

**CITY OF WINTERS PLANNING COMMISSION AGENDA
REGULAR MEETING**

Tuesday, November 26, 2013 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #111
Email: maryjo.rodolfa@cityofwinters.org

Chairman: Bill Biasi
Vice Chairman: Pierre Neu
Commissioners: Dave Adams, Lisa
Baker, Kate Frazier, Luis Reyes,
Patrick Riley
City Manager: John W. Donlevy, Jr.
Mgmt. Analyst: Mary Jo Rodolfa

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV CONSENT ITEM

Approval of Minutes from the October 22, 2013 meeting of the Winters Planning Commission (pp 1-3)

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

- A. Review of Walnut Lane Roundabout Landscape and Lighting Plan (information/input) (no back-up)
- B. Walnut Park Phase II Review (information/input) (pp 4-27)
- C. Review and Recommendation to City Council of Proposed Ordinance 2013-03, an Ordinance of the City of Winters Code pertaining to Affordable Housing Requirements (action item) (pp 28-47)

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON NOVEMBER 18, 2013.



MARY JO RODOLFA, MANAGEMENT ANALYST

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

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

MINUTES: 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.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE WINTERS PLANNING COMMISSION
REGULAR MEETING HELD
OCTOBER 22, 2013**

DISCLAIMER: These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.

Chairman Biasi called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Dave Adams, Kate Frazier, Pierre Neu, Luis Reyes and Chairman Biasi

ABSENT: Commissioners Lisa Baker and Pat Riley

STAFF: City Manager John W. Donlevy, Jr. and Management Analyst Mary Jo Rodolfa

PLEDGE: Commissioner Reyes led the Pledge of Allegiance.

CITIZEN INPUT: None

CONSENT ITEM:

1. Approval of Meeting Minutes of the August 27, 2013, meeting of the Planning Commission.

Commissioner Neu moved that the minutes of the July 23, 2013 special meeting of the Planning Commission be approved. Commissioner Reyes seconded the motion. The motion was approved unanimously.

COMMISSION REPORTS: None.

STAFF REPORTS: None.

DISCUSSION ITEM:

A. Consideration of an Appointment of a Member of the Winters Planning Commission to the Winters Putah Creek Committee – Action Item

The item introduced by City Manager Donlevy, who explained that the Planning Commission has had a representative sit on the committee for many years. Each member of the City Council has an appointee and one of the standing appointments is from the Planning Commission. Pierre Neu is the current liaison and his term has expired.

Motion made by Frazier nominating Pierre Neu as the Planning Commission appointee to the Winters Putah Creek Committee. Motion was seconded by Reyes.

The motion passed unanimously with two absent.

B. Update of City Projects – Information Item

City Manager John Donlevy gave a brief update on projects within the City.

MINUTES OF THE WINTERS PLANNING COMMISSION
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- a. Taco Bell poured their slab today. They will be submitting for a lot line adjustment to be handled administratively. The primary reason is for financing but it will allow for them to have a separate monument sign. That sign will come before the Planning Commission. Will probably be similar to Arco/BK sign but smaller. The Arco/BK sign is the largest possible. They are considering adding Taco Bell to the elevated pole sign.
- b. Grant Ave Commercial – there is some frustration with the Department of Finance holding up Dollar General moving forward, the DOF has to approve our property management plan. We have done lot line adjustments for Dollar General and Yolo Federal. The parking lot and building lighting for Dollar General will be coming to the Planning Commission.
- c. Subdivision Update –Hudson-Ogando is spending a lot of has submitted grading plans and public improvement plans. Dan Maguire and Heidi Tschudin are reviewing the R3 piece, the smaller units, for a zoning administrator exemption, that allows for 25% reduction in the side yard. Callahan – nothing much is happening. Winters Highlands, the family that owns it is in contract to sell the property. It will come to the Planning Commission if anything starts to happen. From the affordable housing aspect, they will not be allowed to mitigate that. Creekside Estates – currently a housing development company is negotiating with the Catholic Church. Anderson Place – the subdivision has to come back to Planning Commission in 2014 if we are going to do anything with it.
- d. Freeway hotel project – similar to a Holiday Inn Express but a Best Western of that type. They are waiting to see what happens with PG&E. The City has a firm that reviews hotels pro formas and financials.
- e. Downtown hotel – waiting on the PG&E project and update of the market study. The City owns most of the block. 314 and 318 Railroad, we are getting appraisals on those.
- f. PG&E training facility – they are looking at multiple sites in Winters. In the next week or so they will announce their project.
- g. Bellevue North Annexation – 200 acres, currently planted with trees and a vineyard. They are farmers and developers, the annexation is for financial reasons for the future. In the General Plan it is called for to be in the City. From an overall mgmt standpoint and infrastructure it is easier with parcels in the City. We can then plan for that area and add it into our impact fee program. There is also a tax benefit but a tax sharing agreement has to be negotiated.
- h. Mariani house remodel project – The property is not in the Form Based Code or Grant Avenue Design Guideline area. Minimal changes to the exterior, main change is to the interior.
- i. Car bridge – temporary bridge is to be delivered this week and will be ready to open in the next few weeks. Will probably close the old bridge right after Thanksgiving. The demo needs to happen fast so they can start construction as early as March, otherwise it will be June due to environmental factors.
- j. St. Anthony Church is progressing nicely, the drywall is going up. Sometime after the first of the year they should open it.

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- k. Grants – We may receive traffic money from SACOG for three projects. For the roundabout on Walnut Lane the Planning Commission will see landscape design, there may also be maintenance money to repave Railroad Avenue from Grant to Niemann and funds for the design and permitting of a traffic signal at Main Street and Grant near the Public Safety Facility. We are waiting on confirmation.
- l. Walnut Park – phase 1 is finished, there were a few issues. Approval of Planning Commission was in February last year, had to go to bid twice. Went to the Council in May and June to move some elements of the park around based on cost. Shade structure moved to a Phase 2 element. Phase 2 is waiting on fish and wildlife service, there is a vernal pool out there and we need to find out what the mitigation requirement will be.
- m. Walnut Park wants to make sure we do not have a timeline issue and would like it on the November PC mtg, look at a list of things we want to put in the park. Prioritize – JD – phase 2 has a longer time line. We will be ready to go as soon as we know about the mitigation. Chair Biasi ask that a review of Walnut Park Phase II be on the November agenda.

COMMISSION/STAFF COMMENTS - Commissioner Adams asked about Sacramento Rendering locating here. Donlevy responded that it might not be allowed until we have tertiary treatment.

ADJOURNMENT: Chair Biasi adjourned the meeting at 7:45 p.m.

ATTEST:

Bill Biasi, Chairman

Mary Jo Rodolfa, Management Analyst



**PLANNING COMMISSION
STAFF REPORT**

TO: Honorable Chair and Planning Commissioners
DATE: November 26, 2013
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Consideration by the Winters Planning Commission of Ordinance 2013-03, an Ordinance of the City of Winters Code Pertaining to Affordable Housing Requirements.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Receive Staff Report
- 2) Recommend Adoption to City Council of Ordinance 2013-03, Extending Section 17.200.030, Subsection (B) (1) to the Winters Municipal Code Pertaining to Affordable Housing Requirements

BACKGROUND:

In 1992, the City of Winters completed and adopted a comprehensive update of its General Plan. As part of this effort, the City also adopted the seven elements required for a General Plan. Subsequently, Legal Services of Northern California (LSNC) challenged the adequacy of the City's Housing Element, one of the required seven elements, and brought suit against the City in Yolo County Superior Court. The City incurred significant expenses during its defense and eventually, a stipulated judgment was agreed to by all parties in 1994 and entered in Superior Court. The key provisions of the judgment included the City's adoption of an inclusionary housing ordinance in 1994 (Ordinance 94-10), which required that 15 percent of all new housing be affordable to very low-, low-, and moderate income households.

The Affordable Housing Steering Committee (AHSC), along with numerous stakeholders, including the Yolo County Housing Authority, Legal Services of Northern California (LSNC), Mercy Housing, and other stakeholders started studying potential revisions to the existing Inclusionary Housing Ordinance (IHO) at the AHSC meeting on November 24, 2008. Over the course of the year, the

AHSC and the aforementioned stakeholders have met several times, and agreement on the final version of the IHO was reached at the AHSC meeting on November 3, 2009. The Planning Commission reviewed the proposed ordinance at their meeting on November 26, 2009 and voted to recommend adoption of Ordinance 2009-18 to the City Council. The City Council introduced the foregoing Ordinance at the regular meeting of the City Council on December 15, 2009, and was passed and adopted and a regular meeting of the City Council held on January 5, 2010.

DISCUSSION:

The affordable housing requirements contained in this ordinance were the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the development of market-rate housing and mixed use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of very low-, low-, and moderate income households within the City.

The adopted amendment included an exemption for developments of 15 dwelling units or less located in the Community Development Agency Project Area from the requirement to provide affordable housing. It was the consensus of the AHSC and the other participants that small infill projects would continue to be severely constrained if the requirements of the existing IHO (Ordinance 94-10) were imposed. By allowing the exemption for small projects in the project area, it was anticipated this change would encourage infill development that encourages "smart growth". The section of Ordinance 2009-18 that established the exception {Section 17.200.030, Subsection (B) (1)} included language wherein the exemption would expire on December 31, 2013, unless extended by the City Council.

The original intent of the expiration of the exemption ("sunset clause") was to give staff, stakeholders, and the City Council the opportunity to evaluate the results of the implementation of the exemption. Since adoption of the Ordinance, there has been no significant residential development in Winters. Staff is recommending City Council extend the exemption with an amendment that would establish a new expiration date of October 31, 2021. This extension would align the exemption to the Ordinance to cover the current planning period of the recently adopted Housing Element Update (January 1, 2013 to October 31, 2021). Staff discussed the proposed extension of the exemption with the members of the AHSC at a meeting on November 20, 2013. Based on their review, the extension is being presented to the Planning Commission, with staff proposing the Planning Commission recommend the amendment to the City Council.

PROJECT NOTIFICATION:

Public notice advertising for the public hearing on this Amendment was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. A legal notice was published in the Winters Express on Thursday, November 21, 2013. Copies of the staff report and all attachments for the proposed Amendment have been on file, available for public review at City Hall since Wednesday, November 20, 2013.

ENVIRONMENTAL DETERMINATION:

Pursuant to Section 15061 (b) (3) of the State CEQA Guidelines, a project is exempt from the California Environmental Quality Act when it can be seen with certainty that there is not possibility that the proposed Amendment may have significant effect on the environment. This Amendment

entails the extension of a section of the Zoning Code regarding Affordable Housing, and therefore, constitutes administrative changes to the Zoning Code. As such, they will have no adverse effect on the environment; consequently, the project is not subject to environmental review under CEQA pursuant to Section 15061 (b) (3).

