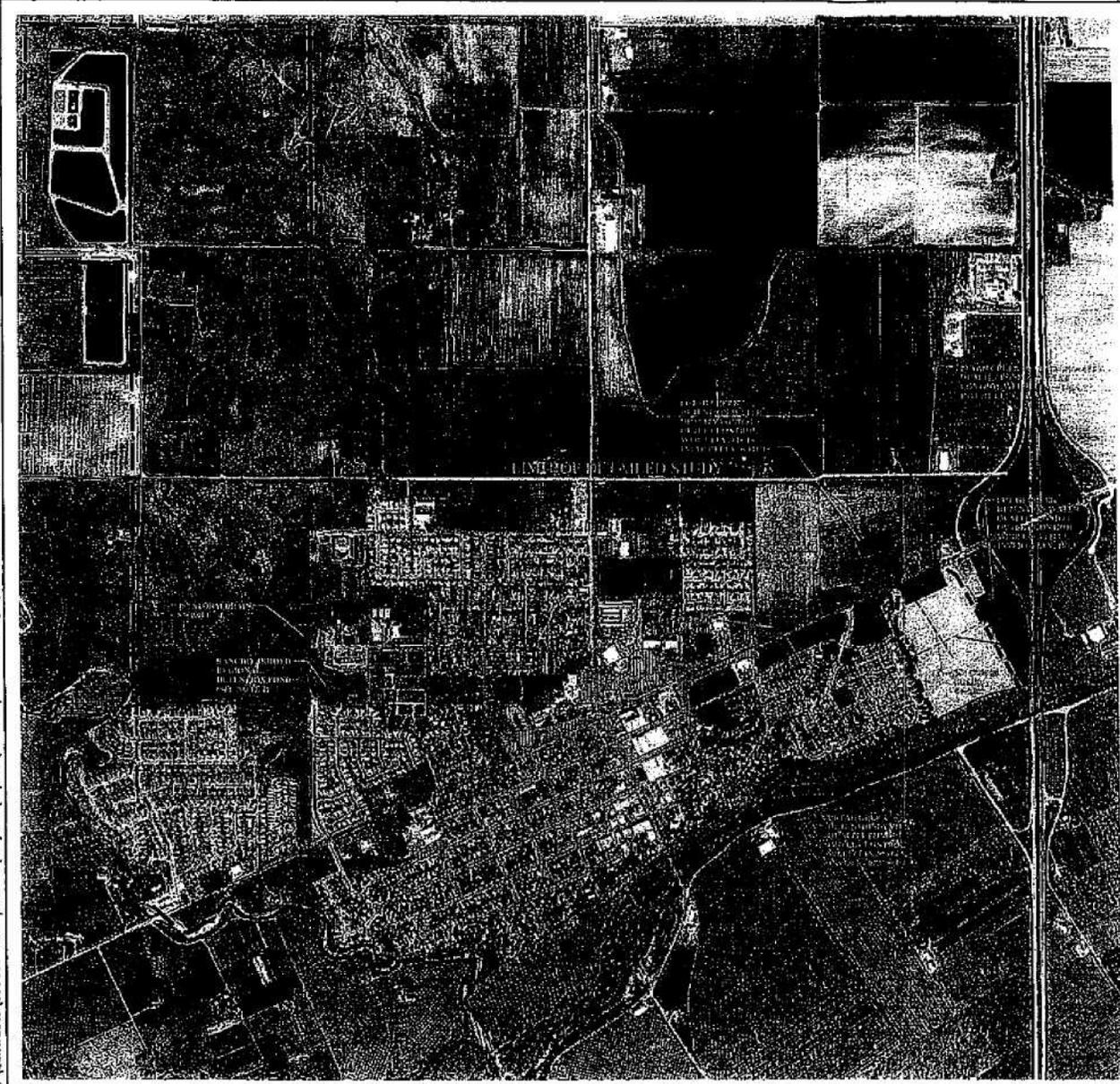


FIGURE 5



MITIGATED NEGATIVE DECLARATION

Pursuant to Division 6, Title 14, Chapter 3, Article 6, 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: **I-505/Grant Avenue Planning Area Land Use Modifications Project**

PROJECT DESCRIPTION: This project is a proposal by the City of Winters to modify the land use designations within a project area totaling 140.1 to correct inconsistencies between general plan and zoning designations in the area, eliminate a duplicative and unnecessarily expensive requirement for "master plans" with individual project applications, rescind an outdated master plan, and promote economic development.

In general the proposal involves the following:

1. Convert 11.2 acres from planned industrial uses to highway-serving commercial uses along I-505 north of SR 128.
2. Convert 24.9 acres from a commercial designation that requires a master plan to a similar commercial designation which does not.
3. Convert 10.9 acres from a mixed use commercial/business park designation which allows a mix of highway serving commercial, offices, light industrial, and wholesale commercial with a master plan, to a designation which allows for highway-serving commercial only and does not require a master plan.
4. Convert 33.9 acres of mixed use commercial/business park designation to a mixed use business/industrial park designation which allows for offices, light industrial, and wholesale and limited commercial only and does not require a master plan.
5. Amendment of the citywide stormdrain master plan to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the easterly property line of the Skreedon Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128.
6. Rescission of the 1993 Gateway Master Plan which covers the Jordan and McClish properties totaling approximately 51.1 acres.
- ~~7. Conditional Use Permit (CUP), site plan review, and height variance to allow construction of a three-story hotel (up to 100 rooms) on 6.6 acres (APN 038-050-60) in the Highway Service Commercial (C-H) zone. A maximum height of 30 feet is allowed in the C-H zone. The project requests a variance to allow a height of up to 40 feet.~~

Necessary approvals for the proposed project are as follows:

- Adoption of a Mitigated Negative Declaration;
- Various General Plan map and text amendments;
- Amendment of the 2008 Winters Storm Drainage Master Plan

- Rescission of the 1993 Gateway Master Plan
- Various rezoning
- ~~Conditional use permit, site plan review, and height variance for a hotel~~
- ~~Demolition of various structures~~

PROJECT LOCATION: Eastern side of Winters, on the north and south sides of State Route (SR) 128 (Grant Avenue), on the west side of and adjoining Interstate (I) 505. Multiple parcels totaling 140.1 acres Yolo County, California.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Winters

CONTACT PERSON: John Donlevy, City Manager, (530) 795-4910 x110, John.donlevy@cityofwinters.org

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 unmitigated 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 Winters City Hall, City Manager's Office, 318 1st Street Winters, CA 95694

MITIGATION MEASURES: Mitigation measures have been identified for the project.

John Donlevy, City Manager
City of Winters

April 25, 2012 (Revised July 2012)

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

(City of Winters, 4-23-12)

Project Title: I-505/Grant Avenue Planning Area
Land Use Modifications Project

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

Lead Agency Contact: John Donlevy, City Manager
(530) 795-4910 x110
John.donlevy@cityofwinters.org

Heidi Tschudin, Contract Planner
(916) 447-1809
htschudin@sbcglonbal.net

Project Location: Eastern side of Winters, on the north and south sides of State Route (SR) 128 (Grant Avenue), on the west side of and adjoining Interstate (I) 505. Multiple parcels totaling 140.1 acres (see Exhibit 1 and Table 1).

Project Applicant: City of Winters
Community Development Department
318 First Street
Winters, CA 95694

Property Owner: Winters Gateway Inc. (Ghai Property)
1904 Via Di Salerno,
Pleasanton CA 94566

Ashrat and Yasmin Ali (Ali Property)
5000 E. 2nd Street, Suite G
Benicia, CA 94570

Harold E. and Elizabeth M. Robben (Manas Property)
8057 Runge Road
Dixon, CA 95620

South Market Court, LP (Skreedan Property)
7700 College Town Drive, Suite 201
Sacramento, CA 95826

Jordan Family Partnership IV (Jordan Property)
1008 2nd Street, 2nd Floor
Sacramento, CA 95814

Newkom Family Living Trust (McClish Property)
1235 Stewart Road
Yuba City, CA 95991

John S. Robada (Robada Property)
22 Castlewood Drive
Pleasanton, CA 94566

Robert J. and Katherine L. Christie (Christie Property)
P.O. Box 683070
Park City, UT 84068

Land Use Designations: GENERAL PLAN -- The General Plan land use designations for the project area property are as follows (see Exhibit 2):

11.2 acres	Light Industrial (LI)
5.4 acres	Highway Service Commercial (HSC)
24.9 acres	Planned Commercial (PC)
44.8 acres	Planned Commercial/Business Park (PCB)
33.5 acres	Low Density Residential (LR)
20.3 acres	Open Space (OS)
140.1 acres	Total

These designations are described in the General Plan as follows:

Light Industrial (LI) -- This designation provides for industrial parks, warehouses, light manufacturing, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

Highway Service Commercial (HSC) -- This designation provides for restaurants, service stations, hotels and motels, and retail and amusement uses, which are oriented principally to highway and through traffic, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

Planned Commercial (PC) -- This designation provides for neighborhood- and locally-oriented retail and services uses, offices, restaurants, service stations, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40 for commercial uses, and residential densities shall be in the range of 6.1 to 10.0 units per gross acres.

All development under this designation shall be approved pursuant to an adopted master development plan (e.g., specific plan). As these master development plans are approved, the Planned Commercial designation shall be replaced through a general plan amendment with the Neighborhood Commercial, Office, Recreation and Parks, Open Space, or Public/Quasi-Public designations as the City deems appropriate based on the approved master development plan.

Planned Commercial/Business Park (PCB) -- This designation provides for restaurants, service stations, hotels and motels, retail and amusement uses, which are oriented principally to highway and through traffic, offices, light industrial, and wholesale commercial uses, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

All development under this designation shall be approved pursuant to an adopted master development plan (e.g., specific plan). As these master development plans are approved, the Planned Commercial/Business Park designation shall be replaced through a general plan amendment with the Highway Service Commercial, Business/Industrial Park, Open Space, or Public Quasi-Public designations as the City deems appropriate based on the approved master development plan.

Low Density Residential (LR) -- This designation provides for single-family detached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. Residential densities shall be in the range of 1.1 to 4.0 units per gross acre

Open Space (OS) -- This designation provides for agricultural uses, recreational uses, riparian vegetation and wildlife habitat protection, water retention, public and quasi-public uses, and similar and compatible uses consistent with the open space purposes of this designation. The FAR shall not exceed 0.05. The precise location of the boundary of the Open Space designation along Putah and Dry Creeks shall be determined by the City in conjunction with individual project proposals based on creek setback requirements and site-specific conditions.

Non-residential land in the FOZ is subject to the following General Plan policies:

Policy I.A.9: No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.

Policy I.A.12: At such time as the City Council determines that Policies I.A.9 and IV.D.4 have been satisfied, including approval of a fee schedule or financing program, the 964-acre FOZ area may only be developed as provided in Policies I.A.13 through I.A.15, and Policies IV.D.6 and IV.D.7.

Policy I.A.13: As a way to improve the citywide job/housing balance, new job-producing non-residential development may develop within the FOZ, consistent with General Plan and zoning land use designations.

Policy IV.D.4: The City, in cooperation with property owners, developers and the Yolo County Flood Control and Water Conservation District shall undertake feasibility and design study for a comprehensive solution to the flooding problems associated with Chichahominy and Moody Sloughs. The comprehensive solution may include such features as diversion to Putah Creek, diversion under I-505, detention ponds, changes in land use designations, elevating building pads, and structural flood proofing as deemed effective and cost effective. As a condition to any development entitlement approval, all development affected by or contributing to the 100-year flooding problem shall be required to contribute to the financing of the comprehensive flood control solution in an amount that reflects that property's relative contribution to the flooding problem or benefit from the program adopted.

Policy IV.D.6: All development allowed to proceed within the General Plan flood overlay zone, in advance of implementation of storm drainage improvements specified in the updated Storm Drainage Master Plan, must address interim drainage and flooding requirements in a manner found acceptable by the City Engineer, and in a manner that furthers and is not inconsistent with the updated Storm Drainage Master Plan. To the extent feasible as determined by the City, interim improvements shall implement logical component parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan.

Interim drainage/flooding solutions that do not implement logical components parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan, or would be otherwise inconsistent with implementation of the update Storm Drainage Master Plan, can only be approved if consistent with the water quality treatment/design criteria and standards criteria of the updated Storm Drainage Master Plan and the City shall provide no reimbursement or credit for said work.

Policy IV.D.7: Notwithstanding any interim improvements constructed pursuant to Policy IV.D.6, all projects citywide and within the FOZ shall pay a Storm Drainage Master Plan Implementation Fee that represents a fair share towards implementation of the improvements specified in the updated Storm Drainage Master Plan. This fee shall be due prior to issuance of the building permit. To the extent that all or a component part of the Storm Drainage Master Plan is constructed by a project approved to move forward, credit toward the fee will be provided.

ZONING - The zoning for the project area is as follows (see Exhibit 3):

11.2 acres	Light Industrial (M-1)
5.4 acres	Highway Service Commercial (C-H)
10.9 acres	Highway Service Commercial/Planned Development (C-H/PD)
24.9 acres	Neighborhood Commercial (C-1) ¹
33.9 acres	Industrial/Business Park /Planned Development (BID/PD)
33.5 acres	Single family (7000 square foot average minimum) (R-1) ²
<u>20.3 acres</u>	<u>Open Space (OS)</u>
140.1 acres	Total

These designations are described in the Zoning Code as follows:

Light Industrial (M-1) Zone, Section 17.44.120 – A. Purpose. The purpose of the Light Industrial (M-1) zone is to provide areas for light industrial development in a manner which will not result in public nuisances related to the operations. These are typically enclosed within a structure or involve minimal outdoor storage. Finished good assembly, recycling center collection, communication equipment facility, and minor utility services are principally allowed uses in this zone.

Highway Service Commercial (C-H) Zone, Section 17.44.090 – A. Purpose. The purpose of the Highway Service Commercial (C-H) Zone is to provide for commercial services and transient residential uses which are appropriate to highway locations and dependent upon highway travel. minor automobile repair, restaurants including drive-thrus, service stations, and minor utility services are principally permitted uses in this zone.

Neighborhood Commercial (C-1) Zone, Section 17.44.070 – A. Purpose. The purpose of the neighborhood commercial (C-1) zone is to provide a center for convenient shopping and services near residential neighborhoods.

Planned Development (PD) Overlay Zone, Section 17.48.010 – A. Purpose. In order to achieve the general plan goal "to promote the development of a cohesive and aesthetically pleasing urban structure for Winters," the P-D overlay zone has been included within the scope of the zoning ordinance to allow for the maximum flexibility consistent with the minimum development standards within each underlying zone category.

Industrial/Business Park (BIP) Zone, Section 17.44.110 -- A. Purpose. The purpose of the business/industrial park (BIP) zone is to accommodate a group of business and manufacturing uses which have joint character and unique requirements for space which may not be suitable in either a strictly commercial or industrial setting. Minor automobile repair, business services, financial institutions, equipment sales/rental/repair, business and medical offices, service stations, finished good assembly, recycling center collection, and minor utility services are principally allowed uses in this zone.

Single Family, 7000 square foot average minimum (R-1) Zone, Section 17.44.030 – A. Purpose. The purpose of the single family, 7000 square foot average minimum (R-1) zone is to stabilize and protect the residential character of the zone and to promote and encourage a suitable environment for family life. It shall be the goal of the city to achieve a range of housing types to meet the housing needs of the community.

Public Open Space (O-S) Zone, Section 17.44.160 -- A. Purpose. The purpose of the public open space (O-S) zone is to preserve appropriate lands in open space uses for such purposes as habitat protection or enhancement, drainage/flood control, and mitigation zones between land uses as

¹ Records indicate that this property was zoned "Planned Commercial (C-1, C-2)" upon annexation into the City (Resolution No. 94-12 adopted May 3, 1994); however, at the time of this writing there is no such zone category. The closest category, and the one upon which this analysis is based, is Neighborhood Commercial (C-1).

² Records indicate that this property was zoned Medium Density Residential (R-2) upon annexation into the City (Resolution No. 94-12 adopted May 3, 1994). In February 2003, the City Council adopted Ordinance No. 2003-01, which amended the zoning map and rezoned the property Single Family (7000 square foot average minimum) (R-1).

defined and required in the general plan. Agricultural operation and minor utility services are principally allowed uses in this zone.

Description of Project: This project is a proposal of the City of Winters to modify the land use designations within a project area totaling 140.1 acres in the eastern area of town, on the north and south sides of State Route (SR) 128 (Grant Avenue), and on the west side of and adjoining Interstate (I) 505 (see Exhibit 1 And Table 1). The objectives of the project are to correct inconsistencies between general plan and zoning designations in the area, eliminate a duplicative and unnecessarily expensive requirement for “master plans” with individual project applications, rescind an outdated master plan, and promote economic development.

The potential net effect of the proposed land use changes is subtle. Overall it is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, in recognition of the infrastructure master planning that has occurred since adoption of the General Plan in 1992 and the fact that the City now requires Design/Site Plan Review for all non-residential development; the proposal also eliminates the separate project-specific requirement for a master plan with each application, and rescinds the existing outdated Gateway Master Plan.

Lot development standards under existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios continue to apply. Development regulations would differ slightly for the 11 acres proposed to change from M-1 to C-H: the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other lot development regulations would remain unchanged.

The project involves various map and text amendments to the City General Plan and changes to the City zoning map and regulations to modify the land uses currently allowed in the area. Of the 140.1 acre project area total the proposal would affect a total of 80.9 acres, with all 80.9 acres receiving a general plan amendment and 21.7 ac of the 80.9 acres receiving a zone change (see Table 1). In general the proposal involves the following:

1. Convert 11.2 acres from planned industrial uses to highway-serving commercial uses along I-505 north of SR 128.
2. Convert 24.9 acres from a commercial designation that requires a master plan to a similar commercial designation which does not.
3. Convert 10.9 acres from a mixed use commercial/business park designation which allows a mix of highway serving commercial, offices, light industrial, and wholesale commercial with a master plan, to a designation which allows for highway-serving commercial only and does not require a master plan.
4. Convert 33.9 acres of mixed use commercial/business park designation to a mixed use business/industrial park designation which allows for offices, light industrial, and wholesale and limited commercial only and does not require a master plan.
5. Amendment of the citywide stormdrain master plan to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the

easterly property line of the Skreedon Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128.

6. Rescission of the 1993 Gateway Master Plan which covers the Jordan and McClish properties totaling approximately 51.1 acres.
7. ~~Conditional Use Permit (CUP), site plan review, and height variance to allow construction of a three-story hotel (up to 100 rooms) on 6.6 acres (APN 038-050-60) in the Highway Service Commercial (C-H) zone. A maximum height of 30 feet is allowed in the C-H zone. The project requests a variance to allow a height of up to 40 feet.~~

The table below summarizes proposed land use changes by parcel:

TABLE 1: PROPOSED GATEWAY AREA LAND USE MODIFICATIONS

Property Owner	APN	Acreage	General Plan		Zoning	
			Existing	Proposed	Existing	Proposed
North of SR 128 (Grant Avenue)						
Ghai Property	038-050-63	1.4	LI	HSC	M-1	C-H
		0.9	HSC	No change	C-H	No change
		Subtotal				
Ali Property	038-050-57	0.9	HSC	No change	C-H	No change
	038-050-60	4.6	LI	HSC	M-1	C-H
	1.1	HSC	No change	C-H	No change	
		Subtotal				
Manas Property	038-050-29	5.2	LI	HSC	M-1	C-H
		2.5	HSC	No change	C-H	No change
			Subtotal			
Skreedon Property	038-050-18	14.0	OS	No change	OS	No change
		14.4	PC	NC	C-1	No change
		33.5	LR	No change	R-1	No change
			Subtotal			
Subtotal North		78.5	GPA 25.6 ac		Rezone 11.2 ac	
South of SR 128 (Grant Avenue)						
Jordan Property	038-070-28	7.5	PCB	HSC	C-H/PD	No change
	038-070-29	0.9	PCB	HSC	C-H/PD	No change
	038-070-30	0.8	PCB	HSC	C-H/PD	No change
	038-070-31	0.9	PCB	HSC	C-H/PD	No change
	038-070-32	0.8	PCB	HSC	C-H/PD	No change
			Subtotal			
McClish Property	038-070-37	4.5	PCB	BIP	BIP/PD	No change
	038-070-38	5.9	PCB	BIP	BIP/PD	No change
	038-070-39	23.5	PCB	BIP	BIP/PD	No change
	6.3	OS	No change	OS	No change	
		Subtotal				
Robada Property	038-070-35	4.5	PC	NC	PC	C-1
Christie Property	038-190-35	6.0	PC	NC	PC	C-1
Subtotal South		61.6	GPA 55.3 ac		Rezone 10.5 ac	
PROJECT TOTAL		140.1	GPA 80.9 ac		Rezone 21.7 ac	
Totals may be off slightly due to rounding. TSCHUDIN CONSULTING GROUP, August 28, 2011.						

Project Approvals: The following entitlements are necessary for implementation of the project:

- General Plan Map Amendments to change 11.2 acres from Light Industrial (LI) to Highway Service Commercial (HSC) (see Exhibit 2):
 - APN 038-050-63 (1.4 ac)
 - APN 038-050-60 (4.6 ac)
 - APN 038-050-29 (5.2 ac)
- General Plan Map Amendments to change 24.9 acres from Planned Commercial (PC) to Neighborhood Commercial (NC) (see Exhibit 2):
 - APN 038-050-18 (14.4 ac)
 - APN 038-070-35 (4.5 ac)
 - APN 038-190-36 (6.0 ac)
- General Plan Map Amendments to change 10.9 acres from Planned Commercial/Business Park (PCB) to Highway Service Commercial (HSC) (see Exhibit 2):
 - APN 038-070-28 (7.5 ac)
 - APN 038-070-29 (0.9 ac)
 - APN 038-070-30 (0.8 ac)
 - APN 038-070-31 (0.9 ac)
 - APN 038-070-32 (0.8 ac)
- General Plan Map Amendments to change 33.9 acres from Planned Commercial/Business Park (PCB) to Business/Industrial Park (BIP) (see Exhibit 2):
 - APN 038-070-37 (4.5 ac)
 - APN 038-070-38 (5.9 ac)
 - APN 038-070-39 (23.5 ac)
- General Plan Text Amendments to eliminate the Planned Commercial (PC) and Planned Commercial/Business Park (PCB).
- Amendment to 2008 Winters Storm Drainage Master Plan to move the conceptual alignment of the Putah Creek Diversion approximately to the west (see Exhibit 5).
- Rescission of the 1993 Gateway Master Plan.
- Rezoning to change 11.2 acres from Light Industrial (M1) to Highway Service Commercial (C-H) (see Exhibit 3):
 - APN 038-050-63 (1.4 ac)
 - APN 038-050-60 (4.6 ac)
 - APN 038-050-29 (5.2 ac)
- Rezoning to change 10.5 acres from Planned Commercial (PC) to Neighborhood Commercial (C-1) (see Exhibit 3):
 - APN 038-070-35 (4.5 ac)
 - APN 038-190-36 (6.0 ac)
- ~~Conditional Use Permit, Site Plan Review (see Exhibit 4), and Height Variance for proposed three-story hotel (up to 100 rooms) on APN 038-050-60 (6.6 ac All property).~~
- ~~Demolition permit for existing structures.~~

Surrounding Land Uses and Setting: The project area is currently primarily undeveloped. Existing developed uses include two rural residential compounds (Manas and McClish), a farmyard on the Skreeden property, and a Chevron gas station. The remainder of the acreage is in agricultural uses (orchards and crops) or fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Surrounding land uses are as follows:

North	Vacant Heavy Industrial, Open Space, and PQP acreage currently in agricultural use
East	Interstate 505
South	Residential uses and Putah Creek
West	Residential uses; vacant residential and CBD

Background: The current City General Plan was adopted in May of 1992. The area within the project that lies north of SR 128 (the Skreeden, Manas, Ali, and Ghai properties) was annexed into the City of Winters in 1993 (the Matz Annexation). The Jordan and McClish properties were contemplated for urban development in the 1993 Gateway Master Plan, and subsequently annexed into the City in 1995 (the North Grant Avenue Annexation). The history of the Robata and Christie properties was not researched but both properties were within the City limits prior to 1992.

The original Planned Commercial (PC) and Medium Density Residential (MR) zoning on the Skreeden and the Planned Industrial (MP) zoning on the McClish property reflect zones that no longer exist in the City Zoning Ordinance. In 2003, the City Council adopted Resolution 2003-13 and Ordinance 2003-01, which rezoned the Skreedan Property from Medium Density (MR) to Single Family (R-1). In January 2010 as part of staff analysis for re-mapping of the Jordan property a Planning Director interpretation was issued that the MP zoning on the property is equivalent to the BIP/PD zone. In September 2010, legal counsel for the City determined that the PC zoning is effectively Neighborhood Commercial (C-1).

State law requires that the General Plan land use designations and zoning districts for any given property be consistent; however, this was never fully accomplished for the entirety of the project acreage. Available records and maps suggest that various "planned development" General Plan land use designations (PC and PCB or what is sometimes shown as PC/BP) were misinterpreted as zoning districts, and intermingled and unclearly applied to properties within the project area. Similarly the PD zoning overlay appeared to have been inaccurately applied as a General Plan designation for several of the properties as well.

In order to clarify the land use and zoning designations of the subject properties, establish consistency between the City General Plan and zoning ordinance for the subject properties, eliminate unnecessary planning requirements, and also to facilitate economic development of the properties, the City is undertaking the subject land use modifications.

Previous Relevant Environmental Analysis: This analysis relies primarily on the City's 1992 General Plan EIR. The 1992 General Plan was the subject of a certified Environmental Impact Report (GP EIR) 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.

Based on the revised General Plan land use map (E&R-54, General Plan FEIR), the Planning Area Boundaries map (page 15, General Plan DEIR), and specified development assumptions (page E&R-55 and E&R-56, General Plan FEIR), the GP EIR examined the environmental impacts associated with just under a million square feet of industrial and commercial land uses on the acreage proposed for modification in this plan area.

North of SR 128, the General Plan EIR assumed 15.6 acres of PC, 10.9 acres of Light Industrial, 5.1 acres of HSC, and 33.5 acres of medium density residential. South of SR 128 the General Plan EIR assumed 12.9 acres of PC and 51.2 acres of PCB. The table below provides a summary of development assumptions used in the General Plan EIR for the project area. Other assumed residential and open space land uses are not analyzed herein as no changes to those designations or planned uses are proposed as a part of this project.

Other public agencies whose approval may be required:

- State Water Quality Control Board – water quality; discharge
- Caltrans – encroachment into right-of-way for highways
- Yolo-Solano Air Quality Management – air emissions
- Department of Fish and Game – impacts to special status species

Other Project Assumptions: The Initial Study assumes compliance with all applicable State, federal, and local codes and regulations.

Table 2: General Plan EIR Non-Residential Development Assumptions for Project Area

Property Owner	APN	Parcel Acreage by Designation	Total Acreage by Designation	GP EIR Assumed Acreage for Designation	GP EIR Gross Floor Area for Designation ²	GP EIR sf/ac by Designation ³
NORTH OF SR 128 (GP EIR Planning Area V¹)						
Light Industrial (LI)						
Ghai	038-050-63	1.4	11.2	10.9	101,000sf	9,266sf/ac
Ali	038-050-60	4.6				
Manas	038-050-29	5.2				
Highway Service Commercial (HSC)						
Ghai	038-050-63	0.9	5.4	5.1	47,000sf	9,216sf/ac
Ali	038-050-57	0.9				
	038-050-60	1.1				
Manas	038-050-29	2.5				
Planned Commercial (PC)						
Skreeden	038-050-18	14.4	14.4	15.6	144,700sf	9,276sf/ac
Subtotal North (non-res)		31.0	31.0	31.6	292,700sf	n/a
SOUTH OF SR 128 (GP EIR Planning Area IV¹)						
Planned Commercial/Business Park (PCB)						
Jordan	038-070-28 to -32	10.9	44.8	51.2	568,800sf	11,109sf/ac
McClish	038-070-37 to -39	33.9				
Planned Commercial (PC)						
Robada	038-070-35	4.5	10.5	12.9	119,400sf	9,256sf/ac
Christie	038-190-35	6.0				
Subtotal South		55.3	55.3	64.1	688,200sf	n/a
Project Area Totals (North + South)		86.3	86.3	95.7	980,900sf	n/a
Notes: 1/ GP EIR, Draft Volume, p. 15, October 21, 1991. 2/ GP EIR, Final Volume, p. E&R 55, May 8, 1992. 3/ GP EIR, Final Volume, p. E&R 56, May 8, 1992. Source: TSCHUDIN CONSULTING GROUP, August 28, 2011.						

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agricultural and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance
- 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 as 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 that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

_____	_____
Signature	Date
John Donlevy, City Manager	City of Winters
Printed Name	Lead Agency

EVALUATION OF ENVIRONMENTAL IMPACTS:

Introduction

Following is the environmental checklist form (also known as an "Initial Study") presented in Appendix G of the State 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.

Less Than Significant With 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. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the 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," as described in (5) below, 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 “Less Than Significant with Mitigation Incorporated,” describe the mitigation measures which 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 measure identified, if any, to reduce the impact to less than significant.

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

Discussion

The project area is currently primarily undeveloped. Existing uses include row crops on the majority of the Skeeden property, orchards on the majority of the Manas property, a rural residential compound (including associated homes and out buildings) on the Manas and McClish properties, and a Chevron gas station on the Ali property. The remainder of the acreage is undeveloped and fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Surrounding land uses are as follows:

North	Vacant Heavy Industrial, Open Space, and PQP acreage currently in agricultural use
East	Interstate 505
South	Residential uses and Putah Creek
West	Residential uses; vacant residential and CBD

Urban development has been planned on this acreage since at least 1992. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)³. The potential for aesthetic/visual impacts was found to be less than significant in the General Plan EIR assuming compliance with the General Plan policies and applicable regulations. The General Plan FEIR is hereby relied upon for this analysis.

The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). This development would change both the existing and planned visual characteristics of the area. Upon build-out, under existing or proposed conditions, the entire area will be developed in a variety of urban uses.

³ No change to the residential acreage is proposed as a part of this project.

From the standpoint of aesthetic and visual impacts, the same acreage will still be developed in the same manner but with a slightly different mix of uses. As described above in the project description, the potential net effect of the proposed changes is subtle. Overall it is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, it eliminates the separate project-specific requirement for a master plan in this area.

As such the aesthetic impacts of future development of this area will be the same as what is described in the General Plan EIR, the only difference being the specific architectural style, colors, materials, etc that will be used for the future development. Since the City already has in place a mandatory design review requirement for all new non-residential development over 500 square feet (Zoning Code Section 17.36.020) which ensures a community voice in the design, this is considered to be less-than-significant impact.

- a. There are no General Plan designated scenic vistas that would be adversely affected by implementation of this project. The 1992 General Plan EIR discusses view corridors to the Vaca Mountains, and concludes that development consistent with the General Plan would have no unmitigated impacts. While this proposal does involve a general plan amendment on 80.9 acres, it is for the purposes of making very minor changes in the types of allowed commercial and industrial uses. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.
- b. The City has not designated any scenic resources in the project area. There are some trees within the project area. It is assumed for purposes of this analysis that they may be removed as development occurs. However, the potential for aesthetic resources associated with removal of these trees is considered less-than-significant. This is supported by the fact that they are not designated scenic resources, the city has landscaping requirements that will ensure their replacement at the time of development, and the City will require design review for all non-residential development in this area. The potential biological importance of trees in the area is discussed under Biological Resources.

