

CITY OF WINTERS PLANNING COMMISSION AGENDA

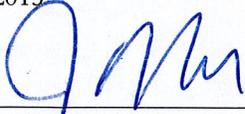
Tuesday, September 22, 2015 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 794-6713
Email: jenna.moser@cityofwinters.org

Chairman: Bill Biasi
Vice Chairman: Kate Frazier
Commissioners: Dave Adams, Lisa Baker,
Paul Myer, Frank Neal, Patrick Riley
City Manager: John W. Donlevy, Jr.
Mgmt. Analyst, Planning: Jenna Moser

- 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 (None)
- V STAFF/COMMISSION REPORTS
- VI DISCUSSION ITEMS:
 - A. Public Hearing and Consideration of a Parcel Map (No. 5086) for single parcel (APN's 038-070-037, -038, -039). Project applicant PG&E seeks to subdivide existing single parcel into three private lots and two public lots. (Planning Commission Resolution 15-01)
 - B. Public Hearing and Consideration of a Parcel Map (No. 5097) for the Winters PG&E Gas Operations Technical Training Center (GOTTC) project. Project applicant PG&E seeks to merge various parcels into one lot. (Planning Commission Resolution 15-02)
 - C. Public Hearing and Consideration of a Tentative Subdivision Map (8 lots) for parcel 003-430-030 near Taylor and Kennedy. Project applicant Joe & Karen Ogando seek to divide parcel 003-430-030, totaling 2.59 acres, into eight (8) lots ranging in size from 10,183 to 16,842 square feet. The Planning Commission will make a recommendation to the City Council to take final action on the project at a future Public Hearing to be noticed separately.
 - D. Public Hearing and Consideration of Design/Site Plan Review, for construction of the Yolo Federal Credit Union near the intersection of Grant Avenue and East Street (APN 003-370-044).
 - E. Public Hearing and Consideration of various amendments to Chapters 17.04, Introductory Provisions and Definitions, 17.16, Applications and Public Hearings, 17.52, Land Use Regulations/Zoning Matrix, 17.60.070, Second Residential Units, and Chapter 17.60.080, Home Occupations, of the Winters Municipal Code (Zoning Ordinance).
- 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 SEPTEMBER 17, 2015.



JENNA MOSER, MANAGEMENT ANALYST, PLANNING – GIS

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



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: September 22, 2015
FROM: Jenna Moser – Management Analyst, Planning - GIS
SUBJECT: Public Hearing and Consideration of a Parcel Map (No. 5086) for single parcel (APN's 038-070-037, -038, -039). Project applicant PG&E seeks to subdivide existing single parcel into three private lots and two public lots.

REQUEST: Public Hearing and Consideration of a Parcel Map (No. 5086) for single parcel (APN's 038-070-037, -038, -039). Project applicant seeks to subdivide existing single parcel into three private lots and two public lots.

Applicant: PG&E

Owner: McClish Family

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- 1) Receive the staff report;
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Conditionally Approve Parcel Map (No. 5086) for single parcel (APN's 038-070-037, -038, -039).

SURROUNDING LAND USES AND SETTING: Surrounding land uses are as follows:

North: Existing Commercial and Vacant Land Zoned C-H

East: Interstate Highway 505

South: Putah Creek and Open Space Zoned O-S

West: Vacant Land Zoned B-P

Historically, the site has been an undeveloped open lot bedded and prepared for spring planting, but is not currently in active agricultural production. The southernmost portion of the site is open space. The general topographic character is flat.

GENERAL PLAN & ZONING DESIGNATION: The General Plan land use designation for the property is Public Quasi Public (PQP). The project parcel is zoned PQP.

BACKGROUND: Pacific Gas and Electric (PG&E) submitted an application to the City of Winters (City) to reconfigure the McClish and Jordan properties along the southwest corner of I-505 and Grant Avenue, to construct, operate, and maintain a natural gas vocational training center.

A Tentative Parcel Map for the McClish parcel was presented to Planning Commission on June 11th and City Council on July 7th, and was approved as part of the Winters PG&E Gas Operations Technical Training Center (GOTTC) project by City Council on July 21st.

PROJECT DESCRIPTION: Project applicant PG&E seeks to subdivide the existing single parcel (McClish - APN's 038-070-037, -038, -039) into three private lots (Lots 1, 2, 3) and two public lots (Lots A, B). Public lots will be dedicated to the City of Winters for regional drainage purposes and open space requirements along Putah Creek. The McClish family will retain two of the private lots. PG&E will purchase the third lot as part of their GOTTC project.

ANALYSIS: Attachment 2 illustrates the proposed Parcel Map. The configuration of the proposed lots is consistent with the City's General Plan. The project site is surrounded by commercial property, Putah Creek, and Interstate 505. Division of the property as proposed would allow for the construction of the GOTTC project. The Map is consistent with and incorporates the existing recorded rights of way and utility easements. Water and Sewer services would be provided by the City of Winters. Other services such as gas and electricity would be provided by PG&E.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on 09/10/15 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 09/17/15

ENVIRONMENTAL ASSESSMENT: The environmental impacts of the proposed Parcel Map were analyzed as part of the Environmental Impact Report that was prepared and certified for the GOTTC project as a whole.

RECOMMENDED FINDINGS FOR THE PARCEL MAP (NO. 5086) FOR SINGLE PARCEL (APN's 038-070-037, -038, -039)

CEQA Findings:

1. The Parcel Map is a component of the Gas Operations Technical Training Center, which was fully reviewed and analyzed in the Environmental Impact Report prepared and certified

for the PGE Gas Operations Technical Training Center.

2. As evidenced by the EIR, The design of the subdivided property and the proposed improvements will not cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Public Quasi Public (PQP). The applicant anticipates developing the newly created parcels for the PGE Gas Operations Technical Training Center.
2. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Public Quasi Public (PQP).The applicant anticipates developing the newly created parcels for PGE Gas Operations Technical Training Center.
3. The site that is the subject of the Parcel Map is physically suitable for the development contemplated by the Project.

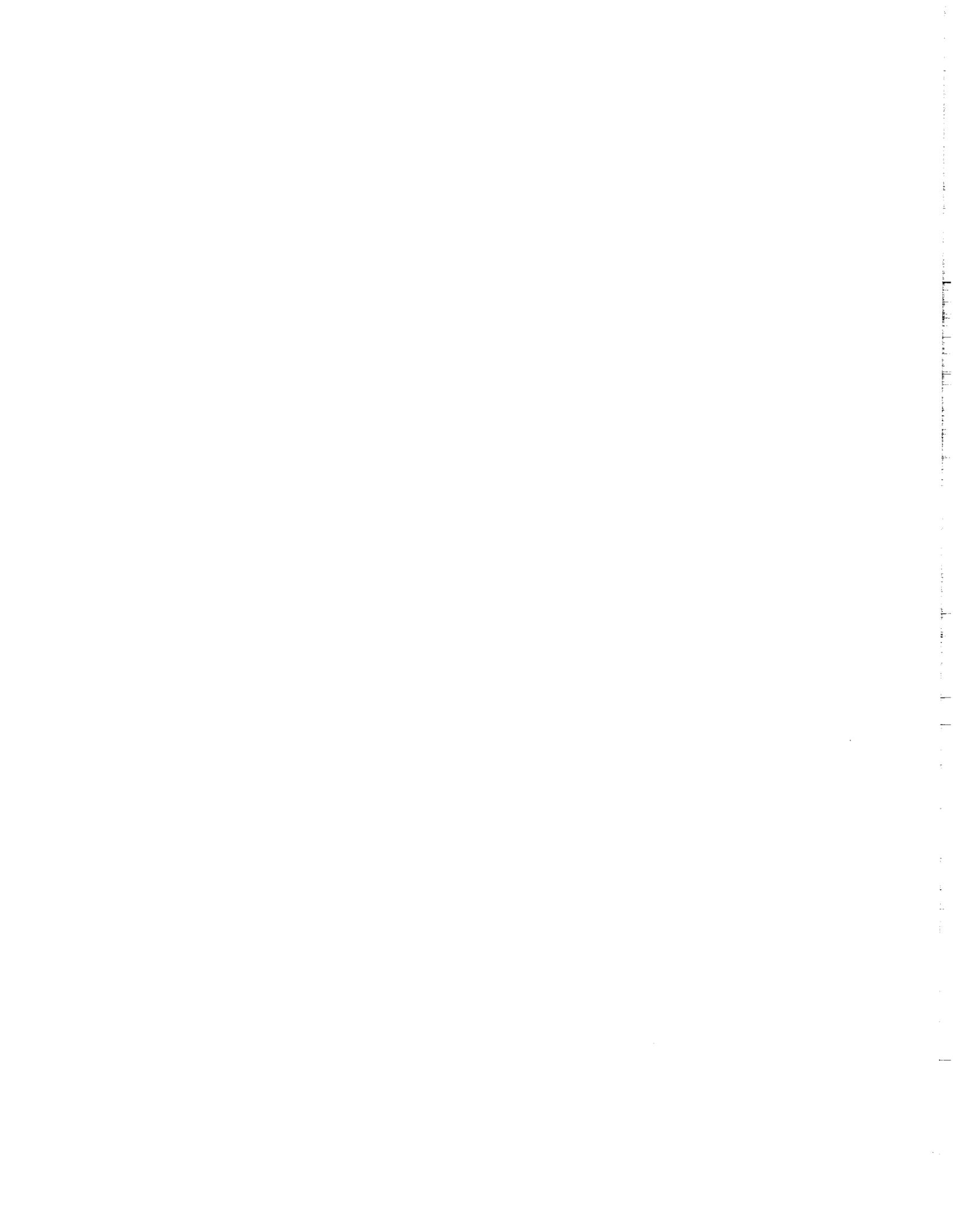
RECOMMENDATION: Staff recommends that the Planning Commission make an affirmative motion as follows:

MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE PLANNING COMMISSION RESOLUTION NO 15-01 APPROVING PARCEL MAP (NO. 5086) FOR SINGLE PARCEL (APN's 038-070-037, -038, -039)

ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval or recommend denial of the application. If the Planning Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

ATTACHMENTS:

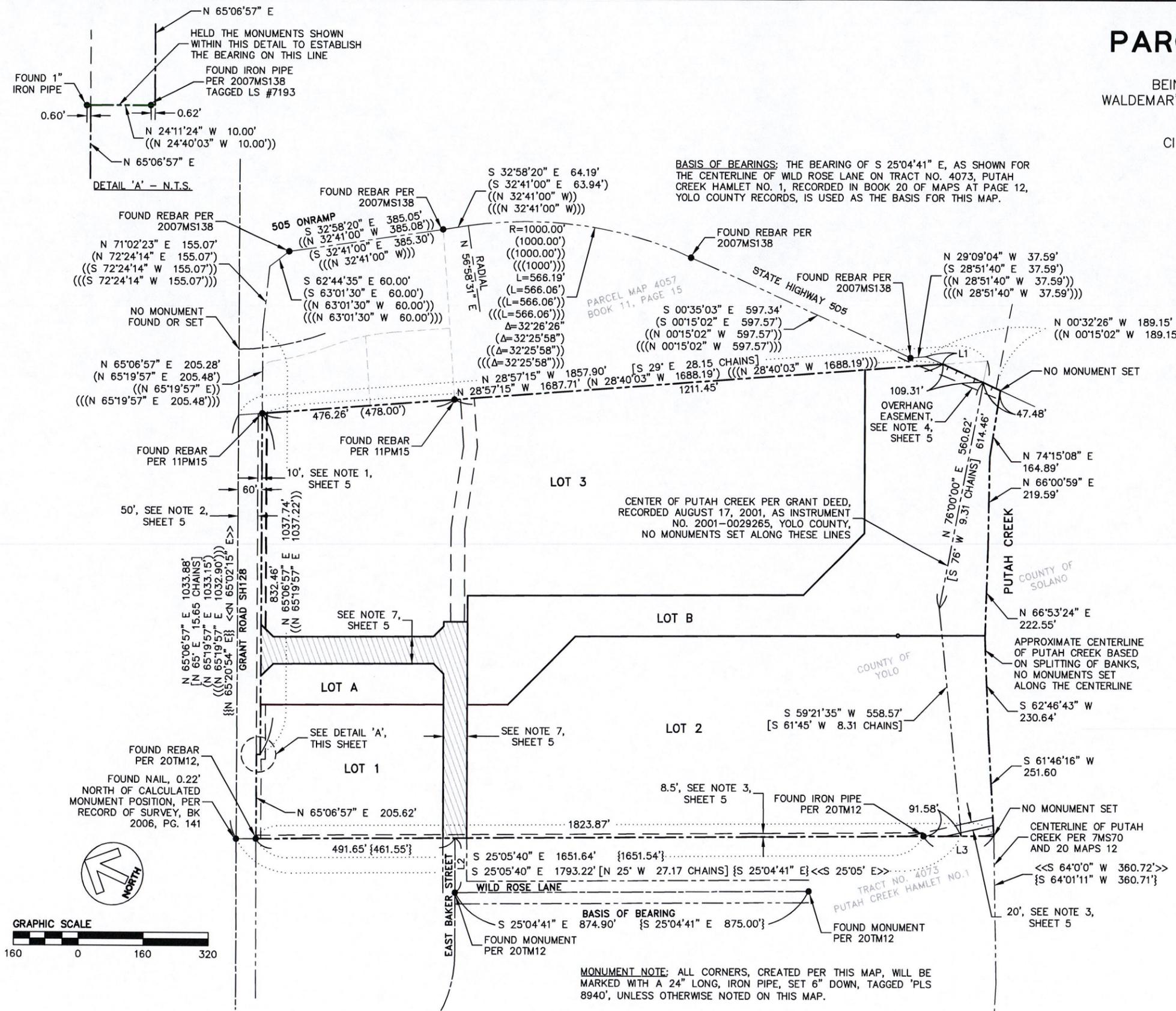
1. Parcel Map
2. Planning Commission Resolution No. 15-01



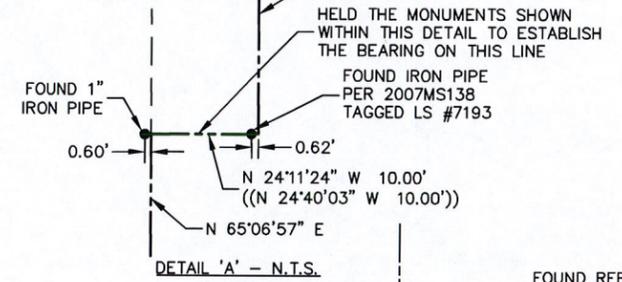
PARCEL MAP 5086

BEING A PORTION OF LOTS 12 AND 13,
WALDEMAR'S SURVEY OF RANCHO RIO DE LOS PUTOS
YOLO COUNTY, CALIFORNIA

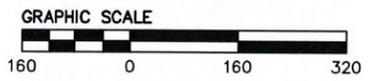
CITY OF WINTERS, YOLO COUNTY
CALIFORNIA
MAY 2015



BASIS OF BEARINGS: THE BEARING OF S 25°04'41" E, AS SHOWN FOR THE CENTERLINE OF WILD ROSE LANE ON TRACT NO. 4073, PUTAH CREEK HAMLET NO. 1, RECORDED IN BOOK 20 OF MAPS AT PAGE 12, YOLO COUNTY RECORDS, IS USED AS THE BASIS FOR THIS MAP.



LEGEND	
	PROPERTY LINE
	PROPOSED PROPERTY LINE PER THIS MAP
	EASEMENT LIMITS
	RESTRICTED ACCESS
	FEE TITLE, DEFINED IN GRANT DEED, RECORDED AUGUST 07, 2009, INSTRUMENT NO. 2009-0025459, YOLO COUNTY RECORDS, TO REMAIN IN PLACE, PER THIS MAP. THAT PORTION OF RIGHT OF WAY AND PUE NOT DEPICTED IS HEREBY ABANDONED.
	FOUND AND ACCEPTED MONUMENT AS DESCRIBED
(100.00')	RECORD DATA PER PARCEL MAP NO. 4057, RECORDED IN BOOK 11 OF PARCEL MAPS AT PAGE 15, YOLO COUNTY RECORDS
((100.00'))	RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 2007, PAGE 138, BOOK OF MAPS, YOLO COUNTY RECORDS
((((100.00'))))	RECORD DATA PER PARCEL MAP NO. 3010, RECORDED IN BOOK 5 OF PARCEL MAPS AT PAGE 78, YOLO COUNTY RECORDS
[100.00']	RECORD DATA PER GRANT DEED, RECORDED AUGUST 17, 2001, AS INSTRUMENT NO. 2001-0029265, YOLO COUNTY RECORDS
{100.00'}	RECORD DATA PER TRACT NO. 4073, PUTAH CREEK HAMLET NO. 1, RECORDED IN BOOK 20, OF MAPS AT PAGE 12, YOLO COUNTY RECORDS
{{100.00'}}	RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 2006, PAGE 141, BOOK OF MAPS, YOLO COUNTY RECORDS
<100.00'>	RECORD DATA PER GRANT DEED RECORDED AUGUST 07, 2009, INSTRUMENT NO. 2009-0025459, YOLO COUNTY RECORDS
<<100.00'>>	RECORD DATA PER RECORD OF SURVEY RECORDED IN BOOK 7, PAGE 70, BOOK OF MAPS AND SURVEYS, YOLO COUNTY RECORD



MONUMENT NOTE: ALL CORNERS, CREATED PER THIS MAP, WILL BE MARKED WITH A 24" LONG, IRON PIPE, SET 6" DOWN, TAGGED 'PLS 8940', UNLESS OTHERWISE NOTED ON THIS MAP.

20128012-12

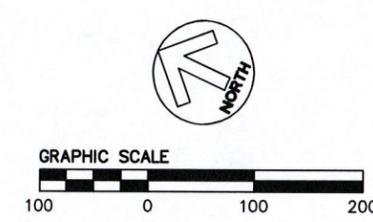
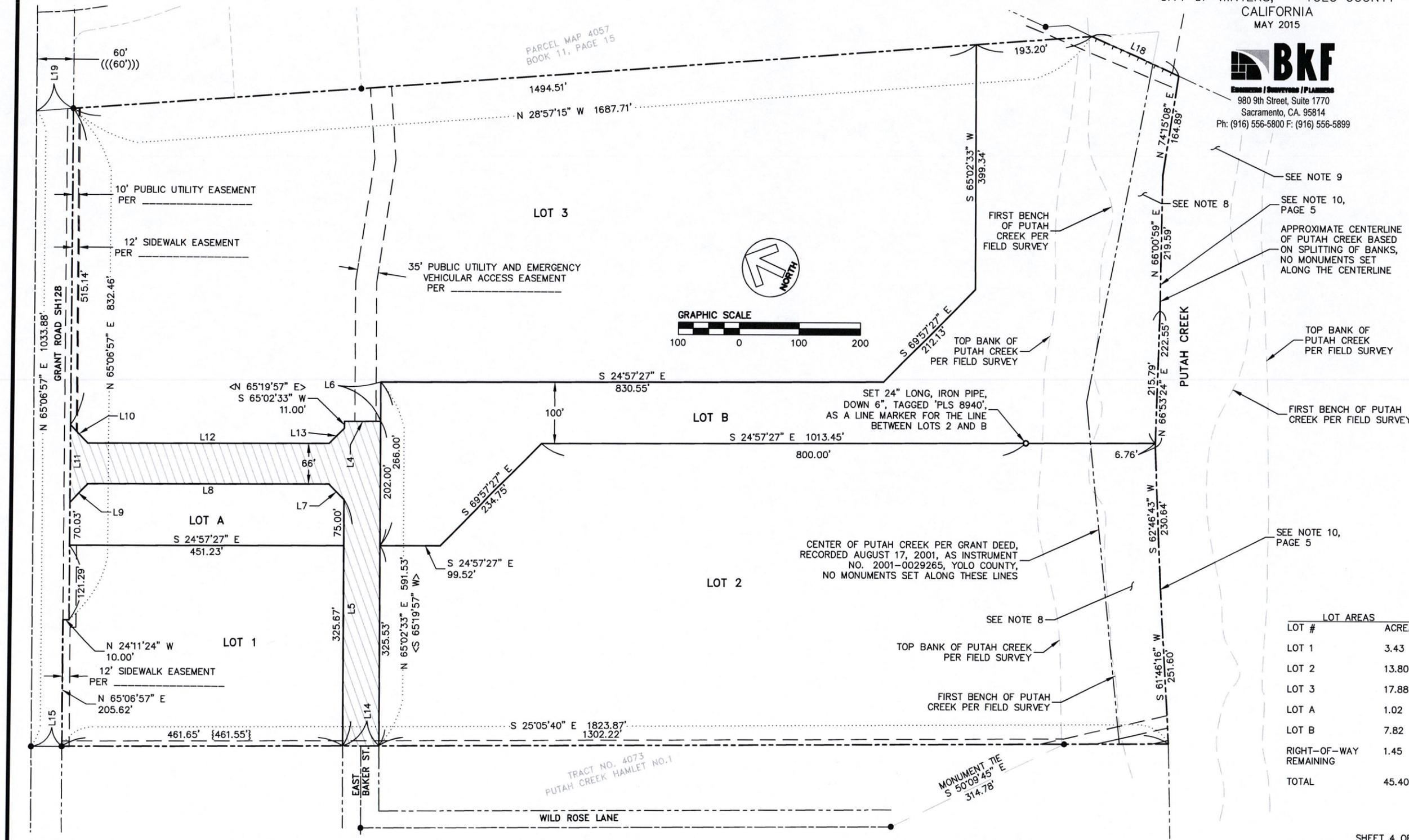
PARCEL MAP 5086

BEING A PORTION OF LOTS 12 AND 13,
WALDEMAR'S SURVEY OF RANCHO RIO DE LOS PUTOS
YOLO COUNTY, CALIFORNIA

CITY OF WINTERS, YOLO COUNTY
CALIFORNIA
MAY 2015

BKF
ENGINEERS / SURVEYORS / PLANNERS
980 9th Street, Suite 1770
Sacramento, CA. 95814
Ph: (916) 556-5800 F: (916) 556-5899

PARCEL MAP 4057
BOOK 11, PAGE 15



SEE NOTE 9
SEE NOTE 8
SEE NOTE 10, PAGE 5
APPROXIMATE CENTERLINE OF PUTAH CREEK BASED ON SPLITTING OF BANKS, NO MONUMENTS SET ALONG THE CENTERLINE
TOP BANK OF PUTAH CREEK PER FIELD SURVEY
FIRST BENCH OF PUTAH CREEK PER FIELD SURVEY
SEE NOTE 10, PAGE 5

SET 24" LONG, IRON PIPE, DOWN 6", TAGGED 'PLS 8940', AS A LINE MARKER FOR THE LINE BETWEEN LOTS 2 AND B
CENTER OF PUTAH CREEK PER GRANT DEED, RECORDED AUGUST 17, 2001, AS INSTRUMENT NO. 2001-0029265, YOLO COUNTY, NO MONUMENTS SET ALONG THESE LINES

LOT AREAS	
LOT #	ACREAGE
LOT 1	3.43
LOT 2	13.80
LOT 3	17.88
LOT A	1.02
LOT B	7.82
RIGHT-OF-WAY REMAINING	1.45
TOTAL	45.40

TRACT NO. 4073
PUTAH CREEK HAMLET NO.1

20128012-12

CITY OF WINTERS RESOLUTION 15-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINTERS APPROVING THE PARCEL MAP (NO. 5086) FOR SINGLE PARCEL (APN's 038-070-037, -038, -039).