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Ordinance 2013-03 by making the affirmative motions as follows:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE WINTERS CITY COUNCIL THE ADOPTION OF ORDINANCE 2013-03 TO AMEND CHAPTER 17.200.030 (B) (1) TO THE WINTERS MUNICIPAL CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS

ATTACHMENTS:

- 1) Ordinance 94-10
- 2) Ordinance 2009-18
- 3) Ordinance 2013-03
- 4) CDA Project Area Land Inventory (Potential Exempted Properties from 2009 report)

CITY OF WINTERS

ORDINANCE 94-10

AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM
FOR THE CITY OF WINTERS

WHEREAS, the public welfare requires the establishment of a program to encourage the provision of new affordable housing in order to meet the housing needs of the citizens of the City of Winters;

WHEREAS, federal and state funds are either extremely limited or no longer available to facilitate the construction of new affordable housing which places greater emphasis on local government and the private sector in producing affordable housing; and

WHEREAS, the City of Winters General Plan provides for several housing policies which will facilitate the development of new and rehabilitated affordable housing; and

WHEREAS, the Winters General Plan also provides for programs, activities and incentives to implement housing policy to encourage the production of housing affordable to low and very low income households.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

Section 1. Article 31, Affordable Housing, is hereby added to Title VIII of the Winters Municipal Code to read as follows:

ARTICLE 31. AFFORDABLE HOUSING

Section 8-1.3101. PURPOSE. The public welfare requires the city to take action to ensure that affordable housing is constructed and maintained within the City of Winters. The General Plan contains goals, policies and implementation programs designed to facilitate the development of new and rehabilitation for affordable housing. Such policies include but are not limited to, achieving the community's fair share regional allocation for housing for very low and low income households, establishing density bonuses to facilitate construction of housing for targeted income groups, rezoning land to promote mixed uses and affordable housing, and seeking all available sources of funding (including redevelopment) to facilitate development of affordable housing by the private sector. Special needs must be addressed such as adequate bedrooms for large families and housing for seniors.

Section 8-1.3102. DEFINITIONS. For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section.

The City will explore all avenues of funding and cooperative efforts to assist in the development of affordable housing by the private and non-profit sectors.

The City's policy is to cause to be constructed 15% of all new housing for very low, low and moderate income house holds. This is a community-wide policy. Each project/subdivision will be individualized or tailored to contribute to the end policy. Every project will not be identical. A project individualized program shall be developed jointly by the developer/builders and city. The city reserves the final authority to determine whether the developer's project individualized program meets the city's affordable housing requirements.

Such programs may included but are not limited to the following: Programs may use a combination of the following elements.

- a. Construct units for sale or rental.
- b. Provide an irrevocable offer of dedication of land.
- c. Payment of an in lieu fee instead of constructing units or dedicating land.
- d. Density bonuses shall be granted for low and lower income units pursuant to State Statute.

Sections 8-1.3105 TERM. Affordable housing for low and very low income house hold shall remain affordable for a period of not less than 55 years.

Section 8-1.3106 HOUSING MIX. A community-wide housing mix is essential. Seniors and large families must be addressed as well as average size house holds. Affordable housing units shall include a mis of units sizes, and to the extant feasible, should be dispersed throughout the development.

Section 8-1.3107 MINIMUM SIZE. The city shall approve development program for affordable housing proposals with a minimum acceptable size of land dedication based upon development feasibility included standard criteriasuch as parking, open space, building height, etc.

Section 8-1.3108 IN-LIEU FEES. In-lieu fees shall be established by Resolution of the City Council. Any such payment shall be deposited into a separate account for independent audit and entitled "Affordable Housing Fund". This in-lieu fee shall be levied on builders only when on-sit construction and dedication of land requirements are not deemed feasible or in combination with construction and dedication. The preferred action is construction of housing as compared to payment of in-lieu fees. The city shall determine whether the payment of in-lieu fees is appropriate to meet the affordable housing requirements. The city reserve the final authority to determine whether the developer's project

individualized program meets the city's affordable housing requirements.

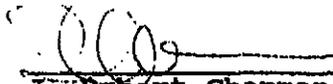
This Ordinance was introduced at a regular meeting of the Winters City Council on the 19th day of April, 1994 and was passed and adopted on the 3rd day of May, 1994 by the following roll call vote:

AYES: Curry, Mosier, Pfanner, Mayor Chapman

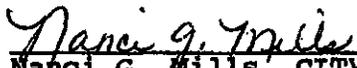
NOES: None

ABSENT: Martin

ABSTAINED: None


J. Robert Chapman, MAYOR

ATTEST:


Nanci G. Mills, CITY CLERK

ORDINANCE NO. 2009-18

AN ORDINANCE OF THE CITY OF WINTERS REPEALING SECTION 17.60.030(B) OF THE ZONING CODE AND ADDING CHAPTER 17.200 TO THE ZONING CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS

The City Council of the City of Winters hereby ordains as follows:

SECTION 1. Recitals.

- A. The City of Winters undertook a comprehensive study and analysis of its affordable housing program, which prompted certain revisions to the affordable housing program for the City.
- B. The affordable housing requirements contained in this Ordinance are the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the development of market-rate housing and mixed use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of individuals of very low, low and moderate income within the City.
- C. The City of Winters Planning Commission conducted a noticed public hearing regarding this Ordinance, which amends the Zoning Code to repeal Section 17.60.030(B) and add Chapter 17.200 pertaining to affordable housing requirements within the City, and has recommended approval of the Ordinance.
- D. The City Council of the City of Winters has provided public notice of its intention to amend the Zoning Code to adopt Chapter 17.200, and conducted a public hearing thereon on December 15, 2009.
- E. The proposed amendment of the Zoning Code to add Chapter 17.200 is consistent with the goals, policies, and objectives of the City of Winters General Plan, and in particular, the Housing Element, as adopted on September 1, 2009.
- F. The proposed amendment of the Zoning Code to add Chapter 17.200 has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 2. Chapter 17.200 "Affordable Housing Requirements" is hereby added to the Winters Municipal Code to read as follows:

Section 17.200.010 Purpose and Intent

The public welfare requires the City to take action to ensure that affordable housing is constructed and maintained within the City. This Chapter is intended to provide that new development projects in the City contain or assist in the production of a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives, and to implement the affordable housing policies contained in the Housing Element of the City's General Plan.

Section 17.200.020 Definitions

"Affordable Housing Steering Committee" means an advisory committee appointed by the City Council for the purpose of advising the City Council, Planning Commission, Community Development Agency and City staff on affordable housing policies and programs, use of redevelopment housing funds, proposed affordable housing projects, and other housing matters, at the request of the City Council.

"Community Development Director" means the director of the Community Development Department of the City, or his or her designee.

"Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks the City's approval of discretionary land use entitlements for all or part of a development project. "Developer" includes "owner"

"Development project" means any development project that contains residential units, including single family and multifamily units.

"Inclusionary housing agreement" means an agreement between the developer and the City setting forth the manner in which the inclusionary housing requirements will be met in the development project.

"Inclusionary housing plan" means the plan setting forth the manner in which the developer proposes to satisfy the inclusionary housing requirements of this Chapter within the development project.

"Inclusionary housing requirement" means the inclusionary housing requirements as specified in this Chapter.

"Inclusionary housing unit or inclusionary unit" means an ownership or rental unit developed or provided in satisfaction of the inclusionary housing requirements of a development project, as provided for in this Chapter, and which is affordable to very low, low income or moderate income households.

"Low income household" means a household whose income does not exceed eighty percent (80%) of median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

“Moderate income household” means a household whose income does not exceed one hundred twenty percent (120%) of median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

“Very low income household” means a household whose income does not exceed fifty percent (50%) of the median income, adjusted for household size, applicable to Yolo County, as published and periodically updated by the United States Department of Housing and Urban Development.

Section 17.200.030 Inclusionary Housing Requirements

(A) Number and Affordability of Units. Except as otherwise provided for in this Chapter, all development projects consisting of five (5) or more residential units within the City of Winters shall include inclusionary housing units equal to fifteen percent (15%) of the total number of residential units in the development project, excluding density bonus units. The fifteen percent (15%) inclusionary housing requirement shall consist of six percent (6%) very low income units and nine percent (9%) low income or moderate income units in proportion to the unmet needs for each identified in the current housing element.

(B) Exception. The following development projects are exempt from the provisions of this Chapter:

1. Redevelopment Project Area. The fifteen percent (15%) inclusionary housing requirement provided in Subsection A above shall not apply to development projects within the Winters Community Development Agency Redevelopment Project Area that contain fifteen (15) or fewer residential units. This exception shall expire on December 31, 2013, unless extended by the City Council. Any development project that has not acquired a vested right to develop in accordance with existing laws and regulations by such expiration date shall be required to comply with the provisions of this chapter.
2. Project with prior approval. A development project that has obtained discretionary approval (e.g., a Development Permit, Use Permit, Design Review, Planned Development Permit, or Variance approval) before the effective date of this Chapter; or a building permit before the effective date of this Chapter; or a Certificate of Occupancy before the effective date of this Chapter.
3. Exempt by State law. A development project that is exempt from this Chapter by State law.
4. Project with vested rights. A development project for which the City has entered into a development agreement before the effective date of this Chapter, or which otherwise demonstrates a vested right to proceed without complying with this Chapter.

(C) Implementation. The developer shall propose an inclusionary housing plan to community development director as provided for in this Chapter. A condition requiring compliance with all of the terms of the inclusionary housing plan, as approved by the Planning Commission, shall be imposed on the development project. Further, the developer and the City shall enter into an inclusionary housing agreement that requires compliance with the inclusionary housing plan, and that will be recorded upon the property as provided in this Chapter.

(D) Density Ranges. Development projects which are proposed in areas of the City zoned for medium high and high density residential use, shall only be approved if density of the development project is in the upper one-half of the density ranges specified in the Zoning Code for developments in such zones, unless site constraints effectively prohibit such intensity of development.

(E) Unit Size. The inclusionary housing requirement shall accommodate diverse family sizes by including a mix of studio, one, two and/or three bedroom units where feasible.

(F) Exterior Appearance. The inclusionary units shall be visually compatible with and shall have similar external building materials and finishes as the market rate units in the immediate neighborhood.

(G) Access to Common Amenities. Tenants and residents of inclusionary units shall be provided the same rights and access to common amenities within the development project as tenants and residents occupying market rate units.

(H) Small Parts of Larger Projects. The City shall not approve development projects which reasonably appear to be smaller parts of a greater project and have the effect of circumventing the requirements of this Chapter.