There are no rock outcroppings in the area. There are two rural dwelling compounds in the area – one on the Manas property and one on the McClish property. These structures are not proposed for removal at this time though it is assumed for the purposes of this analysis that they may be demolished in the future as these properties develop. Their potential historical significance is discussed under Cultural Resources. At the time of removal they will be required to satisfy the mitigation measure identified under Cultural Resources. For these reasons, the potential for aesthetic impact is considered less than significant.

Putah Creek, which borders the McClish property on the south, is identified in the General Plan as a protected natural resource of the City. Policy VI.D.1 of the General Plan requires a structural setback of 100-feet from the top of bank. The General Plan map shows a strip of land along the creek designated as Open

Space. Section 17.56.020.D of the Zoning Ordinance contains the same requirement. The proposed project would comply with these requirements and therefore not adversely affect the creek from an aesthetic standpoint. As such, this impact would be less-than-significant.

- a. The proposed project would not result in significant degradation of the visual surroundings of the site or surrounding area. The General Plan designates this area for future development and the General Plan EIR concluded that there would be no unmitigated aesthetic or visual impacts.

Yolo County has designated SR 128/Grant Avenue, between I-505 and Lake Berryessa, as a local "scenic highway corridor". City General Plan Policy VIII.A.7 requires the City to establish Design Guidelines for new development along Grant Avenue. All development within the project area that fronts on SR 128 would be subject to these requirements which are contained in the adopted Grant Avenue Design Guidelines (August 2011). These guidelines address the I-505 Corridor and the Grant Avenue Corridor, and development within the area will be analyzed for consistency with these City requirements. Therefore, the potential for this aesthetic impact is considered less-than-significant.

- b. The proposed project would result in no new sources of light and/or glare in the area beyond what was anticipated/analyzed in the General Plan EIR. City General Plan Policy VIII.D.7 requires controls on new lighting to minimize spillover, glare, and impacts to the night sky. This is implemented through the design review process. Specific site and building plans for each project are analyzed to ensure that lighting does not exceed specified height limits and is shielded from spill over onto adjoining properties or into the sky. With implementation of the following mitigation measures, any potential for light and glare impacts would be reduced to a less-than-significant because light would be directed downward. Spillover light onto adjoining properties would not occur and the amount of light visible on other properties would be minimized.

Mitigation Measure #1

Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
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2. AGRICULTURE AND FOREST RESOURCES.

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.

In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Of the 140.1 acre total project area, and excluding lands that are not in agricultural use, are considered wildlife habitat, are designated as Open Space areas, or have recently approved projects, the project will result in conversion of 104.2 acres of land currently in agricultural use.

The State Department of Conservations Farmland Mapping and Monitoring Program (FMMP) data base shows the area as containing 16.6 acres of "Other Lands" comprised of the Manas, Ali, and Ghai properties, and 123.5 acres of "Prime" farmland comprised of all other properties within the project area on both the north and south sides of SR 128. The FMMP maps do not reflect the fact that all of this property was

annexed into the City in the early 1990's, that the City General Plan has identified it for development since that time, or that 25 to 30 percent of the 140 acre total are not in agricultural production at all.

The 1992 General Plan EIR found impacts to agriculture citywide to be significant and unavoidable due to loss of active agricultural land within the City planned for later conversion to urban uses. 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.

From the standpoint of impacts to agricultural and forestry resources, the proposed project would result in the same acreage being developed in the same manner as anticipated currently under the General Plan, but with a slightly different mix of uses. As such the agricultural impacts will be same. There are no forestry resources in or near the project area.

- a. The Manas, Ali, and Ghai properties are mapped as "Other Land" in the State Department of Conservation's Farmland Mapping and Monitoring Program (2008 Data) and therefore no project-specific impacts to protected farmland would occur as a result of this project. The remaining property within the project area is mapped as "Prime Farmland". As indicated above, impacts to agricultural land in general that could occur as a result of implementation of the City's General Plan have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. Implementation of the subject project will result in no new impacts not already analyzed in and mitigated for in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(d) and 15153(c) of the State CEQA Guidelines and other sections that may apply.
- b. None of the project acreage is under a Williamson Act contract or zoned by the City for agricultural uses.
- c,d. None of the project acreage contains forest resources.
- e. There is no aspect of the project that would result in other known impacts to agricultural or loss of agricultural land.

Issues	Potentially Significant Impact	Less Than Significant w/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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 193 through 205 of the Draft EIR and pages E&R 30 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.

The General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)⁴. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

- a. The proposed project 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

⁴ No change to the residential acreage is proposed as a part of this project.

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 the same air quality impacts analyzed in and mitigated for in the prior EIR at a program level, with the potential for significant emissions of NOx at the project-level.

- b, c, d. Yolo County is designated as non-attainment for ozone under both State and federal ambient air quality standards and non-attainment for respirable particulate matter (PM₁₀ under) State air quality standards (see table below).

POLLUTANT	ATTAINMENT FOR FEDERAL STANDARD	ATTAINMENT FOR STATE STANDARD
Ozone	No/Severe	No/Serious
NO_x	Yes	Yes
PM₁₀	Yes	No
SO_x	Yes	Yes
CO	Yes	Yes

The proposed project would result in emissions of criteria air pollutants and precursors, including reactive organic gases (ROG), oxides of nitrogen (NO_x), PM₁₀, and fine particulate matter (PM_{2.5}) associated with construction (short-term) and operational (long-term) activities.

As described above, the acreage will still be developed in the same manner (e.g., same types of land uses and the same overall footprint), but with a slightly different mix of uses (e.g., more highway commercial land use than light industrial land use) in comparison the 1992 City General Plan. Construction-generated emissions are primarily driven by the overall amount of acreage disturbed and area source emissions (e.g., landscape maintenance equipment) by general land use types. Thus, because the land use types and the overall footprint will be the same as those analyzed in the 1992 City General Plan, construction-generated and area-source project-generated criteria air pollutant and precursor emissions would be anticipated to be similar in nature. However the increase in vehicle trips associated with the proposed land use modifications will result in a greater magnitude of impact at the project-level.

Implementation of the proposed project would result in a net increase of approximately 6,064 daily vehicle trips associated with the change in the mix of land use types. Mobile-source emissions of criteria air pollutants and precursors associated with these additional trips were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod allows land use selections that include project location specifics and trip generation rates. CalEEMod was used to estimate mobile-source emissions based on proposed land use types and project specific trip generation rates (Fehr & Peers, pers comm. 2012). The

modeling results are summarized below and described in more detail in Exhibit 7 (CalEEMod Appendix).

Modeled Net Change in Mobile-Source Emissions Between 1992 General Plan EIR and the Proposed Project				
	ROG (tons/yr)¹	NOx (tons/yr)¹	PM10 (lbs/day)²	PM2.5 (lbs/day)²
Mobile Source Emissions	+3.4	+11.1	+16.6	+1.7
YSAQMD Threshold	10	10	80	NA

Notes:
 ROG=reactive organic gases; NO_x=oxides of nitrogen; PM₁₀=respirable particulate matter with an aerodynamic resistance diameter of 10 microns or less; PM_{2.5}=fine particulate matter with an aerodynamic resistance diameter of 2.5 microns or less; lbs/day=pounds per day; tons/yr=tons per year.

Refer to discussion below and Exhibit 7 (CalEEMod Appendix) for detailed modeling input and output.
 The sum of the values presented may not match totals exactly due to rounding.

¹ Values represent annual mobile-source emissions
² Values represent maximum daily emissions.

Source: Modeling conducted by Ascent Environmental, Inc., 2012

As shown in the table above, implementation of the proposed project would result in a net increase in long-term operational emissions of 3.4 tons per year (tons/yr) of ROG, 11.1 tons/yr of NO_x, 16.6 pounds per day (lbs/day) of PM₁₀, 1.7 lbs/day of PM_{2.5}. The net increase of ROG, PM₁₀, and PM_{2.5} would not exceed YSAQMD's applicable thresholds of significance. However, implementation of the proposed project would result in the generation of NO_x emissions that is expected to exceed the applicable threshold of 10 tons/yr by approximately 1.1 tons/yr.

Impacts to air quality that could occur as a result of implementation of the City's General Plan have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. However, implementation of the subject project will result in greater emissions from development at the site than previously assumed, due to the proposed modifications to planned land uses. This impact is considered significant and additional project-level mitigations are required to reduce NO_x emissions to levels below the District's significance thresholds:

Implementation of the following mitigation measures will reduce potential impacts to a less-than-significant level:

Mitigation Measure #2

Pursuant to General Plan Policy VI.E.11, implement the following project Air Quality Mitigation Plan:

a) Maximize on-site job production – Implementation of this measure will result in improved jobs/housing balance. This mitigation is consistent with Policy VI.E.7 of the General Plan and is significantly achieved through implementation of this project. By correcting regulatory inconsistencies and eliminating unnecessary planning requirements affecting this property, long-planned important job producing development can finally occur in this area and provide local employment opportunities for existing housing already in place elsewhere in the City.

b) Local hire preference – Implementation of this measure will result in reduced commuting. Incoming businesses shall sign written agreements to hire local residents to the greatest attainable extent, with annual reporting to the City.

c) *Actively promoting ridesharing – Implementation of this measure will result in reduced vehicle trips. This mitigation is consistent with Policy VI.E.9 of the General Plan and is most likely to be achieved at the project site through programs to encourage car-pooling within and between employees of new businesses.*

d) *Reduce vehicle miles traveled by a minimum of 10% -- Implementation of this measure will reduce NOx by 1.1 tons per year which will reduce project related emissions to a level below the significance threshold. This is considered to be reasonable and achievable (CAPCOA 2010⁵) and would reduce the net increase in project-generated mobile-source NO_x emissions to a level less than YSAQMD's threshold of significance. Actions to achieve this, could include, but are not limited to the following:*

- 1) *Design of development (3.0-21.3% reduction) (e.g., improved street network characteristics [average block size and number of intersections], sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments];*
- 2) *Site enhancements (0-2% reduction) (e.g., providing a pedestrian access network to that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site, minimize barriers to pedestrian access and interconnectivity).*
- 3) *Provide traffic calming measures (0.25-1.0% reduction).*
- 4) *Commute Trip Reduction Programs (1.0-21.0% reduction).*
- 5) *Transit accessibility (0.5-24.6% reduction) (e.g., a transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk [or roughly ¼ mile], a rail station located within a 20 minute walk [or roughly ½ mile]).*
- 6) *Transit system improvements (0.02-8.2% reduction).*
- 7) *Parking policy/pricing (5.0-12.5% reduction).*

Implementation of the proposed project is not anticipated to result in an increase in the exposure of sensitive receptors to toxic air contaminants as the land use types are the same and located in the same footprint as contained in the 1992 City General Plan (e.g., the same types of receptors and sources are proposed and would not be located closer to any existing sources or receptors, respectively). In addition, the modeling demonstrates that the net change in vehicle trips would not result in a violation or contribute substantially to a violation of the carbon monoxide (CO) ambient air quality standard with respect to localized impacts.

- e. The potential for impacts due to objectionable odors is unlikely to be significant for development in the project area. The potential for impact was found to be less than significant in the General Plan EIR. Individual users are subject to local Air Quality Management District permitting requirements for exterior air emissions and County Health Department regulations for venting of interior areas. Odors are can be an issue where residential uses interface with other uses. The proposed Neighborhood Commercial (NC) General Plan land use category does allow mixed use multi-family residential with a use permit, which is similar to the requirement for a master plan under the existing Planned Commercial (PC) designation. As such there is no change in conditions now or in the future and the use permit can be

⁵ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

relied upon to address compatibility issues for any future mixed use residential uses. This is considered to be a less-than-significant impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES. <i>Would the project:</i>				
a. Have a substantial adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The 1992 General Plan EIR found impacts to biological resources 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.

The General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)⁶. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. From the standpoint of impacts to biological resources, the same acreage will still be developed in the same manner but with a slightly different mix of uses.

⁶ No change to the residential acreage is proposed as a part of this project.

A Biological Resources Assessment was prepared for the project (Estep Environmental Consulting, November 7, 2011) to describe the biological resources on site, and identify impacts and mitigation measures.

- a,d. The majority of the site is used for agriculture including wheat, alfalfa, and a small walnut orchard. There is considerable ruderal vegetation in fallow areas. Along the borders of fields, roads, canals, and around rural residences, there are trees and shrubs that provide edge habitats that are generally areas of higher wildlife occurrence and productivity. Along Putah Creek there is dense, mature, riparian forest.

Most of the project area is characteristic of Yolo County rural agricultural lands. While providing relatively low value habitat, some species are well-adapted to agricultural lands and occur regularly depending on the crop type and the availability of edge habitat. Agricultural lands are used for foraging and cover by a variety of birds and can also be used as nesting habitat by some bird species. During the survey, several common species were observed using the active and idle fields, including rock pigeon (*Columba livia*), American kestrel (*Falco sparverius*), killdeer (*Charadrius vociferous*), red-winged blackbird (*Agelaius phoeniceus*), cliff swallow (*Petrochelidon pyrrhonota*), western scrub jay (*Aphelocoma californica*), yellow-billed magpie (*Pica nuttalli*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), and golden-crowned sparrow (*Zonotrichia atricapilla*).

The idle fields and grassy edges also provide nesting habitat for some ground-nesting birds, such as western meadowlark (*Sturnella neglecta*), and are home to several common reptiles such as gopher snake (*Pituophis catenifer*), valley garter snake (*Thamnophis sirtalis fitchi*), and western fence lizard (*Sceloporus occidentalis*).

The agricultural habitats are also essential to several breeding and wintering raptors, particularly as foraging habitat. Several important raptor prey species or their sign were detected during surveys, including pocket gopher (*Thomomys bottae*), meadow vole (*Microtus californicus*), and black-tailed jackrabbit (*Lepus californicus*). Agricultural lands provide essential foraging habitat for locally breeding or wintering raptors such as Swainson's Hawk (*Buteo swainsoni*), red-tailed Hawk (*Buteo jamaicensis*), white-tailed kite (*Elanus leucurus*), northern harrier (*Circus cyaneus*), and American kestrel.

The presence of edge habitats also contributes to the occurrence and abundance of wildlife in agricultural areas. The presence of trees, shrubs, grasses and other herbaceous vegetation in adjacent riparian habitats and along field borders and roadsides attracts birds and small and medium-sized mammals that may also use the agricultural lands for foraging and cover. Because they are less disturbed by cultivation or other management, edge habitat can be fairly productive wildlife habitat depending on the size (length and width) and vegetation composition.

The mature trees and shrubs, and the dense and structurally complex vegetation that occurs in riparian habitats, such as Putah Creek, and the mature roadside trees and shrubs along Grant Avenue and along field borders, particularly the northern border of Field E, support potential nesting habitat for many bird species, including nesting raptors. These habitats also provide denning and cover habitat for coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), opossum (*Didelphis virginianus*), western gray squirrel (*Sciurus griseus*) and many other small and medium-sized mammals; and important habitat for many reptiles, amphibians, and invertebrates.

As noted above, there are no unique or distinctive topographical features or biologically important habitat features in the project area. Thus, the project area does not support important wildlife movement corridors or habitats, such as wetlands, that would attract larger concentrations of wildlife. The most important wildlife movement corridor in the area is Putah Creek, which is outside of the project area. In general, the project area supports a combination of urban- and agricultural-associated wildlife.

The Biological Assessment identifies special status species with the potential to occur in the vicinity of the project area. Of those identified the following are known to occur: white-tailed kite, northern harrier, swainson's hawk, mountain plover, western burrowing owl, loggerhead shrike, tricolored blackbird, pallid bat, and townsend's big-eared bat.

There are no vernal pool or other seasonal wetland habitats in the project area and therefore no potential for these species to occur.

There are no elderberry shrubs present in the project area and therefore no potential for valley elderberry longhorn beetle (VELB) to occur in the project area. However, several elderberry shrubs were found along Putah Creek during the reconnaissance survey. These resources fall within the designated Open Space area along the southerly boundary of the McClish property.

There is no aquatic habitat present in the project area; however the western pond turtle is known to occur along Putah Creek. Nesting or overwintering turtles could occur along the slopes of the creek. These resources would fall within the designated Open Space area along the southerly boundary of the McClish property.

The project area supports active and idle agricultural fields and edge habitats that consist of roadside and field border trees and shrubs, and trees around rural residences and farmyards. The project area does not support any unique or otherwise protected biological communities such as wetlands, riparian corridors, or vernal pools. However, Putah Creek, which is contiguous with the southeastern border of the project area supports a dense and diverse riparian forest and other edge habitats also support substantial trees and shrubs that provide nesting and cover habitat for a variety of wildlife species.

The presence of these edge habitats attracts wildlife species that also use the adjacent agricultural fields. The removal of trees and shrubs along roadsides and field borders within the project area will reduce opportunities for wildlife occurrence and the removal of the agricultural fields will reduce open foraging habitat and thereby reduce the value of remaining edge habitats on and adjacent to the project area.

Of the 140.1 acre project area, 35.9 acres are designated Open Space areas, have already been assessed and mitigation previously applied, or do not represent suitable wildlife habitat. Designated Open Space areas include a 6.3 acre band along Putah Creek along the southern edge of the McClish property and 14.0 acres in the northeast corner of the Skreeden property, neither of which are proposed for development of any kind at this time. The Ghai property totaling 2.3 acres was documented in a July 2010 Mitigated Negative Declaration (Burger King/AMPM Gas Station Minimart/Truck Fueling Facility CUP Project) as containing no significant biological resources and was approved for development in September 2010. The Jordan property totaling 10.9 acres was documented in a May 2010 Initial Study as containing biological resources for which mitigation had already been applied. The Ali property totaling 6.6 acres contains the 0.9 acre Chevron gas station and the Manas property totaling 7.7 acres, includes approximately 1.5 acres of rural residential buildings and landscaped areas. In summary, of the 140.1 acre total project area, and excluding lands that are not considered wildlife habitat, are designated as Open Space areas, or have already been subject to mitigation, the project will result in conversion of 104.2 acres of land currently in agricultural use.

The eventual removal of 104.2 acres of land in agricultural use will eliminate wildlife habitat and reduce the value of adjacent edge habitat. While this will negatively affect the wildlife use of the project area, because of the extent of this habitat in the vicinity of the project area and throughout Yolo County, it is not expected to substantially affect the distribution and abundance of general wildlife. Because the project is contiguous with existing development within the City of Winters and because there are no important movement corridors or use areas within the project area, it is also not expected to have a substantial affect on wildlife movement. Therefore, while removal of agricultural habitats will affect use of the area by local wildlife, this impact is not considered significant according to CEQA guidance.

Implementation of the following mitigation measures will reduce potential impacts on biological resources to a less-than-significant level:

Mitigation Measure #3

Contribute to the Yolo County Swainson's Hawk Interim Mitigation Program. The loss of approximately 98 acres of land in agricultural use will remove foraging habitat for the state-threatened Swainson's hawk and other agriculture-associated species. To address this loss of Swainson's hawk foraging habitat, development projects that occur within this region are generally subject to mitigation due to their contribution to a broader cumulative loss of agricultural foraging habitat. To address this impact in a more comprehensive and consistent manner, the Yolo County Swainson's Hawk Interim Mitigation Program has been established to offset this cumulative loss of habitat. This program, managed through the Joint Powers Authority of the Yolo County Natural Heritage Program, of which the City of Winters is a member, is available to this

project for purposes of mitigating impacts on Swainson's hawk foraging habitat. The standard mitigation procedure for projects that impact more than 40 acres includes providing mitigation lands at a 1:1 replacement ratio to offset loss of foraging habitat. A conservation easement would be placed on the conservation land that would allow for continued farming under restrictions that would also maintain Swainson's hawk foraging habitat.

Mitigation Measure #4

Avoid Disturbance to Occupied Raptor Nests. Conduct preconstruction breeding season surveys to determine presence of nesting Swainson's hawks, white-tailed kites, and northern harriers. These surveys should be conducted between approximately April and August and within 30 days of planned construction activity. If active nests are found, they should be protected by establishing the following no-disturbance set-backs until young have fledged.

- Swainson's hawk – 1,300 feet
- White-tailed kite – 1,300 feet
- Northern harrier – 500 feet
- Loggerhead shrike – 250 feet

Mitigation Measure #5

Avoid Disturbance to or Compensate for Impacts to Active Burrowing Owl Burrows. Surveys should be conducted prior to construction to ensure avoidance of occupied burrowing owl burrows that may occupy the site in subsequent years but prior to development. If active burrowing owl burrows are found, standard avoidance and mitigation measures recommended by DFG are available to offset impacts (California Department of Fish and Game 2012). They include the following:

- *Conduct preconstruction survey within 14 days prior to the start of construction activity to determine presence or absence of occupied burrows. If no burrowing owls are found, no further mitigation is required.*
- *If active burrows are found, do not disturb active site by establishing a 50 to 500 meter no-disturbance buffer around occupied burrows during the non-breeding season (September 1 to January 31) and a 200 to 500 meter buffer around occupied burrows during the nesting season (February 1 through August 31). Buffer size is determined through a review of site-specific conditions including the type and extent of the impact, the timing and duration of the impact, visibility to the impact, and other environmental factors.*
- *During the non-breeding season (September 1 through January 31), passive relocation (e.g., one-way doors) can be used to exclude owls from active winter burrows and potential burrows within the project area when no other avoidance alternatives are available. This will also require the installation of artificial burrows preferably within 100 meters of the impacted site and the preparation of a Burrowing Owl Exclusion Plan.*
- *Compensate for loss of active burrows and associated foraging habitat. The extent of occupied habitat removed and subject to compensation is determined through a site-specific assessment of burrowing owl use. Compensation can be accomplished through an approved mitigation bank.*

Mitigation Measure #6

Avoid Disturbance to Elderberry Shrubs. Avoidance of VELB is accomplished through avoidance of elderberry shrubs according to standard USFWS guidelines (USFWS 1999). To completely avoid elderberry shrubs, maintain an undisturbed buffer of at least 100 feet. Reducing this distance to a minimum of 20 feet is possible through coordination with the USFWS.

- b,c. The biological assessment confirmed that there are no wetlands, riparian vegetation, or other unique biological communities present on the project site other than along and within Putah Creek. Putah Creek is protected by the designated band or Open Space along the McClish property and the City's regulatory requirements that require all new development to be set back at least 100 feet from the top of the banks. Therefore there is no need for a wetland delineation or Streambed Alteration Agreement given the 100-foot structural

setback and protective buffer required under the General Plan and Zoning Ordinance. Thus impacts are less than significant.

- e. The City does not have a tree preservation ordinance. 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, and all development within the project area will be required through the design review process, and standard conditions of approval, to be consistent with these policies. The City of Winters has an adopted local Habitat Mitigation Program that provides the relevant legal/regulatory framework, policy framework, guiding values, mitigation strategy, and mitigation requirements for implementation of habitat mitigation requirements. Compliance with the following Mitigation Measure is required:

Mitigation Measure #7

All development within the project area shall demonstrate consistency with the requirements of the Winters Habitat Mitigation Program, prior issuance of building permits.

- f. No Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved regional or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide HCP/NCCP plan, but it is not complete. The mitigation measures identified above ensure compliance with the countywide Swainson Hawk MOU and the City's own Habitat Mitigation Program.

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

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of all 140 acres within the project area and found impacts to cultural resources to be less-than-significant. 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. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus).

There are two existing rural residential compounds, including associated homes and out buildings, in the project area – one on the Manas property and one on the McClish property. Development could also potentially adversely affect unknown cultural resources; however, the General Plan contains required measures to minimize the potential adverse effects of this impact.

- a. Development of the area may result in the demolition of two existing farmsteads and development of new planned land uses in their place. The final determination in this regard has not taken place at the time of this analysis. It will be necessary to fully analyze both sites for potential historical and/or architectural importance before demolition. Demolition may be precluded depending on the results of the analysis in which case preservation and/or adaptive reuse may be required. The following mitigation measure applies to the rural residential compounds on both the Manas and McClish properties:

Mitigation Measure #8

Prior to site disturbance, construction, or development within proximity of the two potential historic rural compounds, a cultural resources assessment shall be prepared that examines the historical and/or archeological importance of the properties and identifies appropriate actions to avoid or fully mitigate adverse impact. This may involve no further action, documentation and recording of the site, or preservation and adaptive reuse, depending on the relative historical or architectural importance of the facilities.

- b. 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. The following mitigation measure addresses these requirements:

Mitigation Measure #9

If subsurface cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, fossils, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. If the bone is uncovered and it appears to be human, California law mandates that the Yolo County coroner be contacted. If the bone is likely to be Native American in origin, the coroner must contact the Native American Heritage Commission in Sacramento to identify the most likely descendants.

Compliance with this requirement will ensure that impacts on unknown cultural resources are less than significant.

- c. No paleontological resources are known or suspected and no unique geologic features exist on the project site. However, the potential exists during construction to uncover previously unidentified resources. Implementation of the mitigation measure identified above will mitigate this concern to less-than-significant levels.
- d. No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. 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. Implementation of the mitigation measure identified above will mitigate this concern to less-than-significant levels.

Issues	Potentially Significant Impact	Less Than Significant w/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.	□	□	■	□
ii. Strong seismic ground shaking?	□	□	■	□
iii. Seismic-related ground failure, including liquefaction?	□	■	□	□
iv. Landslides?	□	□	■	□
b. Result in substantial soil erosion or the loss of topsoil?	□	□	■	□
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?	□	■	□	□
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?	□	■	□	□
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?	□	□	□	■

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR) and found impacts to geological resources to be less-than-significant. 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.

ai, ii. The Concord-Green Fault is the closest known active fault, and is located approximately 22 miles west of Winters, according to the California Division of Mines and Geology.

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.

General Plan Policies VII.A.1 through VII.A.3 address geological hazards and require compliance with applicable State codes and requirements.

The proposed project 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.

- a.iii, c.d. Given conditions in the area and the success in developing other properties in the eastern area of the City with a variety of structures and uses, surface and near-surface soils on the project site are thought to be capable of supporting development of the type anticipated for the project. The City requires that a geotechnical investigation be prepared for the site to confirm onsite soil capabilities and geological conditions and make recommendations to be followed in subsequent home construction. Implementation of the following mitigation measure will reduce the potential for adverse impacts from geological hazards to a less-than-significant level.

Mitigation Measure #10

A Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report.

- a.iv, b. Topography on the project site is entirely flat. There are no discernable topographic features anywhere within the project area. Elevation ranges from approximately 120 to 130 feet above mean sea level with a gradual and indiscernible declining slope eastward. Putah Creek runs along the southerly

portion of the project area and instances of bank erosion associated with winter storm events could occur. However, the City imposes a 100-foot structural setback from the top of the banks of the creek. As such, the potential for impact is considered less-than-significant.

- e. The project would require the construction of sewer pipelines that connect to wastewater treatment facilities and would not involve the construction of septic tanks. Therefore, there would be no impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Assembly Bill 32 adopted in 2006 established the Global Warming Solutions Act of 2006 which requires the State to reduce greenhouse gases (GHGs) to 1990 levels by 2020. GHGs contribute to global warming/climate change and associated environmental impacts. The major GHGs that are released from human activity include 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 the 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)

These policies are effective in reducing GHGs and minimizing impacts from climate change. The subject project is consistent with the goals or land use designations of the General Plan and would result in no development beyond that already approved in 1992. Compliance with these policies will be effective in minimizing GHG emissions and climate change impacts from this already planned new development.

- a. The project area is currently primarily undeveloped. Existing uses include row crops on the majority of the Skeeden property, orchards on the majority of the

Manas property, a rural residential compound (including associated homes and out buildings) on the Manas and McClish properties, and a Chevron gas station on the Ali property. The remainder of the acreage is undeveloped and fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Urban development has been planned on this acreage since at least 1992. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)⁷.

The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

Construction-generated emissions are primarily driven by the overall amount of acreage disturbed and area source emissions (e.g., landscape maintenance equipment) by general land use types. Thus, because the land use types and the overall footprint will be the same as those analyzed in the 1992 City General Plan, construction- and area-source project-generated GHGs would be anticipated to be similar in nature and magnitude.

However, implementation of the proposed project would result in a net increase of approximately 6,064 daily vehicle trips associated with the change in the mix of land use types. Changes in emissions associated with energy consumption, water usage, and waste disposal could also be affected by the change in the mix of land use types. The net change in GHG emissions was modeled using the California Emissions Estimator Model (CalEEMod), as shown in the table below.

Summary of Net Change in Modeled GHG Emissions from 1992 General Plan EIR	
Emission Source	Total CO2 MT/yr
Mobile	+2,831
Non-Mobile (energy consumption, water use, waste disposal)	-5,267
Total	-2,431
Notes: CO2 = carbon dioxide; GHG = greenhouse gas; MT/yr = metric tons per year. See Exhibit 7 (CalEEMod Appendix for detailed modeling results. Source: Modeling Conducted by Ascent Environmental 2012.	

⁷ No change to the residential acreage is proposed as a part of this project.

As shown by the modeling conducted, the proposed project would result in an increase in mobile-source related emissions, a decrease in non-mobile source related GHG emissions, and an overall net decrease in GHG emissions in comparison to the land use development in the 1992 General Plan EIR. The modeling conducted showed that implementation of the proposed project in total would result in approximately 14,000 metric tons of carbon dioxide equivalent emissions per year.

The increase in mobile-source related GHG emissions is the result of the additional highway service commercial land use (e.g., gas stations, fast-food restaurants) associated with the proposed, which is projected to generate 6,064 additional daily trips compared to the assumptions for the 1992 General Plan EIR (Fehr & Peers 2012). The reduction in non-mobile GHG emissions is due primarily to the proposed increase in highway serving commercial land uses, which have relatively small building footprints in comparison to retail or office land uses. Consequently build-out of the proposed project would result in a smaller development footprint than was analyzed for the 1992 General Plan EIR.

- b. Given the projected overall net decrease in GHG emissions, the proposed project would not result in a conflict with the State's AB 32 goals. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
8. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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 a significant 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

The 1992 General Plan EIR analyzed the potential impacts of development of the site (see pages 117 through 122 of the Draft EIR and page E&R 21 of the Final EIR) and found impacts to emergency facilities and services to be less-than-significant. 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.

The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

- a-c. During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used at the project site. Similarly, paints, solvents, and various architectural finishes would be used during construction. If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the City of Winters Fire Department is responsible for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are highly regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. Both federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City currently complies with the City's Emergency Response Plan, and the Yolo County Hazardous Waste Management Plan.

During operation any one of the planned uses could involve the use, handling, transport or storage of materials considered hazardous. As a result of the proposed land use changes uses on approximately 11 acres on the north side of SR 128 will be more highway commercial than light industrial which may result in less use of hazardous materials as a part of any industrial land uses. Regardless of this however, a Business Emergency Response Plan and Hazardous Materials Inventory are required of any facility which generates any quantity of hazardous waste or which handles hazardous materials in amounts greater than: 55 gallons for liquids; 500 pounds for solids; and/or 200 cubic feet for compressed gases. This plan must be filed with the County Environmental Health Division. The Hazardous Materials Inventory must be certified annually by the County and the Business Emergency Response Plan must be certified tri-annually. The County makes the Inventory and Business Plan available to first responders in case of an emergency and to the public upon request. Businesses are inspected at least once every three years by a Certified Unified Program Agency inspector to verify compliance with the California Health & Safety Code and California Code of Regulations.