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

WHEREAS, pursuant to the California Environmental Quality Act, Staff has concluded that the Categorical Exemption provided in Section 15315 of the CEQA Guidelines (Minor Land Divisions) applies; and

WHEREAS, the Parcel Map (No. 5086) to subdivide a single parcel (APN's 038-070-037, -038, -039) is consistent with the General Plan and Winters Municipal Code; and

WHEREAS the proposed site is physically suitable for the proposed type and density of development; and

WHEREAS, the design and improvements of the Parcel Map will not conflict with public easements for access through, or use of, property within the proposed subdivision; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Winters hereby approves the PGE Parcel Map with the following conditions:

PASSED AND ADOPTED by the City of Winters Planning Commission on this 22nd day of September, 2015, by the following vote:

AYES:

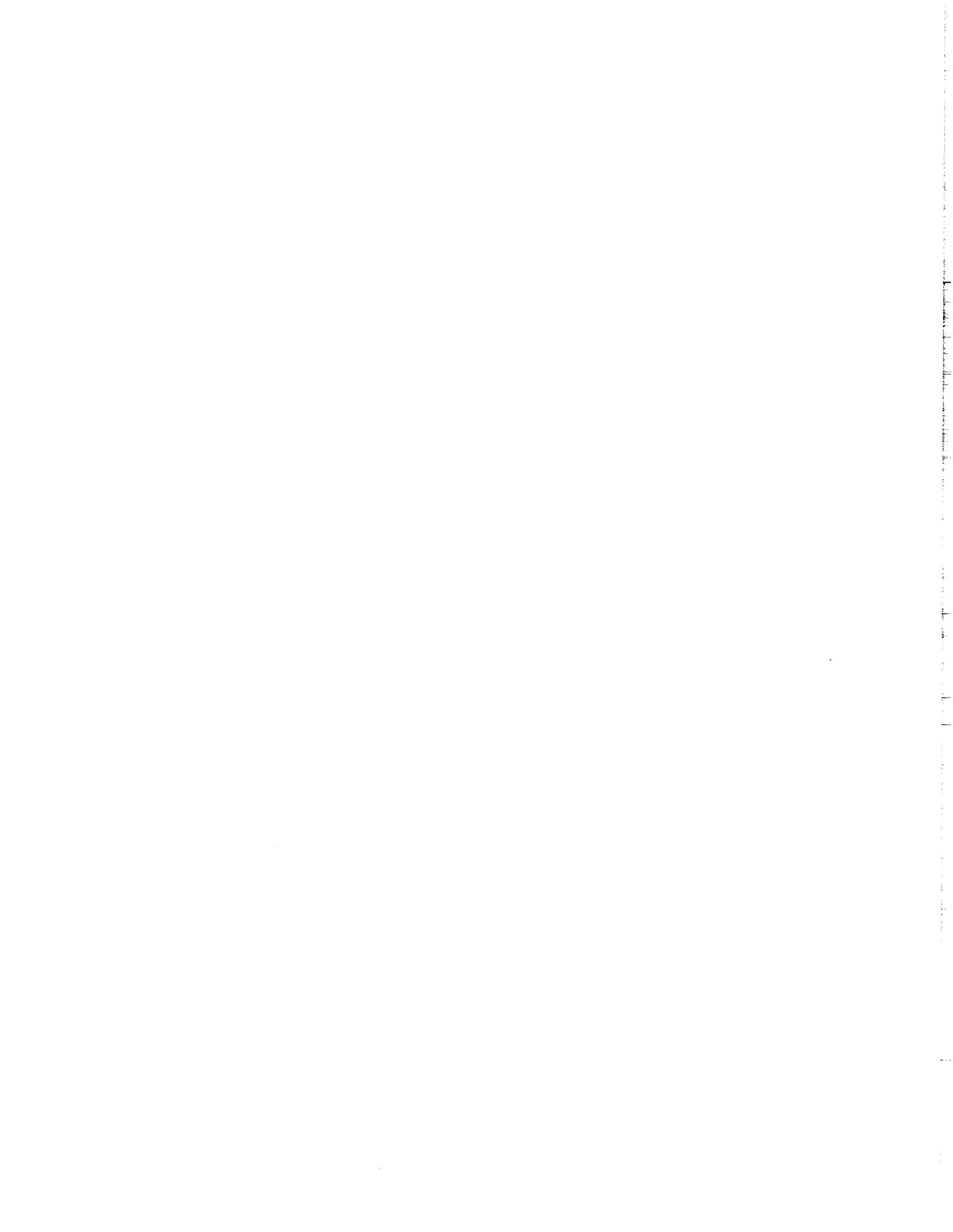
NOES:

ABSENT:

ABSTAIN:

Bill Biasi, **CHAIRMAN**

Nanci G. Mills, **CITY CLERK**





**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: September 22, 2015
FROM: Jenna Moser – Management Analyst, Planning - GIS *JM*
SUBJECT: Public Hearing and Consideration of a Parcel Map (No. 5097) for the Winters PG&E Gas Operations Technical Training Center (GOTTC) project. Project applicant PG&E seeks to merge various parcels into one lot.

REQUEST: Public Hearing and Consideration of a Parcel Map (No. 5097) for the Winters PG&E Gas Operations Technical Training Center (GOTTC) project. Project applicant PG&E seeks to merge various parcels into one lot.

Applicant: PG&E

Owner: PG&E

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- 1) Receive the staff report;
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Conditionally Approve Parcel Map (No. 5097) to merge various parcels.

SURROUNDING LAND USES AND SETTING: Surrounding land uses are as follows:

North: Existing Commercial and Vacant Land Zoned C-H

East: Interstate Highway 505

South: Putah Creek and Open Space Zoned O-S

West: Vacant Land Zoned B-P

Historically, the site has been an undeveloped open lot bedded and prepared for spring planting, but

is not currently in active agricultural production. The southernmost portion of the site is open space. The general topographic character is flat.

GENERAL PLAN & ZONING DESIGNATION: The General Plan land use designation for the property is Public Quasi Public (PQP). The project parcel is zoned PQP.

BACKGROUND: Pacific Gas and Electric (PG&E) submitted an application to the City of Winters (City) to reconfigure the McClish and Jordan properties along the southwest corner of I-505 and Grant Avenue, to construct, operate, and maintain a natural gas vocational training center.

A Tentative Parcel Map for the McClish parcel was presented to Planning Commission on June 11th and City Council on July 7th, and was approved as part of the Winters PG&E Gas Operations Technical Training Center (GOTTC) project by City Council on July 21st. The Final Parcel Map for the McClish parcel (No. 5086) was previously approved by the Planning Commission on tonight's agenda. That Map includes Lot 3 which is referenced on PM No. 5097 and combined with other parcels that were owned by Jordan, to create the parcel that the GOTTC will occupy.

The resulting merger of lots, open space lot, and public easements were presented to Planning Commission on June 11th and City Council on July 7th and were approved as part of the GOTTC project by CC on July 21st.

PROJECT DESCRIPTION: PG&E Parcel Map (No. 5097) merges the various parcels that PG&E will purchase (McClish lot and five Jordan lots) as part of its GOTTC project, create a public lot (for open space requirements along Putah Creek), and create various public easements to be dedicated to the City of Winters. This Parcel Map is in lieu of but accomplishes the same results as a Lot Merger and multiple separate instrument documents.

ANALYSIS: Attachment 2 illustrates the proposed Parcel Map. The configuration of the proposed lots is consistent with the City's General Plan. The project site is surrounded by commercial property, Putah Creek, and Interstate 505. Division of the property as proposed would allow for the construction of the GOTTC project. The Map is consistent with and incorporates the existing recorded rights of way and utility easements. The site contains the city's Gateway SS Lift Station, which is incorporated into the plans for the GOTTC. Water and Sewer services would be provided by the City of Winters. Other services such as gas and electricity would be provided by PG&E. PG&E does not currently own the property that is the subject of this Parcel Map, as Parcel Map No. 5097 was required to be approved in order to designate the portion of property that is to be acquired by PG&E from the McClish Family. However, PG&E has submitted documentation to the City sufficient to demonstrate that it has entered into purchase and sale agreements with the Jordan and McClish families to purchase the property that is the subject of Parcel Map No.5097. PG&E plans to take title to this property immediately prior to the recordation of this Parcel Map, through a single escrow. Further, recommended approval as set forth in the attached resolution is conditioned upon PG&E being the owner of record prior to recordation of the Parcel Map.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on 09/10/15 and notices were mailed to all property owners who own real property within

three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 09/17/15.

ENVIRONMENTAL ASSESSMENT: The environmental impacts of the proposed Parcel Map were analyzed as part of the Environmental Impact Report that was prepared and certified for the GOTTC project as a whole.

RECOMMENDED FINDINGS FOR THE PARCEL MAP (NO. 5097) FOR THE WINTERS PG&E GAS OPERATIONS TECHNICAL TRAINING CENTER (GOTTC) PROJECT.

CEQA Findings:

1. The Parcel Map is a component of the Gas Operations Technical Training Center, which was fully reviewed and analyzed in the Environmental Impact Report prepared and certified for the PGE Gas Operations Technical Training Center.
2. As evidenced by the EIR, The design of the subdivided property and the proposed improvements will not cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Public Quasi Public (PQP). The applicant anticipates developing the newly created parcels for the PGE Gas Operations Technical Training Center.
2. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Public Quasi Public (PQP). The applicant anticipates developing the newly created parcels for PGE Gas Operations Technical Training Center.
3. The site that is the subject of the Parcel Map is physically suitable for the development contemplated by the Project.
- 4.

RECOMMENDATION: Staff recommends that the Planning Commission make an affirmative motion as follows:

MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE PLANNING COMMISSION RESOLUTION NO 15-01 APPROVING PARCEL MAP (NO. 5097) FOR THE WINTERS PG&E GAS OPERATIONS TECHNICAL TRAINING CENTER (GOTTC) PROJECT.

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

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

ATTACHMENTS:

1. Parcel Map
2. Planning Commission Resolution No. 15-02

CITY OF WINTERS PLANNING COMMISSION RESOLUTION 15-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINTERS APPROVING THE PARCEL MAP (NO. 5097) FOR THE WINTERS PG&E GAS OPERATIONS TECHNICAL TRAINING CENTER (GOTTC) PROJECT.

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

WHEREAS, the Parcel Map (No. 5097) to merge various parcels is consistent with the General Plan and Winters Municipal Code; and

WHEREAS the proposed site is physically suitable for the proposed type and density of development; and

WHEREAS, the design and improvements of the Parcel Map will not conflict with public easements for access through, or use of, property within the proposed subdivision; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission of the City of makes the following findings in connection with the Parcel Map No. 5097:

1. The Parcel Map is a component of the Gas Operations Technical Training Center, which was fully reviewed and analyzed in the Environmental Impact Report prepared and certified for the PGE Gas Operations Technical Training Center.
2. As evidenced by the EIR, The design of the subdivided property and the proposed improvements will not cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
3. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Public Quasi Public (PQP). The applicant anticipates developing the newly created parcels for the PGE Gas Operations Technical Training Center.
4. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Public Quasi Public (PQP).The applicant anticipates developing the newly created parcels for PGE Gas Operations Technical Training Center.
5. The site that is the subject of the Parcel Map is physically suitable for the development contemplated by the Project.

BE IT FURTHER RESOLVED that based on the foregoing findings, the Planning Commission of the City of Winters hereby approves the Parcel Map (No. 5097), with such approval conditioned upon Pacific Gas and Electric Company being the owner of record of the property that is the subject of Parcel Map No. 5097 prior to recordation of the Parcel Map.

PASSED AND ADOPTED by the City of Winters Planning Commission on this 22nd day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bill Biasi, **CHAIRMAN**

Nanci G. Mills, **CITY CLERK**

PARCEL MAP 5097

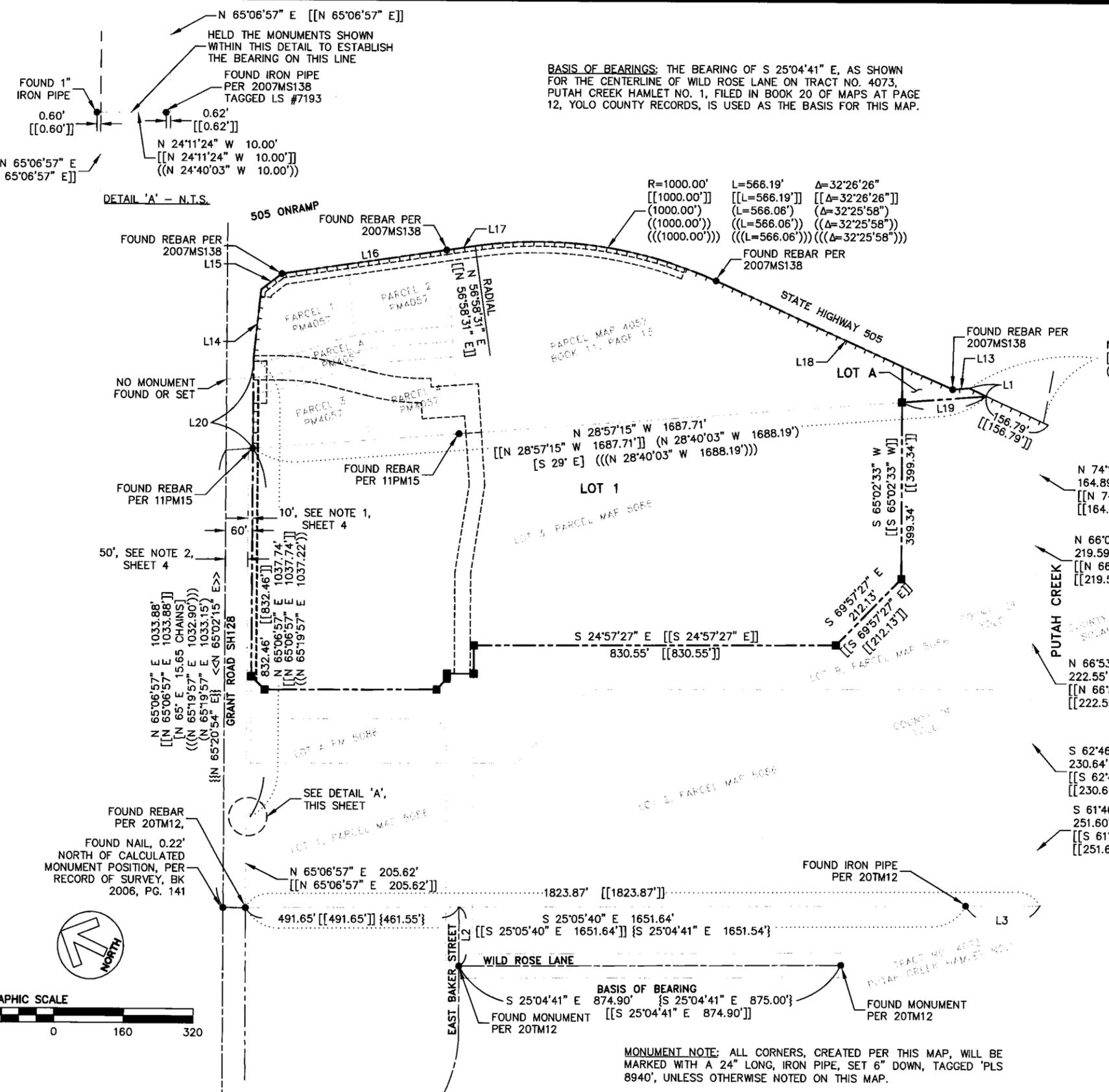
BEING A PORTION OF LOTS 12 AND 13, WALDEMAR'S SURVEY OF RANCHO RIO DE LOS PUTOS AND A PORTION OF PARCEL MAP 5086, FILED IN BOOK ___ OF MAPS AT PAGE ___, YOLO COUNTY RECORDS AND PARCEL MAP 4057, FILED IN BOOK 11 OF PARCEL MAPS AT PAGE 15, YOLO COUNTY RECORDS
 YOLO COUNTY, CALIFORNIA

CITY OF WINTERS, YOLO COUNTY
 CALIFORNIA
 AUGUST 2015



980 9th Street, Suite 1770
 Sacramento, CA. 95814
 Ph: (916) 556-5800 F: (916) 556-5899

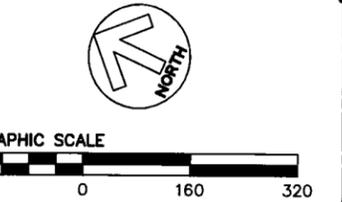
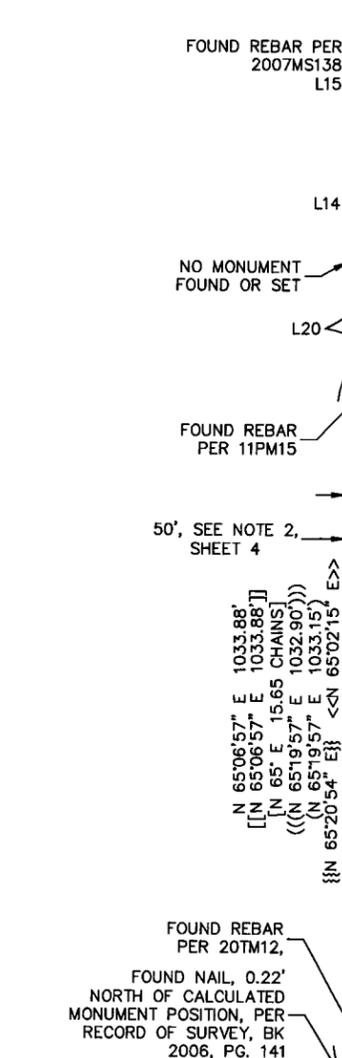
BASIS OF BEARINGS: THE BEARING OF S 25°04'41" E, AS SHOWN FOR THE CENTERLINE OF WILD ROSE LANE ON TRACT NO. 4073, PUTAH CREEK HAMLET NO. 1, FILED IN BOOK 20 OF MAPS AT PAGE 12, YOLO COUNTY RECORDS, IS USED AS THE BASIS FOR THIS MAP.



LEGEND

- PROPERTY LINE AND PARCEL MAP BOUNDARY
- PROPERTY LINE PER PM 5086
- PROPERTY LINE TO BE ABANDONED PER THIS MAP, AND SHOWN ONLY FOR THE RETRACEMENT OF THIS PARCEL MAP BOUNDARY
- PROPOSED PROPERTY LINE PER THIS MAP
- EASEMENT LIMITS
- RESTRICTED ACCESS
- FOUND AND ACCEPTED MONUMENT AS DESCRIBED
- FOUND AND ACCEPTED MONUMENT PER PARCEL MAP NO. 5086, FILED IN BOOK ___ OF MAPS AT PAGE ___, YOLO COUNTY RECORDS
- {(100.00')} RECORD DATA PER PARCEL MAP NO. 4057, FILED IN BOOK 11 OF PARCEL MAPS AT PAGE 15, YOLO COUNTY RECORDS
- {(100.00')} RECORD DATA PER RECORD OF SURVEY FILED IN BOOK 2007, PAGE 138, BOOK OF MAPS, YOLO COUNTY RECORDS
- {(100.00')} RECORD DATA PER PARCEL MAP NO. 3010, FILED IN BOOK 5 OF PARCEL MAPS AT PAGE 78, YOLO COUNTY RECORDS
- [100.00'] RECORD DATA PER GRANT DEED, RECORDED AUGUST 17, 2001, AS INSTRUMENT NO. 2001-0029265, YOLO COUNTY RECORDS
- {[100.00']} RECORD DATA PER PARCEL MAP NO. 5086, FILED IN BOOK ___ OF MAPS AT PAGE ___, YOLO COUNTY RECORDS
- {100.00'} RECORD DATA PER TRACT NO. 4073, PUTAH CREEK HAMLET NO. 1, FILED IN BOOK 20 OF MAPS AT PAGE 12, YOLO COUNTY RECORDS
- {100.00'} RECORD DATA PER RECORD OF SURVEY FILED IN BOOK 2006, PAGE 141, BOOK OF MAPS, YOLO COUNTY RECORDS
- <100.00'> RECORD DATA PER GRANT DEED RECORDED AUGUST 07, 2009, INSTRUMENT NO. 2009-0025459, YOLO COUNTY RECORDS
- <<100.00'>> RECORD DATA PER RECORD OF SURVEY FILED IN BOOK 7, PAGE 70, BOOK OF MAPS, YOLO COUNTY RECORDS

DETAIL 'A' - N.T.S.



MONUMENT NOTE: ALL CORNERS, CREATED PER THIS MAP, WILL BE MARKED WITH A 24" LONG, IRON PIPE, SET 6" DOWN, TAGGED 'PLS 8940', UNLESS OTHERWISE NOTED ON THIS MAP.

20128012-12

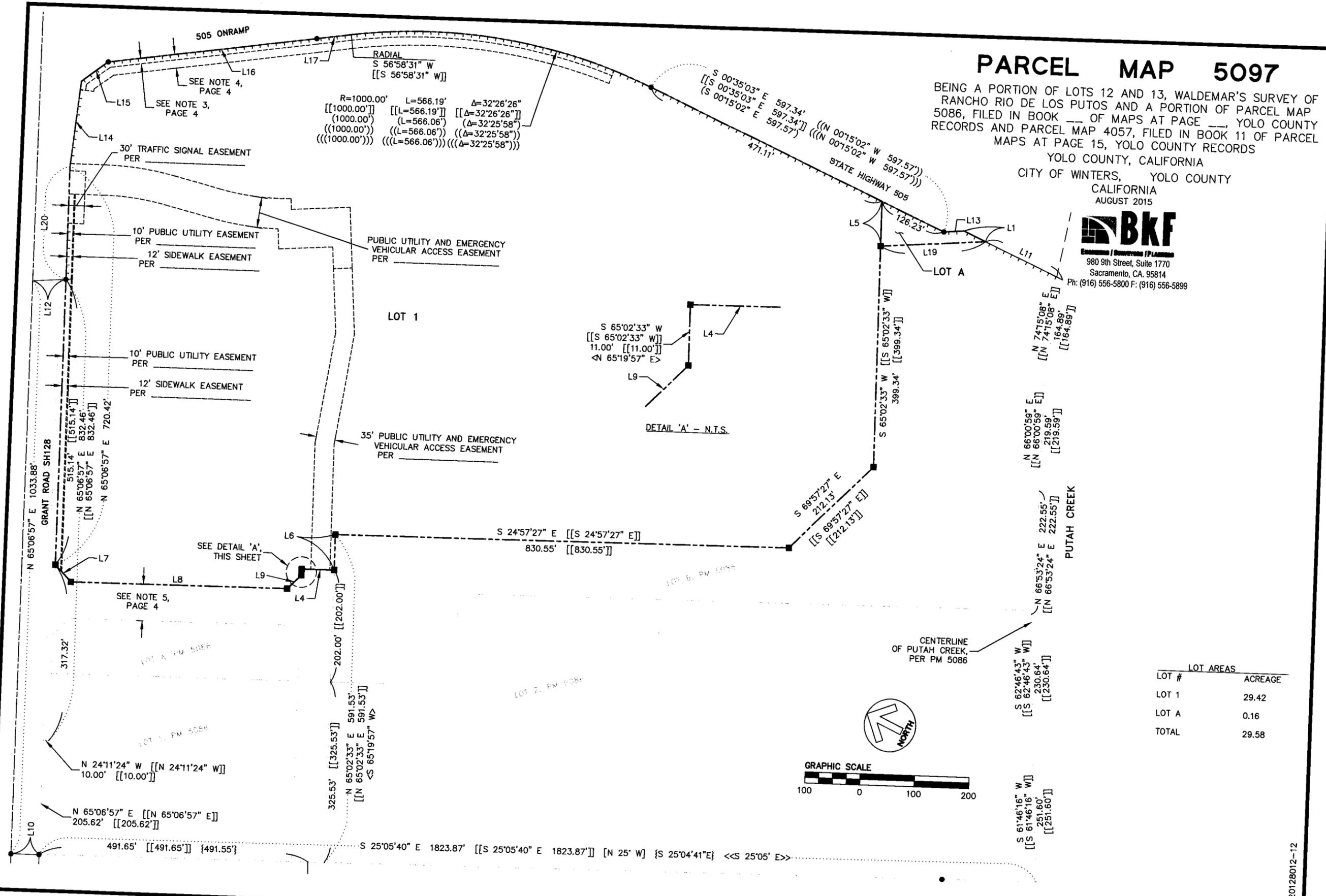
PARCEL MAP 5097

BEING A PORTION OF LOTS 12 AND 13, WALDEMAR'S SURVEY OF RANCHO RIO DE LOS PUTOS AND A PORTION OF PARCEL MAP 5086, FILED IN BOOK ___ OF MAPS AT PAGE ___, YOLO COUNTY RECORDS AND PARCEL MAP 4057, FILED IN BOOK 11 OF PARCEL MAPS AT PAGE 15, YOLO COUNTY RECORDS

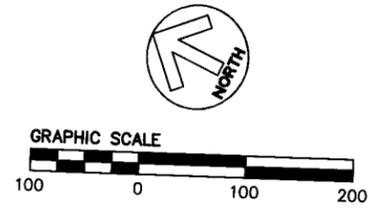
YOLO COUNTY, CALIFORNIA
CITY OF WINTERS, YOLO COUNTY
CALIFORNIA
AUGUST 2015



980 9th Street, Suite 1770
Sacramento, CA, 95814
Ph: (916) 556-5800 F: (916) 556-5899



LOT AREAS	
LOT #	ACREAGE
LOT 1	29.42
LOT A	0.16
TOTAL	29.58



20128012-12



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: September 22, 2015
FROM: Jenna Moser – Management Analyst, Planning - GIS *JM*
SUBJECT: Public Hearing and Consideration of a Tentative Subdivision Map (8 lots) for parcel 003-430-030 near Taylor and Kennedy. Project applicant Joe & Karen Ogando seek to divide parcel 003-430-030, totaling 2.59 acres, into eight (8) lots ranging in size from 10,183 to 16,842 square feet. The Planning Commission will make a recommendation to the City Council to take final action on the project at a future Public Hearing to be noticed separately.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- 1) Receive the staff report;
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend to the Winters City Council Approval of the Tentative Subdivision Map (8 lots) for parcel 003-430-030 near Taylor and Kennedy.