Section 17.200.040 Inclusionary Housing Plan

(A) Submittal Requirements. At the time of and as part of the application for a discretionary land use entitlement for a development project, the inclusionary housing plan shall be submitted to the Community Development Director by the project developer, and shall include:

1. A detailed description of the method by which the developer will comply with the requirements of this Chapter.
2. The location of the inclusionary units within the development project, if applicable, the size of the inclusionary units, and any incentives requested by the developer in accordance with Section 17.200.060 of this Chapter.
3. Where an alternative to constructing inclusionary units on-site is intended, the developer shall provide detailed information regarding the alternative selected for meeting the inclusionary housing requirement, including a written statement that the proposed parcel(s), site, or existing market rate units, if applicable,

are available and capable of being dedicated to the City by the developer and that the affordable units shall be restricted as affordable housing, by way of contractual restrictions, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

4. A phasing plan that provides a schedule for the timely development of the inclusionary units as the development project is built out.
5. Any other information deemed necessary by the Community Development Director.

(B) Affordable Housing Steering Committee Meeting. Prior to the submittal of the inclusionary housing plan, the Affordable Housing Steering Committee shall meet with and provide recommendations to the project developer regarding compliance with this Chapter.

(C) Community Development Director Preliminary Review. Upon receipt of the proposed inclusionary housing plan, the Community Development Director shall review the plan, and thereafter shall meet with the project developer to discuss the proposed plan.

(D) Plan Approval. After the preliminary review by the Community Development Director, the inclusionary housing plan shall be subject to the same review and approval as the discretionary land use entitlements.

Section 17.200.050 Alternative Methods to Meeting Inclusionary Housing Requirements

The City strongly prefers and shall encourage on-site construction of inclusionary units, however alternatives to the on-site construction of the inclusionary housing units may be proposed by the developer, consistent with the requirements set forth below in this section. The alternative methods are subject to review and approval of the City, as part of the inclusionary housing plan review process. The developer shall have the burden of demonstrating that the alternative selected is equivalent to the on-site construction of inclusionary housing units. Alternatives may include:

(A) Land Dedication. A developer may propose to dedicate land within the City sufficient to construct at least the same number of units and infrastructure to support the number of units as the developer would have been required to construct on-site subject to the inclusionary housing requirement. Land may be dedicated pursuant to this alternative provided the site will support the same number of units the developer is required to construct, has zoning of a minimum density necessary to accommodate the inclusionary housing requirement, that the site is physically and legally acceptable to the City, and that the site is restricted to affordable housing. The developer shall dedicate the land to the City at no cost the City.

(B) On-Site or Off-Site Construction. A developer may propose to develop housing to satisfy the inclusionary housing requirement at an on-site or off-site location within the City.

(C) Acquisition, Rehabilitation, and Conversion of Market Rate Units. A developer may propose to acquire and rehabilitate existing market rate units in the City which are at or above existing affordable rents, which require repair, rehabilitation, modernization or other work and convert those units to affordable housing units.

(D) Conversion of Market Rate Units. A developer may propose to convert existing market rate units in the City which do not require rehabilitation and are at or above existing affordable rents to affordable housing units by way of contractual restrictions, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

(E) Accessory Units. A developer may propose to construct accessory dwelling units (e.g. granny flats) on site of the development project to meet the inclusionary housing requirement. The lots upon which the accessory dwelling units are constructed shall be restricted to provide that the units remain affordable housing units by way of contract, recorded covenants or other legal mechanisms.

(F) Inclusionary Housing Credits. A developer may propose to use inclusionary housing credits, as defined in this Chapter, to meet the inclusionary housing requirement.

(G) Payment of In-Lieu Fees. A developer may propose to pay an in-lieu fee to the City instead of constructing affordable units to meet the inclusionary housing requirement.

(H) Cooperative Ventures. A developer may propose a cooperative venture with a non-profit housing corporation, mutual housing association, limited equity housing cooperative, or other entity.

(I) Sweat Equity Project. A developer may propose a self-help or "sweat equity" project with a non-profit corporation or other entity.

(J) Combination. A developer may propose to utilize a combination of the above alternatives to meet the inclusionary housing requirement.

(K) Other Alternatives. A developer may propose, and the City may accept, other alternatives that meet the requirements and intent of this Chapter.

Section 17.200.060 Incentives and Assistance

(A) Request for Incentives and Assistance. The developer of a development project subject to the inclusionary housing requirements of this Chapter, may request, and the City, in its discretion, may grant or deny the request for incentives as set forth in this section.

(B) Fee Waivers or Deferrals. The City may grant to a developer a program of waivers, reduction or deferrals of development fees or administrative fees for the inclusionary units.

(C) Inclusionary Housing Credits. A developer may submit as part of the inclusionary housing plan a proposal to provide affordable housing units or a donation of land in connection with a development project beyond the requirements of this Chapter. The developer may credit the additional affordable units or land against future development projects proposed by the developer within the City, subject to the provisions of this chapter. Inclusionary housing credits may also be transferred or sold to any other person or entity subject to the following conditions:

(1) Inclusionary housing credits must be applied to another development project within five (5) years of issuance of a certificate of occupancy for the inclusionary units(s) or implementation of an alternative method of meeting the inclusionary method of meeting the inclusionary housing requirement which gives rise to the credits, such as land dedication. A developer who has not used, transferred or sold credits within the time specified in this section may apply to the City for a one (1) year extension on the life of the credits. A request for extension of the inclusionary housing credit shall be reviewed by City Council who shall grant or deny the request for extension. The City Council shall consider progress and efforts the developer has made to utilize the credits during the previous five (5) years, the impact on affordable housing in the City if the extension is granted, any proposals for use of the credits should the extension be granted and other relevant factors.

(2) Inclusionary units receiving monetary subsidies through the City shall not receive credits unless the City has been reimbursed for its financial assistance.

(D) Local Public Funding. A developer may apply to the community development agency for local public funding to assist in the financing and development of affordable housing to meet the inclusionary housing requirement.

(E) Modification of Development Standards. To the extent feasible in light of the uses, design and infrastructure needs of the development project, modifications to existing City planning standards may be made for the development project. Such modifications shall be requested through a development permit, or other such permit that allows the modification of planning standards, and shall be considered in conjunction with the other discretionary land use entitlements for the development project.

(F) Mixed Use Projects. Mixed use projects containing affordable units may be proposed and approved in areas of the City where the Zoning Code and the General Plan allow such development to help off-set the cost of developing affordable units pursuant to the requirements of this chapter.

Section 17.200.070 Density Bonus

Inclusionary units required by this Chapter or otherwise proposed to be constructed as part of a development project shall not be counted towards the number of units necessary to qualify for a density bonus under applicable state or local laws.

Section 17.200.080 Restrictions on Inclusionary Units

Each inclusionary unit created as a result of this Chapter shall have limitations governing its rental, sale, and/or resale and its occupancy, unless such limitations would be in conflict with federal or state law. The purpose of these limitations is to preserve the long-term affordability and to ensure its continued availability for income eligible households.

(A) Duration of Affordability for Rental and Resale of Inclusionary Units. All rental and for-sale inclusionary housing units developed within the City shall remain affordable for a period of not less than that required by Section 33334.3(f)(1) of the California Health and Safety Code (fifty-five years for rental units, forty-five years for owner-occupied units and fifteen years for mutual self-help housing units), and shall be regulated by regulatory agreement, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

(B) Occupancy Requirements.

(1) Rental Units. Any person(s) who occupies a rental inclusionary unit shall occupy that unit as his or her principal residence and shall annually certify that he or she qualifies for the applicable affordable rent level. The Community Development Director shall annually initiate this certification process. If and when any person(s) who rents an inclusionary unit no longer qualifies at the applicable affordable rent and income levels, the person(s) shall be required to vacate the unit or pay the market rate for the unit provided another rental unit is made available at the income level of the inclusionary unit.

(2) For-Sale Units. (i) Except as provided in this section, an initial owner who purchases a for-sale inclusionary unit shall occupy that unit as his or her principal residence. The inclusionary housing agreement shall provide that a for-sale inclusionary unit may only be rented or leased with the written permission of the City, and then, only to an income eligible person and the inclusionary unit shall be rented at no greater a rental rate than the affordable rent level as defined in Health and Safety Code Section 50053. The inclusionary unit shall be rented or leased at the same income level of the original for-sale affordable housing price. For example, if the initial owner bought the unit at the very low income housing price the unit shall be rented at the very low income rent level currently in effect. Any person intending to offer a for-sale inclusionary unit for rent or lease shall first notify the City housing coordinator in writing, prior to the renting of the unit. (ii) An initial owner shall be required to execute a promissory note, secured by a deed of trust, payable to the City, for the difference between the fair market value of the unit and the actual purchase price ("Silent Second Note"). The Silent Second

Note shall accrue interest at the Local Agency Investment Fund ("LAIF") rate, and shall be due and payable upon the sale, transfer or refinancing of the unit, unless the sale is to another low income eligible buyer, as determined by the City. The proceeds of any Silent Second Notes shall be deposited in an account designated for uses related to the provision of affordable housing in the City.

(C) **Resale of For-Sale Units.** The initial owner or any subsequent owner may sell a for-sale unit pursuant to the following requirements. Inclusionary for-sale units shall remain affordable to subsequent income eligible buyers pursuant to the resale restricted term provided for in subsection (A) above, and in accordance with the affordable housing costs set forth in Health and Safety Code Section 50052.5. The inclusionary for-sale unit shall be sold at the same affordable housing price income level as it was originally sold, and the new income eligible buyer shall be required to execute a new inclusionary housing agreement and Silent Second Note, secured by a deed of trust.

(1) **Option to Sell to City.** If the owner is unable to sell the inclusionary unit within one hundred and eighty (180) days of offering and advertising the unit for sale, the owner may offer to sell the unit to the City at the affordable housing price at the time offer. The Community Development Director may reduce the one hundred and eighty (180) day requirement specified above if the owner demonstrates, to the satisfaction of the Director, that such limit would create a hardship for the owner. If the City or its assignee does not complete the purchase of the unit within ninety (90) days of the owner's offer of sale to the City, the resale obligation of this section shall terminate; however, the provisions of this section relating to recapture upon sale shall continue to apply and remain in full force and effect.

(2) **Recapture Upon Sale.** If the inclusionary unit does not sell within one hundred and eighty (180) days of offering and advertising the unit for sale, or such lessor time as established by the Community Development Director upon a finding that a hardship exists, and if the City does not acquire the inclusionary unit as specified in this section, the inclusionary unit may be sold at the current market price. Upon the sale of a unit at market price, the seller shall pay to the City housing trust fund the full amount of the Silent Second Note, described above in this section. The owner shall be entitled to any appreciation in the fair market value of the unit from the time of initial sale to the present sale.