Based on compliance with these existing requirements, the potential for impact is considered less than significant

- d. The properties in the project area are not know or suspected to be listed on any of the data bases compiled pursuant to Government Code Section 65962.5. Prior to issuance of a building permit for any property within the project area, this shall be confirmed through preparation of a Phase 1 Environmental Site Assessment. Impacts in this area are considered less-than-significant.

Mitigation Measure #11

Prior to site disturbance, construction or development of any property in the project area, a Phase I Environmental Site Assessment shall be prepared and the recommendations of the report shall be followed.

- e,f. 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. The proposed project would have no known effect on adopted emergency response plans or emergency evacuation plans. BY completing planned roadway connections in the area, access for emergency services and personal will be improved. This would be considered less-than-significant under CEQA.
- h. The project area does not qualify as "wildlands" where wildland fires are a risk; therefore, no adverse impact would occur in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY				
<i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<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 flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (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 were 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.

The General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac LR x 3.08 du/ac ave = 103 dus)⁸. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

The hydrology and drainage impacts of development of the area pursuant to existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios apply. Development regulations differ slightly for the 11 acres proposed to change from M-1 to C-H – the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other development regulations remain unchanged. Therefore drainage and run-off associated with site coverage could potentially be slightly higher; however, by assuming that the total development envelopes are not exceeded, this possibility is avoided. The analysis of Land Use includes a mitigation measure that holds development to the density/intensity assumed under the General Plan EIR.

- a.f. 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.

Compliance with these required permits would ensure that runoff during construction and occupation of the project site would ensure that runoff does not substantially degrade water quality. Therefore, this is a less-than-significant impact.

- b. The proposed project would result in the construction of impervious surfaces over portions of the project site that are currently undeveloped. However, the site is not identified as a recharge area and has been planned for development since

⁸ No change to the residential acreage is proposed as a part of this project.

1992. The majority of groundwater recharge in Winters occurs along drainages. The project incorporates a 100-foot buffer from the high bank of Putah Creek thus ensuring protection of the creek drainage through the area. Therefore, it can be concluded that development of the project site would not substantially affect the aquifer.

Development in the area would receive potable water from the City's municipal well system. As discussed in more detail in Item 17(d), while the proposed project would contribute to an increase in municipal groundwater use over existing conditions, service to the site is assumed as a part of the City's water system. Furthermore, the project will be held to the same or less intensity than what was assumed for the subject location under the General Plan FEIR. Therefore, impacts on groundwater would be less than significant.

- c,d,e. Drainage improvements proposed as a part of the proposed project would change absorption rates, drainage patterns, and the rate and amount of surface runoff as compared to existing conditions. The project would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, including the project site. Drainage and run-off from the proposed project is required to be addressed in a manner consistent with the City's recently updated Storm Drainage Master Plan (2008). Therefore the potential for impacts in these areas are considered less than significant.

- g,h. The 78.5 acres within the project area that lie north of SR 128 fall within the City's General Plan Flood Overlay Area and therefore may only develop consistent with General Plan Policies I.A.12 through 15, and IV.D.6 and 7 related to financing of storm drain improvements, fees, restrictions on residential development, and interim storm drain improvements.

The site is located within a federally designated Special Flood Hazard Area (Flood Insurance Rate Map Community-Panels 06113C0562G and 06113C0564G, Revised June 18, 2010) that would be inundated should a "100-year" flood occur. Specifically it is designated Zone AO (Depth 2) which is defined as areas having flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); with average depth at 2 feet. As such, the proposed commercial building will be required to comply with flood elevation requirements applicable in the AO zone. All new construction or substantial improvement must have the lowest floor (including basement) elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM. Consistency with the applicable flood hazard requirements related to the federal floodplain designation will ensure that impacts in this category are less than significant.

- i. 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 project would not expose individuals to a substantial risk

from flooding as a result of the failure, and the impact would be less than significant.

- j. The project area is not located near any 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
10. 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 plan, policy, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The General Plan EIR analyzed the potential impacts of development of site and found land use impacts to be less-than-significant. 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.

The project area is currently primarily undeveloped. Existing uses include row crops on the majority of the Skeeden property, orchards on the majority of the Manas property, a rural residential compound (including associated homes and out buildings) on the Manas and McClish properties, and a Chevron gas station on the Ali property. The remainder of the acreage is undeveloped and fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Surrounding land uses are as follows:

North	Vacant Heavy Industrial, Open Space, and PQP acreage currently in agricultural use
East	Interstate 505
South	Residential uses and Putah Creek
West	Residential uses; vacant residential and CBD

Urban development has been planned on this acreage since at least 1992. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac LR x 3.08 du/ac ave = 103 dus)⁹.

- a. Construction of the project is substantively consistent with the land uses assumed the 1992 General Plan. The proposal would fill in and connect existing

⁹ No change to the residential acreage is proposed as a part of this project.

parts of the community, and would not divide an established community. Therefore, no impact would occur.

- b. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). Overall the proposed changes are likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, in recognition of the infrastructure master planning that has occurred since adoption of the General Plan in 1992 and the fact that the City now requires Design/Site Plan Review for all non-residential development; the proposal also eliminates the separate project-specific requirement for a master plan in this area.

Lot development standards under existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios apply. Development regulations differ slightly for the 11 acres proposed to change from M-1 to C-H – the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other lot development regulations remain unchanged. Therefore site coverage could potentially be slightly higher; however, by requiring that the total development envelopes are not exceeded, this possibility is avoided.

The project corrects inconsistencies between general plan and zoning designations in the area, and eliminates a requirement for master plans with individual project applications. Currently development on approximately 70 acres in the project area cannot move forward without individual project-specific "master development plans" as specified in the General Plan land use designation. This is a duplicative and unnecessary requirement. Since the 1992 adoption of the General Plan, the City has adopted citywide infrastructure plans that address the provision of all backbone utilities throughout the City. A new traffic model that covers the entire City has been developed. The City has adopted a citywide Habitat Mitigation Program. New comprehensive requirements for submittal and processing of development applications have been established. A Noise Control Ordinance was adopted. The City has also adopted citywide and area specific design guidelines that address site plan, architecture, color, materials and other similar items. In light of all of these comprehensive citywide controls, there is no longer a need for additional master planning on a site-by-site basis.

The project includes proposed rescission of the 1993 Gateway Master Plan that covers 51 acres comprised of the Jordan and McClish properties. This plan is outdated in that the utility, infrastructure, land use, and design guidance and regulations it contains have all been updated or superseded by newer equivalent area specific or citywide documents and plans.

The project would not result in development in conflict with the General Plan or zoning as it contains all the necessary amendments to these plans and documents to prevent this from occurring or continuing. With implementation of

the following mitigation measure, the potential for impact in this category is less-than-significant:

Mitigation Measure #12

Maximum cumulative development within the 140.1 acre project area cannot exceed 980,900 square feet of industrial and commercial or 103 dus (on the Skreeden property only) without additional project review and environmental impact analysis.

- c. See response to Item 4(f).

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
11. 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

The General Plan EIR analyzed the potential impacts of development of site and found mineral resource impacts to be less-than-significant. 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.

a,b. The project site is not designated as a mineral resource zone or locally important mineral resource recovery site. Implementation of the project, and resultant development that may occur would not result in the loss of any known mineral resources. Impacts would be less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
12. 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?	□	□	■	□
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	□	□	■	□
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	□	□	■	□
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	□	□	■	□
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?	□	□	□	■
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	□	□	□	■

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 179 through 192 of the Draft EIR and pages E&R 29 through 31 of the Final EIR) and found noise impacts to be less-than-significant. 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.

a-d. Development in this area will add noise during construction and will permanently add to ambient noise levels during operation; however, this area has been planned for these land uses since at least 1992. 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). Implementation of the project would 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 project. Impacts in these categories remain less-than-significant. The project site is

located at the northwest and southwest quadrants of I-505 and SR 128. Traffic noise from these two highways is dominant at this location and it is unlikely that temporary noise from project construction or permanent noise from the future planned land uses would be noticeable against the future expected ambient condition.

- e. The nearest public airport is over two miles from the City and no part of the City falls within an airport land use plan. There is no potential for exposure to excessive air traffic noise, so no impact would occur.
- f. 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
13. 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

The 1992 General Plan EIR analyzed the potential impacts of build-out of the General Plan (see pages 43 through 70 of the Draft EIR and pages E&R 9 through 14 of the Final EIR) and found housing and population impacts to be less-than-significant. 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.

a. This development could not result in additional dwelling units or population. It would result in the development of commercial and industrial uses that would produce jobs and revenue generating opportunities for the City. These non-residential land uses are critical for balancing land uses overall in the City, providing local job opportunities as an alternative to commuting, and to generate general fund revenue to support operation of the City.

Infrastructure, services, and utilities proposed to serve this project are master planned to accommodate the proposed level of growth. The proposed project would extend roads and other infrastructure to the project site. However, this infrastructure would be extended within the City limits, and would not be sized to accommodate growth beyond the areas and levels assumed in the General Plan. Because all aspects of the project are substantively 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. The project involves no immediate displacement of housing or people. At some point in the future, the two existing rural residences may be demolished or adaptively reused. The loss of these two homes at some future time is consistent with planned growth in the area and is less than significant in terms of available housing in the City.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
14. 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

The proposed project could result in impacts to public services; 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 City (see pages 117 through 134 of the Draft EIR and pages E&R 21 through 24 of the Final EIR) and found public services to be less-than-significant. 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.

- a,b. The City of Winters Fire Department provides fire protection services to the City. The City of Winters Police Department provides police protection services. The proposed project could increase demand for these fire and police protection services over existing levels by increasing the total amount of development, and number of employees and visitors within the City's service areas. This increase in development is consistent with the General Plan and therefore, would result in no new impacts beyond those examined in the 1992 General Plan EIR.
- c. 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 impacts 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.

The proposed project makes no changes to planned residential uses that could develop in the project area. Under State law, all new development is required to pay applicable school fees. Because the amount of these fees is pre-empted by the State, the potential for impacts to schools is considered by law to be a less-than-significant impact.

- d. 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). However, there is no change to planned residential uses that could develop as a part of this project. Therefore, impacts in this category would be less-than-significant.
- e. 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
15. 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?	□	□	□	■
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?	□	□	■	□

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 123 through 126 of the Draft EIR and pages E&R 21 through 23 of the Final EIR) and found recreation impacts to be less-than-significant. 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.

a,b. There are no existing recreational facilities in the area. The project includes 20.3 acres of Open Space land for which there are no specific development plans at this time. As development in this project area moves forward all individual projects will be subject to mandatory design review (Zoning Code Section 17.36.020) which ensures consistency with applicable policies and regulations, and a community voice in the design. Therefore, this is considered to be less-than-significant impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/CIRCULATION. <i>Would the project:</i>				
a. Conflict with as applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards 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. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (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 (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

A Traffic Analysis was prepared for this project to examine the potential for impacts to circulation as a result of development as proposed (Fehr and Peers, March 2012). The study analyzes existing and future transportation and circulation impacts assuming development as proposed using the City's updated traffic model. As individual development applications are submitted to the City of Winters in the coming years, this traffic study and CEQA clearance provides an updated analysis of cumulative traffic impacts and mitigation needs for the I-505/Grant Avenue Planning Area as long as the total number of trips generated by the projects does not exceed the amount evaluated in this study. The study analyzes peak hour operations and traffic signal warrants at key intersections during weekday morning and evening peak hours. This approach captures the time periods when the combination of existing traffic and traffic generated

by the project are at their highest. An evaluation of intersection performance is provided for the following conditions:

- Existing Conditions
- Existing plus Project
- Existing plus Approved Developments
- Existing plus Approved Developments plus Project
- Cumulative No Project
- Cumulative plus Project

This study addresses conditions at the following five intersections along Grant Avenue:

1. Grant Avenue / East Main Street
2. Grant Avenue / Timber Crest Road (future intersection)
3. Grant Avenue / Matsumoto Road (formerly County Road 90)
4. Grant Avenue / Interstate 505 (I-505) Southbound Ramps
5. Grant Avenue / I-505 Northbound Ramps

The General Plan EIR assumed that the project parcels would generate a total of 14,468 daily vehicle trips. The General Plan EIR concluded that there would be no transportation impacts with implementation of the following transportation improvements identified in the circulation element.

- Grant Avenue– widen to four lanes
 - East Main Street – extend East Main Street from Grant Avenue to the north and as part of a Main Street “loop” road
 - Timber Crest Road – construction of a new roadway (i.e., Matsumoto Road realignment) extending north from Grant Avenue and connecting with Matsumoto Road and industrial development in the northeast portion of the city
 - Baker Street – extend east from its present easterly terminus through the McClish parcel to the Jordan parcel
 - New traffic signals along Grant Avenue at the East Main Street, Timber Crest Road, and I-505 southbound ramp intersections
- a,b. The project parcels would generate a total of 20,532 daily vehicle trips based on the planned land use assumptions. This represents approximately 6,064 more daily trips than assumed in the General Plan EIR. This difference is the result of three main factors:
- 1,075 or 18 percent more non-residential trips north of SR 128 (Grant Avenue) associated with the increase of highway commercial uses versus industrial uses.
 - 1,466 or 24 percent more residential trips north of Grant Avenue associated with the planned residential uses on the Skreeden property. The General

Plan EIR assumed 103 medium density single family units whereas this analysis assumes the maximum yield of 245 low density single family units, almost 2.5 times as many units.

- 3,521 or 58 percent more trips south of Grant Avenue associated with increase of highway commercial and office uses verses industrial uses.

It should be noted however, that these land use changes benefit the City overall by providing more jobs per developed non-residential acre, providing more higher paid jobs, and providing jobs more likely to be filled by local residents thus improving the local economy, local jobs/housing balance, and local vehicle miles traveled, which lowers greenhouse gas emissions.

The traffic analysis applies the goals and policies of the General Plan to evaluate the operations performance of the study intersections. The General Plan includes the following performance thresholds:

- Policy III.A.1: The City shall endeavor to maintain a Level of Service "C" or better as defined by the 1985 Highway Capacity Manual or subsequent revisions, on all streets and intersections within the City.
- Policy III.A.8: The City shall comply with and implement the program and policies of the Yolo County Congestion Management Plan (CMP).

The CMP identifies LOS D as the threshold for Grant Avenue. This study will assume LOS D to be the minimum acceptable operations performance of the study intersections. A level of service worse than LOS D will be considered unacceptable.

The results of the analysis are as follows:

Under Existing Plus Project Conditions, assuming installation of all improvements required of the Ghai Arco/Burger King project which are currently underway¹⁰, the installation of a traffic signal at the Grant Avenue/Timber Crest Road intersection would be triggered when development on the McClish, Manas or Jordan parcels occurs. The intersection would operate at LOS C conditions during both the AM and PM peak hour with the signal.

¹⁰ The analysis assumes transportation improvements identified as mitigations for the approved Arco/Burger King project are in place.:

- Installation of a traffic signal at Grant Avenue / Matsumoto Road
- Addition of a second westbound through lane on Grant Avenue from I-505 southbound ramps to just west of Matsumoto Road
- Addition of a southbound left-turn lane on Matsumoto Road at Grant Avenue
- Extension of the eastbound left-turn lane on Grant Avenue at Matsumoto Road to 300 feet
- Reconstruction of the Grant Avenue/I-505 Southbound Ramps intersection to convert the yield-controlled right turn lane to a stop-controlled right turn lane
- Construction of a new side-street stop controlled intersection at Grant Avenue / Timber Crest Road with a connection to the Jordan parcel (i.e., Timber Crest Road, East Baker Street, Gateway [Jordan parcel access])

The improvements also include reconstruction of the segment of Grant Avenue to eliminate the southbound yield controlled right-turn at the I-505 southbound off-ramp. Vehicles exiting the southbound off-ramp from I-505 will come to a complete stop at the terminus of the ramp before proceeding onto Grant Avenue.

Under Existing Plus Approved Development¹¹ Conditions, assuming installation of all improvements required of the Ghai Arco/Burger King project which are currently underway, the installation of a traffic signal at the Grant Avenue/Timber Crest Road intersection would be triggered when development on the McClish, Manas or Jordan parcels occurs. The intersection would operate at LOS C conditions during both the AM and PM peak hour with the mitigation measure.

Under Existing Plus Approved Development Plus Project Conditions, assuming installation of all improvements required of the Ghai Arco/Burger King project which are currently underway, the installation of the following improvements would be required in order to maintain acceptable roadway performance:

Grant Avenue (SR 128)/East Main Street

- Widen Grant Avenue from two lanes to four lanes from East Main Street to Timber Crest Road
- Install traffic signal
- Extend westbound left turn pocket to be approximately 300 feet in length
- Provide new eastbound left turn pocket approximately 300 feet in length

Grant Avenue (SR 128)/Timber Crest Road

- Widen Grant Avenue from two lanes to four lanes from Timber Crest Road to Matsumoto Road
- Install traffic signal (note: also required for Existing plus Project scenario)
- Provide new westbound left turn pocket 300 feet in length
- Provide new eastbound left turn pocket 300 feet in length

Grant Avenue (SR 128)/I-505 Southbound ramps

- Install traffic signal

Under Cumulative Plus Project Conditions¹², assuming installation of roadway improvements that are identified in the General Plan and included in the citywide traffic impact fee program as listed above, the installation of the following improvements would be required in order to maintain acceptable roadway performance:

Grant Avenue (SR 128)/I-505 Northbound ramps

- Widen the Grant Avenue (SR 128) overpass, from the I-505 southbound ramps to the I-505 northbound ramps, from two to four lanes
- Install a second northbound left turn lane at the intersection of Grant Avenue/I-505 northbound ramps

¹¹ The following approved developments are included in the "Existing plus Approved Developments" scenario. Trips generated by these developments are added to the existing traffic volumes:

- Highlands, Callahan Estates, Ogando-Hudson, and Creekside Estates
- Winters Commercial Center
- Orchard Village (former American Communities) Project
- Anderson Place (former Brzeski) Project
- Arco/Burger King Project
- Jordan Property (3 northerly parcels)

¹² The development assumptions for the Cumulative No Project scenario are based on a 20-year horizon as documented in the citywide travel model. This includes all of the approved developments included in the Existing plus Approved Developments scenario. The Cumulative No Project scenario assumes no development of the parcels within the I-505/Grant Avenue project area.

The trigger for these improvements is not precise. It will vary depending on the actual order and pace of development both within the project area and other cumulative development outside of the project area within the City and County. The Traffic Analysis contains a Phasing Analysis that identifies triggers for the traffic signals, new roadway connections, and highway improvements. In order to ensure the timely installation of all identified roadway improvements in order to avoid adverse traffic impacts from build-out in the project area, the following mitigation measure is necessary:

Mitigation Measure #13

Prior to issuance of a building permit, individual development projects within the project area boundaries shall submit project-specific traffic information (i.e. trip generation, traffic count data on Grant Avenue, etc) as determined by the City Engineer, to determine if the proposed project triggers the need for transportation improvements or measures identified in the Winters I-505/Grant Avenue Planning Area Traffic Analysis (March 2012). Caltrans will also be provided the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements. The timing for installation of triggered improvement shall ensure that applicable levels of service are not exceeded.

Implementation of this measure will ensure that traffic impacts from this project are less-than-significant.

- c. 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. All new roadway construction would be built according to adopted City standards and specifications and would satisfy requirements for emergency access. For this reason, the potential for design hazards would be less-than-significant.
- f. Development that results from the proposed project would be required to satisfy policies, plans, and programs supporting all transportation modes, including appropriate transit, pedestrian, and bicycle route connections. Therefore, this impact would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
17. 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

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 97 through 116, and 133 through 134 of the Draft EIR and pages E&R 17 through 21, and 24 of the Final EIR) and found utility and service impacts to be less-than-significant. 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.

The City requires individual applications for development to include a Preliminary Title Report, and site-specific and project-specific infrastructure analyses. The title report ensures that any easements or other encumbrances affecting the property are disclosed. The water, sewer, and drainage/flood plans enable the City Engineer to determine appropriate in-ground requirements for sizing and service hook-up.

- a. The proposed project would be 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 proposed for the area are substantively the same in terms of wastewater generation and treatment as those assumed in the previous General Plan EIR and are 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. 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 0.96 million gallons per day (mgd). The estimated number of new dwelling unit equivalents (DUEs) that could be served under current capacity is approximately 500 to 600 DUEs. Under City code, no project is allowed to build without available sewer and water service. Therefore, these impacts are considered less-than-significant.
- c. The construction of impervious surfaces on project acreage for proposed development would increase storm water runoff in the project vicinity over existing conditions. Total development in the project area will be restricted to the amount of development assumed in the General Plan EIR unless later approvals are granted subject to CEQA review and clearance. Stormwater drainage in the area will be conveyed in accordance with the Citywide Storm Drainage Master Plan. Please refer to the discussion of Items 9.c,d, and e. This is a less-than-significant impact.
- d. 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 beyond those 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. Pursuant to City code, no project is allowed to build without available water service. This is a less-than-significant impact.
- f, g. Solid waste from the project site will be collected by the City of Winters and disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The City's General Plan build-out is part of the planned growth for which the landfill has been sized and therefore solid waste generated as a result of this project would not have unanticipated impacts on the life of the landfill. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-c. The full range of impacts from this project were anticipated and examined in the 1992 General Plan EIR upon 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. This initial study relies on and incorporates General Plan mitigation in the form of ensuring consistency between the proposed project and General Plan policies and City development regulations. Additional mitigation measures identified herein will be applied to development in the project area. Impacts in all categories are therefore considered less-than-significant.

Cumulative greenhouse gas emissions and associated climate change impacts for the entire County were examined in the County's certified General Plan Final EIR (SCH# 2008102034 certified November 10, 2010) (pages 805-817, DEIR and pages 438-441, FEIR). Build-out of the Winters General Plan is clearly included in that cumulative analysis. To the extent necessary, pursuant to CEQA Guidelines 15152 (see also Section 15130(b)(1)(B)) this analysis tiers from the analysis of cumulative climate change impacts contained in the Yolo County Certified General Plan FEIR. This document can be viewed online at:

<http://www.yolocounty.org/Index.aspx?page=1683>

ATTACHMENTS:

Exhibit 1, Project Area

Exhibit 2, General Plan Designations (existing and proposed)

Exhibit 3, Zoning Designations (existing and proposed)

~~Exhibit 4, Proposed Hotel Site Plan~~

Exhibit 5, Proposed Storm Drainage Master Plan Modifications

Exhibit 6, Mitigation Monitoring Plan (MMP)

Exhibit 7, CalEEMod Appendix

Summary of Mitigation Measures

Mitigation Measure #1

Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Mitigation Measure #2

Pursuant to General Plan Policy VI.E.11, implement the following project Air Quality Mitigation Plan:

a) Maximize on-site job production – Implementation of this measure will result in improved jobs/housing balance. This mitigation is consistent with Policy VI.E.7 of the General Plan and is significantly achieved through implementation of this project. By correcting regulatory inconsistencies and eliminating unnecessary planning requirements affecting this property, long-planned important job producing development can finally occur in this area and provide local employment opportunities for existing housing already in place elsewhere in the City.

b) Local hire preference – Implementation of this measure will result in reduced commuting. Incoming businesses shall sign written agreements to hire local residents to the greatest attainable extent, with annual reporting to the City.

c) Actively promoting ridesharing – Implementation of this measure will result in reduced vehicle trips. This mitigation is consistent with Policy VI.E.9 of the General Plan and is most likely to be achieved at the project site through programs to encourage car-pooling within and between employees of new businesses.

d) Reduce vehicle miles traveled by a minimum of 10% – Implementation of this measure will reduce NO_x by 1.1 tons per year which will reduce project related emissions to a level below the significance threshold. This is considered to be reasonable and achievable (CAPCOA 2010¹³) and would reduce the net increase in project-generated mobile-source NO_x emissions to a level less than YSAQMD's threshold of significance. Actions to achieve this, could include, but are not limited to the following:

8) Design of development (3.0-21.3% reduction) (e.g., improved street network characteristics [average block size and number of intersections], sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a

¹³ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments];

9) Site enhancements (0-2% reduction) (e.g., providing a pedestrian access network to that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site, minimize barriers to pedestrian access and interconnectivity).

10) Provide traffic calming measures (0.25-1.0% reduction).

11) Commute Trip Reduction Programs (1.0-21.0% reduction).

12) Transit accessibility (0.5-24.6% reduction) (e.g., a transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk [or roughly ¼ mile], a rail station located within a 20 minute walk [or roughly ½ mile]).

13) Transit system improvements (0.02-8.2% reduction).

14) Parking policy/pricing (5.0-12.5% reduction).

Mitigation Measure #3

Contribute to the Yolo County Swainson's Hawk Interim Mitigation Program. The loss of approximately 98 acres of land in agricultural use will remove foraging habitat for the state-threatened Swainson's hawk and other agriculture-associated species. To address this loss of Swainson's hawk foraging habitat, development projects that occur within this region are generally subject to mitigation due to their contribution to a broader cumulative loss of agricultural foraging habitat. To address this impact in a more comprehensive and consistent manner, the Yolo County Swainson's Hawk Interim Mitigation Program has been established to offset this cumulative loss of habitat. This program, managed through the Joint Powers Authority of the Yolo County Natural Heritage Program, of which the City of Winters is a member, is available to this project for purposes of mitigating impacts on Swainson's hawk foraging habitat. The standard mitigation procedure for projects that impact more than 40 acres includes providing mitigation lands at a 1:1 replacement ratio to offset loss of foraging habitat. A conservation easement would be placed on the conservation land that would allow for continued farming under restrictions that would also maintain Swainson's hawk foraging habitat.

Mitigation Measure #4

Avoid Disturbance to Occupied Raptor Nests. Conduct preconstruction breeding season surveys to determine presence of nesting Swainson's hawks, white-tailed kites, and northern harriers. These surveys should be conducted between approximately April and August and within 30 days of planned construction activity. If active nests are found, they should be protected by establishing the following no-disturbance set-backs until young have fledged.

- Swainson's hawk – 1,300 feet
- White-tailed kite – 1,300 feet
- Northern harrier – 500 feet

- Loggerhead shrike – 250 feet

Mitigation Measure #5

Avoid Disturbance to or Compensate for Impacts to Active Burrowing Owl Burrows. Surveys should be conducted prior to construction to ensure avoidance of occupied burrowing owl burrows that may occupy the site in subsequent years but prior to development. If active burrowing owl burrows are found, standard avoidance and mitigation measures recommended by DFG are available to offset impacts (California Department of Fish and Game 2012). They include the following:

- Conduct preconstruction survey within 14 days prior to the start of construction activity to determine presence or absence of occupied burrows. If no burrowing owls are found, no further mitigation is required.
- If active burrows are found, do not disturb active site by establishing a 50 to 500 meter no-disturbance buffer around occupied burrows during the non-breeding season (September 1 to January 31) and a 200 to 500 meter buffer around occupied burrows during the nesting season (February 1 through August 31). Buffer size is determined through a review of site-specific conditions including the type and extent of the impact, the timing and duration of the impact, visibility to the impact, and other environmental factors.
- During the non-breeding season (September 1 through January 31), passive relocation (e.g., one-way doors) can be used to exclude owls from active winter burrows and potential burrows within the project area when no other avoidance alternatives are available. This will also require the installation of artificial burrows preferably within 100 meters of the impacted site and the preparation of a Burrowing Owl Exclusion Plan.
- Compensate for loss of active burrows and associated foraging habitat. The extent of occupied habitat removed and subject to compensation is determined through a site-specific assessment of burrowing owl use. Compensation can be accomplished through an approved mitigation bank.

Mitigation Measure #6

Avoid Disturbance to Elderberry Shrubs. Avoidance of VELB is accomplished through avoidance of elderberry shrubs according to standard USFWS guidelines (USFWS 1999). To completely avoid elderberry shrubs, maintain an undisturbed buffer of at least 100 feet. Reducing this distance to a minimum of 20 feet is possible through coordination with the USFWS.

Mitigation Measure #7

All development within the project area shall demonstrate consistency with the requirements of the Winters Habitat Mitigation Program, prior issuance of building permits.

Mitigation Measure #8

Prior to site disturbance, construction, or development within proximity of the two potential historic rural compounds, a cultural resources assessment shall be prepared that

examines the historical and/or archeological importance of the properties and identifies appropriate actions to avoid or fully mitigate adverse impact. This may involve no further action, documentation and recording of the site, or preservation and adaptive reuse, depending on the relative historical or architectural importance of the facilities.

Mitigation Measure #9

If subsurface cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, fossils, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. If the bone is uncovered and it appears to be human, California law mandates that the Yolo County coroner be contacted. If the bone is likely to be Native American in origin, the coroner must contact the Native American Heritage Commission in Sacramento to identify the most likely descendants.

Mitigation Measure #10

A Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report.

Mitigation Measure #11

Prior to site disturbance, construction or development of any property in the project area, a Phase I Environmental Site Assessment shall be prepared and the recommendations of the report shall be followed.

Mitigation Measure #12

Maximum cumulative development within the 140.1 acre project area cannot exceed 980,900 square feet of industrial and commercial or 103 dus (on the Skreeden property only) without additional project review and environmental impact analysis.

Mitigation Measure #13

Prior to issuance of a building permit, individual development projects within the project area boundaries shall submit project-specific traffic information (i.e. trip generation, traffic count data on Grant Avenue, etc) as determined by the City Engineer, to determine if the proposed project triggers the need for transportation improvements or measures identified in the Winters I-505/Grant Avenue Planning Area Traffic Analysis (March 2012). Caltrans will also be provided the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements. The timing for installation of triggered improvement shall ensure that applicable levels of service are not exceeded.

Attachment G

**I-505/Grant Avenue Planning Area Land Use Modifications
Project Initial Study Comment Letters**

Mary Jo Rodolfa

From: John Donlevy [john.donlevy@cityofwinters.org]
Sent: Thursday, May 10, 2012 11:26 AM
To: Mary Jo Rodolfa
Subject: FW: City of Winters I/505 Grant Avenue (Hwy 128) Planning Area

fyi

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

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From: Alan Mitchell [mailto:alan.mitchell@ponticelloinc.com]
Sent: Thursday, May 10, 2012 9:17 AM
To: arthur_murray@dot.ca.gov
Cc: B.Grandy@fehrrandpeers.com; John Donlevy
Subject: RE: City of Winters I/505 Grant Avenue (Hwy 128) Planning Area

Hi Arthur,

I wanted to follow up with you regarding the email below, to see if you or your peers have any comments or concerns. Please advise. Thanks.