SURROUNDING LAND USES AND SETTING: Surrounding land uses are as follows:

North: Vacant (entitled for Residential development) – Zoned R-2, and R-1
East: Neighborhood Under Construction (entitled for Residential development) – Zoned R-2
South: Existing Single-Family Housing – Zoned R-2
West: Existing Single-Family Housing – Zoned R-2

Historically, the site has featured one single-family residence with a garage, and a small orchard. The general topographic character is flat.

GENERAL PLAN & ZONING DESIGNATION: The General Plan land use designation for the property is Low Density Residential (LR). The project parcels are zoned Single Family Residential (R-1).

BACKGROUND: In the mid-2000s as part of the Hudson-Ogando Subdivision land acquisition, the subject parcel was retained by the original owners as part of the sale. In September 2015, Joe & Karen Ogando approached the City with plans to develop 8 lots near Taylor and Kennedy.

PROJECT DESCRIPTION: Project applicant Joe and Karen Ogando seek to divide an existing 2.59 acre parcel into eight (8) new lots varying in size from 10,183 square feet to 16,842 square feet. The project will be completed in two phases, with the 6 lots oriented towards Taylor Street developing as Phase I, and the 2 lots oriented towards Kennedy Drive developing as Phase II.

ANALYSIS: Attachment A illustrates the proposed Tentative Map. The configuration of the proposed lots is consistent with the City's General Plan and standards of the subdivision and zoning ordinances; meeting minimum lot size requirements. The site is appropriate for the specified density of development because the site is designated Low Density Residential (LR); the project density of 3.1 units per acre falls within the R-1 density range of 1.1 to 7.3 units per acre.

The project site is surrounded by residential uses. Division of the property as proposed would allow for the construction of one single-family residence on each lot, noting that the existing garage on proposed Lot 1 cannot be located alone on newly created parcel. The applicant intends to demolish existing structures, however the City did condition that the garage cannot exist on a newly created parcel alone. Before the Final Parcel Map can be filed for Phase II the applicants will need to demolish the garage on Lot 1 and either demolish the house on Lot 2 or provide the required off-street parking. (Attachment A) No conflict with easements acquired by the public at large, for access through or use of, property within the proposed project have been identified.

Access to proposed lots is from the continuation of Taylor Street and Kennedy Drive. Review by Public Safety was performed during map-check and the configuration of the roadway was determined to be acceptable. Dedication of road right-of-way and the Public Utility Easement will be handled by Grand Deed that will go the City Council for approval before the Final Map is recorded.

Sidewalks are to be constructed within the Public Utility Easement along the continuation of Taylor Street and Kennedy Drive to meet and match with existing sidewalk configurations in the neighborhood.

Water and Sewer services would be provided by the City of Winters. Other services such as gas and electricity would be provided by PG&E.

AFFORDABLE HOUSING: The project is exempt from the Affordable Housing requirement due to its location inside the former Redevelopment Project Area. Ordinance 2009-18 (as extended). (Attachment D)

PARK IN-LIEU FEE: There is no park or recreational facility designated in the City's General Plan to be located in whole or in part within the proposed project.

The formula used to calculate the park in-lieu fee is based on the value of raw residential land in Winters. Fees will be based on actual appraised land values. The fee is calculated by multiplying the land value per acre by 0.015 (per Resolution 93-47, Attachment E). If raw residential land is valued at \$250,000.00 (example only) per acre, multiplied by 0.015, the result is a fee of \$3,750 per residential unit.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on 09/10/15 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 09/17/15.

ENVIRONMENTAL ASSESSMENT: On December 19, 2005 the Winters City Council took final action via a Negative Declaration regarding the Hudson-Ogando Subdivision, of which the subject parcel was a part, but retained by the Owners (Ogando). The 2005 Negative Declaration and Mitigation Monitoring Plan address the subject parcel. (Attachment C) There is no other environmental study needed.

**RECOMMENDED FINDINGS FOR THE TENTATIVE SUBDIVISION MAP (8 LOTS)
FOR PARCEL 003-430-030 NEAR TAYLOR AND KENNEDY**

CEQA Findings: Pursuant to Section 15075 (NOD's for Negative Declarations) of the CEQA Guidelines, the following determinations have been made regarding the above-described project.

1. The project as conditioned will not have a significant effect on the environment
2. A Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA
3. Mitigation Measures were included as conditions of approval for this project and a Mitigation Monitoring Plan was adopted.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential (LR) and this designation provides for residential uses such as single-family dwellings. The applicant anticipates developing the newly created parcels for residential use.
2. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Single-Family Residential (R-1) and this zone provides for residential use. The applicant anticipates developing the newly created parcels for residential use.

RECOMMENDATION: Staff recommends that the Planning Commission make an affirmative motion as follows:

MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE TENTATIVE SUBDIVISION MAP (8 LOTS) FOR PARCEL 003-430-030 NEAR TAYLOR AND KENNEDY WITH THE CONDITIONS ATTACHED HERETO.

ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval or recommend denial of the application. If the Planning Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

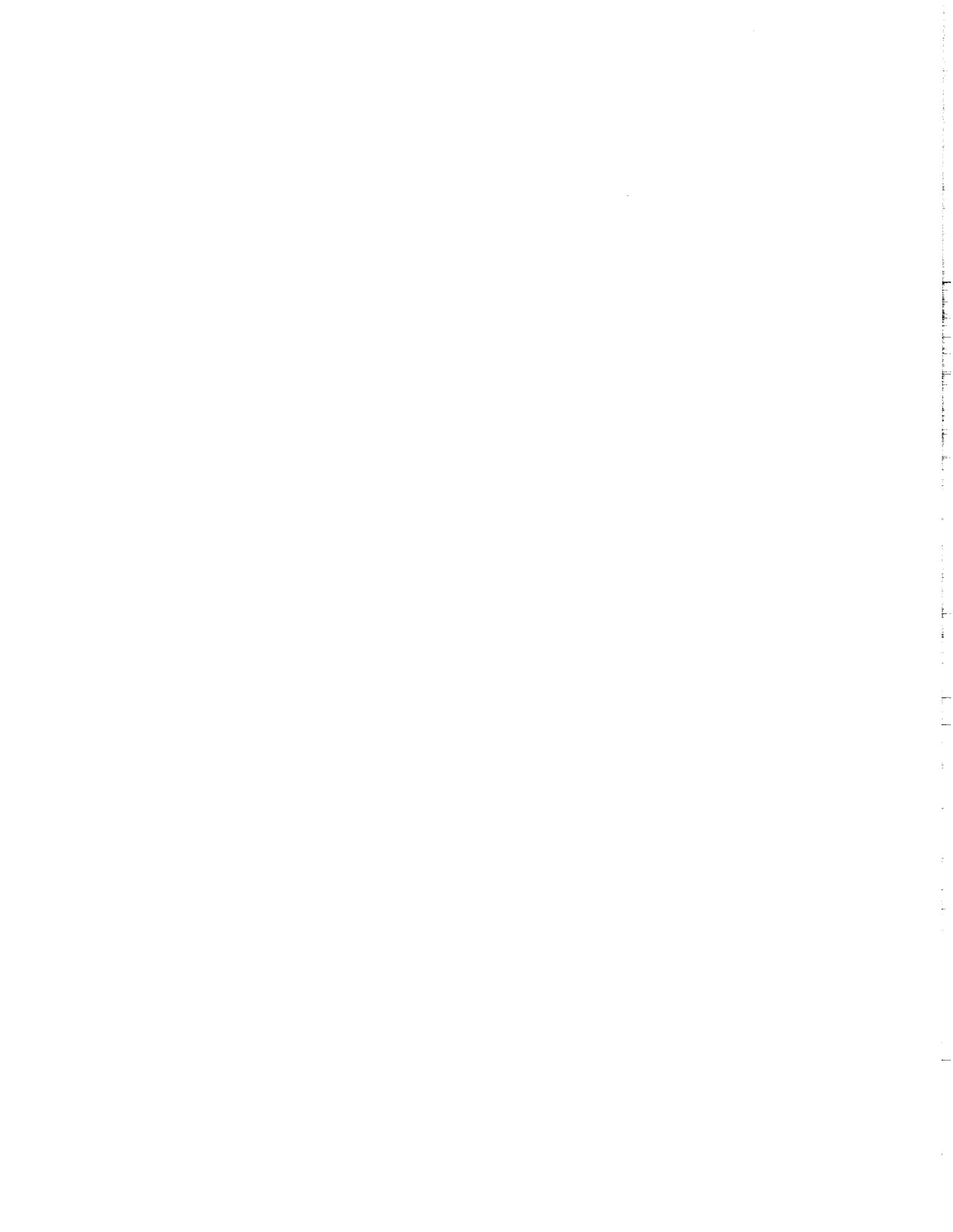
DENIAL: The tentative map may be recommended for denial by the planning commission on any of the grounds provided by the Subdivision Map Act or this code. The planning commission shall recommend denial of the tentative map if it makes any of the following findings:

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

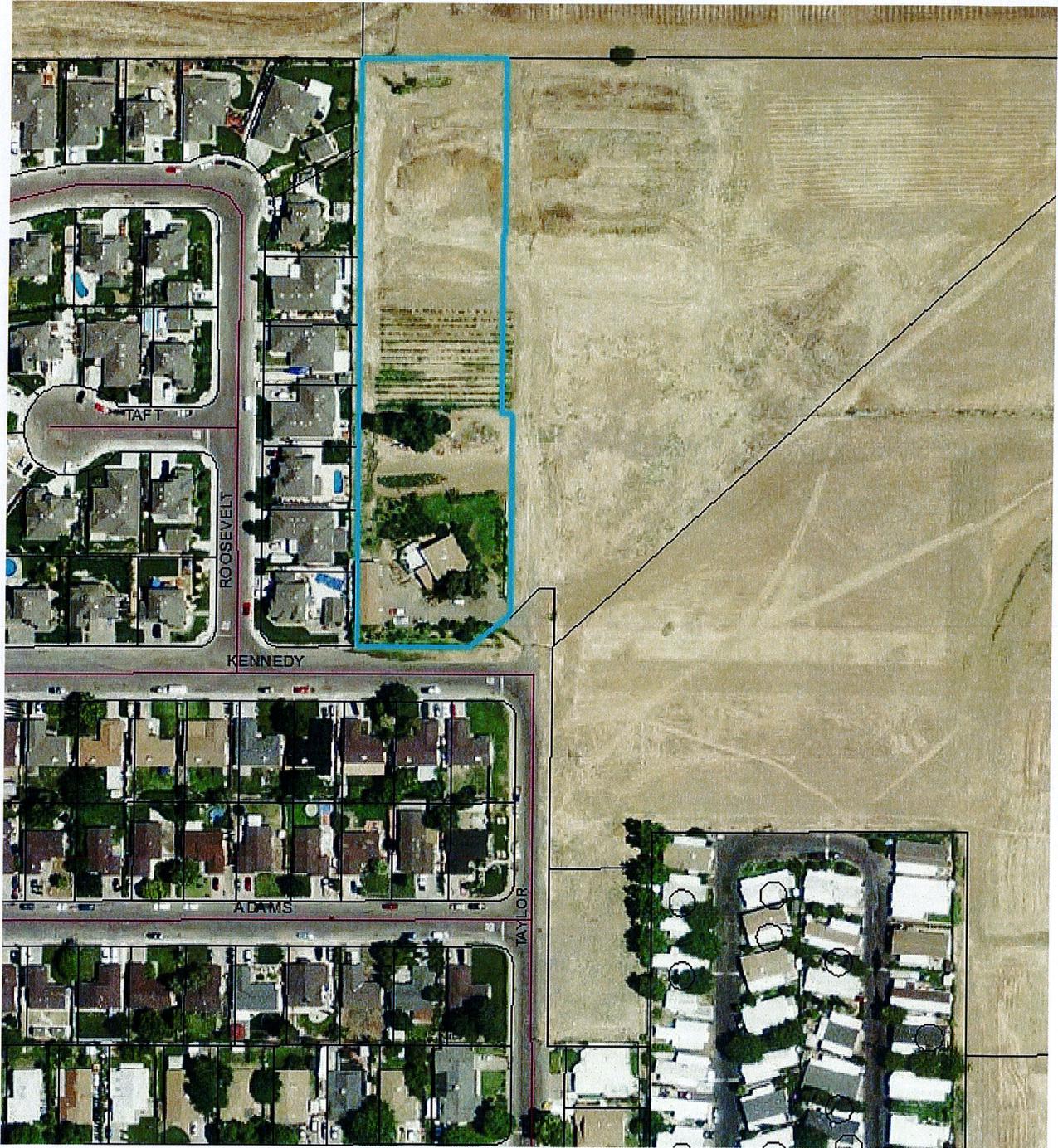
parcels following a subdivision of the land would be too small to sustain their agriculture use. (Ord. 2009-05 § 1 (part))

ATTACHMENTS:

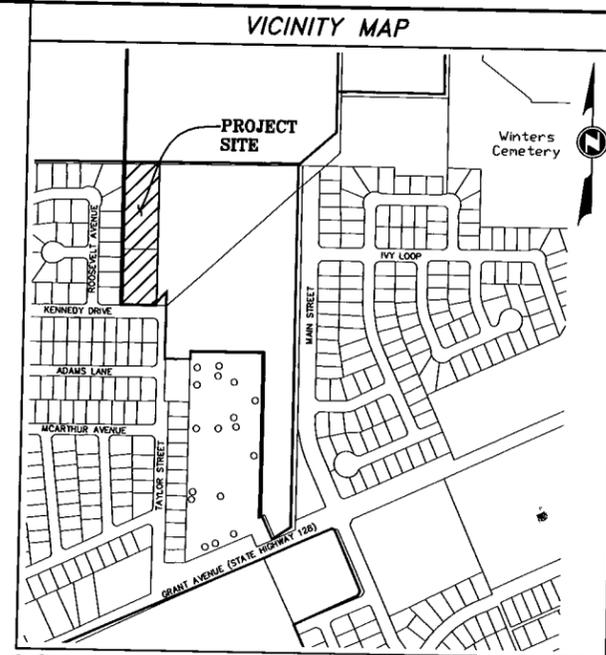
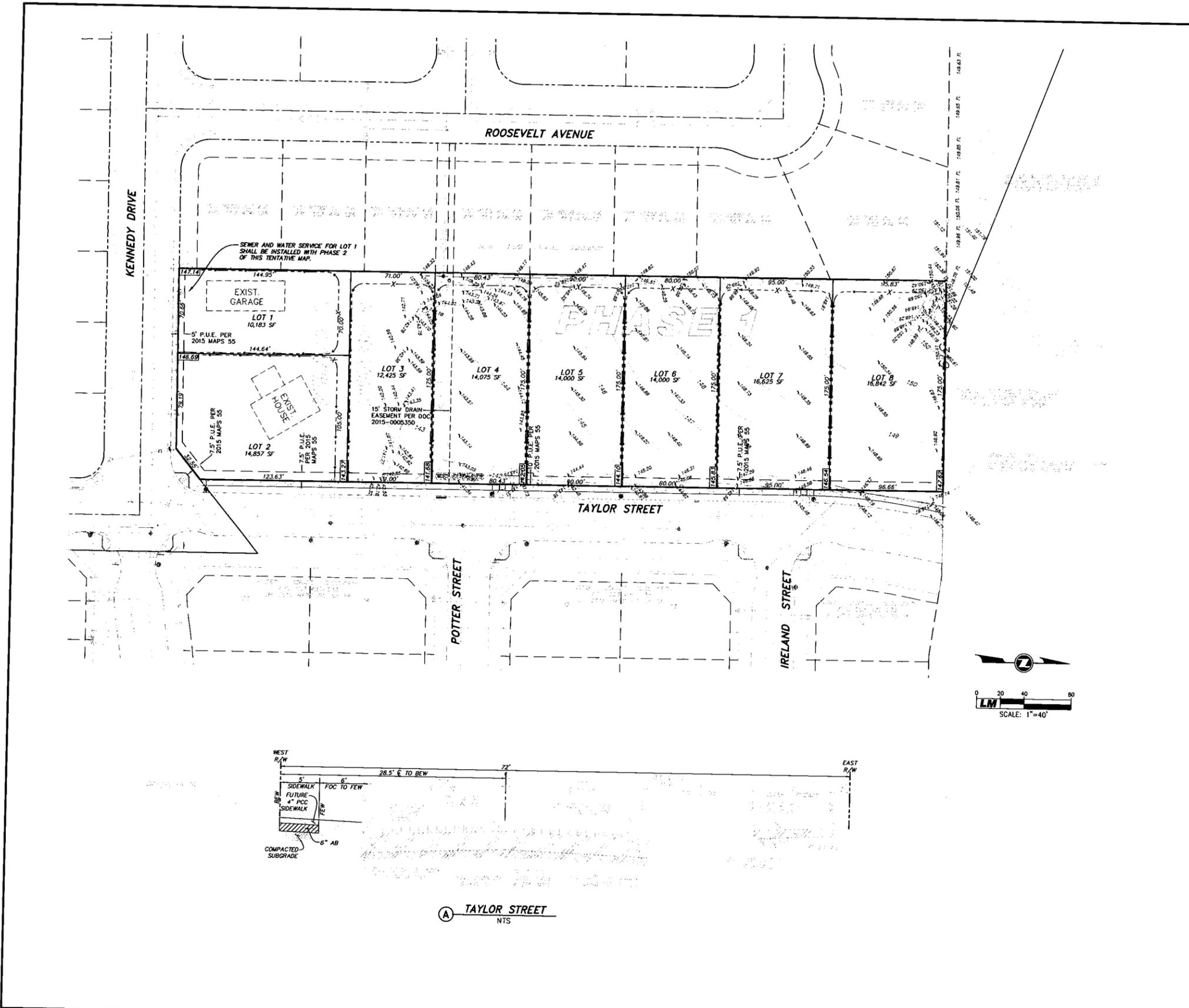
- A. Vicinity Map -Tentative Subdivision Map Exhibits
- B. Notice of Determination (December, 2005)
- C. Initial Study, Mitigation Monitoring Plan, Findings of Fact & Conditions
- D. City Council Ordinance 09-18, Affordable Housing
- E. City Council Resolution 93-47, Park in-lieu Fees
- F. Public Hearing Notice
- G. Conditions of Approval (Taylor Street 8 Unit Project)



Ogando– Taylor Street Project Vicinity







OWNER: JOE & KAREN OGANDO
 102 WOLFSKILL STREET
 WINTERS, CA 95694
 PHONE: (707) 689-3166

SUBDIVIDER: OGANDO

ENGINEER/SUBDIVIDER: LAUGENOUR AND MEIKLE
 CIVIL ENGINEERS
 608 COURT STREET
 WOODLAND, CA 95695
 PHONE: (530) 662-1755

EXISTING USE: VACANT

PROPOSED USE: B - SINGLE FAMILY LOTS [R-1]

PHASING: PROJECT TO BE DEVELOPED IN TWO PHASES

EXISTING ZONING: R1

PROPOSED ZONING: R1

SEWER & STORM DRAINAGE SERVICE: CITY OF WINTERS

WATER SERVICE: CITY OF WINTERS

GAS & ELECTRIC SERVICE: P.G.&E.

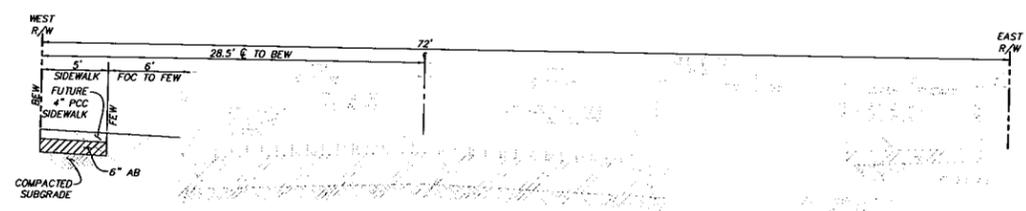
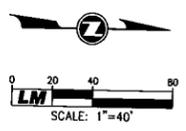
TELEPHONE SERVICE: AT&T

FLOOD ZONE: X (PER FIRM 06113C0563G)

GROSS AREA: 2.594± ACRES

APN: 003-430-030

FLOW EASEMENT PER DOC. 1998-0014894 AFFECTS PROPERTY, BUT IS NOT PLOTTABLE



(A) TAYLOR STREET
 NTS

TOPOGRAPHIC SURVEY
 FOR
 TENTATIVE MAP
 FOR
 SUBDIVISION NO. 5087
 OGANDO
 LOCATED IN A PORTION OF FRACTIONAL SECTION 21
 TOWNSHIP 8 NORTH, RANGE 1 WEST, MOUNT DIABLO
 MERIDIAN, CITY OF WINTERS, YOLO COUNTY, CALIFORNIA

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

SEPTEMBER 10, 2015 SHEET 1 OF 1



X:\Land Projects\1963-3\dwg\1963-3_TM-01.dwg



MAYOR: Dan Martinez
MAYOR PRO TEM: Woody Fridae
COUNCIL: Harold Anderson
Steve Godden
Tom Stone



Attachment B

JS:
nan
ER:
zier
RK:
fills

CITY MANAGER:
John W. Donlevy, Jr.

FILED
YOLO COUNTY CLERK/RECORDER

DEC 22 2005

BY FREDDIE OAKLEY, CLERK
Deputy
DEPUTY

NOTICE OF DETERMINATION

To: County Clerk/Recorder
County of Yolo
625 Court Street, Rm 150
Woodland, CA 95695

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

Office of Planning and Research
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

STATE CLEARINGHOUSE NUMBER: 2005082067

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 (Local Agencies) of the Public Resources Code.

FEES:

_____	EIR \$850.00 plus \$25.00 (\$875)
<u> X </u>	ND \$1250.00 plus \$25.00 (\$1,275)
_____	ND w/DeMinimus (\$25.00)
_____	Processing Only (\$25.00) -- DFG Fees Previously Paid Receipt # _____

Project Title: Hudson Ogando Subdivision

Project Applicant: John Peterson, Representative, Winters Investors LLC, Owner, Hofmann Land Development, Developer, 1380 Galaxy Way, Concord, CA, (925) 682-4830, (925) 765-3510

Project Location: The project site totals 15.97 acres comprised of APNs 030-430-29 (5.91 acres) and 030-430-13 (10.06 acres) located at the northwest corner of Grant Avenue (SR 128) and West Main Street, adjacent to the Winters Mobile Home Park. Situs address: 537 West Grant Avenue, Winters, CA 95694.