Section 17.200.090 Administration of Inclusionary Housing Requirements

(A) **Inclusionary Housing Agreement.** Upon approval of the inclusionary housing plan pursuant to Section 17.200.030, the Community Development Director shall prepare an inclusionary housing agreement for the development project that is consistent with inclusionary housing plan, and shall indicate ownership information, type of inclusionary unit (for-sale or rental), the number and size of the inclusionary units, the developer of the inclusionary units, the phasing and construction scheduling of the inclusionary units, commitments for inclusionary incentives and any other information required by the City

relative to the inclusionary housing requirement. In the case of alternatives to the inclusionary housing requirement, the agreement shall also contain the information required in this chapter pertaining to the alternative. Upon completion, the inclusionary housing agreement shall be recommended for approval by the City Council at the next regular City Council meeting. The inclusionary housing agreement shall provide a direct financial contribution by the City in the amount of not less than one hundred dollars (\$100) per inclusionary unit.

No final map shall be approved and no grading permit or building permit shall be issued by the City prior to the full execution and recordation of the inclusionary housing agreement against the property.

(B) Action on Inclusionary Housing Agreement. The City Council shall approve the inclusionary housing agreement upon a finding that the agreement meets all the requirements of this chapter and shall direct that the agreement be recorded upon the subject property.

(C) Affordable Rental and Affordable Housing Agreements. Prior to obtaining a certificate of occupancy for a development project which includes inclusionary units, the developer shall cause an affordable rental agreement to be executed between the owner of the property and the City which shall be recorded with the county recorder's office against the parcels identified in the inclusionary housing agreement as being inclusionary units, in a form reviewed and approved by the City Attorney. Where the inclusionary unit is a for-sale unit within a development project, prior to obtaining a certificate of occupancy for that unit the developer shall cause an affordable sale agreement to be executed between the initial owner of the inclusionary unit and the City, which shall be recorded with the county recorder's office against the parcel, in a form reviewed and approved by the City Attorney.

(D) Administrative of Affordability for Rental Inclusionary Housing. The owner of rental inclusionary units or for-sale inclusionary units offered for rent shall be responsible for certifying the income of the tenant or owner to the City at the time of initial rental and annually thereafter. The owner of a for-sale inclusionary unit shall certify to the City the income of the initial purchaser.

(E) Accessory Dwellings. Prior to obtaining a certificate of occupancy for an accessory dwelling which is designated as an inclusionary units pursuant to an inclusionary housing agreement, the developer shall cause an affordable sale agreement to be executed between the initial owner of the accessory dwelling unit and the City, which shall be recorded with the county recorder's office against the accessory dwelling unit, in a form reviewed and approved by the City Attorney.

(F) Guidelines. The Community Development Director may develop additional guidelines as necessary for implementation of this chapter.

(G) Appeal. Where the provisions of this Chapter vest the Planning Commission with final decision making authority, any applicant aggrieved by the decision of the Planning Commission may appeal the decision to the City Council, within ten (10) days of the final decision of the Planning Commission. Any appeal of a decision of the Planning Commission must be filed with the City Clerk. The City Clerk shall set the appeal before the City Council within forty (40) days of receipt of the appeal.

Section 17.200.100 Monitoring of Inclusionary Housing

(A) Developers. Developers that have entered into an inclusionary housing agreement requiring the provision of inclusionary housing units will be monitored by the City annually to assure compliance with the inclusionary housing agreement.

(B) Inclusionary Units. Inclusionary housing units developed within the City will be monitored by the City annually to verify that the units remain affordable in accordance with Section 17.200.080(B) of this chapter.

(C) Reporting. An annual reporting mechanism shall be created by the City to identify the number of inclusionary housing units that have been required for development within the City by inclusionary housing agreements during the annual reporting period and shall include the number of inclusionary housing units that have actually been developed during the annual reporting period. The report shall also include the results of the monitoring of developers and inclusionary units already in existence.

Section 17.200.110 Administrative and In-Lieu Fees

The City Council may, by resolution, establish an in-lieu fee and reasonable fees and deposits to defray costs of processing applications, proposals pursuant to this Chapter.

Section 17.200.120 Enforcement and Penalties

It is unlawful to offer for sale or to rent or lease any inclusionary unit without compliance with this Chapter. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day which any person commits, continues, permits, or causes a violation thereof and, shall be punished accordingly.

SECTION 3.

Section 17.60.030(B) of Chapter 17.60 of the Winters Zoning Code pertaining to affordable housing requirements for individualized projects is hereby repealed in its entirety.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law. The City Clerk of the City of Winters shall

cause this Ordinance to be published and posted in accordance with 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on December 15, 2009, and was passed and adopted at a regular meeting of the City Council held on January 5, 2010 by the following vote:

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

NOES: None

ABSENT: Council Member Anderson

ABSTAIN: None



Michael Martin, MAYOR

ATTEST:



Nanci G. Mills, City Clerk

1160228.15

ORDINANCE NO. 2013-03**AN ORDINANCE OF THE CITY OF WINTERS AMENDING SECTION 17.200.030 OF THE ZONING CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS**

The City Council of the City of Winters hereby ordains as follows:

SECTION 1. Recitals.

- A. The City of Winters undertook a comprehensive study and analysis of its affordable housing program, which prompted certain revisions to the affordable housing program for the City in 2009.
- B. Following that study and analysis the City adopted Ordinance 2009-18, which was the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the development of market-rate housing and mixed use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of individuals of very low, low and moderate income within the City.
- C. Ordinance 2009-18 included an exemption to the affordable housing requirements set forth in that ordinance for projects of 15 units or less that are located in the project area for the City's former Redevelopment Agency.
- D. The exemption is to expire on December 31, 2013, and the City desires to extend the expiration date for such exemption.
- E. The City of Winters Planning Commission received the staff report at the Planning Commission Meeting of November 26, 2013 regarding this Ordinance, which amends the Zoning Code to repeal Section 17.60.030(B) and add Chapter 17.200 pertaining to affordable housing requirements within the City, and has recommended approval of the Ordinance.
- F. The City Council of the City of Winters has provided public notice of its intention to amend the Zoning Code to adopt Chapter 17.200, and conducted a public hearing thereon on December 3, 2013.
- G. The proposed amendment of the Zoning Code set forth herein to add Chapter 17.200 is consistent with the goals, policies, and objectives of the City of Winters General Plan, and in particular, the Housing Element, as adopted on October 15, 2013.
- H. The proposed amendment of the Zoning Code to add Chapter 17.200 has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 2. Subdivision (B)(1) of Section 17.200.030(B)(1) of the Winters Municipal Code is hereby amended to read as follows:

1. Former Redevelopment Project Area. The fifteen percent (15%) inclusionary housing requirement provided in Subsection A above shall not apply to development projects within the boundaries of the Winters Community Development Agency Redevelopment Project Area that contain fifteen (15) or fewer residential units. This exception shall expire on October 31, 2021, unless extended by the City Council. Any development project that has not acquired a vested right to develop in accordance with existing laws and regulations by such expiration date shall be required to comply with the provisions of this chapter.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law. The City Clerk of the City of Winters shall cause this Ordinance to be published and posted in accordance with 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on December 5, 2013, and was passed and adopted at a regular meeting of the City Council held on December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cecilia Aguiar-Curry, MAYOR

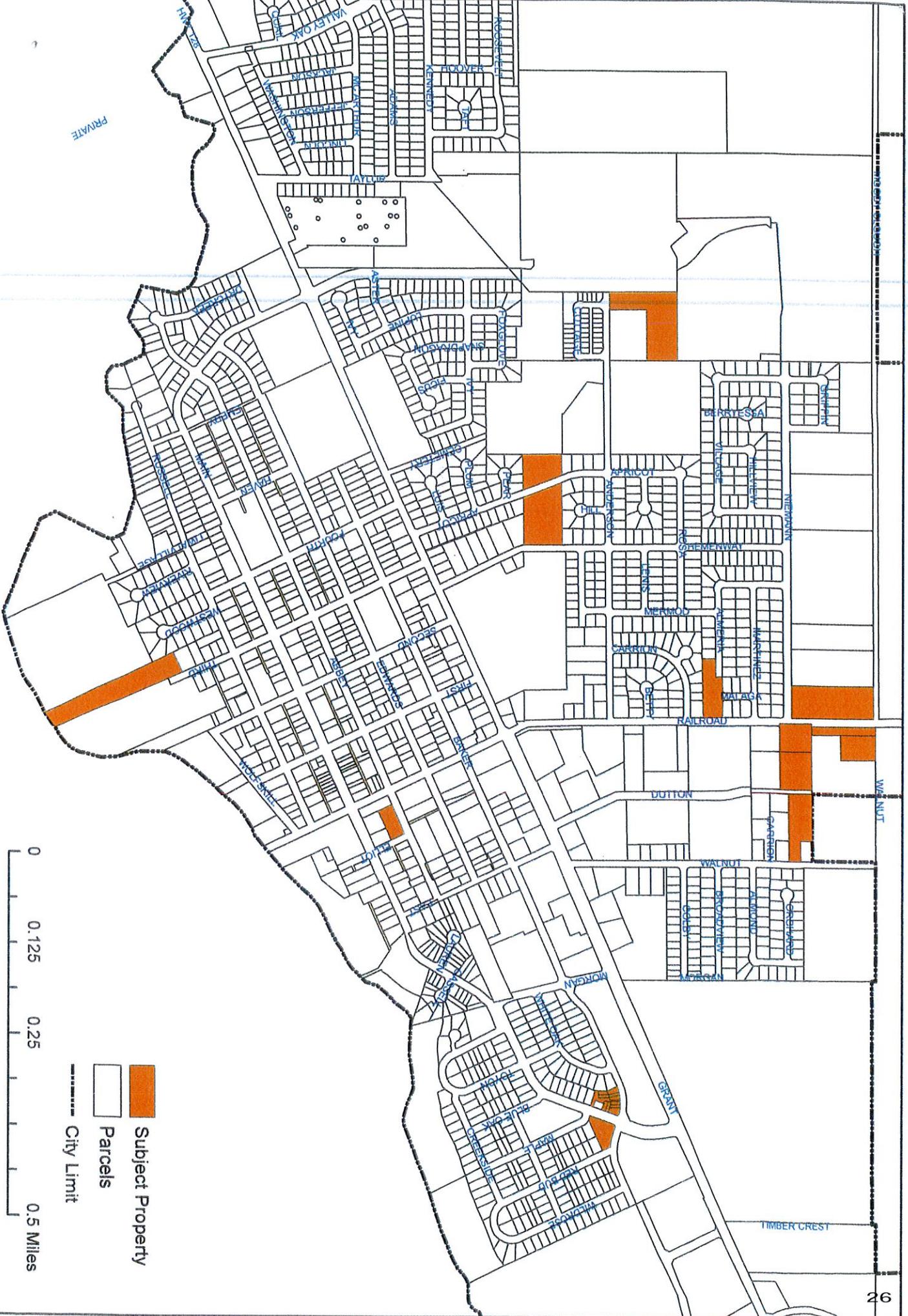
ATTEST:

Nanci G. Mills, City Clerk

Properties with potential for affordable units lost due to small development exemption						
APN #	Zoning	Property Size	Potential Uni	Owner	Miscellaneous	Lost units
003 230 008	R1 & OS	R1 = 2.05 ac* OS = 1.41 ac*	3 to 15 1	T & J Pearse	property south of 3rd * est. based on GIS	3
003 224 002	C2	.6 ac	6 to 12	J & M Pickerei		2
003 224 001	C2	.435 ac	10	City of Winters	Monticello project	2
038 210 001-011	C1	.66 ac	10	Village Townhomes LLC	Winters Village West	2
038 220 002-006	C1	.49 ac	5	Winters Village East		1
003 391 005	R1	4.21 ac	5 to 29	Valadez		N/A*
003 392 001	R1	3.838 ac net				N/A*
030 220 034	R1	3.29 ac	4 to 25	LDS		2
003 424 026	R2	1.21 ac	7 to 11	M & S Briggs		N/A*
030 220 010	R1	3.28 ac	4 to 24	V & L Pinkston		2
003 360 002	R1	1.72 ac	2 to 13	Robert Polkington Jr Tr		2
038 050 071	R4	.65 ac	7 to 13			2
038 050 021	R4	1.0 ac	11 to 20	G & L Davis Tr		N/A**
003 360 010	R4	1.09 ac	12 to 22	C & P Floyd Tr		N/A**
003 360 014	R4	1.197 ac	13 to 24	Sergio Jiminez		N/A**
Total						16

N/A* - would only qualify for exemption if developed at lower end of density allowed
 N/A** - can't qualify for exemption as Housing Element requires properties zoned R-4 to density allowed for that zoning (min. of 16 d/u per acre)

Properties with potential for affordable units lost due to small development exemption

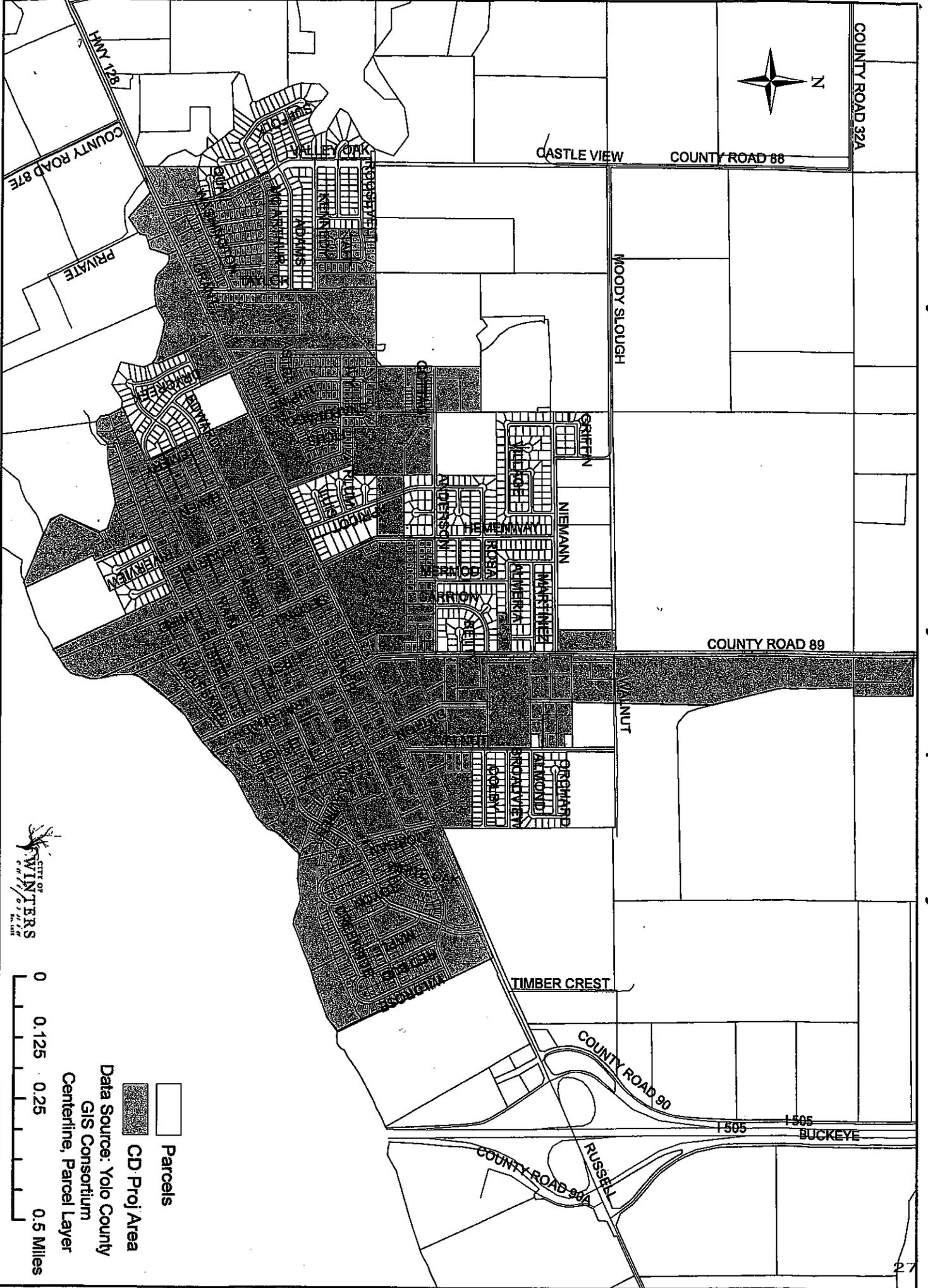


PRIVATE



-  Subject Property
-  Parcels
-  City Limit

City of Winters Community Development Project Area



0 0.125 0.25 0.5 Miles

Parcels
 CD Proj Area

Data Source: Yolo County
 GIS Consortium
 Centerline, Parcel Layer



**PLANNING COMMISSION
STAFF REPORT**

TO: Honorable Chairman Biasi and Commission Members
DATE: November 26, 2013
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Update on Phase Two Construction of Walnut Park (APN: 003-360-028)

RECOMMENDATION

Receive the staff report updating the Planning Commission on Phase Two Construction of the Walnut Park Master Plan.

BACKGROUND

The planned 4.72 acre Walnut Park is located on the east side of Dutton Street, directly east of the Orchard Village Apartments. The property has long been programmed for a park site and was zoned P-R (Parks and Recreation) prior to the start of the Orchard Village Apartments project.

On January 5, 2010, the City Council approved Resolution 2010-01 approving the application for Proposition 84 park grant funds. In the fall of 2010, the City of Winters received a grant award of \$865,191 from the State Parks Department Office of Grants and Loans through the Proposition 84 program. The State Parks funds are to be used to develop 3.12 acres of the site. The remaining 1.6 acre site will be developed concurrently, utilizing Community Development Block Grant funds. The CDBG funds were applied for based on an authorization received at the City Council meeting on June 15, 2010, with the City Council approving Resolution 2010-38. The CDBG grant, including \$360,000 for the park project was approved in December of 2011. In total, the funding limit to develop the park totals 1.2 million in grant funds. There is no city match requirement to implement the park; however, the City did expend \$255,000 for the acquisition of the 3.12 acre portion from the Orchard Village developer.

On July 5, 2011, the City Council approved the Purchase and Sale Agreement between the City and Central Valley Coalition for Affordable Housing (CVCAH) for 3.12 acres of land, for the planned development of the park, this agreement included a dedication 1.6 acres from CVCAH to the City of Winters. The 1.6 acre portion of the park project was dedicated to the City to fulfill Central Valley CVCAHs Quimby Act requirements for parkland in conjunction with the development of the Orchard Village apartments.

On January 22, 2013, a joint meeting with the City Council and Planning Commission was held to assist in meeting the CDBG grant funding deadline. Under the terms of the CDBG grant, the 1.6 acre portion of the site which is the westernmost piece of the park shall be constructed by June 30, 2013. The State Parks funding for construction of the 3.4 acre portion of the park site which is the easternmost piece of the park shall be completed by June 30, 2017.

During the joint meeting, staff received comments and feedback from members of the Council and Planning Commission and from residents in attendance. After receiving a walkthrough of the project from the architect team, the majority of the discussion focused on improvements and refinements that could be made to the park. Some residents were concerned with the overall functionality of the park and expressed concerns related to privacy and an overall increase of vehicular traffic when the park is operational. These issues will be further discussed and evaluated in the Policy Analysis section of this report as well as some modifications to the design of the park based on the feedback from this meeting.

PROPOSED PROJECT

The neighborhood park is 4.72 acres and sits between Walnut and Dutton Streets. There are residential neighborhoods both on the north and south sides with a mix of existing iron and wooden fences at the property line. The project will provide both active and passive recreational features that will serve all ages. The park will be used daily, primarily by students circulating from the east side residential neighborhood on their way to the high school to the west.

The park is being developed in two phases with the first phase (west side Dutton Street) of the park completed by the September 30, 2013 expenditure deadline (extended by 90 days from the original June 30, 2013 deadline). The west side (Dutton Street) of the park includes (1.6 acres):

- a. **Community Garden:** The community garden fulfills a key goal of the neighborhood which is to provide a garden for low income housing apartments and duplexes. The community garden will provide several families with a plot to grow vegetables and orchard fruit.
- b. **Group Picnic Area:** This group picnic area will have a custom shelter that protects the users from the elements and make a local statement with its architecture.
- c. **Retention Basin and walking paths:** The retention basin will be enlarged to manage all the storm water for the site and apartment complex. The goal is to convert this hole in the ground into an attractive native plant garden that allows people to walk through the site. The site will be fenced and closed during big rain events to prevent any liability.
- d. **Interpretive panels:** The site has several items that provide educational opportunities. The retention basin can tell the story of cleaning water and storm water management, the native plants throughout the site can demonstrate to people up close what is native to their region and drought tolerant, the water tower play area will describe the real use of these towers and describe the low water use irrigation, and finally, the community garden will tell the story of community and the health benefits and sustainability of growing your own food.
- e. **Concrete sidewalks and decomposed granite trails:** Pathways will encompass the perimeter of the site with antiqued concrete at the main entry points and the main thoroughfare on the south side of the park. The remaining sections of the paths will be decomposed granite to create a softer more rural feel in the park.
- f. **Native grasses, trees and shrubs:** A palette of native plants will surround the park providing durable drought tolerant and hardy plant material.
- g. **Walnut shell mulch:** The planned mulch will showcase how local products can be re-purposed.