Alan L. Mitchell
Ponticello Enterprises

From: Alan Mitchell
Sent: Friday, April 13, 2012 9:26 AM
To: arthur_murray@dot.ca.gov
Cc: Bob Grandy (B.Grandy@fehrrandpeers.com); john.donlevy@cityofwinters.org
Subject: City of Winters I/505 Grant Avenue (Hwy 128) Planning Area
Importance: High

Hi Arthur:

Attached is a copy of a Draft Traffic Study for the I-505/Grant Avenue Planning Area in the City of Winters, for your review and comment. The document evaluates the potential transportation impacts of modifying land use designations for parcels owned by nine property owners on the north and south sides of State Route 128/Grant Avenue. The Traffic Study provides an evaluation of six analysis scenarios including cumulative conditions. It also provides a phasing analysis that indicates when transportation improvements would be triggered.

The purpose of the study is to provide an evaluation of development potential (City wants to encourage development) over the next 10 to 20 years so that transportation infrastructure needs and triggers can be identified. This effort is a follow-up to past meetings and discussions between the City of Winters and Caltrans on the long-term transportation needs for this corridor.

The Traffic Study will also be used to support a rezoning of the parcels and associated environmental studies. The City and Fehr & Peers would like to schedule a meeting with Caltrans staff to discuss the Traffic Study, once you and staff have had a chance to review the document.

I'll follow-up with you in a week or so to see when you are available for the meeting. Thanks.

Alan L. Mitchell, P.E.
Ponticello Enterprises Consulting Engineers, Inc.
1216 Fortna Avenue
Woodland, CA 95776
(530) 668-5883

Mary Jo Rodolfa

From: John Donlevy [john.donlevy@cityofwinters.org]
Sent: Thursday, May 10, 2012 9:53 AM
To: Mary Jo Rodolfa
Subject: FW: Drainage Master Plans- I505 Planning NOI

See below

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

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From: Kevin Combo [mailto:kcombo@sac-yolomvcd.com]
Sent: Thursday, May 10, 2012 6:38 AM
To: John Donlevy
Subject: RE: Drainage Master Plans- I505 Planning NOI

Thank You Sir.

-----Original Message-----

From: John Donlevy [mailto:john.donlevy@cityofwinters.org]
Sent: Wednesday, May 09, 2012 3:30 PM
To: 'Kevin Combo'
Cc: Mary Jo Rodolfa
Subject: RE: Drainage Master Plans- I505 Planning NOI

Kevin,

Here are links to the referenced documents which are affected by the change of location for the drainage canal:

Moody Slough Drainage Master Plan
http://www.cityofwinters.org/public_works/pdf/Moody%20Slough%20Drainage%20Report.pdf

Putah Creek Drainage Master Plan http://www.cityofwinters.org/public_works/pdf/Putah%20Creek-Dry%20Creek%20Subbasins%20Drainage%20Reports.pdf

Thanks,

John

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Kevin Combo [mailto:kcombo@sac-yolomvcd.com]
Sent: Wednesday, May 09, 2012 7:11 AM
To: John Donlevy
Subject:

Dear Mr. Donlevy,

After currently reviewing the Notice of Intent to adopt a Mitigated Neg. Dec. on the I-505 project I noticed that there will be an amendment to the citywide Stormdrain Master Plan. As the reviewing department for the District regarding stormwater related plans and mosquito control I was unaware that the City of Winters had such a plan. Could you please send me a link or direct me in the right direction to view the Stormdrain Master Plan so that I may review the document and educate myself. I really appreciate all the help you could give me. Thank You.

Sincerely,

Kevin Combo
Sacramento Yolo Mosquito and Vector Control
Ecological Management Department
Office (916) 405-2093
Cell (916) 417-5592
E-Mail kcombo@fightthebite.net

Mary Jo Rodolfa

From: John Donlevy [john.donlevy@cityofwinters.org]
Sent: Tuesday, May 15, 2012 3:06 PM
To: Mary Jo Rodolfa
Subject: FW: 1505 Planning Information

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

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From: Reno Franklin [mailto:franklin@yachadehe-nsn.gov]
Sent: Tuesday, May 15, 2012 12:51 PM
To: John Donlevy
Subject: Re: 1505 Planning Information

Good news, thanks for sending this to us. Looking forward to meeting on it.

Sent from my iPhone

On May 15, 2012, at 12:21 PM, "John Donlevy" <john.donlevy@cityofwinters.org> wrote:

Reno,

See the attached on the SB18 Consultation. This has been a long project in getting to this point, so much of the work was started last year.

If you have any language or information which should be contained in the mitigation measures. I would be more than happy to add them.

I would also be happy to meet with you to discuss any further concerns.

Thanks,

John

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

<100611 wintun nation ltr.pdf>



Tribal Council

Marshall McKay
Chairman

Leland Kinter
Secretary

Anthony Roberts
Treasurer

Miss Durham
Member

James Kinter
Member

October 6, 2011

Ms. Nelia C. Dyer, AICP
Community Development Director
City of Winters
318 First Street
Winters CA 95694

Re: I-505/SR 128 Land Use Modification Project, City of Winters

Dear Ms. Dyer:

Thank you for your project notification letter dated, September 13, 2011, regarding cultural information on or near the project referenced above in Yolo County, California. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

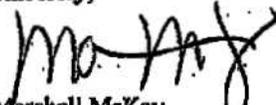
Based on the information provided, Yocha Dehe Wintun Nation is not aware of any known cultural resources near this project site. Should this project be located near a waterway, and involves earthmoving activity, a monitor is recommended.

Additionally, as the project progresses, if any new information or cultural items are found, we do have a process to protect such important and sacred artifacts. Upon such a finding, please contact the following individual:

Mr. Reno Keoni Franklin
Director of Cultural Resources
Yocha Dehe Wintun Nation
Office: (530)723-0174, Email: rfranklin@yochadehe-nsn.gov

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,


Marshall McKay
Tribal Chairman

MM:pb

Yocha Dehe Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 www.yochadehe.org

SENT CERTIFIED MAIL

September 12, 2001

Honorable Marshall McKay, Tribal Chairman
Yocha DeHe Winton Nation
P.O. Box 18
Brooks, CA 95606

Re: **SB 18 Tribal Consultation on the I-505/SR 128 Land Use Modification Project, City of Winters**

Honorable Chairman McKay:

The City of Winters is processing several minor amendments to the Citywide General Plan. We recognize the Winton Nation is one of two tribes identified by the Native American Heritage Commission with traditional lands or cultural places within the City limits. Pursuant to SB 18 (statutes of 2004) the purpose of this letter is offer the opportunity for consultation with the Nation for the purpose of identifying and preserving or mitigating impacts to cultural places on land affected by this project.

Please feel free to contact me if you desire a formal consultation or if you have any questions about this project or our planning process. My number is (530) 795-4910 ext. 114 or I can be reached via email at nelia.dyer@cityofwinters.org. Thank you for your time and attention on this matter.

Sincerely,

Nelia C. Dyer, AICP
Community Development Director
City of Winters
318 First Street
Winters, CA 95694

c: file
Heidi Tschudin

Attachment: Project Description and map of project area.

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

May 9, 2012

John Donlevy, City Manager
Winters City Hall
City Manager's Office
318 1st Street
Winters, California 95694

Dear Mr. Donlevy:

This is in response to your request for comments on Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing take Final Action on the Proposed I-505/Grant Avenue Planning Area Land Use Modifications project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), Maps revised May 16, 2012 and City of Winters (Community Number 060425), Maps dated June 18, 2010. Please note that the City of Winters, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov

John Donlevy, City Manager

Page 2

May 9, 2012

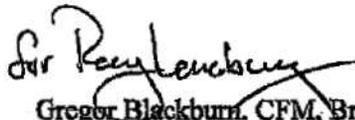
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of Winters floodplain manager can be reached by calling Eric Lucero, Public Works Operations Manager, Public Works Department, at (530) 795-4727. The Yolo County floodplain manager can be reached by calling Lonell Butler, Building Official, at (530) 666-8803.

If you have any questions or concerns, please do not hesitate to call Robert Durrin of the Mitigation staff at (510) 627-7057.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Eric Lucero, Public Works Operations Manager, City of Winters

Lonell Butler, Building Official, Yolo County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region
Office

Robert Durrin, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

14 May 2012

John Donlevy
City of Winters
318 1st Street
Winters, CA 95694

CERTIFIED MAIL
7011 2970 0003 8939 1170

**COMMENTS TO NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION, I-505/GRANT AVENUE PLANNING AREA LAND USE MODIFICATIONS
PROJECT, YOLO COUNTY**

Pursuant to the City of Winters' 2 May 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Intent to Adopt a Mitigated Negative Declaration* for the I-505/Grant Avenue Planning Area Land Use Modifications Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA G. CREEDON P.E., BOEE, EXECUTIVE OFFICER
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

♻️ RECYCLED PAPER

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 484-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0608 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



May 14, 2012

Mr. John Donlevy
City Manager
City of Winters
318 1st Street
Winters, California 95694

Subject: I-505/Grant Avenue Planning Area Land Use Modification
Document Type: Mitigated Negative Declaration

Dear Mr. Donlevy:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located within Putah Creek which is under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Mr. John Donlevy
May 14, 2012
Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

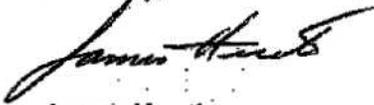
The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway.

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The DEIR should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

If you have any questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Flood Projects Improvement Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

24 May 2012

John Donlevy
City of Winters
318 First Street
Winters, CA 95694

CERTIFIED MAIL
7011 2970 0003 8939 6564

COMMENTS TO THE DRAFT MITIGATED NEGATIVE DECLARATION, I-505/GRANT AVENUE PLANNING AREA LAND USE MODIFICATIONS PROJECT, SCH NO. 2012052002, YOLO COUNTY

Pursuant to the State Clearinghouse's 2 May 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Mitigated Negative Declaration* for the I-505/Grant Avenue Planning Area Land Use modifications Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGBLEY, SCD, P. E., CHAIR | PAMELA C. CREEDON, P. E., BOEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

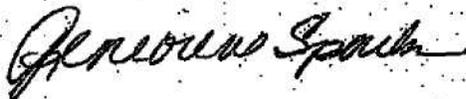
Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Red 5/25/12
mjr

To: Winters City Council

Date: May 23, 2012

From: Marla Gibbs, 204 Main Street

Subject: I/505 Grant Ave Planning Area Land Use Modifications

After reviewing the Negative Declaration and its mitigations, I am left wondering how those impacts can all be mitigated away. Below are a few of my most pressing concerns:

The entire process is designed to streamline development, removing the need for "master plan documents" leading to the citizen's concerns that there may be a plan, but we don't know it. Winters needs a coordinated plan that connects, protects and preserves what is best about our town and that plan needs to come directly from those who live and currently own and operate businesses in our city. I was discouraged to see the loss of the light industrial designation in the area and instead using highway commercial. Bringing in light industrial should be a priority since it would add good jobs to our community. What is now guiding this development process?

Aesthetics - changing a 30-foot height building to 40 feet is significant and cannot be mitigated away. There are no other buildings of that size and scale in Winters. The other aesthetic impacts were mitigated away by the fact that the area "has been designated for development" by the 20-year old General Plan. A 40-foot high, three story motel creates a total change in character, in scale and in vistas - definitely conflicting with the designated "Scenic Highway Corridor" which takes folks up to Lake Berryessa. How can these impacts really be mitigated?

Traffic

The project estimates over 20,000 vehicle trips per day, an admitted 6,000 over that designated by the General Plan EIR. These vehicle trips are not really mitigated away. Plans of ride sharing and local hiring are fine, but really, how do these measures get implemented, who initiates them, who keeps track of where job applicants live, and will they really reduce the vehicle trips by 2-10%? With city development occurring in this area, citizens who now walk to shop downtown, will no longer be able to easily walk or bike to destinations next to I/505.

An unaddressed impact is crossing over I/505 without a motor vehicle (either via bicycle or walking). How will our citizens manage? As a cyclist who traverses the overpass, it is a bit tight and scary now but with that increase in vehicle trips, it will be treacherous. How else will folks be able to cross safely over the freeway? Mitigation 2 - #9 says that the project would satisfy pedestrian and bicycle route connections. How will that happen? This remains a significant impact, with no real mitigation. It needs a comprehensive plan that works.

Economics

I have not heard any discussion on this important impact. How do we keep this development from destroying the heart of our city? Can we place a limit on the size and scale of development? How can we be sure that this will not cause an economic hardship on the downtown that we have all worked so hard to develop and support?

I would like to propose that the City undertake an economic study to determine how these business enterprises will impact our downtown, what the size and scale of the development should be to not destroy local, family owned businesses? How can we keep franchise businesses from moving in that would compete with our already existing ones? The economics of our city center remain unstudied and for Winters to turn its back on those who have made this community what it is, will be our undoing.

Please take the time to consider these important aspects of this plan and lets really plan, not taking the first rush of "same old" businesses that frequent every freeway exit, but lets continue to make our community a place we all want to live. I understand the need for revenue, but if that revenue comes in at the expense of what we already have that is unique and wonderful, Winters will just become another town along the freeway.

Thank you for your consideration,

Marcia Gibbs 

Received
5-31-2012
Jm

To: City of Winters
Attr: John Donlevy, City Manager
Honorable Mayor and Council Members
Planning Commissioners & Planning Staff
Winters Community Members

Date: 5.31.12

From: Winters Community Planning Association

Subject: Proposed Grant Avenue Re-Zoning with a Mitigated Negative Declaration

The Winters Community Planning Association has reviewed the proposal to re zone the Grant Street Corridor with a with a Mitigated Negative Declaration. We feel a series of issues needs public review with the development of amendments of the proposed Mitigations as well as the Zoning language before a Negative Declaration be given.

We support and request that all zoning changes remain consistent with the General Plan Goals; in particular;

- Maintenance of Rural Character*
- Avoid concentration of Fast Food at the Freeway*
- Maintain vista of Costal Range from the City Entrance*
- Traffic patterns and road right of ways incorporate the "Complete Streets" workshop findings.*
- The Grant Street Corridor be noncompetitive with the Winters Downtown Business Core*

To that end;

- We believe a phased approach to a freeway hotel. A conditional use permit only be given after a Downtown Hotel is constructed. In addition, visual studies need to be done before a permit issued to insure the maintenance of the Costal Range view lines are preserved.
- We ask that an economic study of the Winters Community be done to determine what uses and sizes of business within the the Highway Commercial Zone and the Grant Avenue Neighborhood Commercial Zone should be a "use by right", those to be a "use by review" and those which are to be excluded. This is critical to help insure new business zoning is complementary with the Winters Downtown Core and that its economic vitality retained. If commercial in the Grant Avenue Corridor relocate or compete with downtown core business the entire sense of downtown will shift. This negative potential needs to be fully understood before blanket commercial zoning be given to Grant Avenue.
- Review other municipalities "Fast Food Ordinances" to determine provide appropriate limitations to the number, size, locations and concentrations of fast food franchises within the zoning area.

- Continue to develop the concept a Floodway as a visual transition between Highway Commercial and the Neighborhood Commercial Zones. This is critical in providing a clear distinction between freeway development and the Winters community. Of primary concern is that Winters retain its "charm" (which is its best economic engine) by having clear city edges and not become identified by the Highway Commercial development.

The current plan proposes both a flood water course under Grant Avenue and a storm water retention pond adjacent to Grant Avenue to the south. If a similar retention area were to be paired on the north side, a much stronger visual separation the community and the freeway would occur. We ask this concept be developed and proposed as an alternative zoning plan

- The design of the Floodway Course needs to be further developed and reviewed. If the land allocation's size requires the floodway to become a concrete channel, the result will have a negative visual impact that will be difficult to mitigate and the community's rural character damaged. In addition, the exact location of the proposed channel is difficult to determine. The channel needs to avoid the McClish farm buildings as they contribute to the historic farmstead setting and are a significant component to maintaining Winters rural identity.
- Incorporate "Smart Code" concepts for the Neighborhood Commercial Zone to include a Mixed Use Housing element. The "Smart Code" land use is less vehicular "strip" oriented resulting in a more pedestrian based "traditional" neighborhood. This is accomplished by developing more integration of housing both adjacent to and above commercial businesses as well as providing pedestrian features such as cross walks, etc. For model ordinances see; <http://smartcodecomplete.com/learn/facts.html>
- Incorporate "Healthy Communities" concepts in all zoning districts. This includes design issues including; accessibility, climate change mitigation, access to healthy food, social connectiveness, water quality. For additional information see; <http://www.cdc.gov/healthyplaces/>
- Develop a Pedestrian and Bicycle Accessibility overlay so all business are accessible from residential locations. This needs to incorporate the concepts of the Winters Bike / Pedestrian City Greenbelt Loop and Putah Creek Pathway / ADA extension to Yolo Housing.

We believe these planning principles need to be reviewed and appropriate concepts incorporated into the proposed zoning changes. We recognize this is an unique opportunity to create a community reflecting the latest planning principles. We also understand the economic future of our community is tied to its successful development and that if done well, we all will prosper. But if done poorly, our community's economic and as important, social qualities can significantly degrade. One only need to look at the several adjacent communities that have lost their community core due to poorly planned "strip" commercial expansions.

Sincerely,



Eric Doud
MBA in Urban Planning
for the Winters Community Planning Association

To: Planning Staff & City Manager
Honorable Mayor and Council Members
Chairman & Planning Commissioners
Winters Community Members

Date: May 31, 2012

From: Jeff TenPas, Winters, CA

Subject: Proposed Grant Avenue Re-Zoning with a Mitigated Negative Declaration

There are several comments and concerns with this project:

1. The environmental analysis is tiered from and relies on a 20 yr old EIR. Most of that EIR may still hold, but some may not. The City has changed in those years, new issues have arisen, and public-values have changes. Are the significant impacts that were acceptable to the City in 1992 still acceptable? Should we at least consider some supplemental review of the significant impacts?
2. The proposal project changes land uses and zoning from those considered in the original EIR:
 - a. There will be more highway commercial use (about 20 acres) and less light industrial (about 20 acres). Will the highway commercial development provide good jobs, as good as light industrial?
 - b. The changes in development type will result in an increase in daily car trips of 6064 daily trips (42% increase). What are the air quality impacts?
3. The greatest concern is this, that this Negative Declaration would apparently provide the only and final CEQA review for a proposed three story, 44 ft tall, 100 room hotel. Can this be? In recent past the City has required more review for Burger King and small subdivisions. If this document provides CEQA clearance for a hotel, then it should have described that project, and really analyzed and discussed the potential impacts of the hotel - its size, compliance or noncompliance with the General Plan, and its effects on traffic, scenic view, impacts on a potential downtown hotel, etc.

The Initial Study does not discuss any of this, for example:

- a. In the discussion of item 1 and the impacts on scenic resources, there is absolutely no mention of the hotel and how it might affect visual and scenic resources. But the discussion cites the General Plan provision for preserving view corridors to the Vaca Mountains.
 - b. In Item 9d (Hydrology), there is no mention of the hotel, although it will be sited in a floodplain on a four foot elevated mound. That the mound will obstruct drainage, and there will be some impact and increase in flood heights to surrounding properties. Until we know how the hotel will affect floods, and if and when flood drainage structures will go in place, we don't know the impacts, or that they are insignificant.
 - c. There is in fact no reference to the hotel or its effects at all in the Initial Study that I can find. And there is no hotel proposal to review yet. How can we give it a pass for CEQA?
4. The height of the hotel merits concern. Because of flooding the hotel will be raised on a 4 foot pad, and a variance is proposed for a building height of 40 feet, for a combined total of 44 feet. Not knowing how long the building is, or having a rendering to look at, makes it impossible to assess the visual impact. But are we ready to conclude at this stage without any more review that the visual impact of this

hotel at the entrance to Winters would be insignificant?

5. **Traffic Lights.** Based on the proposed new development and traffic patterns, before development is complete there will be three new traffic lights in the space of a few blocks from 505 to East Main. The likely result is that every trip out of town could take close to five minutes more, coming and going. Ten minutes out of your day, every day, is something to consider. This is certainly an impact, most importantly on peoples' time and quality of life, but also on pollution and air quality. Have we considered alternatives to this (different traffic plan, less lights)?
6. **Air Quality.** Item 3 bcd identifies an increase in air pollution (NOx) of 11.1 tons/yr and states it is above significance thresholds. This increase is due to the change in number of car trips due to the change in type of land use. Because the project will result in more highway serving commercial there will be more people getting off the highway for food and gas. The proposed mitigations for this impact include local hire preference, promoting ridesharing, public transit accessibility, transit system improvements. We can hardly expect these mitigations to work for highway commercial type of traffic. We may all agree the air pollution is unavoidable and acceptable, but probably not mitigated by the proposed mitigations.
7. During the Grant Avenue planning, there was much enthusiasm from the public, planning commissioners, and council members for a floodway that was an amenity instead of a ditch, one with multiple uses like bike path or trail, or gardens, etc. Has that idea fallen by the wayside? This would be a good time to elaborate the plan, and zone the path as Open Space. Else I wonder if it will not be waste space, fenced off behind buildings, instead of the amenity it could be.

Mary Jo Rodolfa

From: John Donlevy [john.donlevy@cityofwinters.org]
Sent: Thursday, May 31, 2012 9:04 AM
To: Mary Jo Rodolfa
Subject: FW: Sacramento Yolo Mosquito and Vector Control District
Attachments: Microsoft Word - Comment Letter 1.pdf

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

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From: Kevin Combo [mailto:kcombo@sac-yolomvcd.com]
Sent: Thursday, May 31, 2012 8:15 AM
To: John Donlevy
Subject: Sacramento Yolo Mosquito and Vector Control District

Mr. Donlevy,

Attached are the comments for the I-505 project. Please feel free to contact me at anytime if you have any questions. Thank you for allowing us to comment.

Sincerely,

Kevin Combo
Ecological Management Department
Sacramento Yolo Mosquito Control District
916-405-2093 (Office)
916-417-5592 (Cell)
kcombo@fightthebite.net

Winters City Hall
City Manager's Office
318 1st Street
Winters, CA. 95694
ATTN: John Donlevy

May 31, 2012

Re: NOI I-505/Grant Ave Planning Area

The Sacramento-Yolo Mosquito and Vector Control District (District) appreciates the opportunity to review and comment on the Notice of Intent (NOI) to adopt the Mitigated Negative Declaration on the proposed I-505/ Grant Avenue Planning Area.

The District is providing the following general comments and concerns relating to the NOI and proposed Negative Declaration.

Comment: The District has developed and adopted a Mosquito Reducing Best Management Practices (BMP) Manual which can be downloaded from the District's website at: http://www.fightthebite.net/download/ecomangement/SYMVCD_BMP_Manual.pdf. Please review and implement the District's BMPs for design and maintenance guidelines of all proposed projects to reduce or prevent the breeding of mosquitoes that can carry diseases such as West Nile virus (WNV), Western Equine Encephalitis (WEE) and St. Louis Encephalitis (SLE) etc.

Rationale: If not properly constructed, managed or maintained, poorly designed and maintained facilities and systems may breed mosquitoes which can have an adverse affect on public health and welfare and may have a direct impact to local economies. While all new projects will ultimately have impacts of unknown magnitude, it is essential that these impacts be reduced to the lowest effects possible.

The District is facing new challenges with shrinking revenues, coupled with the costs of National Pollutant Discharge Elimination System (NPDES), Endangered Species Act (ESA), and other environmental compliancy and regulatory issues.

Failure to address these issues and potential mosquito breeding sources during the planning and construction process may result in enforcement actions to the landowner after the project has been completed. The District has the authority to abate a public nuisance as defined in the California Health and Safety Code (HSC) Section § 2010 and may pursue enforcement actions pursuant to Sections § 2060 of the (HSC) which can involve civil fines of up to \$1000/per day.

Should you have any questions or concerns please feel free to contact me at (916) 405-2098.

Sincerely,



Marty Scholl
Sac-Yolo MVCD
Ecological Management Supervisor

Mary Jo Rodolfa

From: John Donlevy [john.donlevy@cityofwinters.org]
Sent: Thursday, May 31, 2012 2:41 PM
To: Mary Jo Rodolfa
Subject: FW: Comments on I-505/Grant Ave Planning Area Land Use Mod's Project

John W. Donlevy, Jr., City Manager
City of Winters
318 First Street
Winters, CA 95694
(530) 795-4910 Ext 110
(530) 795-4935 Fax

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From: Todd Riddiough [mailto:Todd.Riddiough@yolocounty.org]
Sent: Thursday, May 31, 2012 1:53 PM
To: John Donlevy
Subject: Comments on I-505/Grant Ave Planning Area Land Use Mod's Project

Mr. Donlevy,

Yolo County has the following comments regarding the environmental document for the I-505/Grant Ave Planning Area Land Use Mod's Project:

Page 58, Part 16, Transportation/Circulation:

As part of the Grant Avenue (SR128) overpass widening and Mitigation Measure #13, the county requests:

- Inclusion of pedestrian access improvements, and an engineered transition to the existing County Road 32 alignment to the east (e.g tapers, striping, etc.). Pedestrian access improvements to include a safe path of travel across the overpass to the Yolo County Housing Authority on the south side of County Road 32 (APN 038-070-06).
- Revise the northbound and southbound ramp traffic signals for the road widening.

Thank you for the opportunity to comment.

Sincerely,

Todd N. Riddiough, P.E.
Senior Civil Engineer, Public Works Division
County of Yolo Planning and Public Works Department
292 W. Beamer St.
Woodland, CA 95695
p: (530) 666-8039
f: (530) 666-8156
todd.riddiough@yolocounty.org

DEPARTMENT OF TRANSPORTATION

DISTRICT 3—SACRAMENTO AREA OFFICE

2379 GATEWAY OAKS DRIVE, SUITE 150

PHONE (916) 274-0635

FAX (916) 274-0602

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I-505/Grant Avenue Planning Area Land Use Modifications Project
Initial Study/Mitigated Negative DeclarationJohn Donlevy, City Manager
Winters City Hall, City Manager's Office
318 1st Street
Winters, CA 95694

Dear Mr. Donlevy,

We appreciate the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration (MND) for the I-505/Grant Avenue Planning Area Land Use Modifications Project. The City of Winters is proposing various land use modifications that will result in the rezoning of approximately 140 acres. The MND also proposes demolition of various structures, rescission of the 1993 Gateway Master Plan, amendment of the citywide storm drain master plan, and a Conditional Use Permit, site plan review, and height variance to allow construction of a three story hotel. The project area is located in the eastern portion of the City of Winters, on the north and south sides of State Route (SR) 128 immediately west of Interstate 505 (I-505). Our comments are as follows:

- In Exhibit 6 of the MND, the I-505/Grant Avenue (SR 128) Planning Area Land Use Modifications Project Mitigation Monitoring Plan, on page 13 in Mitigation Measure 13, please include after the first sentence, "Caltrans will also have the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements."

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

Sincerely,

Eric Fredericks, Chief
Office of Transportation Planning - South*"Caltrans improves mobility across California"*

Attachment H

The following are staff responses to written comments received on the Negative Declaration during the 30-day public comment period:

Federal, State and Regional Guidance

The City received correspondence from other agencies related to the I-505/Grant Avenue planning area land use modifications project. Staffs review of agency letters determined comments are relatively standard given the type of project and determined that implementation of the guidance will likely occur as physical development occurs. Since the project does not entail the construction of a development project at this time, the protocols and procedures recommended by these agencies will be required for any planned future project. Additionally, the City has standard development protocols and procedures as it relates to development projects, and all Best Management Practices will be fully implemented and required for all future planned projects.

Commenting Agencies:

Central Valley Regional Water Quality Control Board
Sacramento-Yolo Mosquito Vector Control District

Central Valley Flood Protection Board

The Board commented that a permit is required prior to starting work within the Putah Creek area and subject to the CVFPB jurisdiction. Staff determined the Board misidentified the project area and the planned project is outside the Putah Creek area and not in the jurisdiction of the CVFPB.

Floodplain Management

The City received comments from FEMA regarding development in the floodplain. The 78.5 acres within the project area that lie north of SR 128 fall within the City's General Plan Flood Overlay Area and, therefore, may only develop consistent with General Plan Policies I.A.12 through 15, and IV.D.6 and 7 related to financing of storm drain improvements, fees, restrictions on residential development, and interim storm drain improvements. As part of its general review and response to the Initial Study, FEMA's response to the land use modification project focuses on development in the floodplain. The City is not seeking a change to its General Plan policy and is committed to following the guidance provided by FEMA when development occurs. If construction occurs within a riverine floodplain, structures must be elevated above the Base Flood Elevation and, depending on the nature of the physical development, hydraulic data should be shared with FEMA.

Tribal Consultation

Senate Bill 18 requires consultation with local tribes with land or cultural places within the City limits. Based on a response to the Initial Study, the local tribal groups commented that there are not any known cultural resources near the project site. The local tribal group requested that a monitor be present. The Initial Study provides protocols and procedures as it relates to the discovery of cultural resources. Since the project does not entail construction development at this time, the protocol recommended by the tribal group will be required for planned future projects.

Caltrans

The City has shared details regarding the planned land use modification project and has been responsive to Caltrans requests for additional clarifying information. Caltrans acknowledges that the land use modifications planned by the City do not include development at this time. Caltrans requested the City amend Mitigation Measure 13 so as future development projects occur, Caltrans will have the opportunity to review project-specific traffic information to determine if the project triggers the need for transportation improvements. Mitigation Measure 13 has been amended per their request.

Policy Comments

The City received several policy related comments during the public review of the Initial Study. Suggested policy recommendations include the creation of a fast food ordinance, establishment of Smart Codes for commercial areas, and a requirement for Healthy Communities. There are cases where the suggested policies have been implemented by local agencies with some success; however, the City Council has not considered these policy issues with respect to this project. Additional CEQA analysis is not required.

Bicycle and Pedestrian Accessibility Over I-505

The City received comments from people and Yolo County concerned about the impact of crossing I-505 without a motor vehicle. Mobility, circulation and safety are key elements of the Bicycle and Pedestrian Master Plan, and these policies will be implemented as development progresses within the planned land use modification area. There are known accessibility and compatibility challenges at the I-505 overcrossing that will be improved as development of the planned land use modification area occurs, including the widening of the overcrossing, dedicated bike lanes, and facility improvements improving safety and compatibility.

Traffic Signalization

One commenter stated that as development progresses in the Grant Avenue/I-505 planning area, additional signalized intersections are likely to occur under the existing land use and proposed land use scenarios. However, the proposed redistribution and mix of land use areas will allow land use types to be thoughtfully planned. Thus, it is possible that instead of more signalized intersections, roundabouts or other roadway facilities could reduce the amount of planned intersections.

Transit Rideshare

One commenter stated that the project estimates roughly 6,000 vehicle trips more than what is designated in the General Plan EIR and questions how the mitigation measures will be implemented. The proposed mitigation includes ridesharing and local preferences in hiring as means to reduce trips. The City has the responsibility for monitoring mitigation measures. In addition to the mitigation measures mentioned, it is also likely that transit service would increase as development occurs, which could potentially offset the increase in transit. Currently, the City has very limited transit service, with only four round trip bus trips per day (one commute bus outbound in morning and one inbound in evening, and three mid-day stops by route 220) by Yolobus. However, the City is not assuming at this time any higher level of transit use.

City Bike and Pedestrian Master Plan

A commenter suggested a bicycle and pedestrian overlay for the project area. The City and SACOG are working on revisions to the City's Bicycle/Pedestrian Master Plan and will consider an overlay zone as that work proceeds.