Project Description: The project is a proposed subdivision of 15.97 acres to create 72 single-family lots (47 R-1 lots on 10.06 acres; plus 25 R-3 lots on 3.63 acres), Parcel A (5,360 sf) for a small open space or well site, and Parcel Y (93,608 sf) for a proposed City Public Safety Center (police/fire station and corporation yard).

Notice: This is to advise that on December 19, 2005 the Winters City Council took the following final actions: 1) Adopted Resolution No. 2005-56 finalizing and approving the Mitigated Negative Declaration and Mitigation Monitoring Plan for the project; 2) Adopted Ordinance No. 2005-09 adopting the Hudson/Ogando Development Agreement; 3) Adopted Resolution No. 2005-57 approving the project by enacting the following: a) Approved a General Plan Amendment to designate 2.1 acres from MHR to PQP for the City Public Safety Center; b) Excluded the Hudson/Ogando property from the West Central Master Plan; c) Amended the Circulation Master Plan (May 19, 1992) and Standard Street Cross Sections (adopted October 2, 2001; City Council Resolution 2001-61) to: 1) remove the requirement for on-street Class II bike lanes on West Main Street and replace with off-street Class I bike path; 2) to change the designation for the segment of Taylor Street where it bounds the property from secondary collector to local street; and 3) to change the segment of Kennedy Drive between Taylor Street and West Main Street from secondary collector to local street; d) Amended the Bikeway System Master Plan

NOS-171

POSTED DEC 22 2005 JAN 22 2006

(November 19, 2002) text and Figure 3 to identify a Class I bike path along West Main Street, along Kennedy Drive between Taylor Street and West Main Street, and along Taylor Street between Kennedy Drive and "G" Street to the north; e) Approved Tentative Subdivision Map No. 4684; f) Approved a demolition permit to remove two existing on-site structures; g) Approved a lot line adjustment on the north property line to exchange property with the adjoining Callahan Estates project; and h) Approved Findings of Fact and Conditions of Approval; and 4) Adopted Ordinance No. 2005-10 rezoning 2.1 acres from R-3 to PQP for the City Public Safety Center, adding the Planned Development (-PD) overlay over the 13.85 residential acres to allow for lot sizes below the minimums set in the Zoning Ordinance, and approving Planned Development (PD) Permit No. 2005-03.

Pursuant to Section 15075 (NODs for Negative Declarations) of the CEQA Guidelines, the following determinations have been made regarding the above-described project:

- The project as conditioned will not have a significant effect on the environment.
- A Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA.
- Mitigation measures were included as conditions of the approval for this project and a Mitigation Monitoring Plan was adopted.

This Notice, as filed with the County Clerk, shall be available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30-days. Thereafter it shall be returned to the City of Winters with a notation of the period during which it was posted. The City shall retain the Notice for not less than 9 months.

This Notice, as filed with OPR, shall be available for public inspection and shall be posted for a period of at least 30 days.

For further information contact Heidi Tschudin, Contract Planner at (916) 447-1809.

Heidi Tschudin

Heidi Tschudin, Contract Planner
City of Winters
December 19, 2005

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: Hudson/Ogando Subdivision (Tentative Map #4684) and City Public Safety Center

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

Lead Agency Contact: Heidi Tschudin, Contract Planner
(916) 447-1809

Dan Sokolow, Community Develop Director
(530) 795-4910, x114

Project Location: The project site is generally located in the southeast area of the City of Winters. The project site totals 15.97 acres comprised of APNs 030-430-29 (5.73 acres) and 030-430-13 (10.24 acres) located at the northwest corner of Grant Avenue (SR 128) and West Main Street, adjacent to the Winters Mobile Home Park. Situs address: 537 West Grant Avenue, Winters, CA 95694.

Project Sponsor's: John Peterson, Representative
Winters Investors LLC, Owner
Hofmann Land Development, Developer
1380 Galaxy Way
Concord, CA
(925) 682-4830
(925) 765-3510

Bryan Bonino, Project Engineer
Laugenour and Meikle Civil Engineers
608 Court Street
P.O. Box 828
Woodland, CA 95695
(530) 758-6490

General Plan Designation(s): Low Density Residential (LR) (10.24 acres) and Medium/High Density Residential (MHR) (5.73 acres).

Zoning: Single Family Residential, 7,000 Square Foot Average Minimum (R-1) (10.24 acres) and Single and Multi-Family Residential (R-3) (5.73 acres).

Existing Conditions: The site consists of two odd shaped vacant parcels in northwest Winters. There are two structures on the southerly parcel, situated just off Grant

Avenue -- one residence and a detached garage/barn. The site was historically used for farming (almond orchard). Vegetation onsite is dominated by annual grasses including wildoat, soft chess, ripgut, star thistle, and tarweed. In a low area onsite (near proposed Ivy Drive and West Main Street) a 0.78-acre seasonal wetland has been delineated consisting of perennial ryegrass, cocklebur, and mint. There are some almond trees and ornamentals on the southern portion of the site.

Topography is generally flat to moderately sloped. Elevations onsite range from 150 to 160 feet above mean sea level. Surface runoff flows toward the West Main Street street gutter and storm drains along the eastern boundary of the site. There are some artificial storm drainage sumps at the northwestern corner of the site that collect water during rain events. The basins do not appear to be connected to other waterways.

The Natural Resources Conservation Service (NRCS) has mapped five soil units on the site: 1) Brentwood silty clay loam, 0-2 percent slopes; 2) Corning gravelly loam, 2-15 percent slopes eroded; 3) Hillgate loam, moderately deep, 0-2 percent slopes; 4) Marvin silty clay loam, 0-2 percent slopes; and 5) San Ysidro loam.

The project site lies in FEMA Flood Zone X (unshaded) based on a Letter of Map Revision (LOMR) dated July 11, 2002 (Case No. 02-09-649P). Zone X (unshaded) is a flood insurance rate zone assigned to property that falls outside of the 500-year floodplain.

Surrounding land uses include:

North – the vacant Callahan property proposed for single-family residential.

West – the Ogando house and remainder property; Silver Ridge Estates single-family residential.

East – West Main Street; Carter Ranch single-family residential; City sewer pump station.

South – Winters Mobile Home Park; Grant Avenue (State Highway 128).

Background: The assumed yield from this property for the General Plan EIR analysis was 91 single-family units ($10.24\text{ac} \times 4.62\text{du}/\text{ac} = 47.3\text{dus}$; $5.73\text{ac} \times 7.70\text{du}/\text{ac} = 44.1\text{ du}$; $47 + 44 = 91$). The maximum yield at that time was 118 units ($10.24\text{ac} \times 6.0\text{du}/\text{ac} = 61.4\text{dus}$; $5.73\text{ac} \times 10\text{du}/\text{ac} = 57.3\text{du}$; $61 + 57 = 118$).

In February of 2003 (Resolution 2003-13 and Ordinance 2003-01) the northern portion of this property (APN 030-430-13 totaling 10.24 acres) was redesignated from MR/R-2 to LR/R-1 and the LR designation maximum density Citywide was increased from 4.0 to 7.7du/ac. This action changed the maximum yield for the property from 118 units to 132 ($10.24\text{ac} \times 7.3\text{du}/\text{ac} = 74.7\text{dus}$; $5.73\text{ac} \times 10\text{du}/\text{ac} = 57.3\text{du}$; $75 + 57 = 132$).

The project as currently proposed is for 72 single-family units (47 R-1 single-family units and 25 R-3 single-family units).

Project History:

March 1, 2004 – Application received for tentative subdivision map for 65 units.

March 25, 2004 – Letter from City finding application to be incomplete and requesting additional information.

July 22, 2004 – Letter from City invoking Section 8-1.4205(B) of Zoning Ordinance: 1) suspending all processing time periods as of April 25, 2004; 2) finding period of developer inaction to constitute “unreasonable delay”; and 3) setting September 20, 2004 as “deemed withdrawn” date pending timely response from applicant.

September 20, 2004 – New application received for rezoning, tentative subdivision map, and demolition permit.

December 9, 2004 – Letter from applicant’s attorney: 1) suggesting application was filed on February 27, 2004; 2) suggesting project is subject to Permit Streamlining Act; 3) suggesting project is subject to CEQA Guidelines Exemption 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) (PRC Section 21083.3); and 4) requesting a public hearing as soon as possible.

December 14, 2004 – Electronic communication from City: 1) confirming that the project applicant previously put this project on-hold for over six months; 2) confirming that application is “complete” and that there is enough information to proceed with the environmental review; 3) indicating that the project is not subject to the Permit Streamlining Act; and 4) reminding the project attorney that the project applicant directed staff to focus on the Callahan project at that time as top priority.

January 10, 2005 – Revised tentative subdivision map and lot matrix received. Project review and CEQA analysis commenced.

February 3, 2005 – Clarifying information and technical data requested to allow project description and CEQA document to be prepared.

February 11, 2005 -- Revised tentative subdivision map and lot matrix received.

February 15, 2005 – Application reviewed by Development Review Committee.

February 15, 2005 – Application reviewed by Affordable Housing Steering Committee.

February 17, 2005 -- Community Workshop held before Planning Commission to introduce project and receive early community input.

February 19, 2005 -- On-site open house held by applicant to allow community to see the site and ask questions about the specifics of the site and the proposal.

March 9, 2005 – Revised tentative subdivision map for 72 units and lot matrix received. Arborist Report received.

April 28, 2005 – Finalized technical reports (biological resources and noise) received from applicant.

August 2, 2005 – Revised and corrected technical reports (biological resources, noise, geotechnical, Phase I ESA, etc.) received from applicant.

Previous Relevant Environmental Analysis: The 1992 General Plan was the subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan, including the development of the site as Medium Density Residential (MR)/R-2 north of the extension of Kennedy Drive (10.24 acres) and Medium/High Density Residential (MHR)/R-3 on the southern portion of the property (5.73 acres). As stated above, the assumed yield for the General Plan EIR analysis was 91 units ($10.24\text{ac} \times 4.62\text{du/ac} = 47.3\text{dus}$; $5.73\text{ac} \times 7.70\text{du/ac} = 44.1\text{ du}$; $47 + 44 = 91$).

Description of the Project: The project is a proposed subdivision of 15.97 acres to create 72 single-family lots (47 R-1 lots on 10.24 acres; plus 25 R-3 lots on 3.63 acres), Parcel A (5,360 sf) for a small open space or well site, and Parcel Y (93,608 sf) for development of a City Public Safety Center (combined police/fire station and City corporation yard).

Site Plan/Tentative Map

Based on the tentative map dated "March 8, 2005", the project proposes 47 detached single-family lots in the LR/R-1 categories that would range in size from 6,500 square feet (several) to 7,900 (Lot 113). About 17 percent (8 of 47 lots) would be 7,000 square feet in size or larger. The average proposed lot size within the LR/R-1 designations is 6,829 square feet. The density on the LR/R-1 areas would be 4.6 du/ac (47 lots ÷ 10.24 acres).

The project proposes 25 detached single-family lots in the MHR/R-3 categories that would range in size from 3,473 square feet (Lot 160) to 5,244 (Lot 173). The average proposed lot size within the MHR/R-3 designations is 3,916 square feet. The density on the MHR/R-3 areas would be 6.9 du/ac (25 lots ÷ 3.63 acres) (excluding Parcels A and Y).

Two additional parcels are proposed. Parcel A would consist of 5,360 square feet at the future southeast corner of Alley A and Taylor Street, near the terminus of Adams Lane. This Parcel is proposed for use as a small subdivision-level park or as an alternative well site. If developed for open space use, the applicant has indicated it would contain a grassy open area and picnic tables.

Parcel Y would consist of 93,608 square feet at the northwest corner of West Main Street and Grant Avenue. This Parcel would be combined with an existing parcel 27,556 square foot parcel at the corner that is owned by the City and contains the existing sewer pump station. These parcels combined would total approximately 2.78 acres which are proposed to be used as City Public Safety Center (combined police/fire station and City corporation yard).

The facility would operate on a 24-hour, 7 days per week basis; the principal period of operation will occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through

Friday. An undetermined number of buildings and structures would be constructed for office uses, equipment storage, and supplies. A municipal building with a footprint of approximately 30,000 square feet and not more than two stories is assumed for the purposes of this analysis. Parking areas would be provided for the public, work vehicles, and employee vehicles. The public works department would store sand, pipe, wood chips, and other materials in one or more sections of the facility. Some of the materials would be stored outdoors. Periodically, the fire department would hold training sessions for their career and volunteer firefighters inside the buildings and in the open. A 160-foot lattice communications tower with various mounted pieces of equipment would be required for public safety dispatch. Space on this tower may be leased in the future for various other private and public communications needs.

The project proposes extensions of West Main Street, Taylor Street, and Kennedy Drive, plus two new internal roadway segments (A Street and Ivy Drive), and the proposed alleys. For West Main Street from G Street at the north end to just past proposed Alley C on the south the applicant proposes an 80-foot cross-section that matches the Callahan project to the north. The cross-section includes two 12-foot travel lanes, 8-foot parking lanes including gutter pan, 8-foot landscape strip including vertical curb with 6-foot sidewalk on the east, 14-foot landscape strip including vertical curb with 10-foot sidewalk and 2-foot clear area on the west.

For West Main Street from the alley below Lot 176 to Grant Avenue the cross-section would be 92-feet comprised of 18-foot travel lanes, 8-foot parking lanes including gutter pan, 8-foot landscape strip including vertical curb with 6-foot sidewalk on the east, 14-foot landscape strip including vertical curb with 10-foot sidewalk and 2-foot clear area on the west.

A Street, Ivy Drive, and Taylor are all proposed to be built to meet the City standard for local roadways of 57 feet which includes 5-foot sidewalks separated by a 6-foot landscape strip, and on-street parking. For Taylor Street this will require a modification of the Circulation Master Plan to change that segment of Taylor from a "secondary collector" as specified in the plan to a local street as proposed.

Kennedy Drive is proposed to meet the City local roadway standard on the north side and within the travel way, with two 12-foot travel lanes and two 8-foot parking lanes, including curb and gutter. On the north side the applicant proposes an 8-foot landscape strip and a 5-foot sidewalk. On the south side the applicant proposes an enhanced landscape strip of 16-feet and a 10-foot Class 1 bikeway. The City's adopted Bikeway System Master Plan identifies this street for on-street Class 2 bike lanes. The proposal would require a modification of this to show a Class one facility on the south side and would also require a modification of the Circulation Master Plan to change that segment of Kennedy from a "secondary collector" as specified in the plan to a local street as proposed. The staff supports these changes so long as there are no driveway cuts along the south side of the street. Lots 159 through 173 will be conditioned to be alley-loaded lots.

The project proposes an alley behind the homes fronting on West Main Street (south of Kennedy Drive) and behind the homes fronting on the south side of Kennedy Drive. This will allow those homes to be rear-loaded with no driveways. These alleys are proposed to be public streets. The applicant proposes three different cross-sections:

1) Alley A: 30.5-foot cross-section comprised of 13.0-foot travel lanes including the gutter and low profile curb, and 4.5-foot landscape planter along south side bordering the mobile home park fence; 2) Alley B (north of Alley A) and Alley C: 26-foot cross-section comprised of 13.0-foot travel lanes including the gutter and low profile curb; and 3) Alley B (south of Alley A): 37.5-foot cross-section comprised of 13.0-foot travel lanes including the gutter and low profile curb, and a 7-foot parking lane on the west side bordering the mobile home park fence.

The applicant has proposed various interim or temporary street sections which would be constructed until adjoining development occurs. The City Engineer will review these facilities.

Traffic calming features are proposed at the corners of Kennedy Drive and West Main Street where corners will bulb out, and elevated decorative concrete cross-walks and a speed table will be constructed in the intersection.

The applicant has proposed that 11 lots (Lots 173 through 183) clustered along West Main Street in the MHR/R-3 area be deed-restricted as affordable units to meet the City's affordable housing requirement. These lots would be 32.6 feet wide or greater. All ten are proposed to be developed as detached single-family units with rear-loaded garages.

Land Use Changes

The northerly 10.24 acres of the project site (above the southern boundary of the Kennedy Drive right-of-way) are designated Low Density Residential (LR) in the General Plan which allows densities of 1.1 to 7.3 dwelling units per acre (du/ac). As stated earlier the proposed gross density is 4.6 du/ac (47 lots ÷ 10.24 acres) which is consistent with the land use designation.

That same area is zoned Single Family Residential (7,000 square foot average minimum) (R-1) which requires an average lot size of 7,000 square feet with a minimum lot size of 6,000 square feet, except for designated affordable half-plex lots which are allowed at a minimum of 3,500 square feet. According to information provided by the applicant, the average lot size in this portion of the project is 6,829 square feet which does not meet the minimum average requirement of 7,000. The project will require rezoning to add a Planned Development (PD) Overlay to allow for this. None of the LR/R-1 lots are proposed to be designated as affordable and therefore, the 3,500 square foot minimum is not applicable.

The southerly 5.73 acres of the project site (below the centerline of Kennedy Drive) is designated Medium/High Density Residential (MHR) in the General Plan which allows densities of 6.1 to 10.0 dwelling units per acre (du/ac). However of this acreage, Parcel A totaling 5,360 square feet is proposed for a subdivision-serving open space area, and Parcel Y totaling 93,608 square feet is proposed to be redesignated and rezoned to Public/Quasi-Public (PQP) for the proposed City Public Safety Center. The proposed gross density in this area therefore is 6.9 du/ac (25 lots ÷ 3.63 acres) (excluding Parcels A and Y) which is consistent with the land use designation.

The same area is zoned Single and Multi-Family Residential (R-3) which requires a minimum lot size of 6,000 square feet for detached units. There is no exception for affordable units in this zone. According to information provided by the applicant, the average lot size is 3,916 square feet which does not meet the minimum average requirement of 6,000. All of the proposed R-3 lots fall below the 6,000 square foot minimum. The project will require rezoning to add a Planned Development (PD) Overlay to allow for this.

The PQP designation to be applied to the City Public Safety Center allows for "government-owned facilities, public and private schools, and quasi-public uses such as hospitals, churches, and similar and compatible uses." Maximum FAR is 0.50. The PQP zone allows for the same range of uses. The Zoning Code sets a maximum height for structures of 40 feet, and minimum setbacks of 20 in front and 10 on the side. Setbacks are greater for heights over 30 feet.

Because the applicant has not submitted for and is not requesting at this time the required Design Review approval, conditions will be added to trigger that requirement (Section 8-1.4211) as the next discretionary step in the process. An analysis of compliance with lot development standards, and a review of home and yard design, facades, and elevations would be performed at that time. Section 8-1.53 of the Zoning Ordinance specifies Lot Development Standards for all zones. Table 3A (page 81) specifies maximum floor area ratio, maximum site coverage, and maximum structure height. For R-1 there is no floor area ratio (FAR), the maximum site coverage is 50 percent for single-story and 45 percent for two-story and above, and maximum height is 30 feet. For R-3 there is no FAR, the maximum site coverage is 60 percent and maximum height is 35 feet.

Table 3B (page 82) specifies minimum lot area and minimum lot width/depth. As noted above, the lot sizes proposed by the applicant in the R-1 area have an average of 6,829 square feet and in the R-3 area 3,916 square feet, neither of which meets the minimum requirements of the zone. Lot width/depth, and the method for calculating it, is defined in Section 8-1.2102 of the Zoning Ordinance on pages 22 (Lot, Width) and 20 (Lot Depth). In essence lot width is measured at a midpoint of the side lot lines so as not to penalize irregularly shaped lots or lots on curves and cul-de-sacs. Lot depth is measured in a similar fashion. The minimum lot width/depth in the R-1 area is 60 feet for an interior lot and 70 feet for a corner lot (affordable split-lots must meet this as a combined lot). The minimum lot width/depth in the R-3 area is 60 feet with no exceptions for affordable lots. According to information provided by the applicant, all lots in the R-1 area would meet the width requirement. In the R-3 area, none of the lots would meet the width requirement.

Table 4 (page 83) establishes building and structure setback requirements. For the R-1 zone the requirements are as follows: front yard 20 feet with "patios"¹ allowed within 15 feet; side yard 5 feet on one side (10-feet if two-story) and 10 feet on the garage side; rear yard 25 feet; alley 5 feet. For the R-3 zone the requirements are as follows: front yard 20 feet with "patios"¹ allowed within 15 feet; side yard 5 feet on one side (10-feet if two-story) and 10 feet on the garage side; rear yard 20 feet; alley 5 feet. For structures that exceed 30 feet in height in the R-3 zone, the setbacks increase by one foot for

¹ "Patios" are not a defined term in the Zoning Ordinance. The staff has interpreted this to include porches, porticoes, and front courtyards.

each foot in height over 30-feet. Consistency with these setbacks will be analyzed at the time of Design Review.

The identified inconsistencies with the Zoning Code trigger a need for redesign or rezoning of the entire property to add the Planned Development (P-D) overlay.

Other Applicable Plans

The project site falls within the redevelopment area of the City of Winters known as the Community Development Project Area. The Community Development Director has determined that the project is consistent with the requirements of the redevelopment plan and policies with regard to the proposed affordable housing plan, and that no other redevelopment issues are relevant to the review of the project.

Development Agreement

The City will require that a Development Agreement (DA) be executed. Under the City's DA enabling ordinance, there must be a resulting "net benefit" to the community from entering into such an agreement. The "net benefits" to the City from the Hudson/Ogando agreement are anticipated to include "Level Three" fee payments to the schools, contribution of land for the City Public Safety Center, on-site open space, phasing of units, and other net community benefits yet to be identified. In addition, if approved the Development Agreement will be used to "lock in" project features such as the lot layout, design review requirements, conditions of approval, mitigation measures, phasing (if any), payment of impact fees, etc.

Sewer Conveyance

Project sewer service will be provided in each local street and will connect to the existing sewer main in West Main Street. Sewer effluent will be conveyed south along West Main Street to a new proposed pump station to be constructed with the Callahan Estates development on West Main Street in the vicinity of the entrance to the Rancho Arroyo Detention Pond. In the event that the Callahan Estates project does not complete the construction of the pump station, this project will be required to construct the pump station.

Sewer Treatment

The City's Wastewater Treatment Plant (WWTP) is currently permitted to 0.92 million gallons per day (mgd). In December 2003, the estimated number of new dwelling units that could be served under current capacity was approximately 600 units. It was anticipated that over the following year approximately 200 dwelling units would be entitled to hook-ups based on approved maps and maps that were in the entitlement process. At this time, it is still anticipated that 200 units will be entitled to sewer hook-ups prior to the Hudson/Ogando project getting final map entitlements. That would leave approximately 400 units (hook-ups) that would be available on a first come first serve basis. The City will continue to monitor the WWTP on an annual basis to assess available capacity. The Phase 2 expansion of the WWTP will bring the capacity to 1.2

mgd. The timing of this expansion is not set. The Phase 2 expansion will need to take place before full build out of this and other proposed projects.

Water Conveyance

Project water service will be provided in each local street and will connect to the existing water line in West Main Street. A new well to help serve demand for this and other new projects is proposed for the Ranch Arroyo Drainage Pond site, Parcel of the project site, or on the City property in the vicinity of the existing Carter Ranch pump station.

Drainage Conveyance

Project storm drainage will be provided in each local street and will connect to the existing sewer main in West Main Street. Storm drainage will be conveyed south along West Main Street to the main in Grant Avenue.

Off-Site Infrastructure

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

Flooding

The project does not fall within the City's General Plan Flood Overlay Area. The site is designated on federal floodplain maps as Zone C (outside of the 100-year floodplain) based on a LOMR filed in July of 2002.