The second phase of the park is located on the east side of the property (Walnut Street) and will be completed after Phase 1. The City is utilizing BSK Associates as the consultant for the environmental mitigation for the seasonal wetlands, which are located on the 3.12 acre portion of the parcel. They are in the process of submitting a permit application for the U.S. Fish and Wildlife Service ("USFWS"), under Section 10 of the Endangered Species Act of 1973, as amended (ESA). BSK has received estimates from USFWS staff that the process for that consultation will take approximately 10-12 months. The east side (Walnut Street) of the park includes (3.12 acres):

- a. **Multi-use turf field:** This multi use field will provide great opportunities for both the everyday user throwing a disc for their dog or flying a kite. It will also be used for an organized sports program that needs a practice or game field. The turf will be lush and the field will be lowered to create a meadow affect when walk the perimeter pathways. The sloped area around the meadow will also provide a great rolling hill for children to run down or roll on.
- b. **Half court basketball court and skate area:** This feature will be used by teens and adventure athletes. The basketball court will provide for all ages but primarily those 12 and older. To take full advantage of the concrete basketball court skaters would like to have a couple skate elements. These elements are off the basketball court and can be used at the same time.
- c. **Overlook and signage arch:** This structure sets the tone for the park by announcing the name and providing a shade area at the overlook to the meadow.
- d. **Water tower themed play structure:** The water tower play structure will emphasize the local culture and provide the key landmark for the park. This play apparatus will include a water tower top and the City's name to mimic the original tower on Grant Avenue. Users of the tower will be able to climb into, hide, slide and swing out of.
- e. **Sand Play area:** This will be a creative sand play area for children. The sand area will provide flat borders to build castles along with jumping rocks. The sand will need to be kept moist to provide great sand to play with.
- f. **Natural rock and log play area with slide on grade:** This rock and log feature over long grass will allow kids to develop their balance and motor skills transferring from log to log, rock to rock. The slide on grade provides a long slide experience and the slide with rollers speeds up the slide experience and will let all ages enjoy this element.
- g. **Individual picnic areas:** This area is strategically placed so moms, dads, grandmas and grandpas can watch their children play in the park.
- h. **East site landscape:** The landscape on the east side brings the past back to the park. A mass planting of a small to midsize ornamental tree in an orchard layout will be planting to recreate the orchard feel.
- i. **Concrete sidewalks and decomposed granite trails:** Pathways will encompass the perimeter of the site with antiqued concrete at the main entry points and the main thoroughfare on the south side of the park. The remaining sections of the paths will be decomposed granite to create a softer more rural feel in the park.

PHASE TWO UPDATE:

BSK, the firm contracted by the City to provide environmental mitigation services, filed the Section 10 with Fish & Wildlife in January 2013. BSK estimated the Section 10 process would take an estimated 10-12 months. Based on that estimate, we expect to receive direction from Fish and Wildlife on the mitigation approval and requirements by January 2014. Assuming approval of mitigation of the site, staff would expect to bring forth a mitigation bank proposal in the first quarter of the year. Once the environmental mitigation process has been completed, Phase Two construction documents would be finalized to put out to bid. The bid process is expected to occur in the second quarter of 2014, with construction starting in the summer of 2014.

Phase Two construction will include deliverables carried over from Phase One of the Park project, including completion of the shade structure and the construction of the community garden. The footings for the shade structure have been installed and the structural engineering approval of the structure has been received.

Additional deliverables that are part of the second phase include a 10 foot wide path at the south end of the project, additional paths, street improvements along Walnut Lane, a sports field/open space, additional benches and other potential park amenities as outlined in the Park Master Plan.

ATTACHEMENTS:

Prop 84 Budget Recap

Park Master Plan

Park Phasing Plan

Melton Design Group Phase Two Communication

Planning Commission Minutes from February 12, 2013

Prop 84 Grant Budget Update

Prop 84 Grant	\$865,191
Environmental Mitigation/Permitting	\$200,000
Available for Construction/Soft Costs	\$665,191
Prop 84 Expenses (City already paid)	\$ 77,890
Available Funds	\$587,301

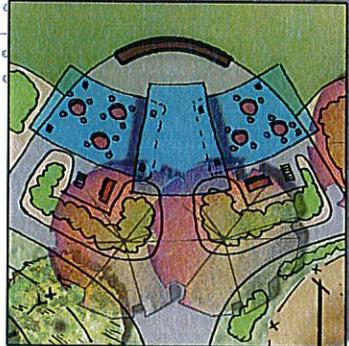
PARK MASTER PLAN

ORCHARD VILLAGE PARK

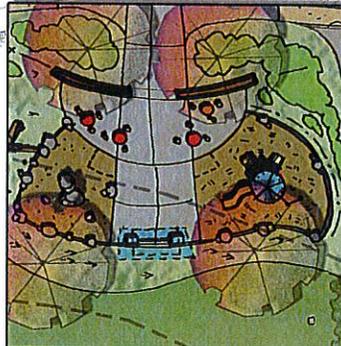


LEGEND

- LARGE DECIDUOUS SHADE TREE
 - LARGE DECIDUOUS SHADE TREE
 - MEDIUM TO LARGE RIPARIAN TREE IN BIO SWALE AREA
 - MEDIUM TO LARGE RIPARIAN TREE IN BIO SWALE AREA
 - SMALL TO MEDIUM ORNAMENTAL TREE TO MIMIC ORCHARD
 - CITY OF WINTERS STREET TREE
 - LOW MAINTENANCE NATIVE & ORNAMENTAL GRASSES & SHRUBS
 - NATIVE GRASSES
 - EXISTING STREET LIGHTS
 - POLE MOUNTED PARK LIGHTS
- NOTE: 1. NEW LIGHTS TO BE SURMOUNTED AT COMMUNITY GARDEN AND SHADE STRUCTURE. 2. PARK HOURS AND RULES TO BE POSTED AT SHADE STRUCTURE AND PLAYGROUND SEATING AREA.



GROUP PICNIC AREA



PLAY AREA / OVERLOOK

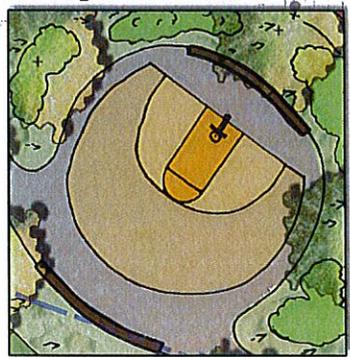
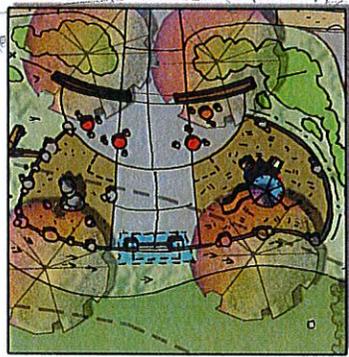
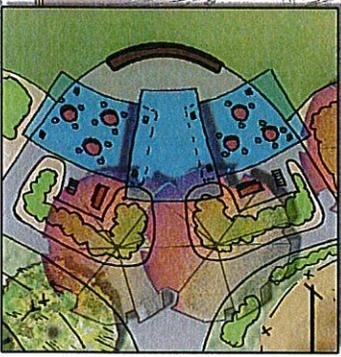
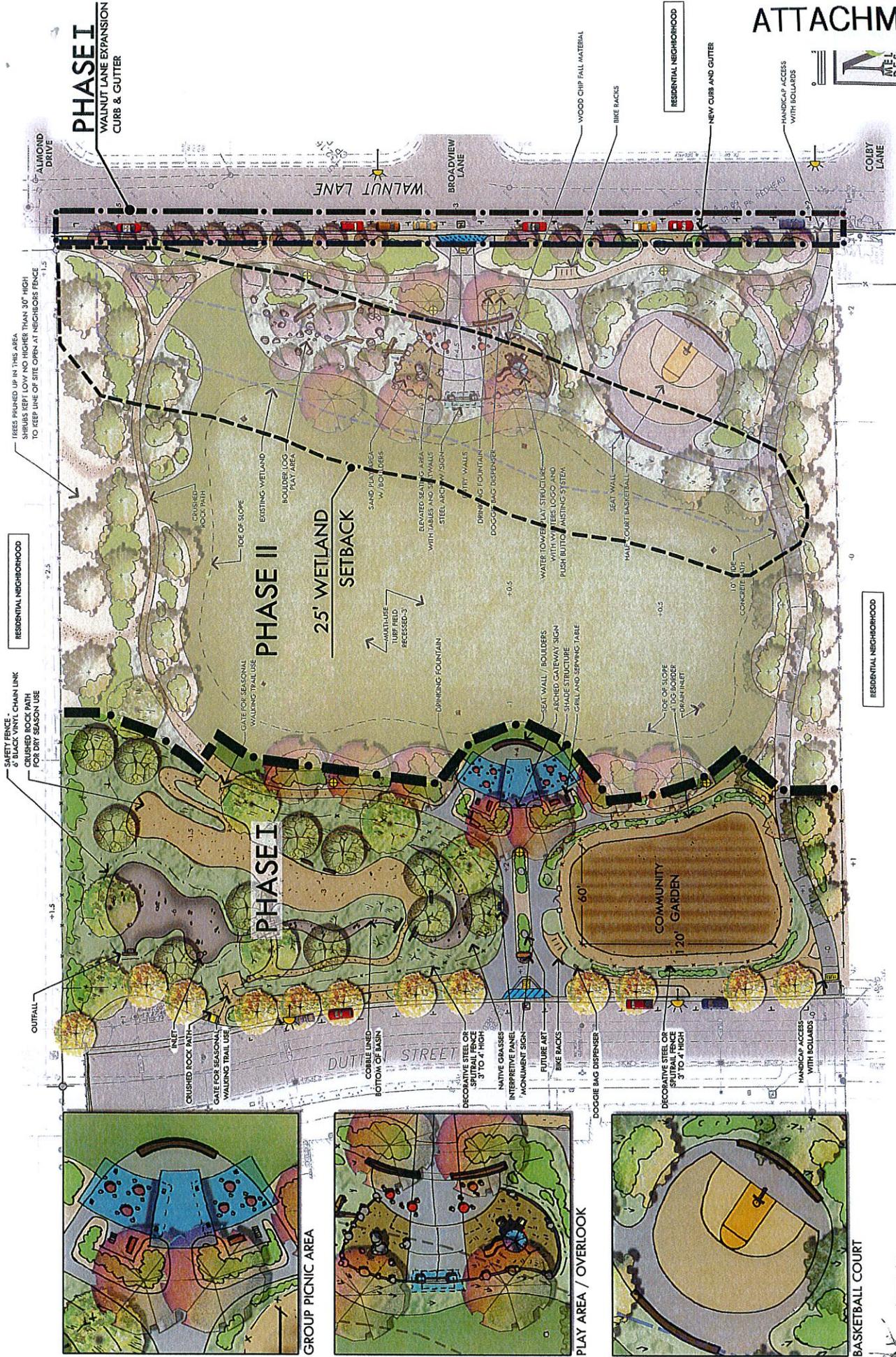


BASKETBALL COURT



PARK PHASING PLAN

ORCHARD VILLAGE PARK



Daniel Maguire

From: Shawn Rohrbacker [shawn@meltondg.com]
Sent: Tuesday, November 19, 2013 4:09 PM
To: Daniel Maguire
Subject: Walnut Park Phase Two

Hi Dan,

The following is a list of park amenities planned to be installed for the Phase 2 / Prop 84 portion of Walnut Park:

1. 10 foot wide concrete path at south end of project, connecting Walnut Lane and Dutton Street. Each end include curb ramps.
2. Trail/Exercise Path - Decomposed Granite (DG) path loop around the park, connecting to south concrete path.
3. Shade Structure – installed over existing Phase 1 picnic area.
4. Street Improvements along Walnut Lane – curb and gutter, asphalt road widening, handicap accessible parking stall at center of site and another curb ramp at the northeast corner of the park.
5. Sports Field/Open Space – turf area in middle of the site, not meant for organized sports.
6. Landscaping – remaining open space to be planted with low water use plants on a drip irrigation.
7. Community Garden - \$10,000 Prop 84 budget to be allocated to local garden club to install what is needed. Finish grade and a water connection is in place from Phase 1.
8. Benches not installed in Phase One. 7 total, to be placed in both Phase 1 and 2 areas.
9. Playground – small playground as an add alternate bid item, including concrete picnic area, tables, bike racks and drinking fountain. There are existing tables, bike racks and a drinking fountain in Phase 1.
10. Signage – park rules sign and required parking/street signage.