Planned Hotel

Commenters stated that visual studies should be done before the hotel is approved as view lines could be affected. The planned hotel identified and described in the Negative Declaration/Initial Study has been removed from the project description and is not part of staff's recommended action. Future planning and design of a hotel will require a project level environmental review as required under the California Environmental Quality Act.

Economics

Since 2004, the City has dedicated a considerable amount of time and resources on economic development study and planning. Specifically, the analysis has included the Keyser Marston Business Assessment (2005), the CALED Industrial Area/Freeway Assessment (2006), Downtown Market Feasibility Study (2009) and extensive economic modeling which occurred in the fiscal analysis of five (5) separate subdivision projects. As recently as 2011, the City appointed an Economic Development Advisory Committee consisting of eight representatives from the greater Winters Community to meet and review the economics and develop an overall strategy for the City. The EDAC held 11 meetings on key economic development topics, two community workshops and a public forum with the City Council and Planning Commission where their recommendations were brought forward.

Annually through the City Budget and through Fiscal Sustainability Reviews, the City has reviewed the need for the economic expansion of the City. Economic development and fiscal sustainability has remained the number 1 priority of the City over the past 10 years.

From a planning standpoint, the City has adopted the Downtown Master Plan (2006), the Downtown Form Based Code (2008), the Complete Streets/Grant Avenue Corridor Plan (2011) and established the Grant Ave Design Guidelines (2011). Each planning exercise was meant to address and define much of what is proposed in the recommendations.

From an economic standpoint, the proposed revisions help in advancing the considerable planning and economic study work completed through the planning and community outreach efforts. The proposed modifications to the General Plan and the rezoning will help facilitate the initial General Plan intent for the area and clean up known barriers to the economic and fiscal advancement of the community.

A key consideration is that businesses and zoning enabled through this process are distinctly not in competition with the Downtown. Except for possible lodging, the businesses which would emerge from this process are strictly prohibited from existing within the Downtown. Most "freeway serving" (fast food, service stations) are disallowed in the form based code. Retail businesses would be more focused on comparison goods versus the more boutique and unique Downtown businesses.

Expected lodging is of a much different character than the Downtown where the type of hotel will be of a "boutique" character with a conference or meeting center where a hotel or motel at the freeway will cater to a more transient and short term stay.

The City currently has zero available properties developed for light industrial or business use. The planned industrial zoning categories are specifically prohibited from existing in other areas of the City.

As identified in the various economic research, the City of Winters will gain fiscally in a significant manner from development within the Grant Corridor both in jobs and fiscally.

The City currently generates \$305,000 annually in sales tax and holds a ranking of 450 of 521 sales tax reporting jurisdictions which places it in the bottom 14% of revenue generation on a comparable State-wide basis. The average per capita sales tax for Yolo County is \$4,000 versus less than \$500 per capita in Winters. Expected businesses enabled through this process at the most modest level are expected to bring more than \$365,000, more than doubling the current revenue.

The enabling of business development will facilitate jobs and enhance the overall sustainability of the City. The vast majority of Winters residents currently commute more than 20 miles each way to work and the creation of an industrial base will promote jobs, local spending and reduce the overall vehicle miles traveled, thus improving the overall environment.

**I-505/GRANT AVENUE PLANNING AREA
LAND USE MODIFICATIONS PROJECT
MITIGATION MONITORING PLAN**

INTRODUCTION

This Chapter constitutes the Mitigation Monitoring Plan (MMP) for the I-505/Grant Avenue Planning Area Land Use Modifications Project. The California Environmental Quality Act (CEQA) requires public agencies to report on and monitor measures adopted as part of the environmental review process (PRC Section 21081.6 and CEQA Guidelines Sections 15091.d and 15097). This Mitigation Monitoring Plan (MMP) is designed to fulfill that requirement.

This MMP is designed to ensure that the measures identified in the Mitigated Negative Declaration are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City of Winters has the ultimate responsibility to oversee implementation of this MMP. Designated staff at the City will serve as the Project Monitor responsible for assigning monitoring actions to responsible agencies where applicable. Because this is a public project, the City of Winters is responsible for all costs associated with implementation of this MMP.

As required by Section 21081.6 of the Public Resources Code, the City Manager or his/her designee is the "custodian of documents and other material" which constitutes the "record of proceedings" upon which the action on the project was based. Inquiries should be directed to:

John Donlevy, City Manager
(530) 795-4910 x110
John.donlevy@cityofwinters.org

The location of this information is:

Winters City Hall
City Manager's Office
318 1st Street
Winters, CA 95694

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

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

Timing /Milestone: This section identifies the point by which the mitigation measure must be completed.

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

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

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

Checkoff Date/Initials: This verifies that mitigation measures have been implemented.

MITIGATION MONITORING PLAN

Mitigation Measure #1

Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Prior to or concurrent with the submittal of building plans for each project developed within this planning area, the required lighting information shall be submitted for City review and approval to ensure no spillover light and glare onto adjoining properties. Lighting fixtures shall be as described in the measure.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #2

Pursuant to General Plan Policy VI.E.11, implement the following project Air Quality Mitigation Plan:

a) **Maximize on-site job production** – Implementation of this measure will result in improved jobs/housing balance. This mitigation is consistent with Policy VI.E.7 of the General Plan and is significantly achieved through implementation of this project. By correcting regulatory inconsistencies and eliminating unnecessary planning requirements affecting this property, long-planned important job producing development can finally occur in this area and provide local employment opportunities for existing housing already in place elsewhere in the City.

b) **Local hire preference** – Implementation of this measure will result in reduced commuting. Incoming businesses shall sign written agreements to hire local residents to the greatest attainable extent, with annual reporting to the City.

c) **Actively promoting ridesharing** – Implementation of this measure will result in reduced vehicle trips. This mitigation is consistent with Policy VI.E.9 of the General Plan and is most likely to be achieved at the project site through programs to encourage car-pooling within and between employees of new businesses.

d) **Reduce vehicle miles traveled by a minimum of 10%** – Implementation of this measure will reduce NO_x by 1.1 tons per year which will reduce project related emissions to a level below the significance threshold. This is considered to be reasonable and achievable (CAPCOA 2010¹) and would reduce the net increase in project-generated mobile-source NO_x emissions to a level less than YSAQMD's threshold of significance. Actions to achieve this, could include, but are not limited to the following:

1) **Design of development (3.0-21.3% reduction)** (e.g., improved street network characteristics [average block size and number of intersections], sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments];

2) **Site enhancements (0-2% reduction)** (e.g., providing a pedestrian access network to that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site, minimize barriers to pedestrian access and interconnectivity).

3) **Provide traffic calming measures (0.25-1.0% reduction).**

4) **Commute Trip Reduction Programs (1.0-21.0% reduction).**

¹ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

- 5) Transit accessibility (0.5-24.6% reduction) (e.g., a transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk [or roughly ¼ mile], a rail station located within a 20 minute walk [or roughly ½ mile].
- 6) Transit system improvements (0.02-8.2% reduction).
- 7) Parking policy/pricing (5.0-12.5% reduction).

Timing/Milestone – Ongoing.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Items d.1, d.2, d.3, d.5, and d.6 reflect physical design features that are required to be implemented throughout the entire project area. The other items are programmatic and must be implemented aggressively and ongoing throughout the life of the uses that are developed. The City shall ensure that there is an overall site design for the project area that implements these concepts. Each individual project within the area shall be required to implement these design features. The City shall also ensure that each occupant in the project area implements the programs identified in this measure. The City shall coordinate with owners and occupants in this area to monitor and annually report on trip reduction. Ongoing reduction of 10 percent over the assumption in the traffic analysis shall be achieved and maintained.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #3

Contribute to the Yolo County Swainson's Hawk Interim Mitigation Program. The loss of approximately 98 acres of land in agricultural use will remove foraging habitat for the state-threatened Swainson's hawk and other agriculture-associated species. To address this loss of Swainson's hawk foraging habitat, development projects that occur within this region are generally subject to mitigation due to their contribution to a broader cumulative loss of agricultural foraging habitat. To address this impact in a more comprehensive and consistent manner, the Yolo County Swainson's Hawk Interim Mitigation Program has been established to offset this cumulative loss of habitat. This program, managed through the Joint Powers Authority of the Yolo County Natural Heritage Program, of which the City of Winters is a member, is available to this project for purposes of mitigating impacts on Swainson's hawk foraging habitat. The standard mitigation procedure for projects that impact more than 40 acres includes providing mitigation lands at a 1:1 replacement ratio to offset loss of foraging habitat. A conservation easement would be placed on the conservation land that would allow for continued farming under restrictions that would also maintain Swainson's hawk foraging habitat.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The City shall coordinate with the Natural Heritage Program JPA to institute a mechanism to satisfy this mitigation as development within the project area occurs. Fair share mitigation by each project within the project are shall be implemented prior to issuance of building permits.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #4

Avoid Disturbance to Occupied Raptor Nests. Conduct preconstruction breeding season surveys to determine presence of nesting Swainson's hawks, white-tailed kites, and northern harriers. These surveys should be conducted between approximately April and August and within 30 days of planned construction activity. If active nests are found, they should be protected by establishing the following no-disturbance set-backs until young have fledged.

- Swainson's hawk – 1,300 feet
- White-tailed kite – 1,300 feet
- Northern harrier – 500 feet
- Loggerhead shrike – 250 feet

Timing/Milestone – Prior to commencement of site work.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – If construction commences between April and August, the developer shall engage a qualified biologist to undertake the required survey. These surveys shall be conducted no more than 30 days prior to commencement of site work. Construction activity that commences earlier than April or later than August is not required to undertake a survey.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #5

Avoid Disturbance to or Compensate for Impacts to Active Burrowing Owl Burrows. Surveys should be conducted prior to construction to ensure avoidance of occupied burrowing owl burrows that may occupy the site in subsequent years but prior to development. If active burrowing owl burrows are found, standard avoidance and mitigation measures recommended by DFG are available to offset impacts (California Department of Fish and Game 2012). They include the following:

- Conduct preconstruction survey within 14 days prior to the start of construction activity to determine presence or absence of occupied burrows. If no burrowing owls are found, no further mitigation is required.
- If active burrows are found, do not disturb active site by establishing a 50 to 500 meter no-disturbance buffer around occupied burrows during the non-breeding season (September 1 to January 31) and a 200 to 500 meter buffer around occupied burrows during the nesting season (February 1 through August 31). Buffer size is determined through a review of site-specific conditions including the type and extent of the impact, the timing and duration of the impact, visibility to the impact, and other environmental factors.
- During the non-breeding season (September 1 through January 31), passive relocation (e.g., one-way doors) can be used to exclude owls from active winter burrows and potential burrows within the project area when no other avoidance alternatives are available. This will also require the installation of artificial burrows preferably within 100 meters of the impacted site and the preparation of a Burrowing Owl Exclusion Plan.
- Compensate for loss of active burrows and associated foraging habitat. The extent of occupied habitat removed and subject to compensation is determined through a site-specific assessment of burrowing owl use. Compensation can be accomplished through an approved mitigation bank.

Timing/Milestone – Prior to commencement of site work.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – These surveys shall be conducted 14 days prior to commencement of site work. The developer shall engage a qualified biologist to undertake the required survey. Submit a letter of findings to the City to be placed in the project file.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #6

Avoid Disturbance to Elderberry Shrubs. Avoidance of VELB is accomplished through avoidance of elderberry shrubs according to standard USFWS guidelines (USFWS 1999). To completely avoid elderberry shrubs, maintain an undisturbed buffer of at least 100 feet. Reducing this distance to a minimum of 20 feet is possible through coordination with the USFWS.

Timing/Milestone – Prior to commencement of site work.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Prior to commencement of site work, determine whether site contains elderberry shrubs. Submit a letter of findings to the City to be placed in the project file. Maintain a buffer of 100 feet from any elderberry shrubs.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #7

All development within the project area shall demonstrate consistency with the requirements of the Winters Habitat Mitigation Program, prior issuance of building permits.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Implementation of Mitigation Measures 3, 4, 5, and/or 6 shall occur in a manner that is consistent with and satisfies the City's Habitat Mitigation Program.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #8

Prior to site disturbance, construction, or development within proximity of the two potential historic rural compounds, a cultural resources assessment shall be prepared that examines the historical and/or archeological importance of the properties and identifies appropriate actions to avoid or fully mitigate adverse impact. This may involve no further action, documentation and recording of the site, or preservation and adaptive reuse, depending on the relative historical or architectural importance of the facilities.

Timing/Milestone – Prior to commencement of site work within 100 feet of the rural compound on the Manas property or on the McClish property.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The developer shall engage a qualified architectural historian to undertake the required assessment as described in the measure. Submit a report of findings to the City to be placed in the project file.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes –

Mitigation Measure #9

If subsurface cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, fossils, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. If the bone is uncovered and it appears to be human, California law mandates that the Yolo County coroner be contacted. If the bone is likely to be Native American in origin, the coroner must contact the Native American Heritage Commission in Sacramento to identify the most likely descendents.

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

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

Implementation of Mitigation Measure – If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 666-8282 and the Community Development Department at (530) 795-4910 x114 to assess the find and determine how to proceed. If the remains are found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4082, pursuant to the terms of the measure.

If other archeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archeologist and the Community Development Department shall be contacted to assess the find and determine how to proceed.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #10

A Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report.

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

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #11

Prior to site disturbance, construction or development of any property in the project area, a Phase I Environmental Site Assessment shall be prepared and the recommendations of the report shall be followed.

Timing/Milestone – Prior to commencement of site work

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This report shall be submitted to the City for review and approval prior to issuance of any building permits.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #12

Maximum cumulative development within the 140.1 acre project area cannot exceed 980,900 square feet of industrial and commercial or 103 dus (on the Skreeden property only) without additional project review and environmental impact analysis.

Timing/Milestone – Ongoing

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The City shall maintain a record of development in the project area to ensure that these development thresholds are not improperly exceeded.

Responsibility for Implementation – Applicant and City of Winters

Checkoff Date/Initials/Notes --

Mitigation Measure #13

Prior to issuance of a building permit, individual development projects within the project area boundaries shall submit project-specific traffic information (i.e. trip generation, traffic count data on Grant Avenue, etc) as determined by the City Engineer, to determine if the proposed project triggers the need for transportation improvements or measures identified in the Winters I-505/Grant Avenue Planning Area Traffic Analysis (March 2012). Caltrans will also be provided the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements. The timing for installation of triggered improvement shall ensure that applicable levels of service are not exceeded.

Timing/Milestone – Prior to issuance of building permit

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As described in the measure.

Responsibility for Implementation – Applicant and City of Winters

Checkoff Date/Initials/Notes --

**ORDINANCE 2012-06
OF THE CITY COUNCIL OF WINTERS AMENDING THE WINTERS ZONING MAP FROM
LIGHT INDUSTRIAL TO HIGHWAY SERVICES COMMERCIAL AND PLANNED
COMMERCIAL TO NEIGHBORHOOD COMMERCIAL**

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

Section 1. Purpose and Authority

The purpose of this Ordinance is to amend the Winters Zoning Map from Light Industrial to Highway Services Commercial and Planned Commercial to Neighborhood Commercial as depicted on attached Exhibit A. This Ordinance is authorized pursuant to Government Code Section 95864 through 65869.5 and Resolution No. 97-03 of the City of Winters.

Section 2 Findings

In adopting this Ordinance, the City Council makes the following findings:

- (a) The proposed zone amendment is consistent with the City of Winters General Plan and all specific plans; and
- (b) The public health, safety and general welfare warrant the change of zone;
- (c) The Planning Commission recommends approval of the requested amendments; and
- (d) A Negative Declaration was prepared and circulated in accordance with the California Environmental Quality Act (CEQA) which analyzed the impacts associated with the change of zone.

Section 3. Action

1. The City Council hereby approves Ordinance 2012-06 amending the City of Winters Zoning Map from M1 to C-H and PC to C-1 totaling 21.7 acres as shown on attached Exhibit A.

Section 4. Severability

If any provision or section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of the Ordinance.

Section 5. Effective Date and Publication

This Ordinance shall take effect 30 days after its adoption, and within 15 days following its passage, shall be published at least once in a paper of general circulation published and circulated in the City of Winters.

PASSED AND ADOPTED by the City Council of the City of Winters this ____ day of _____, 2012 by the following votes:

AYES:
NOES:
ABSENT:

ABSTAIN:

Cecilia Aguiar Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

APPROVED AS TO FORM:

John C. Wallace, City Attorney

CODIFY X UNCODIFY

**WINTERS CITY COUNCIL
RESOLUTION NO. 2012-28**

AMENDMENT TO THE 2008 WINTERS STORM DRAINAGE MASTER PLAN

WHEREAS, the Moody Slough and Putah Creek/Dry Creek Drainage Subbasins include a mix of existing and planned land uses within the City and agricultural land outside of the City, within the unincorporated area of Yolo County, and;

WHEREAS, the General Plan includes a designated Flood Overlay Zone (FOZ) totaling approximately 964 acres that includes ±350 acres within the City's Urban Limit Line (ULL) but outside of the City limits, plus ±614 acres within the City's boundaries, and;

WHEREAS, the FOZ is defined as the area affected by or contributing to the City's flood problem and for this reason includes lands that fall both within and outside of the federal 100-year floodplain. The purpose of identifying the FOZ was to ensure the inclusion of those properties in the funding mechanism for improvements to reduce or eliminate the 100-year flood hazard, and;

WHEREAS, General Plan policies (particularly Policies I.A.9 and IV.D.4) have generally precluded most development in the FOZ from proceeding until such time as a comprehensive solution for storm drainage has been put into place, and;

WHEREAS, the General Plan EIR refers to the need for a comprehensive flooding/storm drainage program, but does not provide CEQA clearance for adoption/implementation of such a program or for construction of specific improvements that resolve drainage and flood control issues, and;

WHEREAS, the 1992 Storm Drainage Master Plan (which has not been amended or updated since adoption) specifically defers to a future action (which the subject project constitutes) to identify and adopt a comprehensive solution to the 100-year flooding problem, and;

WHEREAS, the adoption of the 2008 Winters Storm Drainage Master Plan superseded the 1992 City Storm Drainage Master Plan and serves to partially satisfy Policies I.A.9 and IV.D.4 of the General Plan, thus potentially opening up the 964-acre FOZ area for potential development without benefit of implementation of the proposed comprehensive drainage improvement, and;

WHEREAS, General Plan policies serve to control growth in the FOZ area until the necessary capital improvements have appropriate CEQA clearance thus allowing construction to commence and/or until a timetable for actual construction has been developed and approved, and;

WHEREAS, the new policies approved in 2008 would control the phasing and direction of growth within the FOZ area, and would give priority to non-residential uses until a better citywide jobs/housing match has been achieved, and;

WHEREAS, the proposed amendments to the land use designations to correct inconsistencies between the General Plan and Zoning designations would further define and delineate the conceptual alignment of the Putah Creek Diversion Channel,

NOW, THEREFORE, BE IT RESOLVED that the Winters City Council hereby finds as follows:

- 1) The 2008 Winters Storm Drainage Master Plan is hereby amended to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the easterly property line of the Skreeden Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128 to add the following new policies to the Land Use Element and the Public Facilities and Services Element:

IT IS HEREBY CERTIFIED that the foregoing Resolution No. 2012-28 was duly introduced and legally adopted by the City Council at its regular meeting held on this ___ day of July 2012, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved:

Attested:

Cecilia Aguiar Curry, Mayor

Nanci G. Mills, Clerk of the Board

Approved As to Form:

John C. Wallace, City Attorney

RESOLUTION NO. 2012-29

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS FINALIZING AND APPROVING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE I-505/GRANT AVENUE PLANNING AREA LAND USE MODIFICATIONS PROJECT

WHEREAS, the project area consists of the following parcels totaling 140.1 acres on the north and south sides of State Route 128 and Interstate 505 in the eastern area of the City of Winters in Yolo County, California: 038-050-63 (Ghai); 038-050-57 and 038-050-60 (Ali); 038-050-29 (Manas); 038-050-18 (Skreeden); 038-070-28 to -32 (Jordan); 038-070-37 to -39 (McClish); 038-070-35 (Robada); and 038-190-35 (Christie);

WHEREAS, on May 19, 1992 the city adopted the General Plan and certified the General Plan EIR. The General Plan identifies that a variety of urban land uses will be developed on these parcels;

WHEREAS, on May 2, 2012 a draft Mitigated Negative Declaration (SCH #2012052002) was released for public review for a 30-day period during which time 14 timely comment letters were received;

WHEREAS, all comments received have been fully addressed in the staff report to the Planning Commission and City Council;

WHEREAS, a legally noticed public hearing on the project has been held before the Planning Commission on June 26, 2012 in order to receive input and testimony;

WHEREAS, a legally noticed public hearing on the project has been held before the City Council on July 17, 2012 in order to receive input and testimony;

WHEREAS, in response to comments received, the Project Description, Initial Study, and Mitigation Monitoring Plan were modified in order to clarify, amplify, and/or make insignificant modifications to the draft Mitigated Negative Declaration; and

WHEREAS, pursuant to Section 15070(b)(2) of the CEQA Guidelines, the City of Winters, as the applicant for this project, has agreed to implement or require implementation of the mitigation measures identified in the Final Mitigation Monitoring Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters that:

1. The City Council has considered the draft Mitigated Negative Declaration before making a decision on the project.
2. The City Council has considered comments received on the draft Mitigated Negative Declaration during the public review process;
3. The City Council finds that the environmental checklist/initial study identified potentially significant effects, but: a) mitigation measures have been identified which would avoid the effects or mitigate the effects to a point where no significant impact would occur; and b) there is no substantial evidence, in light of the whole record before the City, that the project as revised to include the mitigation measures would have a significant effect on the environment.

4. The Final Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Winters.
5. The Final Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and as amended/ revised (see summary below) is determined to be complete and final:
 - a. The Conditional Use Permit, site plan review, and height variance for a three-story hotel on 6.6 acres on APN 038-050-60 (Ali) is deleted from the project description and not a part of the project or the CEQA determination at this time.
 - b. The issuance of demolition permits for various structures is deleted from the project description and not a part of the project or the CEQA determination at this time.
 - c. Mitigation Measure #13 is modified to provide for review of project-specific traffic information by Caltrans.
6. The custodian of the documents, and other materials, which constitute the record of proceedings is the Community Development Director. The location of these items is the office of the Community Development Department at City Hall, 318 First Street, Winters, California 95694.
7. The Final Mitigation Monitoring Plan in Exhibit A, attached hereto and incorporated herein by this reference is hereby adopted to ensure implementation of mitigation measures identified in the Final Mitigated Negative Declaration. The City Council finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on future applicants, property owners, and affected parties.
8. The City Council has determined that no special findings related to proximity to public use airports, pursuant to Section 15074(e) of the CEQA Guidelines, are required.
9. The City Council hereby adopts the Final Mitigated Negative Declaration in Exhibit B attached hereto and incorporated herein by this reference.
10. The City Council hereby confirms that the modified mitigation measures have been made conditions of approval and are incorporated fully into the project approval.
11. A Notice of Determination (NOD) shall be filed with the County Clerk immediately following approval of the project. Appropriate Department of Fish and Game fees shall be filed.

I HEREBY CERTIFY THAT the foregoing resolution was duly and regularly adopted by the City Council of the City of Winters, County of Yolo, State of California, on the 17th day of July, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cecilia Aguiar Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

Exhibits:

A – Final Mitigation Monitoring Plan (revisions in strike out/underline)

B – Final Mitigated Negative Declaration and Initial Study (revisions in strike out/underline)

I505.ND Reso.doc

**I-505/GRANT AVENUE PLANNING AREA
LAND USE MODIFICATIONS PROJECT
MITIGATION MONITORING PLAN**

INTRODUCTION

This Chapter constitutes the Mitigation Monitoring Plan (MMP) for the I-505/Grant Avenue Planning Area Land Use Modifications Project. The California Environmental Quality Act (CEQA) requires public agencies to report on and monitor measures adopted as part of the environmental review process (PRC Section 21081.6 and CEQA Guidelines Sections 15091.d and 15097). This Mitigation Monitoring Plan (MMP) is designed to fulfill that requirement.

This MMP is designed to ensure that the measures identified in the Mitigated Negative Declaration are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City of Winters has the ultimate responsibility to oversee implementation of this MMP. Designated staff at the City will serve as the Project Monitor responsible for assigning monitoring actions to responsible agencies where applicable. Because this is a public project, the City of Winters is responsible for all costs associated with implementation of this MMP.

As required by Section 21081.6 of the Public Resources Code, the City Manager or his/her designee is the "custodian of documents and other material" which constitutes the "record of proceedings" upon which the action on the project was based. Inquiries should be directed to:

John Donlevy, City Manager
(530) 795-4910 x110
John.donlevy@cityofwinters.org

The location of this information is:

Winters City Hall
City Manager's Office
318 1st Street
Winters, CA 95694

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

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

Timing /Milestone: This section identifies the point by which the mitigation measure must be completed.

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

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

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

Checkoff Date/Initials: This verifies that mitigation measures have been implemented.

MITIGATION MONITORING PLAN

Mitigation Measure #1

Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Prior to or concurrent with the submittal of building plans for each project developed within this planning area, the required lighting information shall be submitted for City review and approval to ensure no spillover light and glare onto adjoining properties. Lighting fixtures shall be as described in the measure.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #2

Pursuant to General Plan Policy VI.E.11, implement the following project Air Quality Mitigation Plan:

a) Maximize on-site job production – Implementation of this measure will result in improved jobs/housing balance. This mitigation is consistent with Policy VI.E.7 of the General Plan and is significantly achieved through implementation of this project. By correcting regulatory inconsistencies and eliminating unnecessary planning requirements affecting this property, long-planned important job producing development can finally occur in this area and provide local employment opportunities for existing housing already in place elsewhere in the City.

b) Local hire preference – Implementation of this measure will result in reduced commuting. Incoming businesses shall sign written agreements to hire local residents to the greatest attainable extent, with annual reporting to the City.

c) Actively promoting ridesharing – Implementation of this measure will result in reduced vehicle trips. This mitigation is consistent with Policy VI.E.9 of the General Plan and is most likely to be achieved at the project site through programs to encourage car-pooling within and between employees of new businesses.

d) Reduce vehicle miles traveled by a minimum of 10% -- Implementation of this measure will reduce NO_x by 1.1 tons per year which will reduce project related emissions to a level below the significance threshold. This is considered to be reasonable and achievable (CAPCOA 2010¹) and would reduce the net increase in project-generated mobile-source NO_x emissions to a level less than YSAQMD's threshold of significance. Actions to achieve this, could include, but are not limited to the following:

1) Design of development (3.0-21.3% reduction) (e.g., improved street network characteristics [average block size and number of intersections], sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments];

2) Site enhancements (0-2% reduction) (e.g., providing a pedestrian access network to that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site, minimize barriers to pedestrian access and interconnectivity).

3) Provide traffic calming measures (0.25-1.0% reduction).

4) Commute Trip Reduction Programs (1.0-21.0% reduction).

¹ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

- 5) Transit accessibility (0.5-24.6% reduction) (e.g., a transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk [or roughly ¼ mile], a rail station located within a 20 minute walk [or roughly ½ mile].
- 6) Transit system improvements (0.02-8.2% reduction).
- 7) Parking policy/pricing (5.0-12.5% reduction).

Timing/Milestone – Ongoing.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Items d.1, d.2, d.3, d.5, and d.6 reflect physical design features that are required to be implemented throughout the entire project area. The other items are programmatic and must be implemented aggressively and ongoing throughout the life of the uses that are developed. The City shall ensure that there is an overall site design for the project area that implements these concepts. Each individual project within the area shall be required to implement these design features. The City shall also ensure that each occupant in the project area implements the programs identified in this measure. The City shall coordinate with owners and occupants in this area to monitor and annually report on trip reduction. Ongoing reduction of 10 percent over the assumption in the traffic analysis shall be achieved and maintained.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #3

Contribute to the Yolo County Swainson's Hawk Interim Mitigation Program. The loss of approximately 98 acres of land in agricultural use will remove foraging habitat for the state-threatened Swainson's hawk and other agriculture-associated species. To address this loss of Swainson's hawk foraging habitat, development projects that occur within this region are generally subject to mitigation due to their contribution to a broader cumulative loss of agricultural foraging habitat. To address this impact in a more comprehensive and consistent manner, the Yolo County Swainson's Hawk Interim Mitigation Program has been established to offset this cumulative loss of habitat. This program, managed through the Joint Powers Authority of the Yolo County Natural Heritage Program, of which the City of Winters is a member, is available to this project for purposes of mitigating impacts on Swainson's hawk foraging habitat. The standard mitigation procedure for projects that impact more than 40 acres includes providing mitigation lands at a 1:1 replacement ratio to offset loss of foraging habitat. A conservation easement would be placed on the conservation land that would allow for continued farming under restrictions that would also maintain Swainson's hawk foraging habitat.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The City shall coordinate with the Natural Heritage Program JPA to institute a mechanism to satisfy this mitigation as development within the project area occurs. Fair share mitigation by each project within the project area shall be implemented prior to issuance of building permits.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #4

Avoid Disturbance to Occupied Raptor Nests. Conduct preconstruction breeding season surveys to determine presence of nesting Swainson's hawks, white-tailed kites, and northern harriers. These surveys should be conducted between approximately April and August and within 30 days of planned construction activity. If active nests are found, they should be protected by establishing the following no-disturbance set-backs until young have fledged.

- Swainson's hawk – 1,300 feet
- White-tailed kite – 1,300 feet
- Northern harrier – 500 feet
- Loggerhead shrike – 250 feet

Timing/Milestone – Prior to commencement of site work.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – If construction commences between April and August, the developer shall engage a qualified biologist to undertake the required survey. These surveys shall be conducted no more than 30 days prior to commencement of site work. Construction activity that commences earlier than April or later than August is not required to undertake a survey.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #5

Avoid Disturbance to or Compensate for Impacts to Active Burrowing Owl Burrows. Surveys should be conducted prior to construction to ensure avoidance of occupied burrowing owl burrows that may occupy the site in subsequent years but prior to development. If active burrowing owl burrows are found, standard avoidance and mitigation measures recommended by DFG are available to offset impacts (California Department of Fish and Game 2012). They include the following:

- Conduct preconstruction survey within 14 days prior to the start of construction activity to determine presence or absence of occupied burrows. If no burrowing owls are found, no further mitigation is required.
- If active burrows are found, do not disturb active site by establishing a 50 to 500 meter no-disturbance buffer around occupied burrows during the non-breeding season (September 1 to January 31) and a 200 to 500 meter buffer around occupied burrows during the nesting season (February 1 through August 31). Buffer size is determined through a review of site-specific conditions including the type and extent of the impact, the timing and duration of the impact, visibility to the impact, and other environmental factors.
- During the non-breeding season (September 1 through January 31), passive relocation (e.g., one-way doors) can be used to exclude owls from active winter burrows and potential burrows within the project area when no other avoidance alternatives are available. This will also require the installation of artificial burrows preferably within 100 meters of the impacted site and the preparation of a Burrowing Owl Exclusion Plan.
- Compensate for loss of active burrows and associated foraging habitat. The extent of occupied habitat removed and subject to compensation is determined through a site-specific assessment of burrowing owl use. Compensation can be accomplished through an approved mitigation bank.