Parkland

The City requires the development of public parkland in conjunction with subdivision development at a ratio of 7 acres per 1,000 persons. Using the applicable Department of Finance factor for household size of 3.248 persons per household, and assuming 72 total units the project triggers the need for 1.64 acres of developed parkland ($3.248 \times 72 \text{ dus} \div 1,000 \times 7 = 1.64 \text{ acres}$). The project includes no on-site public parkland. This is acceptable as it has been anticipated that this project would contribute on a fair-share basis to the Council's adopted parkland plan for this area. Parcel A (5,360 square feet or 0.12-acre) is considered an on-site subdivision open space feature and would not receive parkland credit. The applicant will fund acquisition and development of neighborhood parkland off-site per prior direction from the Planning Commission and City Council.

Phasing

The applicant is proposing to create all 72 lots and have them available for sale at the same time. No phasing is proposed.

Affordable Housing

The total number of proposed units would be 72. The City requires a 15 percent affordable component comprised of 6 percent very low income, and 9 percent low to moderate income. Therefore the requirements for this project would be 11 affordable units comprised of five very low income units and six low to moderate income units. The applicant proposes to develop the affordable lots or enter into an agreement with Mercy Housing to build the homes as "self-help" units. If the applicant builds the units and agreement with Mercy Housing would still be entered into in order to have Mercy facilitate the marketing, buyer qualifying, and occupancy. The applicant has indicated that the actual product would be determined later as a part of the required design review process; however, the units would meet the minimum standard of either three bedroom or four bedroom with two baths per unit, and a square footage range of 1,000 to 1,250. All units would have two-car garages.

Architecture

The units will be required to meet the City's design review standards. The applicant is proposing no architecture at this time. Therefore, there are no floor plans or elevations proposed for consideration. Design review will occur prior to construction pursuant to City regulation.

Entitlements

The project requires the following approvals from the City:

- General Plan Amendment to designate 2.1 acres from MHR to PQP for the City Public Safety Center.
- Rezoning to designate 2.1 acres from R-3 to PQP for the City Public Safety Center.
- Rezoning to add the P-D overlay over the 13.87 residential acres to allow for lot sizes below the minimums set in the Zoning Ordinance.
- Exclusion of the property from the West Central Master Plan
- Amendment of the Circulation Master Plan (May 19, 1992) and Standard Street Cross Sections (adopted October 2, 2001; City Council Resolution 2001-61) to: 1) remove the requirement for on-street Class II bike lanes on West Main Street and replace with off-street Class I bike path; 2) to change the designation for the segment of Taylor Street where it bounds the property from secondary collector to local street; and 3) to change the segment of Kennedy Drive between Taylor Street and West Main Street from secondary collector to local street.
- Amendment of the Bikeway System Master Plan (November 19, 2002) text and Figure 3 to identify a Class I bike path along West Main Street and along Kennedy Drive between Taylor Street and West Main Street.
- Development Agreement.

- Tentative Subdivision Map No. 4684 to create 72 single-family lots.
- Planned Development Permit.
- Demolition Permit to remove two existing on-site structures.
- Approval of lot line adjustment on the north property line to exchange property with the adjoining Callahan Estate project.

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

- Yolo County Environmental Health Department for well and/or septic closure
- Caltrans for encroachment permit and plan approval for improvements in and along Grant Avenue (State Highway 128).
- US Army Corps of Engineers for seasonal wetland.
- USFWS for seasonal wetland.
- CDFG for seasonal wetland.

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

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

Arborist Report, Sierra Nevada Arborists, March 9, 2005. This report documents that there are 28 trees over 6-inches dbh on the project site and they total 387 aggregate diameter inches. The largest tree is a 32-inch elm. None of the trees inventoried are oaks.

Archaeological Survey, Peter M. Jensen, August 27, 2004. This report provides the conclusions of a site survey and research investigating the sensitivity of the site for cultural resources. The report concludes that there are no known cultural resources on the site, nor evidence of any particular sensitivity.

Biological Resources Assessment, Foothill Associates, March 24, 2005. This report provides conclusions of a site survey and data base research investigating biological resources on the site. The report concludes that the site is potential habitat for western burrowing owl and spadefoot toad, potential wintering habitat for ferruginous hawk, potential foraging habitat for Swainson's hawk and other raptors, and potential jurisdictional seasonal wetlands (0.78 acres) including habitat for special-status invertebrates.

Biological Impact Assessment and Mitigation Recommendations, LSA Associates, April 12, 2005. This report provides conclusions regarding biological impacts of the project

based on the work performed by Foothill Associates. The report identifies five special status plant species, two special status invertebrates, four special status amphibians/reptiles, seven special status birds, and 1 special status mammal that potentially occur on the project site. The report concludes that the protocol-level surveys are needed for special status plants, a determination of jurisdiction is needed for onsite seasonal wetlands, impacts will occur to Swainson's hawk and white-tailed kite, and protocol-level surveys are required for burrowing owl, vernal pool crustaceans, loggerhead shrike, and western spadefoot toad. The earliest recommended surveys would occur in November and that latest would occur in July.

Fiscal Impact Analysis, Economic and Planning Systems, December 20, 2004. This draft report concludes that the project will result in an annual net fiscal deficit for the City of \$81,000 and an annual net fiscal surplus for the Redevelopment Agency of \$239,000.

Geotechnical Investigation, Stevens, Ferrone & Bailey Engineering Company, February 6, 2004. This report examines geotechnical issue affecting development at the site. The report concludes that the site is geotechnically suitable for the proposed residential development.

Hazardous Substance Liability Assessment Report, Shaw Environmental, January 2004. The report provides the results of a Phase One Environmental Site assessment for the property. The report concludes that there are no known hazardous conditions at the site.

Noise Analysis, Brown-Buntin Associates, revised April 25, 2005. This report concludes that the revised site plan will result in a noise environment consistent with applicable City thresholds.

Noise Technical Memorandum, Brown-Buntin Associates, June 13, 2005. This memo addresses the potential from noise associated with a City well on Parcel A.

Revised Water Supply Assessment, Schlumberger Water Services, June 2004. This report satisfies the requirements of SB 610 for four proposed projects within the City (Winters Highlands, Callahan Estates, Creekside Estates, and Hudson/Ogando collectively). It examines existing water supply, groundwater conditions, cumulative water demands, and project-level water demand. It concludes that the groundwater supply underlying the City is sufficient to meet the needs of the project and cumulative conditions.

Title Report, Placer Title Company, March 16, 2004. Preliminary title reports for each parcel are provided. These reports identify the tax status and various easements affected the sites. No unusual exceptions are identified.

Traffic Impact Study, Grandy & Associates/Fehr & Peers Associates, July 17, 2004. This report provides the results of cumulative traffic modeling for this project and several others. It examines General Plan consistency, trip generation, and trip distribution, and provides intersection level-of-service analysis for several scenarios.

Traffic Technical Memorandum, Fehr & Peers Associates, June 10, 2005. This memo updates the trip generation information for the project based on the final proposed site plan.

Wetlands Delineation, Davis 2 Consulting Earth Scientists, August 11, 2004. The report concludes that the site has a 0.78-acre isolated seasonal wetland.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

- I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed

adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project. Nothing further is required.

Signature

Date

Heidi Tschudin, Contract Planner
Printed Name

Community Development Department
Lead Agency

ENVIRONMENTAL CHECKLIST

Introduction

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

For this checklist, the following designations are used:

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

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

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

No Impact: The project would not have any impact.

Instructions

1. A brief evaluation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, potentially significant unless mitigation is incorporated, or less than significant. "Potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigation Incorporated" means "Less Than Significant With Mitigation Incorporated". It applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used – Identify and state where available for review.
 - b. Impacts Adequately Addressed – Identify which effects from the above checklist were within the scope of and adequately addressed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures – For effects that are "Potentially Significant Unless Mitigation Incorporated" describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources in the form of a source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue area should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measures identified, if any, to reduce the impact to less than significant.

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

Discussion

- a. The proposed project would change the visual characteristics of the project site, however, this site is planned for urban development and existing residential development adjoins the site to the east and west. The Callahan Estates Subdivision has just been approved to the north. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.
- b. The portion of the project site proposed for development does not contain any protected scenic resources. The adjoining roadways are not listed or designated as a "scenic highway" and are not designated as scenic resources by the General Plan. As such, this impact would be less-than-significant.
- c. The proposed project would not significantly degrade the visual surroundings of the area. The General Plan anticipates that the project site would develop at a density similar to that proposed. The project site is located adjacent to existing residential development to the east and west, and recently approved residential to the north. All of the structures constructed under the proposed project would be subject to design review approval by the City of Winters to ensure consistency with the City's Design Guidelines, which are intended to ensure that new development is compatible with the City's small-town heritage (see Section 9, Land Use and Planning). With implementation of Mitigation Measure #12 for the project, the change in visual character would be a less-than-significant impact.
- d. The proposed project would provide additional light and glare in the area. If unshielded, lighting can spill onto adjacent projects, and disturb other residents.

The residential structures constructed under the proposed project would be one or two stories tall, with exterior materials common to residential development, such as wood and stucco. Project buildings would not be constructed of large

glass walls or highly reflective exteriors. Therefore, the proposed project would not produce substantial glare. The design of the City Public Safety Center will undergo a separate public design review process.

With the applicant's agreement to accept and implement the following mitigation measure, lighting impacts would be reduced to a less-than-significant level, because light would be focused downward. Therefore, spillover onto other properties would not occur, and the amount of light visible from offsite would be minimized.

Mitigation Measure #1 – *Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be submitted for approval as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.*

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

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

Discussion

- a. The 10.24-acre parcel (APN 030-430-13) is identified as Urban and Built-Up Land on the State Important Farmland Map for Yolo County (1992). The 5.73-acre parcel (APN 030-430-29) is identified as Other Land. These categories are not protected farmland. Because the proposed project would not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses, the agricultural impact is considered a less-than-significant impact.
- b. No part of the project site is under a Williamson Act contract nor immediately adjacent to any lands under Williamson Act contract. In addition, the project site is not located immediately adjacent to any lands zoned for agricultural uses. Therefore, there would be no impact on Williamson Contract land or other agriculturally zoned land.
- c. Development of the property will have no impact on the conversion of other properties to non-agricultural uses or loss of farmland in general. The project site is not located adjacent to actively producing agricultural or farmland. The subject site is an infill property and one of several remaining undeveloped residential parcels in the City. For this reason, no impact will occur in this category.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3. AIR QUALITY.				
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. Air quality is monitored, evaluated and regulated by federal, state, regional, and local regulatory agencies and jurisdictions, including the United States Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the Yolo-Solano Air Quality Management District County (YSAQMD). The EPA, CARB and the YSAQMD develop rules and/or regulations to attain the goals or directives imposed by legislation. Both State and regional regulations may be more, but not less, stringent than federal regulations.

To comply with the California and Federal Clean Air Acts, the YSAQMD in cooperation with other air districts, monitors and regulates air emissions with the goal of bringing the Sacramento Air Basin into attainment for ozone and PM₁₀. Regulations include adopted measures, emission inventories, contingency measures, and demonstration of emission reductions so the region will reach attainment of current ozone and particulate matter under 10 microns (PM₁₀) standards. The proposed project would not conflict with or obstruct implementation of applicable air quality plans, because the project is consistent with land uses planned for the site in the City General Plan since at least 1992. Build-out of the City's 1992 General Plan is included in the air emissions inventory for the Sacramento region which is included in applicable air quality plans. Therefore, this is a less-than-significant impact.

- b. Yolo County is designated as non-attainment for ozone under both State and federal standards and non-attainment for PM₁₀ under State standards.

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

Reactive organic gases (ROG) and nitrogen oxides (NO_x) react readily with sunlight to form harmful ozone that forms in the lower atmosphere. ROG and NO_x are known as ozone precursors and are therefore regulated by the CARB and local air districts. The YSAQMD regulates and oversees air quality within the project area and has recommended the following thresholds to determine whether or not a project will result in a significant impact to air quality:

ROG 82 lbs/day
 NO_x 82 lbs/day
 PM₁₀ 150 lbs/day

Air quality impacts fall into two categories: short-term emissions due to construction and long-term impacts due to project operation. Impacts in each category can be classified as having effects on a regional or local scale. Project grading and construction equipment would create PM₁₀, ROG and NO_x on a short-term or temporary basis. Long-term operational emissions would consist of vehicle emissions and area source emissions such as fireplaces, woodstoves, and landscaping equipment. Motor vehicle use would be the primary long-term source of additional ozone and carbon monoxide (CO) resulting from project operation.

Construction activities associated with the project would generate fugitive dust and particulate matter from grading, trenching and earthmoving activities. NO_x and ROG_s would be generated from diesel fumes associated with the operation of construction equipment.

Operational emissions are comprised of vehicle emissions and area source emissions. Development of the proposed project would increase mobile source emissions in the air basin due to vehicle trips to and from the project site. Area source emissions are generated through the use of conventional fireplaces, woodburning stoves, consumer products and landscaping equipment.

Due to the small size of the project (15.97 acres, 72 units, approximately 770 total vehicle trips), it is not anticipated to exceed any of the YSAQMD air quality standards and air quality modeling was not required. Nonetheless, for purposes

of consistency the City is imposing the same air quality mitigations measures on this project as it has recently for two neighboring proposals (Callahan Estates and Creekside Estates). Additionally it should be pointed out that General Plan Policy VI.E.6 requires controls for construction-related dust.

Trip generation from the City Public Safety Center has not been determined. However, the Center would be developed partially on land previously planned for residential development and hence already accounted for in the General Plan EIR.

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

Mitigation Measure #2 – a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations. b. Construction equipment shall minimize idling time to 10 minutes or less. c. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

An enforcement plan shall be established to weekly evaluate project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:

175 hp - 750 hp	1996 and newer engines
100 hp - 174 hp	1997 and newer engines
50 hp- 99 hp	1998 and newer engines

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

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

Mitigation Measure #3 -- Homes constructed as a part of the project shall contain only low-emitting EPA certified wood-burning appliances or natural gas fireplaces.

Implementation of the above mitigation measures would reduce the amount of NO_x and ROG generated by the project. Impacts would remain less-than-significant.

- c. As noted above, the CARB and the EPA has designated the Sacramento Valley as a non-attainment area with respect to ozone and PM₁₀. The Sacramento Valley is in attainment for all other pollutants. Construction of the proposed project, in combination with other development in the air basin, would adversely affect air quality (most importantly the formation of ozone) in the basin as a whole. However, as discussed in items (a) and (b), above, the proposed project is not expected to produce emissions at levels exceeding YSAQMD's established thresholds of significance, and the project's cumulative contribution to criteria air pollutants has already been factored into the regional air quality projections. This impact would be less than significant.

- d. The YSAQMD's thresholds are partially based on adverse health effects to people. The proposed residential project is not expected to exceed the YSAQMD thresholds for ROG, NO_x or PM₁₀. Furthermore, the proposed project will implement ROG and NO_x mitigation measures, result in land uses that are consistent with General Plan land use designations, and is compatible with land uses that currently exist in the area. For these reasons it would not expose sensitive receptors to substantial pollutant concentrations. Therefore, this impact would be less than significant.

- e. The proposed uses would not create objectionable odors. Similarly, future residents of the project site would not be subjected to objectionable odors from nearby residences or the City Public Safety Center. Therefore, no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
4. BIOLOGICAL RESOURCES.				
<i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	□	■	□	□
b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	□	■	□	□
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	□	■	□	□
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	□	■	□	□
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	□	■	□	□
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	□	□	■	□

Discussion

a,d. Davis 2 Consulting Earth Scientists prepared a Wetlands Delineation for the project site dated August 11, 2004. Foothill Associates biologists prepared a Biological Resources Assessment for this project site finalized March 24, 2005. LSA Associates prepared a Biological Impact Assessment and Mitigation Recommendations for the project site finalized April 12, 2005. The City's contract biologist Jim Estep (formally of Jones and Stokes Associates) prepared a peer review of the joint final report dated June 9, 2005. LSA Associates submitted a letter report entitled "Wildlife and Botanical Survey Results and Impact Assessment/Mitigation Recommendations for the Hudson-Odondo Property, Winters, Yolo County" dated July 12, 2005. Based on the various technical reports, the biological conditions and resources at the project site are summarized below.

General Site Conditions

Historically, the project has been used primarily for farming. Much of the project area, particularly the southern portion, was planted in almond orchard and was

part of a larger almond orchard that encompassed several adjacent parcels. The almond trees have been removed from the project site and from most of the surrounding area. As reported in the Arborist Report, there are 28 trees over 6-inches dbh on the site. None of these trees are natives or heritage in size. The entire project area consists of annual grassland. Much of the area is highly disturbed supporting mostly a variety of nonnative annual grasses or ruderal vegetation. One seasonal wetland exists near the east-central portion of the project area. Two additional features, regarded as temporary storm drainage sumps in the LSA report, exist in the northwest corner of the property. Wetland conditions appear to have developed within these basins.

The project area terrain is generally flat from south to north with no distinctive topographical features before rising to a berm that runs diagonally across the property from northeast to southwest. The portion of the property on the north side of the berm remains at a higher elevation except where the two drainage sumps have created a deeply incised artificial channel that broadens as they extend to the northwest corner of the property.

Other than the seasonal wetland and the drainage sumps that may have created seasonal wetland habitat, there are no other distinctive or sensitive biological communities present on the project site.

Wildlife Use

Wildlife use of the project area is limited as a result of the disturbed habitat conditions and the proximity to neighboring residential development. Nonetheless, annual grassland habitats provide important breeding and foraging habitat for many species, and the project area certainly receives use by a variety of species common to the area, including gopher snake, fence lizard, striped skunk, raccoon, California ground squirrel, Bottae's pocket gopher, shrub jay, yellow-billed magpie, and common crow. Pooled water in the drainage sumps and the seasonal wetland provide much higher value to a variety of species on a seasonal basis as a source of drinking water and potential breeding sites. These areas also provide habitat for amphibians and invertebrates. The Foothill Associates assessment reported tadpoles, probably western toads, in the drainage sumps.

Other than these wetland features, the biological value of the project area is relatively low. Most of the site has been in orchard for many years and currently supports nonnative grassland and ruderal habitats. The area also receives substantial human disturbance due to its close proximity to neighboring residential areas.

Special Status Plants

Five special status plant species are identified as having the potential to occur on the site:

Dwarf downingia
Round-leaved filaree

Fragrant fritillary
Adobe lily
Brewer's western flax

Subsequent focused, protocol-level, special status plant surveys were conducted for these species. The results confirmed that none of the target plants occur onsite and no mitigation is required.

Special-Status Wildlife

Based on the habitats and the condition of those habitats present on the project site, the following special-status species have potential to occur (several other species have limited potential to occur incidentally):

- Swainson's Hawk
- Ferruginous Hawk (wintering only)
- White-tailed Kite
- Northern Harrier
- Burrowing Owl
- Loggerhead Shrike
- Vernal Pool Fairy Shrimp
- Vernal Pool Tadpole Shrimp

White-tailed Kites, Northern Harriers, and Loggerhead Shrikes were observed foraging onsite during the 2004-2005 surveys. While no nests were found, these species could potentially nest in the trees and shrubs on the extreme southern end of the site. Swainson's Hawk could potentially forage in the grassland and seasonal wetland habitats, but no potential nesting trees are available onsite or in the immediate vicinity. Ferruginous Hawk could potential forage in the project area during the wintering season. Use is likely rather limited due to the relatively poor habitat conditions of the site and the extent of human use and disturbance.

While habitat conditions are considered marginal due to the extent of human disturbance, Burrowing Owl could potentially nest and forage in the project area. However, no sign of this species has been detected onsite. It should be noted, however, that Burrowing Owls are known to nest on adjacent properties within 1,200 feet.

Wetlands and riparian features are discussed below. With the applicant's agreement to accept and implement the following mitigation measures, impacts on special status species would be less-than-significant.

Mitigation Measure #4 – *The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In*

general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #5 – The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with one of the following:

a) If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee is collected by the City of Winters for impacts to 15.97 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

b) If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson's hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

c) If the MOU is not in full force and effect, and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity, 15.97 acres of Swainson's hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an annuity or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

Mitigation Measure #6 – The project proponent shall mitigate for potential project-related impacts to nesting raptors (White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-feet) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lath, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

b,c. The wetlands delineation prepared for the project site identified 0.78 acres of seasonal wetlands in the center of the northern portion of the project site. The delineation characterizes the wetlands as isolated and therefore not regulated by the Corps under Section 404 of the Federal Clean Water Act. A letter confirming this

determination will be required from the U.S. Army Corps of Engineers. Other agencies, however, such as the Regional Water Quality Control Board (RWQCB) may retain jurisdiction over the feature as "waters of the state". Fill of wetlands that are determined to be "waters of the state" may require a Water Quality Certification or trigger Waste Discharge Requirements from the RWQCB. If these aquatic habitats support listed vernal pool crustaceans, then the U.S. Fish and Wildlife Service (USFWS) must be consulted and authorize any take of these species or modification of their habitat (see discussion above).

The wetland feature contains potentially suitable habitat for special-status invertebrate species. It is proposed to be filled to accommodate residential development. Three vernal pool invertebrates including California linderiella, vernal pool fairy shrimp and vernal pool tadpole shrimp have a potential to occur within the seasonal wetland habitat on the site. These species are known to occur in seasonally inundated depressions. A wet season survey for vernal pool crustaceans was conducted during the 2004-2005 wet season. No listed species were observed or captured (including Western Spadefoot larvae which would have been captured in the same sampling if present). A dry season survey will be conducted and the combined results will be used to determine if listed vernal pool crustaceans occur onsite and if impacts to these species will occur as a result of the project. The results of the complete surveys will be submitted to the USFWS for a determination.

With the applicant's agreement to accept and implement the following mitigation measures, impacts on special status species would be less-than-significant.

Mitigation Measure #7 -- *If special-status vernal pool invertebrates are not found at the completion of a full protocol-level survey conducted by qualified biologists, and the USFWS agrees with the findings of the survey, then no further mitigation would be required. If special-status vernal pool invertebrates are found onsite, or if the USFWS disagrees then the mitigation specified below would still be required. The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit. The project proponent shall mitigate for potential project-related impacts to federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for project-related impacts to vernal pool invertebrate habitat. The USFWS typically requires a 250-foot setback from the edge of vernal pools to be avoided, however, this setback may be reduced if pools are degraded or no potential adverse effects to the habitat are anticipated with a decreased setback. If vernal pools onsite cannot be avoided, a mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs. Likely mitigation measures include onsite or offsite preservation and creation of vernal pools at a ratio acceptable to the USFWS or purchase of credits at a qualified proximate vernal pool mitigation bank as specified by the USFWS and agreed to by the City. Typically, the USFWS in coordination with the Corps requires a 3:1 combination ratio (1:1 preservation and 2:1 creation) of vernal pools that potentially, or are known to support listed invertebrates.*

Notwithstanding other federal jurisdiction, the Regional Water Quality Control Board may have jurisdiction over the wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have. Prior to the commencement of work on the project site, the applicant shall contact the RWQCB regarding their potential jurisdiction over wetlands that exist on the project site and comply with all applicable requirements, if any, established by that agency.

The California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the project site, the applicant shall contact the CDFG regarding their potential jurisdiction over

wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

- e. General Plan Policy VI.C.2 requires 1:1 replacement for loss of wetlands resources. With the applicant's agreement to accept and implement the following mitigation measure, impacts on riparian and wetland resources would be less-than-significant:

Mitigation Measure #8 -- (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

- f. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide plan, but it is not complete. This impact is less than significant.

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

Discussion

a,b. A cultural resources assessment was prepared for this site by Jensen and Associates (August 27, 2004). The assessment provides the results of research of existing cultural resources data bases, review of historic maps, and a field survey performed by a qualified archeologist. The entire property was inspected. No evidence of cultural resources was observed. The structures on the site were also inspected and found to be without historic or architectural significance.

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

Mitigation Measure #9 – *If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.*

c. No paleontological resources are known or suspected and no unique geologic features exist on the project site. However, the potential exists during construction to uncover previously unidentified resources. Implementation of Mitigation Measure #9 will mitigate this concern to less-than-significant levels.