Please let me know if you have any questions or need anything else.

Sincerely,



Shawn Rohrbacker
 309 Wall Street | Chico, CA 95928
 shawn@meltondg.com | 530-899-1616
www.meltondg.com

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**MINUTES OF THE WINTERS PLANNING COMMISSION
SPECIAL MEETING HELD
FEBRUARY 12, 2013**

DISCLAIMER: *These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chairman Biasi called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Lisa Baker, Richard Kleeberg, Pierre Neu, Patrick Riley, Joe Tramontana and Chairman Bill Biasi

ABSENT: Commissioner Reyes

STAFF: City Manager John W. Donlevy, Jr., Planner Jim Bermudez and Management Analyst Mary Jo Rodolfa

PLEDGE: Commissioner Neu led the Pledge of Allegiance.

CITIZEN INPUT: None

CONSENT ITEM:

1. Approval of Meeting Minutes of the January 22, 2013 Regular meeting of the Planning Commission.

Chair Biasi asked that the minutes be amended to include the discussion relating to the use of the fields for organized sports and voiced concerns that based on the proposal organized sports programs will be using the field for games. City Manager Donlevy stated that the field would not be used by organized sports programs for games, that it is a large grassy area that may be used for scratch games.

Commissioner Baker moved to approve the Meeting Minutes of the January 22, 2013 Planning Commission Meeting with the addition of the comments relating to organized sports programs not using the field for games. Seconded by Commissioner Neu. Unanimously approved. (The revised minutes of the January 22, 2013 meeting of the Winters Planning Commission are attached.)

COMMISSION REPORTS: None

STAFF REPORTS: None

DISCUSSION ITEM:

A. Public Hearing and Consideration of Approval of Conditional Use Permit and Design Review for Orchard Village Park Site Located Between Dutton Street and Walnut Lane (APN: 003-360-028)

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City Manager Donlevy introduced the item and stated that there are two key parts to it; one is public hearing then the consideration of CUP and design review. He then turned the presentation over to Shawn Rohrbacker of Melton Design Group and staff planner Jim Bermudez. Rohrbacker said he would first walk the Commissioners through design and budget, and then have Bermudez respond to questions. Commissioner Riley asked how this is different from what they saw at the joint meeting. Rohrbacker said he would provide a brief summary of master plan as it is now and the changes and then some items that were looked at in the budget. He pointed out that the plan now shows handicap accessible parking at both primary entries on Walnut Lane and Dutton Street, and ADA accessible ramps at all 4 corners and parking stalls. Additionally the path at the south end is now 10 feet wide, they have scaled back the size of natural play area at north east section of the park to get away from the neighbors. The slide has been removed to save on the budget. He also indicated that they put together a street section of Walnut Lane to show parking on both sides of the street. In response to a concern voiced regarding the height and density of trees, they will limit number and keep as shade trees and low shrubs for a clear view of neighbor properties to north and south. Chair Blasi asked about lighting. Rohrbacker responded that the plan now shows lighting, there are light pole standards in 6 locations, 3 on each side and small bollard lighting on the trail on the north and south sides. Also there are electrical outlets at both shade structures and street lights. It has been designed so that close to neighbor properties the lights are lower. Commissioner Baker asked if there is any solar power for the bollards. Rohrbacker responded that it would be nice but is cost prohibitive. Chair Blasi wanted to more about the water play area mister now in the plan. Rohrbacker said they are trying to see if they can add a pushbutton mister on the water tower element or some other mister push button element. Commissioner Riley –asked if there will be a non slipping surface. Rohrbacker said yes, it would be in the cushioned play area. Chair Blasi noted that the skate elements have been removed. Rohrbacker said yes, there was not enough room. Chairman Neu asked if the seat wall had been changed to somehow incorporate skating. Rohrbacker replied no, he added that they are looking to see if the local quarry can donate some boulders. Commissioner Baker asked if the tall lights are down shaded. Rohrbacker said yes.

Rohrbacker went on to say that a few other items to be addressed that were not part of the first meeting are in relation to the budget. There had been a request for some alternate material options. A handout was distributed that was easier to view than what had been provided in the packet. Rohrbacker reviewed the construction budget with 4 alternate material options, he pointed out that the last page of the handout has the alternate material options. Options A and B have to do with the paths, the first is if the DG pathway is changed to concrete instead, that adds \$38k to project, the second is if asphalt, that adds \$17k. Item C is bark mulch in the planters -\$2.4k – that is not much but we may be able to get walnut shells donated. The last item, D, is poured in place recycled rubber fall material for the play area, that adds \$22k to budget.

Chair Blasi asked about sidewalks along Walnut and Dutton, none are shown along the street. Rohrbacker replied that the sidewalks are off of the street. Chair Blasi commented so then they are the DG portion of the path. Rohrbacker said yes, we are now proposing on Walnut to have DG paths between the planters instead of walnut mulch. Commissioner Riley asked if the plants would be in the dg. Rohrbacker- no, it would go around them. Chair Blasi asked if there was a border to the plants. Rohrbacker, no, the dg will go right up to them, there will be a bubbler system for well and water. Commissioner Riley said that does not seem like a good idea. Rohrbacker replied that for the trees there

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would be a deep water system. Chair Biasi voiced concerns regarding Walnut Lane with no sidewalk and having going through dg in the rain, it is messy. Chair Biasi asked about the handicap parking. Rohrbacker commented that there will be a concrete pad next to the handicap parking area. Chair Biasi noted that the park entry comes out right across from Colby Lane, and asked if a crosswalk would be placed there. City Manager Donlevy replied no, that we only have crosswalks if we have a controlled intersection. Normally we have crosswalks in uncontrolled intersections only in school zones. Chair Biasi replied that it is a neighborhood park and that it seems dangerous to him, there will be lots of kids cutting through the park to school. Commissioner Baker asked about Walnut Lane as not a collector street. City Manager Donlevy said that it is now but it will not be with the build out of the city. In the future it will be a residential street. Commissioner Baker asked if there is a sidewalk on other side of Walnut. Rohrbacker replied yes, there is one. Commissioner Riley asked why wouldn't the city put a sidewalk in. Rohrbacker replied that we do have sidewalks but they are set back and are of decomposed granite. They do run the entire length of the park on both sides except the north west corner where there is a turn out, right now there is curb and gutter for drainage and then dg for the sidewalk. Commissioner Riley commented that so long as pedestrians are not in the street then he is good with it. Commissioner Baker wanted to make sure that it will be compacted dg and not loose. Rohrbacker replied yes that would be the case. Chair Biasi stated that he would prefer concrete or asphalt for the paths. Rohrbacker said there were two reasons for the use of DG, one is to keep with the natural feel of the park and the second is budget considerations. Commissioner Neu commented that we supposed to have permeable materials. Commissioner Riley said that dg is okay if it does not get too wet. Rohrbacker commented that with the new state standards irrigation will be 2 feet off of the path. Commissioner Baker said she is okay with dg since there is a concrete sidewalk on the other side of street. Chair Biasi asked about discussing add ons and deducts. City Manager Donlevy suggested the Commission open public hearing first and then go back to the minutiae afterwards.

Chair Biasi opened the public hearing at 7:02 p.m.

Citizen Alison Portello residing at Almond Drive commented that seniors and children need a way to walk across the area now and not in the second stage of development of the park. She asked if a temporary boardwalk or something could be put in place now. She added that otherwise the plan looks nice. Rohrbacker said that they did talk about that. He indicated on the map that at the south end of the park the dark line is the set back but that they could put a temporary path in, but it would be close to the neighbors. A raised path through the area would require going back to the state and that could hold things up. Chair Biasi - no grading of that area initially? Rohrbacker that is right. City Manager Donlevy commented that we will find a way to put some path there, yes, but will we grade? No. At 7:05 p.m. Chair Biasi closed the public hearing

Rohrbacker reviewed the first page of handout distributed at the meeting indicating the total amount of grant funding, and how it is divided for Prop 84 funding and the CDBG grant. Chair Biasi - Out of \$1.2 million we have \$855k for construction? Rohrbacker, yes, there may be a little that can come back. Commissioner Baker commented that labor compliance would not be under pre construction administration. She asked how NEPA is being handled. City Manager Donlevy stated that what we are doing right now we are taking care of it and we are absorbing it. Rohrbacker reviewed page 2 of the handout showing the deducts and explained that as it is right now in terms of cost there are two big deduct items - the basketball court and the dg paths in the detention area, it would be graded and a dry creek bed but no coble and dg, just hydro seeded. Also the shade structure would be simplified, and the

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decorative fence would become a split rail fence there would be fewer seat walls and the steel arch sign would not be included. Commissioner Baker – there would be one less drinking fountain and no interpretive paths? Rohrbacker - yes. Commissioner Baker asked if collaboration with Yolo Arts had been considered. Rohrbacker replied they have not addressed that yet but it is the same concept as the boulders, but if we can then we will come closer to full build out. Chair Biasi wanted to know if we do then who makes the decisions of what is added or left out. City Manager Donlevy replied that if you want to give us some priorities you can do so. City Manager Donlevy said that most likely the first three items would be the ones that go, that when the bids come in a call will need to be made as to what is included or deducted. Commissioner Riley asked about the current bidding climate. City Manager Donlevy replied that we need to get out to bid before the economy gets any better. Commissioner Riley commented that for awhile things were coming in under estimated amount. Donlevy said he did not expect that now. Commissioner Baker stated that she would like to see it go out to bid with add alts, commenting that they work well in bidding. City Manager Donlevy replied that we can have the top three items all as add alts and let the bids determine the priority. Chair Biasi said he would like to see concrete or asphalt pathway as an add alt. City Manager Donlevy said okay. Chair Biasi pointed out that the steel arch could be lower on the list, others could do possibly do it cheaper. He added that there are several \$15k items and they add up, we are on a low budget. City Manager Donlevy replied so add alts are bb, court, shade structure, dg in the retention basin, concrete or asphalt path, and the steel arch. Chair Riley commented that he would like to see functional rather than artistic things first. Chair Biasi said he agrees with Commissioner Riley, we may get the artistic items some other way later. Rohrbacker agreed. Chair Biasi noted that the bollard lights are not in the budget and said he was curious how much those will add to the budget, indicating that he would rather see those than the archway or water tower. Commissioner Riley asked if the 6 light poles will illuminate just the walking paths and not the entire park. He also asked if there is a lighting standard. Rohrbacker replied yes with regards to only the paths being illuminated and that there is an electrical engineer who will look at the spacing. City Manager Donlevy added that these are not street lights, they are more practical walkway lights, we want them useful but subdued.