Timing/Milestone – Prior to commencement of site work.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – These surveys shall be conducted 14 days prior to commencement of site work. The developer shall engage a qualified biologist to undertake the required survey. Submit a letter of findings to the City to be placed in the project file.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #6

Avoid Disturbance to Elderberry Shrubs. Avoidance of VELB is accomplished through avoidance of elderberry shrubs according to standard USFWS guidelines (USFWS 1999). To completely avoid elderberry shrubs, maintain an undisturbed buffer of at least 100 feet. Reducing this distance to a minimum of 20 feet is possible through coordination with the USFWS.

Timing/Milestone – Prior to commencement of site work.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Prior to commencement of site work, determine whether site contains elderberry shrubs. Submit a letter of findings to the City to be placed in the project file. Maintain a buffer of 100 feet from any elderberry shrubs.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #7

All development within the project area shall demonstrate consistency with the requirements of the Winters Habitat Mitigation Program, prior issuance of building permits.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Implementation of Mitigation Measures 3, 4, 5, and/or 6 shall occur in a manner that is consistent with and satisfies the City's Habitat Mitigation Program.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #8

Prior to site disturbance, construction, or development within proximity of the two potential historic rural compounds, a cultural resources assessment shall be prepared that examines the historical and/or archeological importance of the properties and identifies appropriate actions to avoid or fully mitigate adverse impact. This may involve no further action, documentation and recording of the site, or preservation and adaptive reuse, depending on the relative historical or architectural importance of the facilities.

Timing/Milestone – Prior to commencement of site work within 100 feet of the rural compound on the Manas property or on the McClish property.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The developer shall engage a qualified architectural historian to undertake the required assessment as described in the measure. Submit a report of findings to the City to be placed in the project file.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #9

If subsurface cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, fossils, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. If the bone is uncovered and it appears to be human, California law mandates that the Yolo County coroner be contacted. If the bone is likely to be Native American in origin, the coroner must contact the Native American Heritage Commission in Sacramento to identify the most likely descendants.

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

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

Implementation of Mitigation Measure – If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 666-8282 and the Community Development Department at (530) 795-4910 x114 to assess the find and determine how to proceed. If the remains are found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4082, pursuant to the terms of the measure.

If other archeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archeologist and the Community Development Department shall be contacted to assess the find and determine how to proceed.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #10

A Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report.

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

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #11

Prior to site disturbance, construction or development of any property in the project area, a Phase I Environmental Site Assessment shall be prepared and the recommendations of the report shall be followed.

Timing/Milestone – Prior to commencement of site work

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This report shall be submitted to the City for review and approval prior to issuance of any building permits.

Responsibility for Implementation – Applicant

Checkoff Date/Initials/Notes --

Mitigation Measure #12

Maximum cumulative development within the 140.1 acre project area cannot exceed 980,900 square feet of industrial and commercial or 103 dus (on the Skreedon property only) without additional project review and environmental impact analysis.

Timing/Milestone – Ongoing

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The City shall maintain a record of development in the project area to ensure that these development thresholds are not improperly exceeded.

Responsibility for Implementation – Applicant and City of Winters

Checkoff Date/Initials/Notes --

Mitigation Measure #13

Prior to issuance of a building permit, individual development projects within the project area boundaries shall submit project-specific traffic information (i.e. trip generation, traffic count data on Grant Avenue, etc) as determined by the City Engineer, to determine if the proposed project triggers the need for transportation improvements or measures identified in the Winters I-505/Grant Avenue Planning Area Traffic Analysis (March 2012). Caltrans will also be provided the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements. The timing for installation of triggered improvement shall ensure that applicable levels of service are not exceeded.

Timing/Milestone – Prior to issuance of building permit

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As described in the measure.

Responsibility for Implementation – Applicant and City of Winters

Checkoff Date/Initials/Notes --



MITIGATED NEGATIVE DECLARATION

Pursuant to Division 6, Title 14, Chapter 3, Article 6, 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: **I-505/Grant Avenue Planning Area Land Use Modifications Project**

PROJECT DESCRIPTION: This project is a proposal by the City of Winters to modify the land use designations within a project area totaling 140.1 to correct inconsistencies between general plan and zoning designations in the area, eliminate a duplicative and unnecessarily expensive requirement for "master plans" with individual project applications, rescind an outdated master plan, and promote economic development.

In general the proposal involves the following:

1. Convert 11.2 acres from planned industrial uses to highway-serving commercial uses along I-505 north of SR 128.
2. Convert 24.9 acres from a commercial designation that requires a master plan to a similar commercial designation which does not.
3. Convert 10.9 acres from a mixed use commercial/business park designation which allows a mix of highway serving commercial, offices, light industrial, and wholesale commercial with a master plan, to a designation which allows for highway-serving commercial only and does not require a master plan.
4. Convert 33.9 acres of mixed use commercial/business park designation to a mixed use business/industrial park designation which allows for offices, light industrial, and wholesale and limited commercial only and does not require a master plan.
5. Amendment of the citywide stormdrain master plan to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the easterly property line of the Skreedon Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128.
6. Rescission of the 1993 Gateway Master Plan which covers the Jordan and McClish properties totaling approximately 51.1 acres.
- ~~7. Conditional Use Permit (CUP), site plan review, and height variance to allow construction of a three-story hotel (up to 100 rooms) on 6.6 acres (APN 038-050-60) in the Highway Service Commercial (C-H) zone. A maximum height of 30 feet is allowed in the C-H zone. The project requests a variance to allow a height of up to 40 feet.~~

Necessary approvals for the proposed project are as follows:

- Adoption of a Mitigated Negative Declaration;
- Various General Plan map and text amendments;
- Amendment of the 2008 Winters Storm Drainage Master Plan

- Rescission of the 1993 Gateway Master Plan
- Various rezoning
- ~~Conditional use permit, site plan review, and height variance for a hotel~~
- ~~Demolition of various structures~~

PROJECT LOCATION: Eastern side of Winters, on the north and south sides of State Route (SR) 128 (Grant Avenue), on the west side of and adjoining Interstate (I) 505. Multiple parcels totaling 140.1 acres Yolo County, California.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Winters

CONTACT PERSON: John Donlevy, City Manager, (530) 795-4910 x110, John.donlevy@cityofwinters.org

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 unmitigated 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 Winters City Hall, City Manager's Office, 318 1st Street Winters, CA 95694

MITIGATION MEASURES: Mitigation measures have been identified for the project.

John Donlevy, City Manager
City of Winters

April 25, 2012 (Revised July 2012)

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

(City of Winters, 4-23-12)

Project Title: I-505/Grant Avenue Planning Area
Land Use Modifications Project

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

Lead Agency Contact: John Donlevy, City Manager
(530) 795-4910 x110
John.donlevy@cityofwinters.org

Heidi Tschudin, Contract Planner
(916) 447-1809
htschudin@sbcglonbal.net

Project Location: Eastern side of Winters, on the north and south sides of State Route (SR) 128 (Grant Avenue), on the west side of and adjoining Interstate (I) 505. Multiple parcels totaling 140.1 acres (see Exhibit 1 and Table 1).

Project Applicant: City of Winters
Community Development Department
318 First Street
Winters, CA 95694

Property Owner: Winters Gateway Inc. (Ghai Property)
1904 Via Di Salerno,
Pleasanton CA 94566

Ashrat and Yasmin Ali (Ali Property)
5000 E. 2nd Street, Suite G
Benicia, CA 94570

Harold E. and Elizabeth M. Robben (Manas Property)
8057 Runge Road
Dixon, CA 95620

South Market Court, LP (Skreedan Property)
7700 College Town Drive, Suite 201
Sacramento, CA 95826

Jordan Family Partnership IV (Jordan Property)
1008 2nd Street, 2nd Floor
Sacramento, CA 95814

Newkom Family Living Trust (McClish Property)
1235 Stewart Road
Yuba City, CA 95991

John S. Robada (Robada Property)
22 Castlewood Drive
Pleasanton, CA 94566

Robert J. and Katherine L. Christie (Christie Property)
P.O. Box 683070
Park City, UT 84068

Land Use Designations: GENERAL PLAN -- The General Plan land use designations for the project area property are as follows (see Exhibit 2):

11.2 acres	Light Industrial (LI)
5.4 acres	Highway Service Commercial (HSC)
24.9 acres	Planned Commercial (PC)
44.8 acres	Planned Commercial/Business Park (PCB)
33.5 acres	Low Density Residential (LR)
<u>20.3 acres</u>	<u>Open Space (OS)</u>
140.1 acres	Total

These designations are described in the General Plan as follows:

Light Industrial (LI) -- This designation provides for industrial parks, warehouses, light manufacturing, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

Highway Service Commercial (HSC) -- This designation provides for restaurants, service stations, hotels and motels, and retail and amusement uses, which are oriented principally to highway and through traffic, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

Planned Commercial (PC) -- This designation provides for neighborhood- and locally-oriented retail and services uses, offices, restaurants, service stations, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40 for commercial uses, and residential densities shall be in the range of 6.1 to 10.0 units per gross acres.

All development under this designation shall be approved pursuant to an adopted master development plan (e.g., specific plan). As these master development plans are approved, the Planned Commercial designation shall be replaced through a general plan amendment with the Neighborhood Commercial, Office, Recreation and Parks, Open Space, or Public/Quasi-Public designations as the City deems appropriate based on the approved master development plan.

Planned Commercial/Business Park (PCB) -- This designation provides for restaurants, service stations, hotels and motels, retail and amusement uses, which are oriented principally to highway and through traffic, offices, light industrial, and wholesale commercial uses, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

All development under this designation shall be approved pursuant to an adopted master development plan (e.g., specific plan). As these master development plans are approved, the Planned Commercial/Business Park designation shall be replaced through a general plan amendment with the Highway Service Commercial, Business/Industrial Park, Open Space, or Public Quasi-Public designations as the City deems appropriate based on the approved master development plan.

Low Density Residential (LR) -- This designation provides for single-family detached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. Residential densities shall be in the range of 1.1 to 4.0 units per gross acre

Open Space (OS) -- This designation provides for agricultural uses, recreational uses, riparian vegetation and wildlife habitat protection, water retention, public and quasi-public uses, and similar and compatible uses consistent with the open space purposes of this designation. The FAR shall not exceed 0.05. The precise location of the boundary of the Open Space designation along Putah and Dry Creeks shall be determined by the City in conjunction with individual project proposals based on creek setback requirements and site-specific conditions.

Non-residential land in the FOZ is subject to the following General Plan policies:

Policy I.A.9: No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.

Policy I.A.12: At such time as the City Council determines that Policies I.A.9 and IV.D.4 have been satisfied, including approval of a fee schedule or financing program, the 964-acre FOZ area may only be developed as provided in Policies I.A.13 through I.A.15, and Policies IV.D.6 and IV.D.7.

Policy I.A.13: As a way to improve the citywide job/housing balance, new job-producing non-residential development may develop within the FOZ, consistent with General Plan and zoning land use designations.

Policy IV.D.4: The City, in cooperation with property owners, developers and the Yolo County Flood Control and Water Conservation District shall undertake feasibility and design study for a comprehensive solution to the flooding problems associated with Chicahominy and Moody Sloughs. The comprehensive solution may include such features as diversion to Putah Creek, diversion under I-505, detention ponds, changes in land use designations, elevating building pads, and structural flood proofing as deemed effective and cost effective. As a condition to any development entitlement approval, all development affected by or contributing to the 100-year flooding problem shall be required to contribute to the financing of the comprehensive flood control solution in an amount that reflects that property's relative contribution to the flooding problem or benefit from the program adopted.

Policy IV.D.6: All development allowed to proceed within the General Plan flood overlay zone, in advance of implementation of storm drainage improvements specified in the updated Storm Drainage Master Plan, must address interim drainage and flooding requirements in a manner found acceptable by the City Engineer, and in a manner that furthers and is not inconsistent with the updated Storm Drainage Master Plan. To the extent feasible as determined by the City, interim improvements shall implement logical component parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan.

Interim drainage/flooding solutions that do not implement logical components parts of the storm drainage improvements identified in the updated Storm Drainage Master Plan, or would be otherwise inconsistent with implementation of the update Storm Drainage Master Plan, can only be approved if consistent with the water quality treatment/design criteria and standards criteria of the updated Storm Drainage Master Plan and the City shall provide no reimbursement or credit for said work.

Policy IV.D.7: Notwithstanding any interim improvements constructed pursuant to Policy IV.D.6, all projects citywide and within the FOZ shall pay a Storm Drainage Master Plan Implementation Fee that represents a fair share towards implementation of the improvements specified in the updated Storm Drainage Master Plan. This fee shall be due prior to issuance of the building permit. To the extent that all or a component part of the Storm Drainage Master Plan is constructed by a project approved to move forward, credit toward the fee will be provided.

ZONING - The zoning for the project area is as follows (see Exhibit 3):

11.2 acres	Light Industrial (M-1)
5.4 acres	Highway Service Commercial (C-H)
10.9 acres	Highway Service Commercial/Planned Development (C-H/PD)
24.9 acres	Neighborhood Commercial (C-1) ¹
33.9 acres	Industrial/Business Park /Planned Development (BID/PD)
33.5 acres	Single family (7000 square foot average minimum) (R-1) ²
<u>20.3 acres</u>	<u>Open Space (OS)</u>
140.1 acres	Total

These designations are described in the Zoning Code as follows:

Light Industrial (M-1) Zone, Section 17.44.120 – A. Purpose. The purpose of the Light Industrial (M-1) zone is to provide areas for light industrial development in a manner which will not result in public nuisances related to the operations. These are typically enclosed within a structure or involve minimal outdoor storage. Finished good assembly, recycling center collection, communication equipment facility, and minor utility services are principally allowed uses in this zone.

Highway Service Commercial (C-H) Zone, Section 17.44.090 – A. Purpose. The purpose of the Highway Service Commercial (C-H) Zone is to provide for commercial services and transient residential uses which are appropriate to highway locations and dependent upon highway travel. minor automobile repair, restaurants including drive-thrus, service stations, and minor utility services are principally permitted uses in this zone.

Neighborhood Commercial (C-1) Zone, Section 17.44.070 – A. Purpose. The purpose of the neighborhood commercial (C-1) zone is to provide a center for convenient shopping and services near residential neighborhoods.

Planned Development (PD) Overlay Zone, Section 17.48.010 – A. Purpose. In order to achieve the general plan goal "to promote the development of a cohesive and aesthetically pleasing urban structure for Winters," the P-D overlay zone has been included within the scope of the zoning ordinance to allow for the maximum flexibility consistent with the minimum development standards within each underlying zone category.

Industrial/Business Park (BIP) Zone, Section 17.44.110 – A. Purpose. The purpose of the business/industrial park (BIP) zone is to accommodate a group of business and manufacturing uses which have joint character and unique requirements for space which may not be suitable in either a strictly commercial or industrial setting. Minor automobile repair, business services, financial institutions, equipment sales/rental/repair, business and medical offices, service stations, finished good assembly, recycling center collection, and minor utility services are principally allowed uses in this zone.

Single Family, 7000 square foot average minimum (R-1) Zone, Section 17.44.030 – A. Purpose. The purpose of the single family, 7000 square foot average minimum (R-1) zone is to stabilize and protect the residential character of the zone and to promote and encourage a suitable environment for family life. It shall be the goal of the city to achieve a range of housing types to meet the housing needs of the community.

Public Open Space (O-S) Zone, Section 17.44.160 – A. Purpose. The purpose of the public open space (O-S) zone is to preserve appropriate lands in open space uses for such purposes as habitat protection or enhancement, drainage/flood control, and mitigation zones between land uses as

¹ Records indicate that this property was zoned "Planned Commercial (C-1, C-2)" upon annexation into the City (Resolution No. 94-12 adopted May 3, 1994); however, at the time of this writing there is no such zone category. The closest category, and the one upon which this analysis is based, is Neighborhood Commercial (C-1).

² Records indicate that this property was zoned Medium Density Residential (R-2) upon annexation into the City (Resolution No. 94-12 adopted May 3, 1994). In February 2003, the City Council adopted Ordinance No. 2003-01, which amended the zoning map and rezoned the property Single Family (7000 square foot average minimum) (R-1).

defined and required in the general plan. Agricultural operation and minor utility services are principally allowed uses in this zone.

Description of Project: This project is a proposal of the City of Winters to modify the land use designations within a project area totaling 140.1 acres in the eastern area of town, on the north and south sides of State Route (SR) 128 (Grant Avenue), and on the west side of and adjoining Interstate (I) 505 (see Exhibit 1 And Table 1). The objectives of the project are to correct inconsistencies between general plan and zoning designations in the area, eliminate a duplicative and unnecessarily expensive requirement for "master plans" with individual project applications, rescind an outdated master plan, and promote economic development.

The potential net effect of the proposed land use changes is subtle. Overall it is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, in recognition of the infrastructure master planning that has occurred since adoption of the General Plan in 1992 and the fact that the City now requires Design/Site Plan Review for all non-residential development; the proposal also eliminates the separate project-specific requirement for a master plan with each application, and rescinds the existing outdated Gateway Master Plan.

Lot development standards under existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios continue to apply. Development regulations would differ slightly for the 11 acres proposed to change from M-1 to C-H: the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other lot development regulations would remain unchanged.

The project involves various map and text amendments to the City General Plan and changes to the City zoning map and regulations to modify the land uses currently allowed in the area. Of the 140.1 acre project area total the proposal would affect a total of 80.9 acres, with all 80.9 acres receiving a general plan amendment and 21.7 ac of the 80.9 acres receiving a zone change (see Table 1). In general the proposal involves the following:

1. Convert 11.2 acres from planned industrial uses to highway-serving commercial uses along I-505 north of SR 128.
2. Convert 24.9 acres from a commercial designation that requires a master plan to a similar commercial designation which does not.
3. Convert 10.9 acres from a mixed use commercial/business park designation which allows a mix of highway serving commercial, offices, light industrial, and wholesale commercial with a master plan, to a designation which allows for highway-serving commercial only and does not require a master plan.
4. Convert 33.9 acres of mixed use commercial/business park designation to a mixed use business/industrial park designation which allows for offices, light industrial, and wholesale and limited commercial only and does not require a master plan.
5. Amendment of the citywide stormdrain master plan to move the conceptual alignment of the Putah Creek Diversion Channel to the west from the location where it is currently depicted (see Figure 5 of the Putah Creek/Dry Creek Subbasin Drainage Report) to a new alignment where it will fall on the

easterly property line of the Skreeden Property (APN 038-050-16) (approximately 350 feet west of the currently depicted alignment) on the north side of SR-128 and fall on the westerly property line of the McClish Property (various APNs) (approximately 1,100 feet west of the currently depicted alignment) on the south side of SR 128.

6. Rescission of the 1993 Gateway Master Plan which covers the Jordan and McClish properties totaling approximately 51.1 acres.

7. ~~Conditional Use Permit (CUP), site plan review, and height variance to allow construction of a three-story hotel (up to 100 rooms) on 6.6 acres (APN 038-050-60) in the Highway Service Commercial (C-H) zone. A maximum height of 30 feet is allowed in the C-H zone. The project requests a variance to allow a height of up to 40 feet.~~

The table below summarizes proposed land use changes by parcel:

TABLE 1: PROPOSED GATEWAY AREA LAND USE MODIFICATIONS

Property Owner	APN	Acreage	General Plan		Zoning		
			Existing	Proposed	Existing	Proposed	
North of SR 128 (Grant Avenue)							
Ghai Property	038-050-63	1.4	LI	HSC	M-1	C-H	
		0.9	HSC	No change	C-H	No change	
	Subtotal	2.3					
Ali Property	038-050-57	0.9	HSC	No change	C-H	No change	
		038-050-60	4.6	LI	HSC	M-1	C-H
		1.1	HSC	No change	C-H	No change	
	Subtotal	6.6					
Manas Property	038-050-29	5.2	LI	HSC	M-1	C-H	
		2.5	HSC	No change	C-H	No change	
	Subtotal	7.7					
Skreeden Property	038-050-18	14.0	OS	No change	OS	No change	
		14.4	PC	NC	C-1	No change	
		33.5	LR	No change	R-1	No change	
	Subtotal	61.9					
Subtotal North		78.5	GPA 25.6 ac		Rezone 11.2 ac		
South of SR 128 (Grant Avenue)							
Jordan Property	038-070-28	7.5	PCB	HSC	C-H/PD	No change	
		038-070-29	0.9	PCB	HSC	C-H/PD	No change
		038-070-30	0.8	PCB	HSC	C-H/PD	No change
		038-070-31	0.9	PCB	HSC	C-H/PD	No change
		038-070-32	0.8	PCB	HSC	C-H/PD	No change
	Subtotal	10.9					
McClish Property	038-070-37	4.5	PCB	BIP	BIP/PD	No change	
		038-070-38	5.9	PCB	BIP	BIP/PD	No change
		038-070-39	23.5	PCB	BIP	BIP/PD	No change
		6.3	OS	No change	OS	No change	
	Subtotal	40.2					
Robada Property	038-070-35	4.5	PC	NC	PC	C-1	
Christie Property	038-190-35	6.0	PC	NC	PC	C-1	
Subtotal South		61.6	GPA 55.3 ac		Rezone 10.5 ac		
PROJECT TOTAL		140.1	GPA 80.9 ac		Rezone 21.7 ac		
Totals may be off slightly due to rounding. TSCHUDIN CONSULTING GROUP, August 28, 2011.							

Project Approvals: The following entitlements are necessary for implementation of the project:

- General Plan Map Amendments to change 11.2 acres from Light Industrial (LI) to Highway Service Commercial (HSC) (see Exhibit 2):
 - APN 038-050-63 (1.4 ac)
 - APN 038-050-60 (4.6 ac)
 - APN 038-050-29 (5.2 ac)
- General Plan Map Amendments to change 24.9 acres from Planned Commercial (PC) to Neighborhood Commercial (NC) (see Exhibit 2):
 - APN 038-050-18 (14.4 ac)
 - APN 038-070-35 (4.5 ac)
 - APN 038-190-36 (6.0 ac)
- General Plan Map Amendments to change 10.9 acres from Planned Commercial/Business Park (PCB) to Highway Service Commercial (HSC) (see Exhibit 2):
 - APN 038-070-28 (7.5 ac)
 - APN 038-070-29 (0.9 ac)
 - APN 038-070-30 (0.8 ac)
 - APN 038-070-31 (0.9 ac)
 - APN 038-070-32 (0.8 ac)
- General Plan Map Amendments to change 33.9 acres from Planned Commercial/Business Park (PCB) to Business/Industrial Park (BIP) (see Exhibit 2):
 - APN 038-070-37 (4.5 ac)
 - APN 038-070-38 (5.9 ac)
 - APN 038-070-39 (23.5 ac)
- General Plan Text Amendments to eliminate the Planned Commercial (PC) and Planned Commercial/Business Park (PCB).
- Amendment to 2008 Winters Storm Drainage Master Plan to move the conceptual alignment of the Putah Creek Diversion approximately to the west (see Exhibit 5).
- Rescission of the 1993 Gateway Master Plan.
- Rezoning to change 11.2 acres from Light Industrial (M1) to Highway Service Commercial (C-H) (see Exhibit 3):
 - APN 038-050-63 (1.4 ac)
 - APN 038-050-60 (4.6 ac)
 - APN 038-050-29 (5.2 ac)
- Rezoning to change 10.5 acres from Planned Commercial (PC) to Neighborhood Commercial (C-1) (see Exhibit 3):
 - APN 038-070-35 (4.5 ac)
 - APN 038-190-36 (6.0 ac)
- ~~Conditional Use Permit, Site Plan Review (see Exhibit 4), and Height Variance for proposed three-story hotel (up to 100 rooms) on APN 038-050-60 (6.6 ac All property).~~
- ~~Demolition permit for existing structures.~~

Surrounding Land Uses and Setting: The project area is currently primarily undeveloped. Existing developed uses include two rural residential compounds (Manas and McClish), a farmyard on the Skreedan property, and a Chevron gas station. The remainder of the acreage is in agricultural uses (orchards and crops) or fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Surrounding land uses are as follows:

North	Vacant Heavy Industrial, Open Space, and PQP acreage currently in agricultural use
East	Interstate 505
South	Residential uses and Putah Creek
West	Residential uses; vacant residential and CBD

Background: The current City General Plan was adopted in May of 1992. The area within the project that lies north of SR 128 (the Skreedan, Manas, Ali, and Ghai properties) was annexed into the City of Winters in 1993 (the Matz Annexation). The Jordan and McClish properties were contemplated for urban development in the 1993 Gateway Master Plan, and subsequently annexed into the City in 1995 (the North Grant Avenue Annexation). The history of the Robata and Christie properties was not researched but both properties were within the City limits prior to 1992.

The original Planned Commercial (PC) and Medium Density Residential (MR) zoning on the Skreedan and the Planned Industrial (MP) zoning on the McClish property reflect zones that no longer exist in the City Zoning Ordinance. In 2003, the City Council adopted Resolution 2003-13 and Ordinance 2003-01, which rezoned the Skreedan Property from Medium Density (MR) to Single Family (R-1). In January 2010 as part of staff analysis for re-mapping of the Jordan property a Planning Director interpretation was issued that the MP zoning on the property is equivalent to the BIP/PD zone. In September 2010, legal counsel for the City determined that the PC zoning is effectively Neighborhood Commercial (C-1).

State law requires that the General Plan land use designations and zoning districts for any given property be consistent; however, this was never fully accomplished for the entirety of the project acreage. Available records and maps suggest that various "planned development" General Plan land use designations (PC and PCB or what is sometimes shown as PC/BP) were misinterpreted as zoning districts, and intermingled and unclearly applied to properties within the project area. Similarly the PD zoning overlay appeared to have been inaccurately applied as a General Plan designation for several of the properties as well.

In order to clarify the land use and zoning designations of the subject properties, establish consistency between the City General Plan and zoning ordinance for the subject properties, eliminate unnecessary planning requirements, and also to facilitate economic development of the properties, the City is undertaking the subject land use modifications.

Previous Relevant Environmental Analysis: This analysis relies primarily on the City's 1992 General Plan EIR. The 1992 General Plan was the subject of a certified Environmental Impact Report (GP EIR) 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.

Based on the revised General Plan land use map (E&R-54, General Plan FEIR), the Planning Area Boundaries map (page 15, General Plan DEIR), and specified development assumptions (page E&R-55 and E&R-56, General Plan FEIR), the GP EIR examined the environmental impacts associated with just under a million square feet of industrial and commercial land uses on the acreage proposed for modification in this plan area.

North of SR 128, the General Plan EIR assumed 15.6 acres of PC, 10.9 acres of Light Industrial, 5.1 acres of HSC, and 33.5 acres of medium density residential. South of SR 128 the General Plan EIR assumed 12.9 acres of PC and 51.2 acres of PCB. The table below provides a summary of development assumptions used in the General Plan EIR for the project area. Other assumed residential and open space land uses are not analyzed herein as no changes to those designations or planned uses are proposed as a part of this project.

Other public agencies whose approval may be required:

- State Water Quality Control Board – water quality; discharge
- Caltrans – encroachment into right-of-way for highways
- Yolo-Solano Air Quality Management – air emissions
- Department of Fish and Game – impacts to special status species

Other Project Assumptions: The Initial Study assumes compliance with all applicable State, federal, and local codes and regulations.

Table 2: General Plan EIR Non-Residential Development Assumptions for Project Area

Property Owner	APN	Parcel Acreage by Designation	Total Acreage by Designation	GP EIR Assumed Acreage for Designation	GP EIR Gross Floor Area for Designation ²	GP EIR sf/ac by Designation ³
NORTH OF SR 128 (GP EIR Planning Area V¹)						
Light Industrial (LI)						
Ghai	038-050-63	1.4	11.2	10.9	101,000sf	9,266sf/ac
Ali	038-050-60	4.6				
Manas	038-050-29	5.2				
Highway Service Commercial (HSC)						
Ghai	038-050-63	0.9	5.4	5.1	47,000sf	9,216sf/ac
Ali	038-050-57	0.9				
	038-050-60	1.1				
Manas	038-050-29	2.5				
Planned Commercial (PC)						
Skreeden	038-050-18	14.4	14.4	15.6	144,700sf	9,276sf/ac
Subtotal North (non-res)		31.0	31.0	31.6	292,700sf	n/a
SOUTH OF SR 128 (GP EIR Planning Area IV¹)						
Planned Commercial/Business Park (PCB)						
Jordan	038-070-28 to -32	10.9	44.8	51.2	568,800sf	11,109sf/ac
McClish	038-070-37 to -39	33.9				
Planned Commercial (PC)						
Robada	038-070-35	4.5	10.5	12.9	119,400sf	9,256sf/ac
Christie	038-190-35	6.0				
Subtotal South		55.3	55.3	64.1	688,200sf	n/a
Project Area Totals (North + South)		86.3	86.3	95.7	980,900sf	n/a
Notes:						
1/ GP EIR, Draft Volume, p. 15, October 21, 1991.						
2/ GP EIR, Final Volume, p. E&R 55, May 8, 1992.						
3/ GP EIR, Final Volume, p. E&R 56, May 8, 1992. Source: TSCHUDIN CONSULTING GROUP, August 28, 2011.						

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION:

On the basis of this initial evaluation:

- I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as 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 that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

Signature

Date

John Donlevy, City Manager

City of Winters

Printed Name

Lead Agency

EVALUATION OF ENVIRONMENTAL IMPACTS:

Introduction

Following is the environmental checklist form (also known as an "Initial Study") presented in Appendix G of the State 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.

Less Than Significant With 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. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the 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," as described in (5) below, 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 “Less Than Significant with Mitigation Incorporated,” describe the mitigation measures which 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 measure identified, if any, to reduce the impact to less than significant.

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

Discussion

The project area is currently primarily undeveloped. Existing uses include row crops on the majority of the Skeeden property, orchards on the majority of the Manas property, a rural residential compound (including associated homes and out buildings) on the Manas and McClish properties, and a Chevron gas station on the Ali property. The remainder of the acreage is undeveloped and fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Surrounding land uses are as follows:

- North Vacant Heavy Industrial, Open Space, and PQP acreage currently in agricultural use
- East Interstate 505
- South Residential uses and Putah Creek
- West Residential uses; vacant residential and CBD

Urban development has been planned on this acreage since at least 1992. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)³. The potential for aesthetic/visual impacts was found to be less than significant in the General Plan EIR assuming compliance with the General Plan policies and applicable regulations. The General Plan FEIR is hereby relied upon for this analysis.

The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). This development would change both the existing and planned visual characteristics of the area. Upon build-out, under existing or proposed conditions, the entire area will be developed in a variety of urban uses.

³ No change to the residential acreage is proposed as a part of this project.

From the standpoint of aesthetic and visual impacts, the same acreage will still be developed in the same manner but with a slightly different mix of uses. As described above in the project description, the potential net effect of the proposed changes is subtle. Overall it is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, it eliminates the separate project-specific requirement for a master plan in this area.

As such the aesthetic impacts of future development of this area will be the same as what is described in the General Plan EIR, the only difference being the specific architectural style, colors, materials, etc that will be used for the future development. Since the City already has in place a mandatory design review requirement for all new non-residential development over 500 square feet (Zoning Code Section 17.36.020) which ensures a community voice in the design, this is considered to be less-than-significant impact.