- d. No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. Section 7050.5 of the California Health and Safety Code states that, when human remains are discovered, no further site disturbance shall occur until the county coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Compliance with this law and the mitigation measure would ensure that impacts on human remains are less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
6. GEOLOGY AND SOILS.				
<i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
ii. Strong seismic ground shaking?	☐	☐	■	☐
iii. Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
iv. Landslides?	☐	☐	■	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	■	☐	☐
d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	■	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	■

Discussion

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

According to the biological reports, the survey maps of the Natural Resources Conservation District (NRCS) (formerly the USDA Soil Conservation Service) depict the following soil units on the site: 1) Brentwood silty clay loam, 0-2 percent slopes; 2) Corning gravelly loam, 2-15 percent slopes eroded; 3) Hillgate loam, moderately deep, 0-2 percent slopes; 4) Marvin silty clay loam, 0-2 percent slopes; and 5) San Ysidro loam .

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

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

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

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

- aiii, c,d. A geotechnical investigation was conducted for the project site dated febraury 6, 2004 by Stevens Ferrone & Bailey. The geologic investigation, which included five borings throughout the project site, found that surface and near-surface soils on the project site are capable of supporting residential structures of the type proposed for the project provided specified conditions are implemented. With the applicant's agreement to accept and implement the following mitigation measure, impacts of geologic hazards will be reduced to a less-than-significant level.

Mitigation Measure #10 -- Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the Geotechnical Investigation (Stevens Ferrone & Bailey, February 6, 2004) prepared for the project.

A separate geotechnical investigation will be performed for the City Public Safety Center project.

- aiv, b. Topography is generally flat to moderately sloped. Elevations onsite range from 150 to 160 feet above mean sea level. Surface runoff flows toward the West Main

Street street gutter and storm drains along the eastern boundary of the site. There are some artificial storm drainage sumps at the northwestern corner of the site that collect water during rain events. The basins do not appear to be connected to other waterways. There are no steep slopes within the project site. There are no drainages with steep slopes running through or adjacent to the project site. Because the site conditions would not result in landslides or potential for substantial erosion or loss of topsoil, the potential for impact in this category is considered less-than-significant.

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

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS.				
<i>Would the project</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

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

If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the City of Winters Fire Department is responsible for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are highly regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety

regulations. Both federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City currently complies with the City's Emergency Response Plan, and the Yolo County Hazardous Waste Management Plan.

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

- b. A Hazardous Substance Liability Assessment Report was prepared for this property by Shaw Environmental (January 2004). The firm has indicated that this report is the equivalent of a Phase I Environmental Site Assessment. The report concludes that there is no evidence of hazardous conditions in connection with the property. The database search revealed no nearby properties that would adversely affect the site. The site is not listed on any of the federal, state, or local data bases. No adverse conditions were observed during the site visit. Because the two structures on the site were built in the 1920's prior to controls for asbestos and lead-based paints, sampling for those substances and appropriate precautions are required as a precursor to demolition. With the applicant's agreement to accept and implement these recommendations as mitigation measures, the potential for impacts would be less than significant:

***Mitigation Measure #11** -- Asbestos and lead-based sampling shall be conducted on the structures prior to demolition, and appropriate precautions shall be implemented consistent with any requirements of the Fire Department, the County Environmental Health Department, and the Yolo-Solano Air Quality Management District.*

- c. The project site is located west of Waggoner Elementary School. However, as discussed in Item 7(a,b), above, construction and occupation of the proposed project would not generate substantial amounts of or particularly dangerous hazardous materials. Therefore, the impact on the schools would be less than significant.
- d. The project is not located on a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Department-Hazardous Waste Site Files pursuant to Government Code 65962.5. Therefore, no impact would occur.
- e. The project site is not within two miles of a public airport, and is not within the runway clearance zones established to protect the adjoining land uses in the vicinity from noise and safety hazards associated with aviation accidents. Therefore, there would be no impact.
- f. There are no private airstrips in proximity of the project site, so there would be no impact.
- g,h. The proposed project would have no effect on any emergency plan, because it would not alter the existing street system, and would provide street connections to and through the project site. The project area does not qualify as "wildlands"

where wildland fires are a risk. For these reasons, no impact would occur in these categories.

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

Discussion

- a,f. Surface water quality can be adversely affected by erosion during project construction, or after the project is completed, if urban contaminants in stormwater runoff are allowed to reach a receiving water (e.g. Dry Creek). Construction activities disturbing one or more acres are required by the Central Valley Regional Water Quality Control Board (CVRWQCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. These permits are required to control both construction and operation activities that could adversely affect water quality. Permit applicants are required to prepare and retain at the construction site a

Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls. Dischargers are also required to inspect construction sites before and after storms to identify stormwater discharge from construction activity, and to identify and implement controls where necessary.

The proposed project is composed of approximately 15.97 acres, and thus would fall subject to these requirements. Compliance with these required permits would ensure that runoff during construction and occupation of the project site would ensure that runoff does not substantially degrade water quality. Therefore, this is a less-than-significant impact.

- b. The proposed project would construct impervious surfaces over portions of the project site that are currently undeveloped. However, the site is not identified as a recharge area and has been planned for development since at least 1992. The majority of groundwater recharge in Winters occurs along drainages. Therefore, it can be concluded that development of the project site would not substantially affect the aquifer.

The City of Winters would supply groundwater to the proposed project. As discussed in more detail in Item 16(d), while the proposed project would contribute to an increase in municipal groundwater use, total groundwater use within the City would exceed historic water use levels only slightly in wet years, and would be lower than historic pumping levels in wet years. Groundwater levels have been fairly stable in the City of Winters, even with the highest historic pumping levels. According to the Revised Water Supply Assessment prepared for the proposed project, increasing groundwater pumping to serve project demand would not substantially deplete aquifer volume or lower the groundwater table. Therefore, impacts on groundwater would be less than significant.

- c,d,e. The proposed project would change absorption rates, drainage patterns, and the rate and amount of surface runoff, but would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, including the project site. Because the proposed project can be accommodated within the City's planned storm drain system, the increase in runoff is considered less than significant.
- g,h. The project does not fall within the City's General Plan Flood Overlay Area. The site is designated on federal floodplain maps as Zone C (outside of the 100-year floodplain). As such impacts related to flooding are considered less than significant.
- i. The project site is located approximately 10 miles east of the Monticello Dam on Lake Berryessa. Failure or overtopping of the dam could result in severe flooding of the Winters' area and loss of life. However, this occurrence, which is addressed in the Yolo County Emergency Plan, is not considered a likely or substantial risk. Therefore, the proposed project would not expose individuals to

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

- j. The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
9. LAND USE AND PLANNING.				
<i>Would the project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Development of the project site is consistent with the City General Plan and has been the long-term plan for the property. The project would fill in and connect the established residential community of the City, not divide it. Therefore, no impact would occur.
- b. The General Plan and zoning ordinance currently designates the project site for residential uses. The assumed yield from this property for the General Plan EIR analysis was 91 single-family units (10.24ac x 4.62du/ac = 47.3dus; 5.73ac x 7.70du/ac = 44.1 du; 47 + 44 = 91). The maximum yield at that time was 118 units (10.24ac x 6.0du/ac = 61.4dus; 5.73ac x 10du/ac = 57.3du; 61 + 57 = 118).

In February of 2003 (Resolution 2003-13 and Ordinance 2003-01) the northern portion of this property (APN 030-430-13 totaling 10.24 acres) was redesignated from MR/R-2 to LR/R-1 and the LR designation maximum density Citywide was increased from 4.0 to 7.7du/ac. This action changed the maximum yield for the property from 118 units to 132 (10.24ac x 7.3du/ac = 74.7dus; 5.73ac x 10du/ac = 57.3du; 75 + 57 = 132). The project as currently proposed is for 72 single-family units (47 R-1 single-family units and 25 R-3 single-family units). This is about 22 percent fewer units than anticipated in the General Plan EIR.

The northerly parcel (APN 030-430-13 totaling 10.24 acres) has been designated/zoned in the General Plan as Low Density Residential (LR)/R-1 since it was redesignated by the City in February 2003 from Medium Density Residential (MR). The southerly parcel (APN 030-430-29 totaling 5.73 acres) has been designated/zoned Medium/High Density Residential (MHR)/R-3 since at least 1992. The project requires a redesignation/rezoning of 2.1 acres of the southerly parcel to PQP to allow for development of the proposed City Public Safety Center. The project also requires a rezoning to add the Planned

Development (P-D) overlay over the remaining 13.87 residential portion to allow for lot sizes below minimums set in the Zoning Ordinance.

As discussed earlier in the project description, the proposed residential densities over the site are consistent with the land use designations. However, the project requires rezoning to add a Planned Development (PD) Overlay to allow for lot sizes that would not meet minimums.

The applicant has not submitted for and is not requesting Design Review approval at this time. Therefore, Design Review approval pursuant to Section 8-1.4211 of the Zoning Code will be the next discretionary step in the process. An analysis of compliance with lot development standards, and a review of home and yard design, facades, and elevations would be performed at that time. Design review will be required to ensure that the proposed residential development will be compatible with existing development in Winters and that it satisfies the Community Design Guidelines.

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

Mitigation Measure #12 -- *All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each home, the builder shall submit for design review and approval.*

- c. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide plan, but it is not complete. This impact is less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
10. MINERAL RESOURCES. <i>Would the project:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

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

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
11. NOISE. <i>Would the project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. The Noise Element of the City of Winters General Plan establishes an exterior noise level standard of 60 dB CNEL (Community Noise Equivalent Level) at the outdoor activity areas of new residential uses affected by roadway noise. An exterior noise level of up to 65 dB CNEL is considered to be Conditionally Acceptable and may be allowed only after a detailed acoustical analysis is performed and needed noise abatement features are included in the design. The Noise Element also establishes an interior noise level standard of 45 dB CNEL for residential uses.

A Revised Noise Analysis was prepared by Brown-Buntin Associates for the proposed project in April of 2005. Brown-Buntin used the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) to predict traffic noise levels at the site. As shown, in Table III of that analysis, noise exposure for all first floor receiver locations (measured along Main Street, Taylor Street, and Kennedy Drive) would fall below the exterior standard of 60 dB CNEL. Second floor locations would be exposed to noise slightly above the standard. Attenuation for second floor receivers is accomplished by ensuring compliance with the 45 dB Ldn interior standard. Typical façade designs and construction in accordance with prevailing industry practices would result in an exterior to interior noise attenuation of 20 to 25 db

with windows closed and depending on the materials used for façade construction. Since the worst-case predicted second floor noise levels were 62.1 Ldn dB along Main Street, typical construction materials are expected to result in interior noise levels of 42.1 dB CNEL or less thus meeting the requirement. Therefore potential impacts are less-than-significant.

A subsequent Technical Memorandum (June 13, 2005) was submitted addressing the potential for noise impacts associated with placement of a water well on Parcel A. Since the type of pump and hence its potential noise output is unknown at this time, the following mitigation measure specifying a maximum noise output at the well site property line is recommended:

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

***Mitigation Measure #13** – Well pump noise shall not exceed 40 dBA at the nearest residential property line. This shall be demonstrated to the City via a noise analysis prepared by a qualified consultant prior to acceptance of the well facility.*

Noise generation from the City Public Safety Center has not been assessed. The corporation yard would result in noise from various light industrial-type activities. The police/fire station(s) would potentially result in noise from loudspeakers, sirens, radio equipment, dispatch, and similar activities. Much of this noise can be controlled at the source through operational procedures and/or noise walls.

- b. Some groundborne vibration could occur during construction. However, the activities that typically generate excessive vibration, such as pile driving, are not employed for typical one and two story residential building construction. Therefore, adjacent and nearby residents should not be disturbed by ground vibration during project construction. This impact would be less than significant.
- c. Traffic associated with the proposed project would contribute to existing noise levels in the project vicinity. However, the increase would be minor due to the size of the project, and it would not be higher than levels assumed under General Plan build-out because this project was assumed to develop in residential uses. Therefore, this impact is considered less than significant.
- d. Construction activities associated with the project could generate noise levels in the range of 80-90 dBA at a distance of 50 feet. Noise levels at the nearest residence could approach these levels during construction activities along the project boundary. However, construction noise would be for a short duration, and limited to the construction hours (typically daylight hours). The City has both a Noise Ordinance and Standards Specifications that regulate construction noise. These regulations restrict construction activities to 7:00am to 7:00 pm Monday through Friday only (holidays excluded). Therefore, the project is expected to have a less than significant impact related to temporary or periodic increase in ambient noise levels. To further control noise impacts during construction the following mitigation is required.

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

Mitigation Measure #14 – Construction equipment (including well drilling equipment) shall be fitted with adequate engine mufflers and enclosures.

- e. The nearest public airport is over 2 miles away and the project site is not within an airport land use plan. Therefore, project residents would not be exposed to excessive air traffic noise, and this impact would be less than significant.
- f. The project site is not located near a private airstrip and would not be exposed to noise from the private airstrip, so no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
12. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The residential uses proposed for the project site are consistent with General Plan assumptions for the area, and fewer units are proposed. The 1992 General Plan EIR assumed a yield of 91 single-family units (10.24ac x 4.62du/ac = 47.3dus; 5.73ac x 7.70du/ac = 44.1 du; 47 + 44 = 91). The maximum yield at that time was 118 units (10.24ac x 6.0du/ac = 61.4dus; 5.73ac x 10du/ac = 57.3du; 61 + 57 = 118).

In February of 2003 (Resolution 2003-13 and Ordinance 2003-01) the northern portion of this property (APN 030-430-13 totaling 10.24 acres) was redesignated from MR/R-2 to LR/R-1 and the LR designation maximum density Citywide was increased from 4.0 to 7.7du/ac. This action changed the maximum yield for the property from 118 units to 132 (10.24ac x 7.3du/ac = 74.7dus; 5.73ac x 10du/ac = 57.3du; 75 + 57 = 132). The project as currently proposed is for 72 single-family units (47 R-1 single-family units and 25 R-3 single-family units). This is about 22 percent fewer units than anticipated in the General Plan EIR.

The General Plan assumed a population of approximately 299 persons (using the applicable Department of Finance factor for household size of 3.248 persons per household). The proposed project would generate 234, which is 22 percent less. Therefore, infrastructure, services, and utilities are master planned to accommodate the proposed level of growth.

The proposed project would extend roads and other infrastructure to the project site. However, this infrastructure would be extended within the City limits, and would not be sized to accommodate growth beyond the areas and levels assumed in the General Plan.

Because the development of the project site, including the extension of infrastructure, is generally consistent with the planning assumptions of the

General Plan, the proposed project would not induce substantial growth in total. However, the pace and timing of growth is a potential concern. Over the last few years (2000 – 2004) the City has grown by an average of 60 new units per year (298 ÷ 5).

Calendar Year	Certificates of Occupancies Issued	Building Permits Issued
2004	33	40
2003	107	100
2002	83	56
2001	39	45
2000	36	46
TOTALS	298	287

This project proposes a one-year build-out of 72 units (2005 through 2006), which would be over and above whatever other growth the City might experience in that same timeframe. This pace of growth would be substantial for a town the size and scale of Winters and is therefore potentially a significant impact.

The construction of housing for all income levels is also a concern. A mechanism to ensure that the pace of construction of affordable units matches the pace of construction of market-rate units is needed.

With the applicant's agreement to accept and implement the following mitigation measure to control the pace of growth, potential impacts will be mitigated to less-than-significant levels.

Mitigation Measure #15 -- *The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for controlling the pace of growth on an annual basis. Provisions for the design, funding, and construction of necessary infrastructure to accommodate allowed growth shall also be addressed. Threshold requirements for the construction of affordable units shall be included to ensure that the development of affordable units reasonably keep pace with the development of market-rate units within the project.*

- b,c. A single family home on the site has been previously vacated and is planned for demolition. Because the unit has been empty for some time, the project involves no displacement of housing or people. Impacts would be less-than-significant in this category.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
13. PUBLIC SERVICES. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. The City of Winters Fire Department provides primary fire protection service to the project site. The City of Winters Police Department provides primary police protection service. The proposed project could increase demand for these fire and police protection services by increasing the amount of development and number of residents within the Departments' service areas. This increase in development is consistent with City plans for the project site, as reflected in the General Plan. It should be noted that as a part of the project the applicant is dedicating land to the City for use as the new City Public Safety Center including a combined police/fire station and corporation yard.

Development within the project site would also contribute taxes and fees toward the City's General Fund, which would be used, in part, to fund fire and police protection services needed by the project. Because the project site is already in the City, the proposed project would not increase the size of the service area of the Fire or Police Department. However, the City's fiscal health over the years has been severely impacted by actions of the State. In a fiscal impact analysis for the prepared for the residential project (EPS) it was determined that construction of the project will fail to result in general fund revenues sufficient to serve the project, particularly in the areas of police and fire protection. An ongoing annual deficit of \$81,000 is projected, although the project is projected to create an annual surplus condition for the Redevelopment Agency during the life of the Redevelopment Plan.

With the applicant's agreement to accept and implement the following mitigation measure, potential impacts to the provision of police and fire services will be mitigated to less-than-significant levels.

Mitigation Measure #16 -- *The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating the projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.*

- c. The project site is served by the Winters Joint Unified School District, which serves the City of Winters and surrounding unincorporated areas of Yolo and Solano Counties. The District is comprised of the John Clayton Kinder School, Waggoner Elementary School (grades 1-3), Shirley Rominger Intermediate School (grades 4-5), Winters Middle School (grades 6-8), Winters High School (grades 9-12) and Wolfskill Continuation High School. Students from the proposed project would be expected to attend these schools.

As shown below, the Proposed Project would generate approximately 57 students, including 31 elementary school (K-6) students, 9 intermediate school (7-8) students, and 17 high school students. According to the District's most recent School Facilities Needs Analysis (November 2004), there is capacity available at all school levels.

STUDENT GENERATION			
Grade Level	Number of Units	Students/Unit Rate¹	Number of Students
K-6	72	0.4280	31
7-8	72	0.1230	9
9-12	72	0.2343	17
Total	72	0.7853	57

¹School Facility Needs Analysis, November 2004.

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

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

- d. The City requires the development of parkland in conjunction with subdivision development at a ratio of 7 acres per 1,000 persons (General Plan Policy V.A.1). The proposed project would generate 234 persons at build-out (72 x 3.248).

Based on this number, the project is required to provide 1.64 acres of neighborhood park to meet the City goal of 7 acres per 1,000 residents.

The project does not include any land onsite for neighborhood park development. Proposed Parcel A (5,360 square feet) is proposed as either a small subdivision-serving open space lot or a well site.

Park obligations would be met by the payment of mitigation fees for the 1.64-acre obligation. These fees would be applied to the development of the linear neighborhood park planned along Taylor Street and/or to the development of parkland at the City's proposed community park north of Moody Slough Road. With the applicant's agreement to accept and implement the following mitigation measure, park impacts would be less-than-significant.

Mitigation Measure #17 -- The applicant shall pay park mitigation fees to satisfy the obligation for 1.64-acre of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.

- e. The proposed project would create incremental increases in demand for other services and facilities in the City of Winters. Implementation of Mitigation Measure #16 would ensure that the potential fiscal impacts would be less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
14. RECREATION.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	□	■	□	□
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	□	□	■	□

Discussion

- a. As discussed in Item 13(d), Mitigation Measure #17 would ensure that the proposed project would provide adequate parkland mitigation for new residents. This money will be used by the City to provide additional parkland at the City's planned neighborhood park along Taylor Street or at the proposed community park north of Moody Slough Road. Therefore, the potential for impacts to off-site parks will be mitigated to a less-than-significant level.
- b. Mitigation Measure #17 would result in funding for recreational development at the City's planned neighborhood park along Taylor Street or at the City's community park site north of Moody Slough Road. The effects of development at the community park site will be addressed in subsequent environmental review. This is a less-than-significant impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
15. TRANSPORTATION/CIRCULATION. <i>Would the project:</i>				
a. Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

A Traffic Impact Study (dated July 2004) was prepared to examine the impacts from several residential subdivision projects: Callahan Estates, Winters Highlands, Creekside Estates, and Hudson/Ogando (the subject project). The Study analyzes existing and future transportation and circulation impacts using the City's new traffic model. The Study also examines accident data for Grant Avenue, the operating conditions of ten intersections and six roadway segments, transit operations, General Plan consistency, bicycle circulation, and pedestrian circulation.

A subsequent Technical Memorandum addressing project trip generation was performed by Fehr & Peers on June 10, 2005 for the revised project description. The revised project would generate 132 additional trips. The analysis concluded that the additional trips would not affect the conclusions of the July 2004 Study.

Trip generation from the City Public Safety Center has not been determined. However, the Center would be developed partially on land previously planned for residential development and hence already accounted for in the City's circulation master planning.

- a,b. The proposed residential project would generate additional traffic in the City of Winters – approximately 770 total trips, with 60 trips in the AM peak hour and 80 trips in the PM peak hour. The Study concluded that under “existing plus projects” near-term conditions, the following intersections would operate at LOS E or F conditions during the AM or PM peak hours: Grant Avenue and I-505 northbound ramps; Grant Avenue and Walnut Lane; and Grant Avenue and West Main Street. Mitigation Measure #18 a, b, and c below addresses these impacts. The Study concluded that under cumulative (long-term) conditions, the intersection of Railroad Avenue and Main Street will operate at LOS E. Mitigation Measure #18d below addresses this impact.

With the applicant’s agreement to accept and implement the following mitigation measures, this potential impact would be mitigated to a less-than-significant level by installing signals where warrants are met.

Mitigation Measure #18 – a) *Install a traffic signal at the intersection of Grant Avenue/I-505 Northbound Ramps. The traffic signal would need to be installed after construction and occupancy of 40 single family dwelling unit “equivalents” citywide (i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”);*

b) *Install a traffic signal at the intersection of Grant Avenue/Walnut Lane. The traffic signal would need to be installed after construction and occupancy of 380 single family dwelling unit “equivalents” citywide (i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”). A preliminary review of traffic volumes indicates that conditions at this intersection would likely not meet the warrants, or criteria, applied by Caltrans for installation of traffic signals on a state highway. OR Prohibit left turn movements from southbound Walnut Lane onto eastbound Grant Avenue. Southbound vehicles on Walnut Lane would be forced to turn right and make a u-turn at the signalized intersection of Grant Avenue/Railroad Avenue;*

c) *Install a traffic signal at the intersection of Grant Avenue/West Main Street. The traffic signal would need to be installed after construction and occupancy of 50 single family dwelling unit “equivalents” from this project and/or Winters Highlands, Callahan Estates, or Creekside (i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”);*

d) *The applicant shall pay a fair share of the cost for design and installation of a traffic signal at the intersection of Railroad Avenue/Main Street at buildout.*

Several additional circulation improvements are needed to provide access to the project site. Without all of these improvements, traffic local roadways would become unacceptably congested. With the applicant’s agreement to accept and implement the following mitigation measures, this potential impact would be mitigated to a less-than-significant level by ensuring that adequate right-of-way exists for needed roadway improvements.

Mitigation Measure #19 -- *The applicant shall be required to complete full roadway improvements, including traffic calming, to City Standards. Where phasing of improvements is allowed to support phased construction of residences, interim phased improvements shall be to the satisfaction of the City Engineer.*

- c. The project site is not located near an airport and it does not include any improvements to airports or change in air traffic patterns. No impact would occur.
- d,e. The proposed project includes land uses that are similar to other development in the project vicinity. The circulation system does not include any tight curves or other design hazards. As discussed in Item 15a,b above, a traffic signal and connections to nearby roadways would ensure that the project site had adequate access without substantially increasing congestion on local roadways. For these reasons, there would be no adverse impacts related to roadway hazards or interference with emergency access. The planned roadway connections and extensions would have beneficial effects for emergency access.
- f. The proposed project does not provide for any commercial or similar uses that require extensive parking. The project will meet parking standards established in the Winters Zoning Code for residential uses. Therefore, approval of the project would result in adequate parking supply, and no impact would occur.
- g. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project includes appropriate pedestrian and bicycle route connections. Therefore, this impact would be less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
16. UTILITIES AND SERVICE SYSTEMS.				
<i>Would the project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Currently there is no public sewer service to the project site. Each unit constructed as part of the proposed project will be required to connect to City sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. As a residential development, the proposed project is not anticipated to generate wastewater that contains unusual types or levels of contaminants, so it would not inhibit the ability of the Winters Wastewater Treatment Plant (WWTP) to meet State water quality standards. For these reasons, this would be a less-than-significant impact.
- b,e. The proposed project would require sewer and water service from the City of Winters. In order to serve the project site with sewer service off-site sewer conveyance will be required to be constructed as described in the project description. The City of Winters Wastewater Treatment Plant (WWTP) currently has a capacity of 0.92 million gallons per day (mgd). In December 2003, the estimated number of new dwelling units that could be served under current capacity was approximately 600 units. It was anticipated that over the following year approximately 200 dwelling units would be entitled to hook-ups based on approved maps and maps that were in the entitlement process, prior to the Hudson/Ogando project getting final map entitlements. That would leave approximately 400 units (hook-ups) that would be available on a first come first

serve basis. The City will continue to monitor the WWTP on an annual basis to assess available capacity. The Phase 2 expansion of the WWTP will bring the capacity to 1.2 mgd. The timing of this expansion is not set. The Phase 2 expansion will need to take place before full build out.