Planner Bermudez discussed the action that the Planning Commission could take. He commented that there was discussion as to what to do dependent on budget and it would be wise for the Planning Commission to direct staff to draft a condition that ensures we are going to deduct or want some key elements. We want to be sure we are mindful of what needs to be maintained and what can be eliminated.

Commissioner Baker moved that the City of Winters Planning Commission approve staff's recommended action with the additional condition that add alternates are pursued as identified by the Planning Commission and reflected in the minutes with a prioritization on practical items and explore potential future partnerships for aesthetic and artistic items. Seconded by Commissioner Tramontana.

Additional discussion, Commissioner Tramontana asked if the City staff could handle the additional park maintenance that will be required. City Manager Donlevy replied that the public works staff has been involved in the design, and that taken into consideration are plant selections that are easy to maintain. We

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have tried to make this park as low maintenance as possible. Commissioner Riley asked if the City had thought of contracting the work out. City Manager Donlevy said no, that it would add cost. We are in the stage of as we add things we may need to add positions in unless we contracted everything out. Commissioner Riley – you think you can absorb this with existing staff? City Manager Donlevy replied yes, we fill in with two cycles of seasonal employees, and that works well for us, we will manage this.

AYES: Commissioners Baker, Kleeberg, Neu, Riley, Tramontana and Chairman Biasi.

NOES: None

ABSTAIN: None

ABSENT: Commissioner Reyes

DISCUSSION ITEM:

B. Appointment of Planning Commissioner to Affordable Housing Steering Committee

City Manager Donlevy introduced the item stating that with former Commissioner Guelden who had served as the representative to the Affordable Housing Steering Committee now on the City Council we need someone else to step up. The first meeting is next Wednesday on February 20th, the group meets infrequently and sometimes does not meet for months. Currently Commissioner Baker serves on it in another capacity. Commissioner Riley asked when the meetings are held. City Manager Donlevy replied that they are typically on Wednesdays. Commissioner Baker commented that usually the members are surveyed to find a date and time. Commissioner Riley said he could not make the February 20th meeting but he will give serving on the committee a try and see how it works for him. City Manager Donlevy said the reason for a liaison appointment is the need to keep the Planning Commission informed in case things come back to the commission and there is a need for an explanation as to what was considered. Chair Biasi - so Commissioner Baker will also be there but not as a Planning Commissioner? He said he would be interested in doing it if the meetings were in the evening. Commissioner Baker stated that the meetings are usually in the evenings, she added that as the Executive Director she provides technical assistance for the Affordable Housing Steering Committee so it would not be appropriate for her to serve as the representative from the planning commission.

Commissioner Neu moved that the City of Winters Planning Commission appoint Pat Riley to the Affordable Housing Steering Committee. Seconded by Commissioner Kleeberg.

Additional Discussion – Chair Biasi stated that he may be able to serve as an alternate later down the road.

AYES: Commissioners Baker, Kleeberg, Neu, Riley, Tramontana and Chairman Biasi.

NOES: None

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ABSTAIN: None

ABSENT: Commissioner Reyes

COMMISSIONER/STAFF COMMENTS: Commissioner Tramontana reported that the tree located in front of the silo at the Burger King was finally cut down. No one admitted to knowing who did it.

ADJOURNMENT: Chair Biasi adjourned the meeting at 7:36 p.m.

ATTEST:



Bill Biasi, Chairman



Mary Jo Rodolfa, Management Analyst

**CONDITIONS OF APPROVAL FOR THE ORCHARD VILLAGE PARK PROJECT
LOCATED BETWEEN DUTTON STREET AND WALNUT LANE
(APN 003-360-028)**

FINAL CONDITIONS OF APPROVAL

Approved by the Winters City Council on February 12, 2013

The following conditions of approval are required to be satisfied by the Developer prior to operation of the park, unless otherwise stated.

General

1. The project is as described in the February 12, 2013 Planning Commission staff report. The project shall be constructed in two phases as depicted on the maps and exhibits included in the February 12, 2013 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action.
2. The approval of the use permit will expire on February 12, 2014 (one year) if the project has not commenced construction. According to Winters Municipal Code Section 17.20.060 (Extension of time for use permits), the Community Development Director may approve a one-time extension of time for use permits. Such extension shall be approved for not more than one year.
3. The applicant / owner shall pay all applicable fees and charges at the rate and amount in effect at the time such fees and charges become due and payable.
4. The applicant shall comply with requirements of all other agencies of jurisdiction.

Community Development Conditions

5. Include/identify an area for park signage that includes park hours and rules - smoking, drinking, etc.
6. Prior to operation, street signage – slow for pedestrian traffic signage shall be installed per the guidance of the Police Department.
7. Prior to operation, speed signs for streets on both sides of the park shall be installed by the Public Works Department.

8. Provide a Grading Plan, Utility (W,SS,SD) Plan, and Street Frontage (Walnut Lane) Cross-Section/Plan, for City Engineer review.
9. The project shall operate in a manner to limit noise exposure to those levels set forth in the Winters Municipal Code and General Plan.
10. Bike racks shall be provided per Winters Municipal Code and be located adjacent to each building. Locations shall be approved by the Community Development Department.
11. Project shall be subject to 2010 CBC Chapter 11B - Sec. 1114B1.1 and 1132B.
12. Project shall be subject to 2010 Title II Dept. of Justice ADA Standards for Accessible Design 2010 - Chapter 2 and Section 240, Chapter 10 and Section 1008.
13. Review and inspection of the project shall be performed by a qualified certified access specialist CASp plan reviewer and inspector.
14. All playground equipment shall comply with the California Playground Safety Regulations, inspected and certified by the National Playground Safety Institute of National Recreation and Park Association.

Public Works Department/City Engineering Conditions

15. Project applicant shall pay all development impact fees adopted by the City Council at the rate in effect at the time of building permit issuance and shall pay fees required by other entities.
16. The applicant shall satisfy all agencies of jurisdiction and satisfy all City of Winters requirements for development.
17. Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The City Engineer shall review the design of all improvements, during the plan check process and shall be revised, as needed, at the discretion of the City Engineer.
18. The applicant shall, on a monthly basis, reimburse the City for all costs which are not otherwise provided for in the approval of this project including permit fees, inspections for work in public right-of-way, materials testing, construction monitoring, plan checks and reviews, and other hard costs incurred by the project.

19. A signage and striping plan is required and shall be approved by the City Engineer. All striping shall be thermoplastic.
20. The applicant shall contact the City Engineer prior to beginning construction for a pre-construction meeting.
21. The City Engineer and Fire Chief shall review and approve the location, number, and specifications of the backflow devices.
22. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
23. The applicant shall submit to the City Engineer for review and approval a storm drainage plan for the project area, prior to the approval of the improvement plans. The applicant shall be responsible for acquisition of all storm drain or other easements from adjacent property owners, if applicable, which are required for the construction and maintenance of perimeter and off-site improvements.
24. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
25. At the time of making the survey for the development, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the project shall be set or referenced prior to final acceptance of project.
26. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. In addition to grading information, the grading plan shall indicate all existing trees and trees to be removed as a result of the proposed development, if any.
27. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to grading, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
28. The development shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.

29. Construction of the project disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
30. Construction of the project disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less than 1 acre shall include a BMP to be approved by the City Engineer.
31. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measure such as benching, sedimentation basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by the City Engineer.
32. Applicants for projects draining into water bodies shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board prior to commencement of grading.
33. Final Joint Trench utility plans shall be included with the improvement plans, prior to approval by the City Engineer.
34. Existing public and private facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's sole expense, to the satisfaction of the City Engineer.
35. Appropriate easements and rights of way shall be required for City maintained facilities located outside of City-owned property or the public right-of-way. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
36. All work within public right-of-way or easement shall comply with the City of Winters Public Works Improvement Standards and Construction Specifications, subject to the approval of the City Engineer.
37. The applicant shall submit a landscape, irrigation, lighting, and fencing, plan to City for review and approval prior to approval of the improvement plans.

38. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
39. Developer shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.
40. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.
41. The applicant shall minimize the dust generated by construction of the project. Dust generated from construction shall not exceed standards established by the Yolo-Solano Air Quality Management District and the Community Development Department.
42. Tarpaulins or other effective covers should be used for haul trucks.
43. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
44. Grading shall not occur when wind speeds exceeds 15 MPH over a one hour period.
45. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
46. Construction equipment and engines shall be properly maintained.
47. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
48. Construction practices should be augmented to minimize vehicle idling.
49. Potentially windblown materials will be watered or covered.
50. Construction areas and streets will be wet swept on a daily basis.
51. Applicant shall provide refuse enclosure detail showing bin locations, pad detail, and recycling facilities to the approval of the Public Works Department.
52. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention

assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.

53. Landscaping and irrigation plans shall be prepared by a registered landscape architect, and included as part of the improvement plans and/or site plans. These plans shall be per City Standards and the Water Conservation in Landscaping Act of 2006 (AB 1881) and shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way of SR 128 and CR 90. Drought tolerant native plant species shall be incorporated into landscaping plans to the maximum extent possible and drip irrigation systems shall be used in the landscaping of new public and private open space areas. No substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.

54. All conditions identified herein shall be fully satisfied prior to occupancy/operation, unless otherwise stated.

55. *The applicant will pursue additive alternates as identified by the Planning Commission and as reflected in the minutes of the February 12, 2013 meeting, with prioritization on practical items and the exploration of potential future partnerships for aesthetic and artistic items. (Added at the February 12, 2013 Planning Commission meeting)*