- a. There are no General Plan designated scenic vistas that would be adversely affected by implementation of this project. The 1992 General Plan EIR discusses view corridors to the Vaca Mountains, and concludes that development consistent with the General Plan would have no unmitigated impacts. While this proposal does involve a general plan amendment on 80.9 acres, it is for the purposes of making very minor changes in the types of allowed commercial and industrial uses. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.
- b. The City has not designated any scenic resources in the project area. There are some trees within the project area. It is assumed for purposes of this analysis that they may be removed as development occurs. However, the potential for aesthetic resources associated with removal of these trees is considered less-than-significant. This is supported by the fact that they are not designated scenic resources, the city has landscaping requirements that will ensure their replacement at the time of development, and the City will require design review for all non-residential development in this area. The potential biological importance of trees in the area is discussed under Biological Resources.

There are no rock outcroppings in the area. There are two rural dwelling compounds in the area – one on the Manas property and one on the McClish property. These structures are not proposed for removal at this time though it is assumed for the purposes of this analysis that they may be demolished in the future as these properties develop. Their potential historical significance is discussed under Cultural Resources. At the time of removal they will be required to satisfy the mitigation measure identified under Cultural Resources. For these reasons, the potential for aesthetic impact is considered less than significant.

Putah Creek, which borders the McClish property on the south, is identified in the General Plan as a protected natural resource of the City. Policy VI.D.1 of the General Plan requires a structural setback of 100-feet from the top of bank. The General Plan map shows a strip of land along the creek designated as Open

Space. Section 17.56.020.D of the Zoning Ordinance contains the same requirement. The proposed project would comply with these requirements and therefore not adversely affect the creek from an aesthetic standpoint. As such, this impact would be less-than-significant.

- a. The proposed project would not result in significant degradation of the visual surroundings of the site or surrounding area. The General Plan designates this area for future development and the General Plan EIR concluded that there would be no unmitigated aesthetic or visual impacts.

Yolo County has designated SR 128/Grant Avenue, between I-505 and Lake Berryessa, as a local "scenic highway corridor". City General Plan Policy VIII.A.7 requires the City to establish Design Guidelines for new development along Grant Avenue. All development within the project area that fronts on SR 128 would be subject to these requirements which are contained in the adopted Grant Avenue Design Guidelines (August 2011). These guidelines address the I-505 Corridor and the Grant Avenue Corridor, and development within the area will be analyzed for consistency with these City requirements. Therefore, the potential for this aesthetic impact is considered less-than-significant.

- b. The proposed project would result in no new sources of light and/or glare in the area beyond what was anticipated/analyzed in the General Plan EIR. City General Plan Policy VIII.D.7 requires controls on new lighting to minimize spillover, glare, and impacts to the night sky. This is implemented through the design review process. Specific site and building plans for each project are analyzed to ensure that lighting does not exceed specified height limits and is shielded from spill over onto adjoining properties or into the sky. With implementation of the following mitigation measures, any potential for light and glare impacts would be reduced to a less-than-significant because light would be directed downward. Spillover light onto adjoining properties would not occur and the amount of light visible on other properties would be minimized.

Mitigation Measure #1

Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
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2. AGRICULTURE AND FOREST RESOURCES.

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.

In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Of the 140.1 acre total project area, and excluding lands that are not in agricultural use, are considered wildlife habitat, are designated as Open Space areas, or have recently approved projects, the project will result in conversion of 104.2 acres of land currently in agricultural use.

The State Department of Conservations Farmland Mapping and Monitoring Program (FMMP) data base shows the area as containing 16.6 acres of "Other Lands" comprised of the Manas, Ali, and Ghai properties, and 123.5 acres of "Prime" farmland comprised of all other properties within the project area on both the north and south sides of SR 128. The FMMP maps do not reflect the fact that all of this property was

annexed into the City in the early 1990's, that the City General Plan has identified it for development since that time, or that 25 to 30 percent of the 140 acre total are not in agricultural production at all.

The 1992 General Plan EIR found impacts to agriculture citywide to be significant and unavoidable due to loss of active agricultural land within the City planned for later conversion to urban uses. 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.

From the standpoint of impacts to agricultural and forestry resources, the proposed project would result in the same acreage being developed in the same manner as anticipated currently under the General Plan, but with a slightly different mix of uses. As such the agricultural impacts will be same. There are no forestry resources in or near the project area.

- a. The Manas, Ali, and Ghai properties are mapped as "Other Land" in the State Department of Conservation's Farmland Mapping and Monitoring Program (2008 Data) and therefore no project-specific impacts to protected farmland would occur as a result of this project. The remaining property within the project area is mapped as "Prime Farmland". As indicated above, impacts to agricultural land in general that could occur as a result of implementation of the City's General Plan have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. Implementation of the subject project will result in no new impacts not already analyzed in and mitigated for in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(d) and 15153(c) of the State CEQA Guidelines and other sections that may apply.
- b. None of the project acreage is under a Williamson Act contract or zoned by the City for agricultural uses.
- c,d. None of the project acreage contains forest resources.
- e. There is no aspect of the project that would result in other known impacts to agricultural or loss of agricultural land.

Issues	Potentially Significant Impact	Less Than Significant w/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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 193 through 205 of the Draft EIR and pages E&R 30 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.

The General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)⁴. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

- a. The proposed project 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

⁴ No change to the residential acreage is proposed as a part of this project.

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 the same air quality impacts analyzed in and mitigated for in the prior EIR at a program level, with the potential for significant emissions of NOx at the project-level.

b, c, d. Yolo County is designated as non-attainment for ozone under both State and federal ambient air quality standards and non-attainment for respirable particulate matter (PM₁₀ under) State air quality standards (see table below).

POLLUTANT	ATTAINMENT FOR FEDERAL STANDARD	ATTAINMENT FOR STATE STANDARD
Ozone	No/Severe	No/Serious
NO_x	Yes	Yes
PM₁₀	Yes	No
SO_x	Yes	Yes
CO	Yes	Yes

The proposed project would result in emissions of criteria air pollutants and precursors, including reactive organic gases (ROG), oxides of nitrogen (NO_x), PM₁₀, and fine particulate matter (PM_{2.5}) associated with construction (short-term) and operational (long-term) activities.

As described above, the acreage will still be developed in the same manner (e.g., same types of land uses and the same overall footprint), but with a slightly different mix of uses (e.g., more highway commercial land use than light industrial land use) in comparison the 1992 City General Plan. Construction-generated emissions are primarily driven by the overall amount of acreage disturbed and area source emissions (e.g., landscape maintenance equipment) by general land use types. Thus, because the land use types and the overall footprint will be the same as those analyzed in the 1992 City General Plan, construction-generated and area-source project-generated criteria air pollutant and precursor emissions would be anticipated to be similar in nature. However, the increase in vehicle trips associated with the proposed land use modifications will result in a greater magnitude of impact at the project-level.

Implementation of the proposed project would result in a net increase of approximately 6,064 daily vehicle trips associated with the change in the mix of land use types. Mobile-source emissions of criteria air pollutants and precursors associated with these additional trips were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod allows land use selections that include project location specifics and trip generation rates. CalEEMod was used to estimate mobile-source emissions based on proposed land use types and project specific trip generation rates (Fehr & Peers, pers comm. 2012). The

modeling results are summarized below and described in more detail in Exhibit 7 (CalEEMod Appendix).

Modeled Net Change in Mobile-Source Emissions Between 1992 General Plan EIR and the Proposed Project				
	ROG (tons/yr)¹	NOx (tons/yr)¹	PM10 (lbs/day)²	PM2.5 (lbs/day)²
Mobile Source Emissions	+3.4	+11.1	+16.6	+1.7
YSAQMD Threshold	10	10	80	NA

Notes:
 ROG=reactive organic gases; NO_x=oxides of nitrogen; PM₁₀=respirable particulate matter with an aerodynamic resistance diameter of 10 microns or less; PM_{2.5}=fine particulate matter with an aerodynamic resistance diameter of 2.5 microns or less; lbs/day=pounds per day; tons/yr=tons per year.

Refer to discussion below and Exhibit 7 (CalEEMod Appendix) for detailed modeling input and output. The sum of the values presented may not match totals exactly due to rounding.

¹ Values represent annual mobile-source emissions
² Values represent maximum daily emissions.

Source: Modeling conducted by Ascent Environmental, Inc., 2012

As shown in the table above, implementation of the proposed project would result in a net increase in long-term operational emissions of 3.4 tons per year (tons/yr) of ROG, 11.1 tons/yr of NO_x, 16.6 pounds per day (lbs/day) of PM₁₀, 1.7 lbs/day of PM_{2.5}. The net increase of ROG, PM₁₀, and PM_{2.5} would not exceed YSAQMD's applicable thresholds of significance. However, implementation of the proposed project would result in the generation of NO_x emissions that is expected to exceed the applicable threshold of 10 tons/yr by approximately 1.1 tons/yr.

Impacts to air quality that could occur as a result of implementation of the City's General Plan have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. However, implementation of the subject project will result in greater emissions from development at the site than previously assumed, due to the proposed modifications to planned land uses. This impact is considered significant and additional project-level mitigations are required to reduce NO_x emissions to levels below the District's significance thresholds:

Implementation of the following mitigation measures will reduce potential impacts to a less-than-significant level:

Mitigation Measure #2

Pursuant to General Plan Policy VI.E.11, implement the following project Air Quality Mitigation Plan:

a) Maximize on-site job production – Implementation of this measure will result in improved jobs/housing balance. This mitigation is consistent with Policy VI.E.7 of the General Plan and is significantly achieved through implementation of this project. By correcting regulatory inconsistencies and eliminating unnecessary planning requirements affecting this property, long-planned important job producing development can finally occur in this area and provide local employment opportunities for existing housing already in place elsewhere in the City.

b) Local hire preference – Implementation of this measure will result in reduced commuting. Incoming businesses shall sign written agreements to hire local residents to the greatest attainable extent, with annual reporting to the City.

c) *Actively promoting ridesharing – Implementation of this measure will result in reduced vehicle trips. This mitigation is consistent with Policy VI.E.9 of the General Plan and is most likely to be achieved at the project site through programs to encourage car-pooling within and between employees of new businesses.*

d) *Reduce vehicle miles traveled by a minimum of 10% – Implementation of this measure will reduce NO_x by 1.1 tons per year which will reduce project related emissions to a level below the significance threshold. This is considered to be reasonable and achievable (CAPCOA 2010⁵) and would reduce the net increase in project-generated mobile-source NO_x emissions to a level less than YSAQMD's threshold of significance. Actions to achieve this, could include, but are not limited to the following:*

- 1) *Design of development (3.0-21.3% reduction) (e.g., improved street network characteristics [average block size and number of intersections], sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments];*
- 2) *Site enhancements (0-2% reduction) (e.g., providing a pedestrian access network to that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site, minimize barriers to pedestrian access and interconnectivity).*
- 3) *Provide traffic calming measures (0.25-1.0% reduction).*
- 4) *Commute Trip Reduction Programs (1.0-21.0% reduction).*
- 5) *Transit accessibility (0.5-24.6% reduction) (e.g., a transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk [or roughly ¼ mile], a rail station located within a 20 minute walk [or roughly ½ mile].*
- 6) *Transit system improvements (0.02-8.2% reduction).*
- 7) *Parking policy/pricing (5.0-12.5% reduction).*

Implementation of the proposed project is not anticipated to result in an increase in the exposure of sensitive receptors to toxic air contaminants as the land use types are the same and located in the same footprint as contained in the 1992 City General Plan (e.g., the same types of receptors and sources are proposed and would not be located closer to any existing sources or receptors, respectively). In addition, the modeling demonstrates that the net change in vehicle trips would not result in a violation or contribute substantially to a violation of the carbon monoxide (CO) ambient air quality standard with respect to localized impacts.

- e. The potential for impacts due to objectionable odors is unlikely to be significant for development in the project area. The potential for impact was found to be less than significant in the General Plan EIR. Individual users are subject to local Air Quality Management District permitting requirements for exterior air emissions and County Health Department regulations for venting of interior areas. Odors are can be an issue where residential uses interface with other uses. The proposed Neighborhood Commercial (NC) General Plan land use category does allow mixed use multi-family residential with a use permit, which is similar to the requirement for a master plan under the existing Planned Commercial (PC) designation. As such there is no change in conditions now or in the future and the use permit can be

⁵ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

relied upon to address compatibility issues for any future mixed use residential uses. This is considered to be a less-than-significant impact.

Issues	Potentially Significant Impact	Less Than Significant w/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 type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
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 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 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"/>

Discussion

The 1992 General Plan EIR found impacts to biological resources 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.

The General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)⁶. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. From the standpoint of impacts to biological resources, the same acreage will still be developed in the same manner but with a slightly different mix of uses.

⁶ No change to the residential acreage is proposed as a part of this project.

A Biological Resources Assessment was prepared for the project (Estep Environmental Consulting, November 7, 2011) to describe the biological resources on site, and identify impacts and mitigation measures.

- a,d. The majority of the site is used for agriculture including wheat, alfalfa, and a small walnut orchard. There is considerable ruderal vegetation in fallow areas. Along the borders of fields, roads, canals, and around rural residences, there are trees and shrubs that provide edge habitats that are generally areas of higher wildlife occurrence and productivity. Along Putah Creek there is dense, mature, riparian forest.

Most of the project area is characteristic of Yolo County rural agricultural lands. While providing relatively low value habitat, some species are well-adapted to agricultural lands and occur regularly depending on the crop type and the availability of edge habitat. Agricultural lands are used for foraging and cover by a variety of birds and can also be used as nesting habitat by some bird species. During the survey, several common species were observed using the active and idle fields, including rock pigeon (*Columba livia*), American kestrel (*Falco sparverius*), killdeer (*Charadrius vociferous*), red-winged blackbird (*Agelaius phoeniceus*), cliff swallow (*Petrochelidon pyrrhonota*), western scrub jay (*Aphelocoma californica*), yellow-billed magpie (*Pica nuttalli*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), and golden-crowned sparrow (*Zonotrichia atricapilla*).

The idle fields and grassy edges also provide nesting habitat for some ground-nesting birds, such as western meadowlark (*Sturnella neglecta*), and are home to several common reptiles such as gopher snake (*Pituophis catenifer*), valley garter snake (*Thamnophis sirtalis fitchi*), and western fence lizard (*Sceloporus occidentalis*).

The agricultural habitats are also essential to several breeding and wintering raptors, particularly as foraging habitat. Several important raptor prey species or their sign were detected during surveys, including pocket gopher (*Thomomys bottae*), meadow vole (*Microtus californicus*), and black-tailed jackrabbit (*Lepus californicus*). Agricultural lands provide essential foraging habitat for locally breeding or wintering raptors such as Swainson's Hawk (*Buteo swainsoni*), red-tailed Hawk (*Buteo jamaicensis*), white-tailed kite (*Elanus leucurus*), northern harrier (*Circus cyaneus*), and American kestrel.

The presence of edge habitats also contributes to the occurrence and abundance of wildlife in agricultural areas. The presence of trees, shrubs, grasses and other herbaceous vegetation in adjacent riparian habitats and along field borders and roadsides attracts birds and small and medium-sized mammals that may also use the agricultural lands for foraging and cover. Because they are less disturbed by cultivation or other management, edge habitat can be fairly productive wildlife habitat depending on the size (length and width) and vegetation composition.

The mature trees and shrubs, and the dense and structurally complex vegetation that occurs in riparian habitats, such as Putah Creek, and the mature roadside trees and shrubs along Grant Avenue and along field borders, particularly the northern border of Field E, support potential nesting habitat for many bird species, including nesting raptors. These habitats also provide denning and cover habitat for coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), opossum (*Didelphis virginianus*), western gray squirrel (*Sciurus griseus*) and many other small and medium-sized mammals; and important habitat for many reptiles, amphibians, and invertebrates.

As noted above, there are no unique or distinctive topographical features or biologically important habitat features in the project area. Thus, the project area does not support important wildlife movement corridors or habitats, such as wetlands, that would attract larger concentrations of wildlife. The most important wildlife movement corridor in the area is Putah Creek, which is outside of the project area. In general, the project area supports a combination of urban- and agricultural-associated wildlife.

The Biological Assessment identifies special status species with the potential to occur in the vicinity of the project area. Of those identified the following are known to occur: white-tailed kite, northern harrier, swainson's hawk, mountain plover, western burrowing owl, loggerhead shrike, tricolored blackbird, pallid bat, and townsend's big-eared bat.

There are no vernal pool or other seasonal wetland habitats in the project area and therefore no potential for these species to occur.

There are no elderberry shrubs present in the project area and therefore no potential for valley elderberry longhorn beetle (VELB) to occur in the project area. However, several elderberry shrubs were found along Putah Creek during the reconnaissance survey. These resources fall within the designated Open Space area along the southerly boundary of the McClish property.

There is no aquatic habitat present in the project area; however the western pond turtle is known to occur along Putah Creek. Nesting or overwintering turtles could occur along the slopes of the creek. These resources would fall within the designated Open Space area along the southerly boundary of the McClish property.

The project area supports active and idle agricultural fields and edge habitats that consist of roadside and field border trees and shrubs, and trees around rural residences and farmyards. The project area does not support any unique or otherwise protected biological communities such as wetlands, riparian corridors, or vernal pools. However, Putah Creek, which is contiguous with the southeastern border of the project area supports a dense and diverse riparian forest and other edge habitats also support substantial trees and shrubs that provide nesting and cover habitat for a variety of wildlife species.

The presence of these edge habitats attracts wildlife species that also use the adjacent agricultural fields. The removal of trees and shrubs along roadsides and field borders within the project area will reduce opportunities for wildlife occurrence and the removal of the agricultural fields will reduce open foraging habitat and thereby reduce the value of remaining edge habitats on and adjacent to the project area.

Of the 140.1 acre project area, 35.9 acres are designated Open Space areas, have already been assessed and mitigation previously applied, or do not represent suitable wildlife habitat. Designated Open Space areas include a 6.3 acre band along Putah Creek along the southern edge of the McClish property and 14.0 acres in the northeast corner of the Skreeden property, neither of which are proposed for development of any kind at this time. The Ghai property totaling 2.3 acres was documented in a July 2010 Mitigated Negative Declaration (Burger King/AMPM Gas Station Minimart/Truck Fueling Facility CUP Project) as containing no significant biological resources and was approved for development in September 2010. The Jordan property totaling 10.9 acres was documented in a May 2010 Initial Study as containing biological resources for which mitigation had already been applied. The Ali property totaling 6.6 acres contains the 0.9 acre Chevron gas station and the Manas property totaling 7.7 acres, includes approximately 1.5 acres of rural residential buildings and landscaped areas. In summary, of the 140.1 acre total project area, and excluding lands that are not considered wildlife habitat, are designated as Open Space areas, or have already been subject to mitigation, the project will result in conversion of 104.2 acres of land currently in agricultural use.

The eventual removal of 104.2 acres of land in agricultural use will eliminate wildlife habitat and reduce the value of adjacent edge habitat. While this will negatively affect the wildlife use of the project area, because of the extent of this habitat in the vicinity of the project area and throughout Yolo County, it is not expected to substantially affect the distribution and abundance of general wildlife. Because the project is contiguous with existing development within the City of Winters and because there are no important movement corridors or use areas within the project area, it is also not expected to have a substantial affect on wildlife movement. Therefore, while removal of agricultural habitats will affect use of the area by local wildlife, this impact is not considered significant according to CEQA guidance.

Implementation of the following mitigation measures will reduce potential impacts on biological resources to a less-than-significant level:

Mitigation Measure #3

Contribute to the Yolo County Swainson's Hawk Interim Mitigation Program. The loss of approximately 98 acres of land in agricultural use will remove foraging habitat for the state-threatened Swainson's hawk and other agriculture-associated species. To address this loss of Swainson's hawk foraging habitat, development projects that occur within this region are generally subject to mitigation due to their contribution to a broader cumulative loss of agricultural foraging habitat. To address this impact in a more comprehensive and consistent manner, the Yolo County Swainson's Hawk Interim Mitigation Program has been established to offset this cumulative loss of habitat. This program, managed through the Joint Powers Authority of the Yolo County Natural Heritage Program, of which the City of Winters is a member, is available to this

project for purposes of mitigating impacts on Swainson's hawk foraging habitat. The standard mitigation procedure for projects that impact more than 40 acres includes providing mitigation lands at a 1:1 replacement ratio to offset loss of foraging habitat. A conservation easement would be placed on the conservation land that would allow for continued farming under restrictions that would also maintain Swainson's hawk foraging habitat.

Mitigation Measure #4

Avoid Disturbance to Occupied Raptor Nests. Conduct preconstruction breeding season surveys to determine presence of nesting Swainson's hawks, white-tailed kites, and northern harriers. These surveys should be conducted between approximately April and August and within 30 days of planned construction activity. If active nests are found, they should be protected by establishing the following no-disturbance set-backs until young have fledged.

- Swainson's hawk – 1,300 feet
- White-tailed kite – 1,300 feet
- Northern harrier – 500 feet
- Loggerhead shrike – 250 feet

Mitigation Measure #5

Avoid Disturbance to or Compensate for Impacts to Active Burrowing Owl Burrows. Surveys should be conducted prior to construction to ensure avoidance of occupied burrowing owl burrows that may occupy the site in subsequent years but prior to development. If active burrowing owl burrows are found, standard avoidance and mitigation measures recommended by DFG are available to offset impacts (California Department of Fish and Game 2012). They include the following:

- *Conduct preconstruction survey within 14 days prior to the start of construction activity to determine presence or absence of occupied burrows. If no burrowing owls are found, no further mitigation is required.*
- *If active burrows are found, do not disturb active site by establishing a 50 to 500 meter no-disturbance buffer around occupied burrows during the non-breeding season (September 1 to January 31) and a 200 to 500 meter buffer around occupied burrows during the nesting season (February 1 through August 31). Buffer size is determined through a review of site-specific conditions including the type and extent of the impact, the timing and duration of the impact, visibility to the impact, and other environmental factors.*
- *During the non-breeding season (September 1 through January 31), passive relocation (e.g., one-way doors) can be used to exclude owls from active winter burrows and potential burrows within the project area when no other avoidance alternatives are available. This will also require the installation of artificial burrows preferably within 100 meters of the impacted site and the preparation of a Burrowing Owl Exclusion Plan.*
- *Compensate for loss of active burrows and associated foraging habitat. The extent of occupied habitat removed and subject to compensation is determined through a site-specific assessment of burrowing owl use. Compensation can be accomplished through an approved mitigation bank.*

Mitigation Measure #6

Avoid Disturbance to Elderberry Shrubs. Avoidance of VELB is accomplished through avoidance of elderberry shrubs according to standard USFWS guidelines (USFWS 1999). To completely avoid elderberry shrubs, maintain an undisturbed buffer of at least 100 feet. Reducing this distance to a minimum of 20 feet is possible through coordination with the USFWS.

- b,c. The biological assessment confirmed that there are no wetlands, riparian vegetation, or other unique biological communities present on the project site other than along and within Putah Creek. Putah Creek is protected by the designated band or Open Space along the McClish property and the City's regulatory requirements that require all new development to be set back at least 100 feet from the top of the banks. Therefore there is no need for a wetland delineation or Streambed Alteration Agreement given the 100-foot structural

setback and protective buffer required under the General Plan and Zoning Ordinance. Thus impacts are less than significant.

- e. The City does not have a tree preservation ordinance. 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, and all development within the project area will be required through the design review process, and standard conditions of approval, to be consistent with these policies. The City of Winters has an adopted local Habitat Mitigation Program that provides the relevant legal/regulatory framework, policy framework, guiding values, mitigation strategy, and mitigation requirements for implementation of habitat mitigation requirements. Compliance with the following Mitigation Measure is required:

Mitigation Measure #7

All development within the project area shall demonstrate consistency with the requirements of the Winters Habitat Mitigation Program, prior issuance of building permits.

- f. No Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved regional or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide HCP/NCCP plan, but it is not complete. The mitigation measures identified above ensure compliance with the countywide Swainson Hawk MOU and the City's own Habitat Mitigation Program.

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

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of all 140 acres within the project area and found impacts to cultural resources to be less-than-significant. 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. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus).

There are two existing rural residential compounds, including associated homes and out buildings, in the project area -- one on the Manas property and one on the McClish property. Development could also potentially adversely affect unknown cultural resources; however, the General Plan contains required measures to minimize the potential adverse effects of this impact.

- a. Development of the area may result in the demolition of two existing farmsteads and development of new planned land uses in their place. The final determination in this regard has not taken place at the time of this analysis. It will be necessary to fully analyze both sites for potential historical and/or architectural importance before demolition. Demolition may be precluded depending on the results of the analysis in which case preservation and/or adaptive reuse may be required. The following mitigation measure applies to the rural residential compounds on both the Manas and McClish properties:

Mitigation Measure #8

Prior to site disturbance, construction, or development within proximity of the two potential historic rural compounds, a cultural resources assessment shall be prepared that examines the historical and/or archeological importance of the properties and identifies appropriate actions to avoid or fully mitigate adverse impact. This may involve no further action, documentation and recording of the site, or preservation and adaptive reuse, depending on the relative historical or architectural importance of the facilities.

- b. 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. The following mitigation measure addresses these requirements:

Mitigation Measure #9

If subsurface cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, fossils, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. If the bone is uncovered and it appears to be human, California law mandates that the Yolo County coroner be contacted. If the bone is likely to be Native American in origin, the coroner must contact the Native American Heritage Commission in Sacramento to identify the most likely descendants.

Compliance with this requirement will ensure that impacts on unknown cultural resources are less than significant.

- c. No paleontological resources are known or suspected and no unique geologic features exist on the project site. However, the potential exists during construction to uncover previously unidentified resources. Implementation of the mitigation measure identified above will mitigate this concern to less-than-significant levels.
- d. No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. 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. Implementation of the mitigation measure identified above will mitigate this concern to less-than-significant levels.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS. <i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR) and found impacts to geological resources to be less-than-significant. 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.

ai, ii. The Concord-Green Fault is the closest known active fault, and is located approximately 22 miles west of Winters, according to the California Division of Mines and Geology.

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.

General Plan Policies VII.A.1 through VII.A.3 address geological hazards and require compliance with applicable State codes and requirements.

The proposed project 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.

- aiii, c,d. Given conditions in the area and the success in developing other properties in the eastern area of the City with a variety of structures and uses, surface and near-surface soils on the project site are thought to be capable of supporting development of the type anticipated for the project. The City requires that a geotechnical investigation be prepared for the site to confirm onsite soil capabilities and geological conditions and make recommendations to be followed in subsequent home construction. Implementation of the following mitigation measure will reduce the potential for adverse impacts from geological hazards to a less-than-significant level.

Mitigation Measure #10

A Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report.

- aiv, b. Topography on the project site is entirely flat. There are no discernable topographic features anywhere within the project area. Elevation ranges from approximately 120 to 130 feet above mean sea level with a gradual and indiscernible declining slope eastward. Putah Creek runs along the southerly

portion of the project area and instances of bank erosion associated with winter storm events could occur. However, the City imposes a 100-foot structural setback from the top of the banks of the creek. As such, the potential for impact is considered less-than-significant.

- e. The project would require the construction of sewer pipelines that connect to wastewater treatment facilities and would not involve the construction of septic tanks. Therefore, there would be no impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Assembly Bill 32 adopted in 2006 established the Global Warming Solutions Act of 2006 which requires the State to reduce greenhouse gases (GHGs) to 1990 levels by 2020. GHGs contribute to global warming/climate change and associated environmental impacts. The major GHGs that are released from human activity include 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 the 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)

These policies are effective in reducing GHGs and minimizing impacts from climate change. The subject project is consistent with the goals or land use designations of the General Plan and would result in no development beyond that already approved in 1992. Compliance with these policies will be effective in minimizing GHG emissions and climate change impacts from this already planned new development.

- a. The project area is currently primarily undeveloped. Existing uses include row crops on the majority of the Skeeden property, orchards on the majority of the

Manas property, a rural residential compound (including associated homes and out buildings) on the Manas and McClish properties, and a Chevron gas station on the Ali property. The remainder of the acreage is undeveloped and fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Urban development has been planned on this acreage since at least 1992. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac MR x 4.6s du/ac ave = 155 dus)⁷.

The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

Construction-generated emissions are primarily driven by the overall amount of acreage disturbed and area source emissions (e.g., landscape maintenance equipment) by general land use types. Thus, because the land use types and the overall footprint will be the same as those analyzed in the 1992 City General Plan, construction- and area-source project-generated GHGs would be anticipated to be similar in nature and magnitude.

However, implementation of the proposed project would result in a net increase of approximately 6,064 daily vehicle trips associated with the change in the mix of land use types. Changes in emissions associated with energy consumption, water usage, and waste disposal could also be affected by the change in the mix of land use types. The net change in GHG emissions was modeled using the California Emissions Estimator Model (CalEEMod), as shown in the table below.

Summary of Net Change in Modeled GHG Emissions from 1992 General Plan EIR	
Emission Source	Total CO2 MT/yr
Mobile	+2,831
Non-Mobile (energy consumption, water use, waste disposal)	-5,267
Total	-2,431
Notes: CO2 = carbon dioxide; GHG = greenhouse gas; MT/yr = metric tons per year. See Exhibit 7 (CalEEMod Appendix for detailed modeling results. Source: Modeling Conducted by Ascent Environmental 2012.	

⁷ No change to the residential acreage is proposed as a part of this project.

As shown by the modeling conducted, the proposed project would result in an increase in mobile-source related emissions, a decrease in non-mobile source related GHG emissions, and an overall net decrease in GHG emissions in comparison to the land use development in the 1992 General Plan EIR. The modeling conducted showed that implementation of the proposed project in total would result in approximately 14,000 metric tons of carbon dioxide equivalent emissions per year.

The increase in mobile-source related GHG emissions is the result of the additional highway service commercial land use (e.g., gas stations, fast-food restaurants) associated with the proposed, which is projected to generate 6,064 additional daily trips compared to the assumptions for the 1992 General Plan EIR (Fehr & Peers 2012). The reduction in non-mobile GHG emissions is due primarily to the proposed increase in highway serving commercial land uses, which have relatively small building footprints in comparison to retail or office land uses. Consequently build-out of the proposed project would result in a smaller development footprint than was analyzed for the 1992 General Plan EIR.

- b. Given the projected overall net decrease in GHG emissions, the proposed project would not result in a conflict with the State's AB 32 goals. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	□	□	■	□
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	□	□	■	□
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	□	□	■	□
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	□	■	□	□
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	□	□	□	■
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	□	□	□	■
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	□	□	■	□
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	□	□	□	■

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the site (see pages 117 through 122 of the Draft EIR and page E&R 21 of the Final EIR) and found impacts to emergency facilities and services to be less-than-significant. 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.

The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

- a-c. During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used at the project site. Similarly, paints, solvents, and various architectural finishes would be used during construction. If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the City of Winters Fire Department is responsible for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are highly regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. Both federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City currently complies with the City's Emergency Response Plan, and the Yolo County Hazardous Waste Management Plan.