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

***Mitigation Measure #20** -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.*

- c. The construction of impervious surfaces on the project site for residential development would incrementally increase storm water runoff in the project vicinity. Stormwater drainage from the project site would be conveyed to the existing storm drainage main in West Main Street. Storm drainage will be conveyed south along West Main Street to the main in Grant Avenue. The existing storm drainage system is designed to sufficiently handle the stormwater capacity that the project would create during a 100-year flood. Therefore, the project would not result in additional environmental effects beyond those analyzed in this document. This is a less-than-significant impact.
- d. The proposed project would be served by the City of Winters, which uses groundwater for municipal water supply. A Water Supply Assessment (Schlumberger Water Services, June 2004) was prepared to evaluate the availability of water to serve four projects, the Creekside Estates project, Winters Highlands, Callahan Estates, and the subject Hudson/Ogando project. As discussed in more detail below, the WSA concludes that the City has adequate water to supply the proposed project. For a discussion of the effects of using this water, please see Item 8(b).

The City of Winters currently operates five groundwater wells to meet urban demand for water. Over the last ten years the City's pumping has ranged from a low of 1,540 acre-feet in 1995 to a high of 1,830 acre-feet in 2003. In 2003, production from the five wells dropped again to 1,565 acre-feet. In addition to the City's pumping, local agriculture, three local industries, one commercial enterprise, and several rural residences also pump water from the aquifer underlying the General Plan boundary. Over the last two years this additional pumping totaled approximately 90 acre-feet/year on top of the City's pumping. In summary currently between 1,655 and 1,920 acre-feet per year of groundwater are pumped to serve uses within the General Plan boundary. This compares to pumping in 1990 of about 2,660 acre-feet. The difference is due to whether or not surface water was available for agriculture. When less surface water is available, as was the case in 1990, there is greater groundwater pumping by agriculture.

By 2020, demand for groundwater within the City is estimated to increase to 3,620 acre-feet per year unrestricted and 3,250 acre-feet per year assuming a conservation scenario of six percent.

The Proposed Project is estimated to generate a demand for municipal water of 51.58 acre-feet of water annually as shown in the table below.

Estimated Water Demand			
Land Use	Size (acres)	Production Factor (acre feet/acre/year)	Estimated Volume (acre-feet/year)
Single Family Residential	15.97	3.23	51.58

Source: Revised Water Supply Assessment, Schlumberger, June 2004, p 3-1.

According to the Water Supply Assessment, the increment of pumping needed to serve the proposed project would be available and would not adversely affect groundwater levels or storage underlying the City. This impact is less than significant. The study identifies recommendations for additional citywide data collection, analysis, monitoring, demand reductions, and grant writing. These recommendations are not project-level development conditions or mitigations and thus would not be applied specifically to this project. However, the preliminary analysis for the City Water Master Plan Update recommends that a new well will be required for any future development in the City.

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

Mitigation Measure #21 -- *The applicant shall offer three alternative locations, satisfactory to the City, for locating a new well to serve the subdivision. Upon determination of an acceptable site, the City will release unused sites back to the applicant. At the City's discretion, the City may waive the requirement for an on-site location, should an acceptable off-site location be acquired and cleared procedurally (e.g. CEQA, etc.) for construction. If determined to be necessary, a separate CEQA analysis shall be conducted to clear the well site for construction. The applicant shall fund the up-front costs of design and construction of the well (including CEQA clearance), subject to later fair share reimbursement.*

- f, g. Solid waste from the project site will be collected by the City of Winters and disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The proposed residential project would generate up to 131.4 tons per year, assuming 10 pounds per day per household ($72 \times 10 \times 365 \div 2,000$).² This project is part of the planned growth for which the landfill has been sized and therefore solid waste generated by the project would not have unanticipated impacts on the life of the landfill. Therefore, this impact is considered less than significant.

² This is an average of rates based on a survey conducted by the CIWMB.

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

Discussion

- a. No important examples of major periods of California history or prehistory in California were identified, and mitigation identified in Section 5 would ensure that subsurface resources, if present, would be protected. Wetlands and habitat for special-status species were identified on-site. Mitigation measures provided under Biological Resources (Section 4) of this Initial Study would ensure that impacts on biological resources would be less-than-significant.
- b. As discussed throughout this Initial Study, the proposed project is consistent with the Winters General Plan and assumptions made in the Winters General Plan EIR. Therefore cumulative impacts as analyzed in the 1992 General Plan EIR remain valid, and this project would not result in new or increased cumulative effects.
- c. As discussed in Sections 3 (Air Quality), 6 (Geology and Soils), 7 (Hazards and Hazardous Materials), and 8 (Hydrology and Water Quality) the potential for impacts on human beings would be reduced to less-than-significant levels by mitigation identified in these sections.

Summary of Mitigation Measures

Mitigation Measure #1 – Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be submitted for approval as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Mitigation Measure #2 – a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations. b. Construction equipment shall minimize idling time to 10 minutes or less. c. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

An enforcement plan shall be established to weekly evaluate project-related on-and-off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:

175 hp - 750 hp	1996 and newer engines
100 hp - 174 hp	1997 and newer engines
50 hp- 99 hp	1998 and newer engines

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

Mitigation Measure #3 -- Homes constructed as a part of the project shall contain only low-emitting EPA certified wood-burning appliances or natural gas fireplaces.

Mitigation Measure #4 – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled “Staff Report on Burrowing Owl Mitigation” (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #5 – The project proponent shall mitigate for potential project-related impacts to Swainson’s hawk foraging habitat by complying with one of the following:

a) If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson’s hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson’s hawk foraging habitat that is impacted by the project. A fee is collected by the City of Winters for impacts to 15.97 acres of potential Swainson’s hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson’s hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

b) If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson’s hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

c) If the MOU is not in full force and effect, and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity, 15.97 acres of Swainson’s hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an annuity or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

Mitigation Measure #6 -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-feet) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #7 -- If special-status vernal pool invertebrates are not found at the completion of a full protocol-level survey conducted by qualified biologists, and the USFWS agrees with the findings of the survey, then no further mitigation would be required. If special-status vernal pool invertebrates are found onsite, or if the USFWS disagrees then the mitigation specified below would still be required. The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit. The project proponent shall mitigate for potential project-related impacts to federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for project-related impacts to vernal pool invertebrate habitat. The USFWS typically requires a 250-foot setback from the edge of vernal pools to be avoided, however, this setback may be reduced if pools are degraded or no potential adverse effects to the habitat are anticipated with a decreased setback. If vernal pools onsite cannot be avoided, a mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs. Likely mitigation measures include onsite or offsite preservation and creation of vernal pools at a ratio acceptable to the USFWS or purchase of credits at a qualified proximate vernal pool mitigation bank as specified by the USFWS and agreed to by the City. Typically, the USFWS in coordination with the Corps requires a 3:1 combination ratio (1:1 preservation and 2:1 creation) of vernal pools that potentially, or are known to support listed invertebrates.

Notwithstanding other federal jurisdiction, the Regional Water Quality Control Board may have jurisdiction over the wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have. Prior to the commencement of work on the project site, the applicant shall contact the RWCQB regarding their potential jurisdiction over wetlands that exist on the project site and comply with all applicable requirements, if any, established by that agency.

The California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the project site, the applicant shall contact the CDFG

regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

Mitigation Measure #8 -- (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

Mitigation Measure #9 – If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

Mitigation Measure #10 -- Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the Geotechnical Investigation (Stevens Ferrone & Bailey, February 6, 2004) prepared for the project.

Mitigation Measure #11 -- Asbestos and lead-based sampling shall be conducted on the structures prior to demolition, and appropriate precautions shall be implemented consistent with any requirements of the Fire Department, the County Environmental Health Department, and the Yolo-Solano Air Quality Management District.

Mitigation Measure #12 -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each home, the builder shall submit for design review and approval.

Mitigation Measure #13 – Well pump noise shall not exceed 40 dBA at the nearest residential property line. This shall be demonstrated to the City via a noise analysis prepared by a qualified consultant prior to acceptance of the well facility.

Mitigation Measure #14 – Construction equipment (including well drilling equipment) shall be fitted with adequate engine mufflers and enclosures.

Mitigation Measure #15 -- The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for controlling the pace of growth on an annual basis. Provisions for the design, funding, and construction

of necessary infrastructure to accommodate allowed growth shall also be addressed. Threshold requirements for the construction of affordable units shall be included to ensure that the development of affordable units reasonably keep pace with the development of market-rate units within the project.

Mitigation Measure #16 -- The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating the projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.

Mitigation Measure #17 -- The applicant shall pay park mitigation fees to satisfy the obligation for 1.64-acre of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.

Mitigation Measure #18 – a) Install a traffic signal at the intersection of Grant Avenue/I-505 Northbound Ramps. The traffic signal would need to be installed after construction and occupancy of 40 single family dwelling unit “equivalents” citywide(i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”);

b) Install a traffic signal at the intersection of Grant Avenue/Walnut Lane. The traffic signal would need to be installed after construction and occupancy of 380 single family dwelling unit “equivalents” citywide (i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”). A preliminary review of traffic volumes indicates that conditions at this intersection would likely not meet the warrants, or criteria, applied by Caltrans for installation of traffic signals on a state highway. OR Prohibit left turn movements from southbound Walnut Lane onto eastbound Grant Avenue. Southbound vehicles on Walnut Lane would be forced to turn right and make a u-turn at the signalized intersection of Grant Avenue/Railroad Avenue;

c) Install a traffic signal at the intersection of Grant Avenue/West Main Street. The traffic signal would need to be installed after construction and occupancy of 50 single family dwelling unit “equivalents” from this project and/or Winters Highlands, Callahan Estates, or Creekside (i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”);

d) The applicant shall pay a fair share of the cost for design and installation of a traffic signal at the intersection of Railroad Avenue/Main Street at buildout.

Mitigation Measure #19 -- The applicant shall be required to complete full roadway improvements, including traffic calming, to City Standards. Where phasing of improvements is allowed to support phased construction of residences, interim phased improvements shall be to the satisfaction of the City Engineer.

Mitigation Measure #20 -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a

water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.

Mitigation Measure #21 -- The applicant shall offer three alternative locations, satisfactory to the City, for locating a new well to serve the subdivision. Upon determination of an acceptable site, the City will release unused sites back to the applicant. At the City's discretion, the City may waive the requirement for an on-site location, should an acceptable off-site location be acquired and cleared procedurally (e.g. CEQA, etc.) for construction. If determined to be necessary, a separate CEQA analysis shall be conducted to clear the well site for construction. The applicant shall fund the up-front costs of design and construction of the well (including CEQA clearance), subject to later fair share reimbursement.

Attachments:

1. Tentative Map dated revised March 8, 2005 (2 sheets)
2. Assessor Parcel Map
3. Lot Size Matrix
4. Mitigation Monitoring Plan (MMP)



**HUDSON/OGANDO SUBDIVISION and
CITY PUBLIC SAFETY CENTER
MITIGATION MONITORING PLAN**

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

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

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

Dan Sokolow, Community Development Director
City of Winters
530-795-4910 x 114

The location of this information is:

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

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

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

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

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

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

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

Checkoff Date/Initials: This verifies that each mitigation measure has been implemented.

Pursuant to Section 8-1.6015.C and Section 8-1.6015.I of the Zoning Ordinance related to the required CEQA Mitigation Monitoring Plan, sign-off on the completion of each mitigation measure in the adopted Mitigation Monitoring Plan (MMP) shall constitute the required "Program Completion Certificate".

The Mitigation Monitoring Plan shall be adopted pursuant to the requirements of Section 8-1.6015.F and implemented pursuant to Section 8-1.6015.G and Section 8-1.6015.H, of the Zoning Ordinance.

The applicant shall fund the costs of implementing the MMP including the payment of fees specified in Section 8-1.6015.J of the Zoning Ordinance.

Pursuant to Section 8-1.6015.E of the Zoning Ordinance related to the required CEQA Mitigation Monitoring Plan (MMP), the following items shall apply:

- The adopted MMP shall run with the real property that is the subject of the project and successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Plan.
- Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, the applicant shall provide a copy of the adopted Plan to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.
- The responsibilities of the applicant and of the City, and whether any professional expertise is required for completion or evaluation of any part of the Plan, shall be as specified in the Plan and as determined by the Community Development Director or designated Project Monitor in the course of administering the MMP.
- Cost estimates for the implementation of this Plan and satisfaction of each measure are not known or available, but shall be developed by the applicant in the course of implementing each mitigation measure.
- Civil remedies and criminal penalties for noncompliance with the adopted MMP are as specified in Section 8-1.6015.K, 8-1.6015.L, and Section 8-1.6015.M of the Zoning Ordinance.

Mitigation Measure #1 – Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

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

Responsibility for Oversight – City of Winters.

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

Responsibility for Implementation – Applicant and subsequent home builders.

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #2 – a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations. b. Construction equipment shall minimize idling time to 10 minutes or less. c. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

An enforcement plan shall be established to weekly evaluate project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:

175 hp - 750 hp	1996 and newer engines
100 hp - 174 hp	1997 and newer engines
50 hp- 99 hp	1998 and newer engines

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

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

Responsibility for Oversight – Yolo-Solano Air Quality Management District

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

Responsibility for Implementation – Applicant and subsequent home builders.

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center and would be implemented by the City as a part of the development process for the Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #3: Homes constructed as a part of the project shall contain only low-emitting EPA certified wood-burning appliances or natural gas fireplaces.

Timing/Milestone – During all phases of construction of the project.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This shall be noted on the building plans and verified by City staff during plan check and prior to occupancy.

Responsibility for Implementation – Applicant and subsequent home builders

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #4 – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled “Staff Report on Burrowing Owl Mitigation” (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each

active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Timing/Milestone – Not more than 30 days prior to grading or construction activity.

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center. The property would be included in the applicant's survey area at the applicant's expense. Afterwards, when the applicant commences grading and construction activities on the residential portion of the site, grading and site preparation on this property shall also occur, at the applicant's expense. In this manner the site will be prepared by the applicant for the City's construction project. The specific terms for implementing these tasks will be detailed in the Development Agreement.

Checkoff Date/Initials/Notes --

Mitigation Measure #5 – The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with one of the following:

a) If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee is collected by the City of Winters for impacts to 15.97 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

b) If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson's hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

c) If the MOU is not in full force and effect, and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity, 15.97 acres of Swainson's hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an annuity or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

Timing/Milestone – Prior to issuance of grading permit or commencement of any onsite grading.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The fee shall be paid to the County and a receipt provided to the City for the project file.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center. The applicant is responsible for mitigation of the entire property. The specific terms for implementing these tasks will be detailed in the Development Agreement.

Checkoff Date/Initials/Notes --

Mitigation Measure #6 -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Timing/Milestone – Not more than 30 days prior to grading or construction activity.

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center. The property would be included in the applicant's survey area at the applicant's expense. Afterwards, when the applicant commences grading and construction activities on the residential portion of the site, grading and site preparation on this property shall also occur, at the applicant's expense. In this manner the site will be prepared by the applicant for the City's construction project. The specific terms for implementing these tasks will be detailed in the Development Agreement.

Checkoff Date/Initials/Notes --

Mitigation Measure #7 -- If special-status vernal pool invertebrates are not found at the completion of a full protocol-level survey conducted by qualified biologists, and the USFWS agrees with the findings of the survey, then no further mitigation would be required. If special-status vernal pool invertebrates are found onsite, or if the USFWS disagrees then the mitigation specified below would still be required. The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit. The project proponent shall mitigate for potential project-related impacts to federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for project-related impacts to vernal pool invertebrate habitat. The USFWS typically requires a 250-foot setback from the edge of vernal pools to be avoided, however, this setback may be reduced if pools are degraded or no potential adverse effects to the habitat are anticipated with a decreased setback. If vernal pools onsite cannot be avoided, a mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs. Likely mitigation measures include onsite or offsite preservation and creation of vernal pools at a ratio acceptable to the USFWS or purchase of credits at a qualified proximate vernal pool mitigation bank as specified by the USFWS and agreed to by the City. Typically, the USFWS in coordination with the Corps requires a 3:1 combination ratio (1:1 preservation and 2:1 creation) of vernal pools that potentially, or are known to support listed invertebrates.

Notwithstanding other federal jurisdiction, the Regional Water Quality Control Board may have jurisdiction over the wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have. Prior to the commencement of work on the project site, the applicant shall contact the RWCQB regarding their potential jurisdiction over wetlands that exist on the project site and comply with all applicable requirements, if any, established by that agency.

The California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the project site, the applicant shall contact the CDFG regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

Timing/Milestone – Prior to issuance of grading permit or commencement of any onsite grading.

Responsibility for Oversight – As specified in the measure.

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

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center. The applicant is responsible for mitigation of the entire property. The specific terms for implementing these tasks will be detailed in the Development Agreement.

Checkoff Date/Initials/Notes --

Mitigation Measure #8 -- (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City Council. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

Timing/Milestone – Prior to issuance of grading permit or commencement of any onsite grading.

Responsibility for Oversight – As specified in the measure.

Implementation of Mitigation Measure – The applicant shall coordinate with the City to satisfy the terms of the measure. There will be a public process for developing criteria for the location and other terms of the mitigation.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center. The applicant is responsible for mitigation of the entire property. The specific terms for implementing these tasks will be detailed in the Development Agreement.

Checkoff Date/Initials/Notes --

Mitigation Measure #9 – If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

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

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

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

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

Responsibility for Implementation – Applicant and subsequent home builders.

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center and would be implemented by the City as a part of the development process for the Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #10 -- Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the Geotechnical Investigation (Stevens Ferrone & Bailey, February 6, 2004) prepared for the project.

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

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant and subsequent home builders.

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center The City will cause to have prepared a separate geotechnical report for the City Public Safety Center project.

Checkoff Date/Initials/Notes --

Mitigation Measure #11 -- Asbestos and lead-based sampling shall be conducted on the structures prior to demolition, and appropriate precautions shall be implemented consistent with any requirements of the Fire Department, the County Environmental Health Department, and the Yolo-Solano Air Quality Management District.

Timing/Milestone –Prior to issuance of a demolition permit or any demolition activity.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Applicant

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center. The applicant is responsible for demolition of the structures and preparation of the site for development. The specific terms for implementing this will be detailed in the Development Agreement.

Checkoff Date/Initials/Notes --

Mitigation Measure #12 -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each home, the builder shall submit for design review and approval.

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

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant and subsequent home builders

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center and would be implemented by the City as a part of the development process for the Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #13 – Well pump noise shall not exceed 40 dBA at the nearest residential property line. This shall be demonstrated to the City via a noise analysis prepared by a qualified consultant prior to acceptance of the well facility.

Timing/Milestone – Noise analysis required to be submitted to and accepted by City prior to construction of well. Well pump noise control applicable ongoing.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure -- The applicant shall satisfy the terms of the measure. Recommendations of the noise analysis shall be implemented by the applicant.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #14 – Construction equipment (including well drilling equipment) shall be fitted with adequate engine mufflers and enclosures.

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

Responsibility for Oversight – City of Winters

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

Responsibility for Implementation – Applicant and subsequent home builders.

Application to the City Public Safety Center – This measure does apply to the City Public Safety Center and would be implemented by the City as a part of the development process for the Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #15 -- The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for controlling the pace of growth on an annual basis. Provisions for the design, funding, and construction of necessary infrastructure to accommodate allowed growth shall also be addressed. Threshold requirements for the construction of affordable units shall be included to ensure that the development of affordable units reasonably keep pace with the development of market-rate units within the project.

Timing/Milestone – In conjunction with approval of the project

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Execution of the Development Agreement must occur prior to project approval taking effect.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #16 -- The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating the projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.

Timing/Milestone – In conjunction with approval of the project

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Execution of the Development Agreement must occur prior to project approval taking effect.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #17 -- The applicant shall pay park mitigation fees to satisfy the obligation for 1.64-acre of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.

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

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Payment of fees to City Finance Department.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

Mitigation Measure #18 – a) Install a traffic signal at the intersection of Grant Avenue/I-505 Northbound Ramps. The traffic signal would need to be installed after construction and occupancy of 40 single family dwelling unit “equivalents” citywide(i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”);

b) Install a traffic signal at the intersection of Grant Avenue/Walnut Lane. The traffic signal would need to be installed after construction and occupancy of 380 single family dwelling unit “equivalents” citywide (i.e., multi-family housing units are 0.6 single family dwelling unit “equivalents”). A preliminary review of traffic volumes indicates that conditions at this intersection would likely not meet the warrants, or criteria, applied by Caltrans for installation of traffic signals on a state highway. OR Prohibit left turn movements from southbound Walnut Lane onto eastbound Grant Avenue. Southbound vehicles on Walnut Lane would be forced to turn right and make a u-turn at the signalized intersection of Grant Avenue/Railroad Avenue;

c) Install a traffic signal at the intersection of Grant Avenue/West Main Street. The traffic signal would need to be installed after construction and occupancy of 50 single family dwelling unit “equivalents” from

this project and/or Hudson/Ogando, Callahan Estates, or Creekside(i.e., multi-family housing units are 0.6 single family dwelling unit "equivalents");

d) The applicant shall pay a fair share of the cost for design and installation of a traffic signal at the intersection of Railroad Avenue/Main Street at buildout.

Timing/Milestone – For a), b), and c), prior to occupancy of the specified number of building permits. For d), with each building permit issued for the project.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure. Regarding d), this improvement is already designed and has been let for bid. Existing impact fees levied on every permit include a fair share toward this improvement.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center. A separate examination of traffic from the Center will be undertaken prior to development.

Checkoff Date/Initials/Notes --

Mitigation Measure #19 -- The applicant shall be required to complete full roadway improvements, including traffic calming, to City Standards. Where phasing of improvements is allowed to support phased construction of residences, interim phased improvements shall be to the satisfaction of the City Engineer.

Timing/Milestone – As specified by the City Engineer depended on project phasing.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant shall be required to complete all roadway improvements, including traffic calming, to City Standards.

Responsibility for Implementation – Applicant and subsequent home builders

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center. All roadway improvements are being installed by the applicant pursuant to other mitigation requirements.

Checkoff Date/Initials/Notes --

Mitigation Measure #20 -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the

responsibility of the developer.

Timing/Milestone – Prior to final map.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center. The applicant will bring all utilities to the Center site to the satisfaction of the City Engineer. The City will hook up to the utilities at the time of development.

Checkoff Date/Initials/Notes --

Mitigation Measure #21 -- The applicant shall offer three alternative locations, satisfactory to the City, for locating a new well to serve the subdivision. Upon determination of an acceptable site, the City will release unused sites back to the applicant. At the City's discretion, the City may waive the requirement for an on-site location, should an acceptable off-site location be acquired and cleared procedurally (e.g. CEQA, etc.) for construction. If determined to be necessary, a separate CEQA analysis shall be conducted to clear the well site for construction. The applicant shall fund the up-front costs of design and construction of the well (including CEQA clearance), subject to later fair share reimbursement.