During operation any one of the planned uses could involve the use, handling, transport or storage of materials considered hazardous. As a result of the proposed land use changes uses on approximately 11 acres on the north side of SR 128 will be more highway commercial than light industrial which may result in less use of hazardous materials as a part of any industrial land uses. Regardless of this however, a Business Emergency Response Plan and Hazardous Materials Inventory are required of any facility which generates any quantity of hazardous waste or which handles hazardous materials in amounts greater than: 55 gallons for liquids; 500 pounds for solids; and/or 200 cubic feet for compressed gases. This plan must be filed with the County Environmental Health Division. The Hazardous Materials Inventory must be certified annually by the County and the Business Emergency Response Plan must be certified tri-annually. The County makes the Inventory and Business Plan available to first responders in case of an emergency and to the public upon request. Businesses are inspected at least once every three years by a Certified Unified Program Agency inspector to verify compliance with the California Health & Safety Code and California Code of Regulations.

Based on compliance with these existing requirements, the potential for impact is considered less than significant

- d. The properties in the project area are not know or suspected to be listed on any of the data bases compiled pursuant to Government Code Section 65962.5. Prior to issuance of a building permit for any property within the project area, this shall be confirmed through preparation of a Phase 1 Environmental Site Assessment. Impacts in this area are considered less-than-significant.

Mitigation Measure #11

Prior to site disturbance, construction or development of any property in the project area, a Phase I Environmental Site Assessment shall be prepared and the recommendations of the report shall be followed.

- e,f. 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. The proposed project would have no known effect on adopted emergency response plans or emergency evacuation plans. BY completing planned roadway connections in the area, access for emergency services and personal will be improved. This would be considered less-than-significant under CEQA.
- h. The project area does not qualify as "wildlands" where wildland fires are a risk; therefore, no adverse impact would occur in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
9. 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 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"/>
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 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 type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area, 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"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (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 were 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.

The General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac LR x 3.08 du/ac ave = 103 dus)⁸. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). The acreage will still be developed in the same manner but with a slightly different mix of uses. Overall the project is likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south.

The hydrology and drainage impacts of development of the area pursuant to existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios apply. Development regulations differ slightly for the 11 acres proposed to change from M-1 to C-H – the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other development regulations remain unchanged. Therefore drainage and run-off associated with site coverage could potentially be slightly higher; however, by assuming that the total development envelopes are not exceeded, this possibility is avoided. The analysis of Land Use includes a mitigation measure that holds development to the density/intensity assumed under the General Plan EIR.

a.f. 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.

Compliance with these required permits would ensure that runoff during construction and occupation of the project site would ensure that runoff does not substantially degrade water quality. Therefore, this is a less-than-significant impact.

b. The proposed project would result in the construction of impervious surfaces over portions of the project site that are currently undeveloped. However, the site is not identified as a recharge area and has been planned for development since

⁸ No change to the residential acreage is proposed as a part of this project.

1992. The majority of groundwater recharge in Winters occurs along drainages. The project incorporates a 100-foot buffer from the high bank of Putah Creek thus ensuring protection of the creek drainage through the area. Therefore, it can be concluded that development of the project site would not substantially affect the aquifer.

Development in the area would receive potable water from the City's municipal well system. As discussed in more detail in Item 17(d), while the proposed project would contribute to an increase in municipal groundwater use over existing conditions, service to the site is assumed as a part of the City's water system. Furthermore, the project will be held to the same or less intensity than what was assumed for the subject location under the General Plan FEIR. Therefore, impacts on groundwater would be less than significant.

- c,d,e. Drainage improvements proposed as a part of the proposed project would change absorption rates, drainage patterns, and the rate and amount of surface runoff as compared to existing conditions. The project would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, including the project site. Drainage and run-off from the proposed project is required to be addressed in a manner consistent with the City's recently updated Storm Drainage Master Plan (2008). Therefore the potential for impacts in these areas are considered less than significant.

- g,h. The 78.5 acres within the project area that lie north of SR 128 fall within the City's General Plan Flood Overlay Area and therefore may only develop consistent with General Plan Policies I.A.12 through 15, and IV.D.6 and 7 related to financing of storm drain improvements, fees, restrictions on residential development, and interim storm drain improvements.

The site is located within a federally designated Special Flood Hazard Area (Flood Insurance Rate Map Community-Panels 06113C0562G and 06113C0564G, Revised June 18, 2010) that would be inundated should a "100-year" flood occur. Specifically it is designated Zone AO (Depth 2) which is defined as areas having flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); with average depth at 2 feet. As such, the proposed commercial building will be required to comply with flood elevation requirements applicable in the AO zone. All new construction or substantial improvement must have the lowest floor (including basement) elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM. Consistency with the applicable flood hazard requirements related to the federal floodplain designation will ensure that impacts in this category are less than significant.

- i. 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 project would not expose individuals to a substantial risk

from flooding as a result of the failure, and the impact would be less than significant.

- j. The project area is not located near any 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
10. 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 plan, policy, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The General Plan EIR analyzed the potential impacts of development of site and found land use impacts to be less-than-significant. 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.

The project area is currently primarily undeveloped. Existing uses include row crops on the majority of the Skeeden property, orchards on the majority of the Manas property, a rural residential compound (including associated homes and out buildings) on the Manas and McClish properties, and a Chevron gas station on the Ali property. The remainder of the acreage is undeveloped and fallow. The Ghai property (APN 038-050-63 totaling 2.3 acres) received approval in 2010 for a fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco AM PM), and truck fueling station; however construction has not begun. The Jordan property was remapped in 2010; however the property owner has not moved forward with development of the property.

Surrounding land uses are as follows:

North	Vacant Heavy Industrial, Open Space, and PQP acreage currently in agricultural use
East	Interstate 505
South	Residential uses and Putah Creek
West	Residential uses; vacant residential and CBD

Urban development has been planned on this acreage since at least 1992. For planning and environmental analysis purposes, the General Plan and General Plan EIR assumed about 980,900 square feet of industrial and commercial development within the 140.1 acre project area, plus residential uses over half of the western acreage of the Skreeden property (33.5 ac LR x 3.08 du/ac ave = 103 dus)⁹.

a. Construction of the project is substantively consistent with the land uses assumed the 1992 General Plan. The proposal would fill in and connect existing

⁹ No change to the residential acreage is proposed as a part of this project.

parts of the community, and would not divide an established community. Therefore, no impact would occur.

- b. The project would affect 80.9 acres within a 140.1 acre project area north and south of SR 128, adjoining the freeway (I-505). Overall the proposed changes are likely to result in more highway commercial serving uses than light industrial uses on both the north and south sides of Grant Avenue. In addition the proposal is likely to result in more business oriented square footage than retail commercial square footage on the south. Finally, in recognition of the infrastructure master planning that has occurred since adoption of the General Plan in 1992 and the fact that the City now requires Design/Site Plan Review for all non-residential development; the proposal also eliminates the separate project-specific requirement for a master plan in this area.

Lot development standards under existing land uses designations as compared to proposed land use designations would be essentially unchanged. Identical floor area ratios apply. Development regulations differ slightly for the 11 acres proposed to change from M-1 to C-H – the C-H height limit is 30 feet rather than 40 feet allowed under M-1; C-H has no side or rear setback compared to 10 feet and 15 feet respectively for M-1. All other lot development regulations remain unchanged. Therefore site coverage could potentially be slightly higher; however, by requiring that the total development envelopes are not exceeded, this possibility is avoided.

The project corrects inconsistencies between general plan and zoning designations in the area, and eliminates a requirement for master plans with individual project applications. Currently development on approximately 70 acres in the project area cannot move forward without individual project-specific "master development plans" as specified in the General Plan land use designation. This is a duplicative and unnecessary requirement. Since the 1992 adoption of the General Plan, the City has adopted citywide infrastructure plans that address the provision of all backbone utilities throughout the City. A new traffic model that covers the entire City has been developed. The City has adopted a citywide Habitat Mitigation Program. New comprehensive requirements for submittal and processing of development applications have been established. A Noise Control Ordinance was adopted. The City has also adopted citywide and area specific design guidelines that address site plan, architecture, color, materials and other similar items. In light of all of these comprehensive citywide controls, there is no longer a need for additional master planning on a site-by-site basis.

The project includes proposed rescission of the 1993 Gateway Master Plan that covers 51 acres comprised of the Jordan and McClish properties. This plan is outdated in that the utility, infrastructure, land use, and design guidance and regulations it contains have all been updated or superseded by newer equivalent area specific or citywide documents and plans.

The project would not result in development in conflict with the General Plan or zoning as it contains all the necessary amendments to these plans and documents to prevent this from occurring or continuing. With implementation of

the following mitigation measure, the potential for impact in this category is less-than-significant:

Mitigation Measure #12

Maximum cumulative development within the 140.1 acre project area cannot exceed 980,900 square feet of industrial and commercial or 103 dus (on the Skreeden property only) without additional project review and environmental impact analysis.

- c. See response to Item 4(f).

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
11. 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

The General Plan EIR analyzed the potential impacts of development of site and found mineral resource impacts to be less-than-significant. 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.

a,b. The project site is not designated as a mineral resource zone or locally important mineral resource recovery site. Implementation of the project, and resultant development that may occur would not result in the loss of any known mineral resources. Impacts would be less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
12. 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

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 179 through 192 of the Draft EIR and pages E&R 29 through 31 of the Final EIR) and found noise impacts to be less-than-significant. 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.

a-d. Development in this area will add noise during construction and will permanently add to ambient noise levels during operation; however, this area has been planned for these land uses since at least 1992. 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). Implementation of the project would 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 project. Impacts in these categories remain less-than-significant. The project site is

located at the northwest and southwest quadrants of I-505 and SR 128. Traffic noise from these two highways is dominant at this location and it is unlikely that temporary noise from project construction or permanent noise from the future planned land uses would be noticeable against the future expected ambient condition.

- e. The nearest public airport is over two miles from the City and no part of the City falls within an airport land use plan. There is no potential for exposure to excessive air traffic noise, so no impact would occur.
- f. 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
13. 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

The 1992 General Plan EIR analyzed the potential impacts of build-out of the General Plan (see pages 43 through 70 of the Draft EIR and pages E&R 9 through 14 of the Final EIR) and found housing and population impacts to be less-than-significant. 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.

a. This development could not result in additional dwelling units or population. It would result in the development of commercial and industrial uses that would produce jobs and revenue generating opportunities for the City. These non-residential land uses are critical for balancing land uses overall in the City, providing local job opportunities as an alternative to commuting, and to generate general fund revenue to support operation of the City.

Infrastructure, services, and utilities proposed to serve this project are master planned to accommodate the proposed level of growth. The proposed project would extend roads and other infrastructure to the project site. However, this infrastructure would be extended within the City limits, and would not be sized to accommodate growth beyond the areas and levels assumed in the General Plan. Because all aspects of the project are substantively 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. The project involves no immediate displacement of housing or people. At some point in the future, the two existing rural residences may be demolished or adaptively reused. The loss of these two homes at some future time is consistent with planned growth in the area and is less than significant in terms of available housing in the City.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
14. 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

The proposed project could result in impacts to public services; 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 City (see pages 117 through 134 of the Draft EIR and pages E&R 21 through 24 of the Final EIR) and found public services to be less-than-significant. 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.

a,b. The City of Winters Fire Department provides fire protection services to the City. The City of Winters Police Department provides police protection services. The proposed project could increase demand for these fire and police protection services over existing levels by increasing the total amount of development, and number of employees and visitors within the City's service areas. This increase in development is consistent with the General Plan and therefore, would result in no new impacts beyond those examined in the 1992 General Plan EIR.

c. 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 impacts 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.

The proposed project makes no changes to planned residential uses that could develop in the project area. Under State law, all new development is required to pay applicable school fees. Because the amount of these fees is pre-empted by the State, the potential for impacts to schools is considered by law to be a less-than-significant impact.

- d. 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). However, there is no change to planned residential uses that could develop as a part of this project. Therefore, impacts in this category would be less-than-significant.
- e. 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
15. 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 type="checkbox"/>	<input checked="" 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

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 123 through 126 of the Draft EIR and pages E&R 21 through 23 of the Final EIR) and found recreation impacts to be less-than-significant. 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.

a,b. There are no existing recreational facilities in the area. The project includes 20.3 acres of Open Space land for which there are no specific development plans at this time. As development in this project area moves forward all individual projects will be subject to mandatory design review (Zoning Code Section 17.36.020) which ensures consistency with applicable policies and regulations, and a community voice in the design. Therefore, this is considered to be less-than-significant impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/CIRCULATION.				
<i>Would the project:</i>				
a. Conflict with as applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	□	□	■	□
b. Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	□	□	■	□
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?	□	□	□	■
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	□	□	■	□
e. Result in inadequate emergency access?	□	□	■	□
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	□	□	■	□

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (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 (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

A Traffic Analysis was prepared for this project to examine the potential for impacts to circulation as a result of development as proposed (Fehr and Peers, March 2012). The study analyzes existing and future transportation and circulation impacts assuming development as proposed using the City's updated traffic model. As individual development applications are submitted to the City of Winters in the coming years, this traffic study and CEQA clearance provides an updated analysis of cumulative traffic impacts and mitigation needs for the I-505/Grant Avenue Planning Area as long as the total number of trips generated by the projects does not exceed the amount evaluated in this study. The study analyzes peak hour operations and traffic signal warrants at key intersections during weekday morning and evening peak hours. This approach captures the time periods when the combination of existing traffic and traffic generated

by the project are at their highest. An evaluation of intersection performance is provided for the following conditions:

- Existing Conditions
- Existing plus Project
- Existing plus Approved Developments
- Existing plus Approved Developments plus Project
- Cumulative No Project
- Cumulative plus Project

This study addresses conditions at the following five intersections along Grant Avenue:

1. Grant Avenue / East Main Street
2. Grant Avenue / Timber Crest Road (future intersection)
3. Grant Avenue / Matsumoto Road (formerly County Road 90)
4. Grant Avenue / Interstate 505 (I-505) Southbound Ramps
5. Grant Avenue / I-505 Northbound Ramps

The General Plan EIR assumed that the project parcels would generate a total of 14,468 daily vehicle trips. The General Plan EIR concluded that there would be no transportation impacts with implementation of the following transportation improvements identified in the circulation element.

- Grant Avenue– widen to four lanes
- East Main Street – extend East Main Street from Grant Avenue to the north and as part of a Main Street “loop” road
- Timber Crest Road – construction of a new roadway (i.e., Matsumoto Road realignment) extending north from Grant Avenue and connecting with Matsumoto Road and industrial development in the northeast portion of the city
- Baker Street – extend east from its present easterly terminus through the McClish parcel to the Jordan parcel
- New traffic signals along Grant Avenue at the East Main Street, Timber Crest Road, and I-505 southbound ramp intersections

a,b. The project parcels would generate a total of 20,532 daily vehicle trips based on the planned land use assumptions. This represents approximately 6,064 more daily trips than assumed in the General Plan EIR. This difference is the result of three main factors:

- 1,075 or 18 percent more non-residential trips north of SR 128 (Grant Avenue) associated with the increase of highway commercial uses verses industrial uses.
- 1,466 or 24 percent more residential trips north of Grant Avenue associated with the planned residential uses on the Skreeden property. The General

Plan EIR assumed 103 medium density single family units whereas this analysis assumes the maximum yield of 245 low density single family units, almost 2.5 times as many units.

- 3,521 or 58 percent more trips south of Grant Avenue associated with increase of highway commercial and office uses verses industrial uses.

It should be noted however, that these land use changes benefit the City overall by providing more jobs per developed non-residential acre, providing more higher paid jobs, and providing jobs more likely to be filled by local residents thus improving the local economy, local jobs/housing balance, and local vehicle miles traveled, which lowers greenhouse gas emissions.

The traffic analysis applies the goals and policies of the General Plan to evaluate the operations performance of the study intersections. The General Plan includes the following performance thresholds:

- Policy III.A.1: The City shall endeavor to maintain a Level of Service "C" or better as defined by the 1985 Highway Capacity Manual or subsequent revisions, on all streets and intersections within the City.
- Policy III.A.8: The City shall comply with and implement the program and policies of the Yolo County Congestion Management Plan (CMP).

The CMP identifies LOS D as the threshold for Grant Avenue. This study will assume LOS D to be the minimum acceptable operations performance of the study intersections. A level of service worse than LOS D will be considered unacceptable.

The results of the analysis are as follows:

Under Existing Plus Project Conditions, assuming installation of all improvements required of the Ghai Arco/Burger King project which are currently underway¹⁰, the installation of a traffic signal at the Grant Avenue/Timber Crest Road intersection would be triggered when development on the McClish, Manas or Jordan parcels occurs. The intersection would operate at LOS C conditions during both the AM and PM peak hour with the signal.

¹⁰ The analysis assumes transportation improvements identified as mitigations for the approved Arco/Burger King project are in place.:

- Installation of a traffic signal at Grant Avenue / Matsumoto Road
- Addition of a second westbound through lane on Grant Avenue from I-505 southbound ramps to just west of Matsumoto Road
- Addition of a southbound left-turn lane on Matsumoto Road at Grant Avenue
- Extension of the eastbound left-turn lane on Grant Avenue at Matsumoto Road to 300 feet
- Reconstruction of the Grant Avenue/I-505 Southbound Ramps intersection to convert the yield-controlled right turn lane to a stop-controlled right turn lane
- Construction of a new side-street stop controlled intersection at Grant Avenue / Timber Crest Road with a connection to the Jordan parcel (i.e., Timber Crest Road, East Baker Street, Gateway [Jordan parcel access])

The improvements also include reconstruction of the segment of Grant Avenue to eliminate the southbound yield controlled right-turn at the I-505 southbound off-ramp. Vehicles exiting the southbound off-ramp from I-505 will come to a complete stop at the terminus of the ramp before proceeding onto Grant Avenue.

Under Existing Plus Approved Development¹¹ Conditions, assuming installation of all improvements required of the Ghai Arco/Burger King project which are currently underway, the installation of a traffic signal at the Grant Avenue/Timber Crest Road intersection would be triggered when development on the McClish, Manas or Jordan parcels occurs. The intersection would operate at LOS C conditions during both the AM and PM peak hour with the mitigation measure.

Under Existing Plus Approved Development Plus Project Conditions, assuming installation of all improvements required of the Ghai Arco/Burger King project which are currently underway, the installation of the following improvements would be required in order to maintain acceptable roadway performance:

Grant Avenue (SR 128)/East Main Street

- Widen Grant Avenue from two lanes to four lanes from East Main Street to Timber Crest Road
- Install traffic signal
- Extend westbound left turn pocket to be approximately 300 feet in length
- Provide new eastbound left turn pocket approximately 300 feet in length

Grant Avenue (SR 128)/Timber Crest Road

- Widen Grant Avenue from two lanes to four lanes from Timber Crest Road to Matsumoto Road
- Install traffic signal (note: also required for Existing plus Project scenario)
- Provide new westbound left turn pocket 300 feet in length
- Provide new eastbound left turn pocket 300 feet in length

Grant Avenue (SR 128)/I-505 Southbound ramps

- Install traffic signal

Under Cumulative Plus Project Conditions¹², assuming installation of roadway improvements that are identified in the General Plan and included in the citywide traffic impact fee program as listed above, the installation of the following improvements would be required in order to maintain acceptable roadway performance:

Grant Avenue (SR 128)/I-505 Northbound ramps

- Widen the Grant Avenue (SR 128) overpass, from the I-505 southbound ramps to the I-505 northbound ramps, from two to four lanes
- Install a second northbound left turn lane at the intersection of Grant Avenue/I-505 northbound ramps

¹¹ The following approved developments are included in the "Existing plus Approved Developments" scenario. Trips generated by these developments are added to the existing traffic volumes:

- Highlands, Callahan Estates, Ogando-Hudson, and Creekside Estates
- Winters Commercial Center
- Orchard Village (former American Communities) Project
- Anderson Place (former Brzeski) Project
- Arco/Burger King Project
- Jordan Property (3 northerly parcels)

¹² The development assumptions for the Cumulative No Project scenario are based on a 20-year horizon as documented in the citywide travel model. This includes all of the approved developments included in the Existing plus Approved Developments scenario. The Cumulative No Project scenario assumes no development of the parcels within the I-505/Grant Avenue project area.

The trigger for these improvements is not precise. It will vary depending on the actual order and pace of development both within the project area and other cumulative development outside of the project area within the City and County. The Traffic Analysis contains a Phasing Analysis that identifies triggers for the traffic signals, new roadway connections, and highway improvements. In order to ensure the timely installation of all identified roadway improvements in order to avoid adverse traffic impacts from build-out in the project area, the following mitigation measure is necessary:

Mitigation Measure #13

Prior to issuance of a building permit, individual development projects within the project area boundaries shall submit project-specific traffic information (i.e. trip generation, traffic count data on Grant Avenue, etc) as determined by the City Engineer, to determine if the proposed project triggers the need for transportation improvements or measures identified in the Winters I-505/Grant Avenue Planning Area Traffic Analysis (March 2012). Caltrans will also be provided the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements. The timing for installation of triggered improvement shall ensure that applicable levels of service are not exceeded.

Implementation of this measure will ensure that traffic impacts from this project are less-than-significant.

- c. 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. All new roadway construction would be built according to adopted City standards and specifications and would satisfy requirements for emergency access. For this reason, the potential for design hazards would be less-than-significant.
- f. Development that results from the proposed project would be required to satisfy policies, plans, and programs supporting all transportation modes, including appropriate transit, pedestrian, and bicycle route connections. Therefore, this impact would be less than significant.

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

Discussion

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 97 through 116, and 133 through 134 of the Draft EIR and pages E&R 17 through 21, and 24 of the Final EIR) and found utility and service impacts to be less-than-significant. 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.

The City requires individual applications for development to include a Preliminary Title Report, and site-specific and project-specific infrastructure analyses. The title report ensures that any easements or other encumbrances affecting the property are disclosed. The water, sewer, and drainage/flood plans enable the City Engineer to determine appropriate in-ground requirements for sizing and service hook-up.

- a. The proposed project would be 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 proposed for the area are substantively the same in terms of wastewater generation and treatment as those assumed in the previous General Plan EIR and are 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. 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 0.96 million gallons per day (mgd). The estimated number of new dwelling unit equivalents (DUEs) that could be served under current capacity is approximately 500 to 600 DUEs. Under City code, no project is allowed to build without available sewer and water service. Therefore, these impacts are considered less-than-significant.
- c. The construction of impervious surfaces on project acreage for proposed development would increase storm water runoff in the project vicinity over existing conditions. Total development in the project area will be restricted to the amount of development assumed in the General Plan EIR unless later approvals are granted subject to CEQA review and clearance. Stormwater drainage in the area will be conveyed in accordance with the Citywide Storm Drainage Master Plan. Please refer to the discussion of Items 9.c,d, and e. This is a less-than-significant impact.
- d. 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 beyond those 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. Pursuant to City code, no project is allowed to build without available water service. This is a less-than-significant impact.
- f, g. Solid waste from the project site will be collected by the City of Winters and disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The City's General Plan build-out is part of the planned growth for which the landfill has been sized and therefore solid waste generated as a result of this project would not have unanticipated impacts on the life of the landfill. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-c. The full range of impacts from this project were anticipated and examined in the 1992 General Plan EIR upon 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. This initial study relies on and incorporates General Plan mitigation in the form of ensuring consistency between the proposed project and General Plan policies and City development regulations. Additional mitigation measures identified herein will be applied to development in the project area. Impacts in all categories are therefore considered less-than-significant.

Cumulative greenhouse gas emissions and associated climate change impacts for the entire County were examined in the County's certified General Plan Final EIR (SCH# 2008102034 certified November 10, 2010) (pages 805-817, DEIR and pages 438-441, FEIR). Build-out of the Winters General Plan is clearly included in that cumulative analysis. To the extent necessary, pursuant to CEQA Guidelines 15152 (see also Section 15130(b)(1)(B)) this analysis tiers from the analysis of cumulative climate change impacts contained in the Yolo County Certified General Plan FEIR. This document can be viewed online at:

<http://www.yolocounty.org/Index.aspx?page=1683>

ATTACHMENTS:

Exhibit 1, Project Area

Exhibit 2, General Plan Designations (existing and proposed)

Exhibit 3, Zoning Designations (existing and proposed)

~~Exhibit 4, Proposed Hotel Site Plan~~

Exhibit 5, Proposed Storm Drainage Master Plan Modifications

Exhibit 6, Mitigation Monitoring Plan (MMP)

Exhibit 7, CalEEMod Appendix

Summary of Mitigation Measures

Mitigation Measure #1

Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Mitigation Measure #2

Pursuant to General Plan Policy VI.E.11, implement the following project Air Quality Mitigation Plan:

a) Maximize on-site job production – Implementation of this measure will result in improved jobs/housing balance. This mitigation is consistent with Policy VI.E.7 of the General Plan and is significantly achieved through implementation of this project. By correcting regulatory inconsistencies and eliminating unnecessary planning requirements affecting this property, long-planned important job producing development can finally occur in this area and provide local employment opportunities for existing housing already in place elsewhere in the City.

b) Local hire preference – Implementation of this measure will result in reduced commuting. Incoming businesses shall sign written agreements to hire local residents to the greatest attainable extent, with annual reporting to the City.

c) Actively promoting ridesharing – Implementation of this measure will result in reduced vehicle trips. This mitigation is consistent with Policy VI.E.9 of the General Plan and is most likely to be achieved at the project site through programs to encourage car-pooling within and between employees of new businesses.

d) Reduce vehicle miles traveled by a minimum of 10% – Implementation of this measure will reduce NO_x by 1.1 tons per year which will reduce project related emissions to a level below the significance threshold. This is considered to be reasonable and achievable (CAPCOA 2010¹³) and would reduce the net increase in project-generated mobile-source NO_x emissions to a level less than YSAQMD's threshold of significance. Actions to achieve this, could include, but are not limited to the following:

8) Design of development (3.0-21.3% reduction) (e.g., improved street network characteristics [average block size and number of intersections], sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a

¹³ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments];

9) Site enhancements (0-2% reduction) (e.g., providing a pedestrian access network to that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site, minimize barriers to pedestrian access and interconnectivity).

10) Provide traffic calming measures (0.25-1.0% reduction).

11) Commute Trip Reduction Programs (1.0-21.0% reduction).

12) Transit accessibility (0.5-24.6% reduction) (e.g., a transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk [or roughly ¼ mile], a rail station located within a 20 minute walk [or roughly ½ mile]).

13) Transit system improvements (0.02-8.2% reduction).

14) Parking policy/pricing (5.0-12.5% reduction).

Mitigation Measure #3

Contribute to the Yolo County Swainson's Hawk Interim Mitigation Program. The loss of approximately 98 acres of land in agricultural use will remove foraging habitat for the state-threatened Swainson's hawk and other agriculture-associated species. To address this loss of Swainson's hawk foraging habitat, development projects that occur within this region are generally subject to mitigation due to their contribution to a broader cumulative loss of agricultural foraging habitat. To address this impact in a more comprehensive and consistent manner, the Yolo County Swainson's Hawk Interim Mitigation Program has been established to offset this cumulative loss of habitat. This program, managed through the Joint Powers Authority of the Yolo County Natural Heritage Program, of which the City of Winters is a member, is available to this project for purposes of mitigating impacts on Swainson's hawk foraging habitat. The standard mitigation procedure for projects that impact more than 40 acres includes providing mitigation lands at a 1:1 replacement ratio to offset loss of foraging habitat. A conservation easement would be placed on the conservation land that would allow for continued farming under restrictions that would also maintain Swainson's hawk foraging habitat.

Mitigation Measure #4

Avoid Disturbance to Occupied Raptor Nests. Conduct preconstruction breeding season surveys to determine presence of nesting Swainson's hawks, white-tailed kites, and northern harriers. These surveys should be conducted between approximately April and August and within 30 days of planned construction activity. If active nests are found, they should be protected by establishing the following no-disturbance set-backs until young have fledged.

- Swainson's hawk – 1,300 feet
- White-tailed kite – 1,300 feet
- Northern harrier – 500 feet

- Loggerhead shrike – 250 feet

Mitigation Measure #5

Avoid Disturbance to or Compensate for Impacts to Active Burrowing Owl Burrows. Surveys should be conducted prior to construction to ensure avoidance of occupied burrowing owl burrows that may occupy the site in subsequent years but prior to development. If active burrowing owl burrows are found, standard avoidance and mitigation measures recommended by DFG are available to offset impacts (California Department of Fish and Game 2012). They include the following:

- Conduct preconstruction survey within 14 days prior to the start of construction activity to determine presence or absence of occupied burrows. If no burrowing owls are found, no further mitigation is required.
- If active burrows are found, do not disturb active site by establishing a 50 to 500 meter no-disturbance buffer around occupied burrows during the non-breeding season (September 1 to January 31) and a 200 to 500 meter buffer around occupied burrows during the nesting season (February 1 through August 31). Buffer size is determined through a review of site-specific conditions including the type and extent of the impact, the timing and duration of the impact, visibility to the impact, and other environmental factors.
- During the non-breeding season (September 1 through January 31), passive relocation (e.g., one-way doors) can be used to exclude owls from active winter burrows and potential burrows within the project area when no other avoidance alternatives are available. This will also require the installation of artificial burrows preferably within 100 meters of the impacted site and the preparation of a Burrowing Owl Exclusion Plan.
- Compensate for loss of active burrows and associated foraging habitat. The extent of occupied habitat removed and subject to compensation is determined through a site-specific assessment of burrowing owl use. Compensation can be accomplished through an approved mitigation bank.

Mitigation Measure #6

Avoid Disturbance to Elderberry Shrubs. Avoidance of VELB is accomplished through avoidance of elderberry shrubs according to standard USFWS guidelines (USFWS 1999). To completely avoid elderberry shrubs, maintain an undisturbed buffer of at least 100 feet. Reducing this distance to a minimum of 20 feet is possible through coordination with the USFWS.

Mitigation Measure #7

All development within the project area shall demonstrate consistency with the requirements of the Winters Habitat Mitigation Program, prior issuance of building permits.

Mitigation Measure #8

Prior to site disturbance, construction, or development within proximity of the two potential historic rural compounds, a cultural resources assessment shall be prepared that

examines the historical and/or archeological importance of the properties and identifies appropriate actions to avoid or fully mitigate adverse impact. This may involve no further action, documentation and recording of the site, or preservation and adaptive reuse, depending on the relative historical or architectural importance of the facilities.

Mitigation Measure #9

If subsurface cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, fossils, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. If the bone is uncovered and it appears to be human, California law mandates that the Yolo County coroner be contacted. If the bone is likely to be Native American in origin, the coroner must contact the Native American Heritage Commission in Sacramento to identify the most likely descendents.

Mitigation Measure #10

A Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report.

Mitigation Measure #11

Prior to site disturbance, construction or development of any property in the project area, a Phase I Environmental Site Assessment shall be prepared and the recommendations of the report shall be followed.

Mitigation Measure #12

Maximum cumulative development within the 140.1 acre project area cannot exceed 980,900 square feet of industrial and commercial or 103 dus (on the Skreeden property only) without additional project review and environmental impact analysis.

Mitigation Measure #13

Prior to issuance of a building permit, individual development projects within the project area boundaries shall submit project-specific traffic information (i.e. trip generation, traffic count data on Grant Avenue, etc) as determined by the City Engineer, to determine if the proposed project triggers the need for transportation improvements or measures identified in the Winters I-505/Grant Avenue Planning Area Traffic Analysis (March 2012). Caltrans will also be provided the opportunity to review the project-specific traffic information to determine if the proposed projects trigger the need for transportation improvements. The timing for installation of triggered improvement shall ensure that applicable levels of service are not exceeded.