Timing/Milestone – Prior to acceptance of a final map.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant

Application to the City Public Safety Center – This measure does not apply to the City Public Safety Center.

Checkoff Date/Initials/Notes --

FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR HUDSON/OGANDO PROJECT (approved November 15, 2005 City Council)

FINDINGS OF FACT

Findings for Adoption of Mitigated Negative Declaration

1. The City Council has considered the proposed Mitigated Negative Declaration before making a decision on the project.
2. The City Council has considered comments received on the Mitigated Negative Declaration during the public review process.
3. The City Council finds that the environmental checklist/initial study identified potentially significant effects, but: a) mitigation measures agreed to by the applicant before the mitigated negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where clearly no significant impact would occur; and b) there is no substantial evidence, in light of the whole record before the City, that the project as revised to include the mitigation measures may have a significant effect on the environment.
4. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Winters.
5. The Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and as amended/revised is determined to be complete and final.
6. The custodian of the documents, and other materials, which constitute the record of proceedings is the Community Development Director. The location of these items is the office of the Community Development Department at City Hall, 318 First Street, Winters, California 95694.
7. The Revised Mitigation Monitoring Plan is hereby adopted to ensure implementation of mitigation measures identified in the Mitigated Negative Declaration. The City Council finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on the applicant, future property owners, and affected parties.
8. The City Council hereby adopts the Hudson/Ogando Subdivision and City Public Safety Center Mitigated Negative Declaration.

Findings for General Plan Amendment

1. Amendment of the General Plan to modify the land use designation of this property is in the best interest of the citizens of Winters.

Findings for Rezoning

1. The public health and general welfare warrant the change of zone and the change of zone is in conformity with the General Plan.

Findings for Exclusion from West Central Master Plan

1. The proposed project, as modified and conditioned, better meets the requirements of the General Plan and there is no detriment to property remaining in the West Central Master Plan by removing this parcel.

Findings for PD Overlay and PD Permit

2. The project, as modified and conditioned, is consistent with the General Plan and the purposes of Section 8-1.5117 of the Zoning Ordinance.
3. Deviations from specified provisions of the basic zoning district on the property have been justified as necessary to achieve an improvement design for the development and/or the environment. The development complies with the remaining applicable provisions of the basic zoning district on the property.
4. The proposed development, as modified and conditioned, is desirable to the public comfort and convenience.
5. The requested plan, as modified and conditioned, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.
6. Adequate utilities, access roads, sanitation, and/or other necessary facilities and services will be provided or available.
7. The development, as modified and conditioned (including execution of the Development Agreement) will not create an adverse fiscal impact for the City in providing necessary services.

Findings for Amendment of the Circulation Master Plan, Standard Street Cross Sections, and Bikeway System Master Plan

1. The amendments to these City documents result in increased bicycle trail standards for the City resulting in a net benefit to the community and net increase in protected routes for alternative circulation.

Findings for Tentative Subdivision Map (G.C. 66474) and Lot Line Adjustment

1. The proposed map is consistent with the General Plan.
2. The design and improvement of the proposed map is consistent with the General Plan.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision and type of improvements will not cause serious public health problems,
7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision,

Findings for Development Agreement

1. The DA is consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. The DA is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.
3. The DA is in conformity with and will promote public convenience, general welfare and good land use practice.
4. The DA will not be detrimental to the health, safety and general welfare.
5. The DA will not adversely affect the orderly development of property or the preservation of property values.
6. The DA will meet the intent of Section 11-2.202(a) (Public Benefits) of the City Code.
7. The DA is consistent with Ordinance 2001-05 (Development Agreements).

Findings for the Demolition Permit

1. The demolition is consistent with the General Plan and zoning requirements and has been fully analyzed under CEQA.

CONDITIONS OF APPROVAL

The following conditions of approval are required to be satisfied by the applicant/developer prior to final map, unless otherwise stated.

General

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the subdivider in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning commission, any advisory agency to the City, local district and the City Council.
2. All conditions identified herein shall be fully satisfied prior to acceptance of the first final map unless otherwise stated.
3. The project is as described in the October 25, 2005 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the October 25, 2005 Planning

Commission staff report, except as modified by these conditions of approval. Substantive modifications require a public hearing and Council action.

General Plan Requirements

4. Pursuant to General Plan Policy II.A.18, a minimum of ten percent of the single-family lots (7 lots) shall be offered for sale to local builders or owner-builders. These lots shall not be the same lots as those identified to meet the City's affordable housing requirement.
5. Pursuant to General Plan Policy II.C.1 and VI.F.2, energy efficient design shall be used. Pursuant to Policy II.C.2 of the Housing Element, energy conservation and weatherization features shall be incorporated into the home design. At a minimum this shall include: a) maximization of energy efficient techniques as identified in the July 27, 2004 Planning Commission staff report on "Proposed Energy Resolution". b) Attainment of EPA Energy Star Standards in all units. c) Low emission furnaces in all units. d) Avoidance of dark colored roofing on all units. e) A minimum of 50 percent of the market-rate units shall have a photovoltaic solar energy system capable of producing a minimum of 2.4kW (peak-rated DC watts) photovoltaic. The remainder of the market-rate units shall be pre-wired for an equivalent system.
6. Pursuant to General Plan Policy II.D.4 and IV.A.1 necessary public facilities and services shall be available prior to the first occupancy of the project.
7. Pursuant to General Plan Policy IV.A.4 (second sentence), the developer shall pay in-lieu fees for the increment of parkland not provided on site, or at the City's discretion may construct needed improvements according to City specification in lieu of paying the fees.
8. Pursuant to General Plan Policy VI.C.7, drought-tolerant and native plants, especially valley oaks, shall be used for landscaping roadsides, parks, schools, and private properties. Pursuant to General Plan Policy VI.C.8, drainage-detention areas shall incorporate areas of native vegetation and wildlife habitat. All homes in this subdivision shall have "low application rate" lawn sprinkler systems, as approved by the Planning Commission.
9. Pursuant to General Plan Policy IV.B.14, there shall be a water meter on each new hook-up.
10. Pursuant to General Plan Policy IV.C.2, adequate sewer service shall be provided prior to the issuance of any individual building permit.
11. Pursuant to General Plan Policy IV.J.2, all new electrical and communication lines shall be installed underground.
12. Pursuant to General Plan Policy VI.A.6, grading shall be carried out during dry months, when possible. Areas not graded shall be disturbed as little as possible. Construction and grading areas, as well as soil stockpiles, should be covered or temporarily revegetated when left for long periods. Revegetation of slopes shall be carried out immediately upon completion of grading. Temporary drainage structures and sedimentation basins must be installed to prevent sediment from entering and thereby degrading the quality of downstream surface waters, particularly Putah Creek. The full cost of any necessary mitigation measures shall be borne by the project creating the potential impacts. Pursuant to General Plan Policy VII.B.3, should the City allow any grading to occur during the rainy season, conditions shall be implemented to ensure that silt is not conveyed to the storm drainage system.
13. Pursuant to General Plan Policy VI.E.6, construction-related dust shall be minimized. Dust control measures shall be specified and included as requirements of the contractor(s) during all phases of construction of this project and shall be included as a part of the required construction mitigation plan for the project.

14. Pursuant to General Plan Policy VII.A.1, VII.A.2, and VII.C.4 all site work and construction activities shall be in accordance with the requirements of the City, and other applicable local, regional, state, and federal regulations.
15. Pursuant to General Plan Policy VII.C.1, necessary water service, fire hydrants, and access roads shall be provided to the satisfaction of the Fire Chief and Fire Protection District standards.
16. Pursuant to General Plan Policy VII.C.2, a minimum fire-flow rate of 1,500 gallons per minute is required for all residential uses.
17. Pursuant to General Plan Policy VIII.D.2, street trees shall be planted along all streets, in accordance with the City's Street Tree Plan and Standards. There shall be a minimum of one street tree in the center front of each single-family lot, and on both frontages for corner lots. All trees shall be of a type on the approved street tree list and shall be a minimum of fifteen gallons in size with a mature tree canopy of at least a thirty-foot diameter within five years. The intent is that majestic street tree species that create large canopies at maturity will be required in all medians and streetside landscape strips. The goal is create maximum shade canopy over streets and sidewalks.
18. Pursuant to General Plan Policy VIII.D.4, a permanent mechanism for the ongoing maintenance of street trees is required, to the satisfaction of the City Manager and City Finance Director.
19. Pursuant to General Plan Policy VIII.D.7, all lighting including street lighting, shall be designed, installed, and maintained to minimize excess light spillage, unnecessary brightness and glare, and degradation of night sky clarity.

Negative Declaration Mitigation Measures

20. **Mitigation Measure #1** – Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be submitted for approval as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

21. **Mitigation Measure #2** – a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations. b. Construction equipment shall minimize idling time to 10 minutes or less. c. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

An enforcement plan shall be established to weekly evaluate project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:

175 hp - 750 hp	1996 and newer engines
100 hp - 174 hp	1997 and newer engines
50 hp- 99 hp	1998 and newer engines

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

22. **Mitigation Measure #3** -- Homes constructed as a part of the project shall contain only low-emitting EPA certified wood-burning appliances or natural gas fireplaces.
23. **Mitigation Measure #4** – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled “Staff Report on Burrowing Owl Mitigation” (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.
24. **Mitigation Measure #5** – The project proponent shall mitigate for potential project-related impacts to Swainson’s hawk foraging habitat by complying with one of the following:
 - a) If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson’s hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson’s hawk foraging habitat that is impacted by the project. A fee is collected by the City of Winters for impacts to 15.97 acres of potential Swainson’s hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson’s hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.
 - b) If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson’s hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.
 - c) If the MOU is not in full force and effect, and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity, 15.97 acres of Swainson’s hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an annuity or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.
25. **Mitigation Measure #6** -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-

construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

26. **Mitigation Measure #7** -- If special-status vernal pool invertebrates are not found at the completion of a full protocol-level survey conducted by qualified biologists, and the USFWS agrees with the findings of the survey, then no further mitigation would be required. If special-status vernal pool invertebrates are found onsite, or if the USFWS disagrees then the mitigation specified below would still be required. The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit. The project proponent shall mitigate for potential project-related impacts to federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for project-related impacts to vernal pool invertebrate habitat. The USFWS typically requires a 250-foot setback from the edge of vernal pools to be avoided, however, this setback may be reduced if pools are degraded or no potential adverse effects to the habitat are anticipated with a decreased setback. If vernal pools onsite cannot be avoided, a mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs. Likely mitigation measures include onsite or offsite preservation and creation of vernal pools at a ratio acceptable to the USFWS or purchase of credits at a qualified proximate vernal pool mitigation bank as specified by the USFWS and agreed to by the City. Typically, the USFWS in coordination with the Corps requires a 3:1 combination ratio (1:1 preservation and 2:1 creation) of vernal pools that potentially, or are known to support listed invertebrates.

Notwithstanding other federal jurisdiction, the Regional Water Quality Control Board may have jurisdiction over the wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have. Prior to the commencement of work on the project site, the applicant shall contact the RWCQB regarding their potential jurisdiction over wetlands that exist on the project site and comply with all applicable requirements, if any, established by that agency.

The California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the project site, the applicant shall contact the CDFG regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

27. **Mitigation Measure #8** -- (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City Council. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.
28. **Mitigation Measure #9** -- If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes,

projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

29. **Mitigation Measure #10** -- Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the Geotechnical Investigation (Stevens Ferrone & Bailey, February 6, 2004) prepared for the project.
30. **Mitigation Measure #11** -- Asbestos and lead-based sampling shall be conducted on the structures prior to demolition, and appropriate precautions shall be implemented consistent with any requirements of the Fire Department, the County Environmental Health Department, and the Yolo-Solano Air Quality Management District.
31. **Mitigation Measure #12** -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each home, the builder shall submit for design review and approval.
32. **Mitigation Measure #13** -- Well pump noise shall not exceed 40 dBA at the nearest residential property line. This shall be demonstrated to the City via a noise analysis prepared by a qualified consultant prior to acceptance of the well facility.
33. **Mitigation Measure #14** -- Construction equipment (including well drilling equipment) shall be fitted with adequate engine mufflers and enclosures.
34. **Mitigation Measure #15** -- The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for controlling the pace of growth on an annual basis. Provisions for the design, funding, and construction of necessary infrastructure to accommodate allowed growth shall also be addressed. Threshold requirements for the construction of affordable units shall be included to ensure that the development of affordable units reasonably keep pace with the development of market-rate units within the project.
35. **Mitigation Measure #16** -- The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating the projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.
36. **Mitigation Measure #17** -- The applicant shall pay park mitigation fees to satisfy the obligation for 1.64-acre of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.
37. **Mitigation Measure #18** -- a) Install a traffic signal at the intersection of Grant Avenue/I-505 Northbound Ramps. The traffic signal would need to be installed after construction and occupancy of 40 single family dwelling unit "equivalents" citywide(i.e., multi-family housing units are 0.6 single family dwelling unit "equivalents");

b) Install a traffic signal at the intersection of Grant Avenue/Walnut Lane. The traffic signal would need to be installed after construction and occupancy of 380 single family dwelling unit "equivalents" citywide (i.e., multi-family housing units are 0.6 single family dwelling unit "equivalents"). A preliminary review of traffic volumes indicates that conditions at this intersection would likely not meet the warrants, or criteria, applied by Caltrans for installation of traffic signals on a state highway. OR Prohibit left turn movements from southbound Walnut Lane onto eastbound Grant Avenue. Southbound vehicles on Walnut Lane would be forced to turn right and make a u-turn at the signalized intersection of Grant Avenue/Railroad Avenue;

c) Install a traffic signal at the intersection of Grant Avenue/West Main Street. The traffic signal would need to be installed after construction and occupancy of 50 single family dwelling unit "equivalents" from this project and/or Winters Highlands, Callahan Estates, or Creekside (i.e., multi-family housing units are 0.6 single family dwelling unit "equivalents");

d) The applicant shall pay a fair share of the cost for design and installation of a traffic signal at the intersection of Railroad Avenue/Main Street at buildout.

38. **Mitigation Measure #19** -- The applicant shall be required to complete full roadway improvements, including traffic calming, to City Standards. Where phasing of improvements is allowed to support phased construction of residences, interim phased improvements shall be to the satisfaction of the City Engineer.
39. **Mitigation Measure #20** -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.
40. **Mitigation Measure #21** -- The applicant shall offer three alternative locations, satisfactory to the City, for locating a new well to serve the subdivision. Upon determination of an acceptable site, the City will release unused sites back to the applicant. At the City's discretion, the City may waive the requirement for an on-site location, should an acceptable off-site location be acquired and cleared procedurally (e.g. CEQA, etc.) for construction. If determined to be necessary, a separate CEQA analysis shall be conducted to clear the well site for construction. The applicant shall fund the up-front costs of design and construction of the well (including CEQA clearance), subject to later fair share reimbursement.

Community Development

41. Construction activities shall be limited to 7:00 am to 7:00 pm, Monday through Friday only (holidays excluded) in compliance with the City's Noise Ordinance and Standard Specifications. The applicant shall submit a Construction Noise Control Plan for review and approval by the City prior to acceptance of final map. This plan shall address job site noise control and establish protocols for addressing noise complaints. Job site signage with 24-hour contact information for noise complaints shall be included.
42. Foundations shall be poured in place, onsite. No pre-cast foundations will be permitted. This shall be stipulated in all construction contracts.
43. All address numbering shall be clearly visible from the street fronting the property. All buildings shall be identified by either four (4) inch illuminated numbers or six(6) inch non-illuminated numbers on contrasting colors. For residences on alleyways, the address numbering shall appear on the front and rear of the structure. Naming of streets and address numbering shall be completed by a committee comprised of the Community Development Department, the Fire District, the Police Department, and the Postal Service.
44. The applicant shall pay all development impact fees, fees required by other entities, and permit fees.
45. The applicant shall be responsible for any additional costs associated with the processing of this project including but not limited to: plan check, inspections, materials testing, construction monitoring, and other staff review and/or oversight including staff time necessary to ensure completion/satisfaction of all conditions of approval and mitigation measures. The applicant shall, on a monthly basis, reimburse the City for all such costs. Project applicant shall pay all development impact fees adopted by the City Council and shall pay fees required by other entities.

46. The developer shall obtain the following approvals from the Central Valley Regional Water Quality Control Board, as appropriate: 1) coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities; 2) compliance with post construction storm water Best Management Practices pursuant to the NPDES General Permit for Small Municipal Separate Storm Sewers Systems; 3) 401 Water Quality Certification for wetlands impacts; 4) Dewatering Permit under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit.
47. Prior to acceptance of the final map, the applicant shall submit for review and approval by the City, design specifications for decorative and aesthetically pleasing masonry wall (minimum 6 feet in height) and landscaping (minimum 4.5 feet in width) along the north and east boundaries of the mobile home park property. This wall and landscaping shall be installed by the applicant and accepted by the City on a schedule to be determined by the City. Lots 150 through 183 shall not be occupied until the wall and landscaping improvements are installed and accepted. There shall be an opening in the wall along the north side of the mobile home park to allow for pedestrian and bicycle access to the north.
48. Parcel A shall be recorded with the stipulation that it is and shall remain an open space ("pocket park") lot and can not be converted to other uses in the future.
49. MAP CORRECTIONS: Sheet 1 of 2 – a) The acreage for Parcel Y shall be corrected in the legend to 93,608 as shown on the map itself. b) "Parcel A (Open Space/"Pocket Park") 5,360 square feet" shall be added to the legend.
- 49.1 The subdivision map shall be revised to show varying lot widths and depths within the R-1 residential area. The intent of this condition is to increase lot size and add variety to the resulting yard areas. Some 8,000 square foot lots shall be achieved through these revisions. This shall be approved by staff and reflected in the final map prior to recordation.

Design Review

50. Prior to recordation of the Final Map, a deed restriction shall be recorded against each property that precludes conversion of garage area to livable areas.
51. Repetition of facades within builder tracts (subdivisions) shall be avoided. Abrupt changes in facades between builders shall be avoided.
52. In order to achieve architectural diversity, the developer shall offer four floor plans and 16 elevations (four per plan). A minimum of half of the required elevations shall include brick or stone veneer installed to a minimum height three feet from grade, with no more than a four-inch opening at the base. The veneer shall wrap around all sides of the structure visible from the front and sides so that it terminates at a point where the yard fencing begins. Each elevation for a particular floor plan shall be distinctive, with a unique roof design, architectural detailing, and application of exterior materials. Single story and two-story plans shall be varied.
53. The same (or substantially similar) elevation may appear no more than twice on one side of a block, or three times on either side of facing blocks, and may not be opposite or kitty-corner from the same elevation on the opposite side of the block. In addition, no more than ten percent of the homes can share the same elevation within a development.
54. A minimum of 50 percent of all detached units shall have useable front porches (minimum 6-feet by 8-feet). The remaining 50 percent shall have other prominent useable architectural features such as courtyards, balconies, and/or porticoes.
55. Units on opposing sides of a street shall be compatible in terms of design and color.

56. Lights along local streets shall not exceed 20-feet in height and shall be spaced to meet illumination/safety requirements. Lights along collector and arterial streets shall be as low as feasible in order to maintain pedestrian scale. Historic-style street lamps shall be used along all streets.
57. Entry walks to individual residences shall be separated from the driveway by a landscaped area.
58. Exterior colors on residential units shall not be restricted.
59. Single family structures shall be consistent with applicable development standards identified in Tables 3A and 4, and Section 8-1.5302, of the Zoning Ordinance unless otherwise modified through the PD Permit in subsequent Design Review approvals.
60. Fencing and parking shall be consistent with the applicable requirements of Section 8-1.6001 and 8-1.6003 of the Zoning Ordinance.
61. Landscaping and signage shall be consistent with the applicable requirements of Section 8-1.6004 and 8-1.6005 of the Zoning Ordinance.
62. Universal design features shall be incorporated as an option in residential units. These features shall include first floor passage doors and hallways, a handicap accessible path of travel from either the driveway or sidewalk to the entrance of the residential units, and other features determined by the Community Development Department.
63. The applicant shall ensure that lots along West Main Street receive special design and architectural treatment to showcase neo-traditional principles along this new segment of the City's original Main Street. Front doors for all lots that adjoin West Main Street (front-on or side-on) shall open onto West Main Street. Side-on homes shall include wrap around porches. There shall be no driveways onto West Main Street.
64. A site plan for Parcel A (open space) and landscaping plans for the entire project shall be submitted for design review and approval by the City prior to acceptance of the final map. These improvements shall be developed at the same time as adjoining lots, and shall be completed to the City's satisfaction prior to occupancy of adjoining lots.
65. Homes on lots along Taylor Street shall include wrap-around porches with front doors facing Taylor Street and driveways on the local street.
66. Details for side yard fencing along West Main Street and Taylor Street shall be provided for City review and approval as a part of subsequent Design Review for the project. Height, materials, setback, and landscaping shall be considered in light of the visibility of those areas from proposed bicycle trails along those streets.
67. Alley loaded garages shall have rear lighting that illuminates the alley. Style and wattage of fixtures shall be subject to City review and approval for both safety and aesthetic purposes as a part of subsequent Design Review for the project. Project CC&Rs shall specify the requirement for these fixtures to be maintained, and kept lit during evening hours, by the resident.
68. Deleted.

Affordable Housing

69. The tentative map and affordable housing plan shall be modified to denote the obligation to deed restrict 11 lots as affordable. Of the 11 affordable units, 5 shall be restricted to very low income occupants and 6 shall be restricted to low/moderate income occupants. These lots shall not be the same lots as those identified to meet the City's local builder requirement.

70. Prior to recordation of the Final Map, an inclusionary housing agreement shall be prepared and executed for the identified income-restricted units/properties. Deed restrictions shall be recorded against each income-restricted property to ensure permanent affordability.
71. The construction of the affordable units shall keep pace or exceed the construction of the market rate units.
72. Fifty percent of the affordable for-sale (single family) units shall have 3 bedrooms and 2 baths and fifty percent shall have 4 bedrooms and 2 baths.
73. Pursuant to Policy II.A.13 of the Housing Element, the affordable units shall be visually indistinguishable from the market-rate units.

Street Improvements

72. All proposed roads within the subdivision shall comply with the City's Public Works Improvement Standards and Construction Specifications, dated September 2003, unless otherwise approved by the City Engineer.
73. If the traffic signal is not funded by the Callahan Estates development prior to approval of the first final map for Ogando-Hudson development, the project proponent shall fund the installation a traffic signal at the Grant Avenue and Interstate 505 northbound off ramp per Mitigation Measure #13. The signal is to be constructed at applicant's expense subject to a reimbursement from the City Development impact fees through a reimbursement agreement. If the traffic signal has been previously funded by others, the project proponent shall participate in a fair share cost of the signal.
74. West Main Street:
 - a) Full widening improvements to include off-street landscaping and ped/bike path on west side shall be constructed from Grant Avenue to the northern terminus of this Tentative Map with the first final map on the project.
 - b) If the extension of West Main Street is not funded and constructed by the Callahan Estates development prior to approval of the first final map for Ogando-Hudson development, the project proponent shall fund and construct improvements. The improvements shall be constructed from the northern terminus of existing West Main Street to the proposed Niemann Street on the Winters Highlands property with the first final map on the project. Applicant shall acquire the necessary right of way for this purpose on the Winters Highlands property prior to approval of the first final map. Occupancies of home shall not be granted until this improvement is constructed and approved for use by the City Engineer.
 - c) Interim street improvements may be approved by the City Engineer. If approved by the City Engineer, the minimum interim roadway improvements shall consist of two 12-foot lanes with 6-foot shoulders on each side and a temporary 10 foot wide asphalt concrete Class 1 pedestrian/bike lane on east side or west side (to be determined during design) of roadway. The structural street cross section shall meet City design and construction standards. Approval of any request for deviation in the minimum roadway improvements shall be at the sole discretion of the City Engineer. Applicant shall acquire the necessary right of way on the Winters Highlands property prior to approval of the first final map. Interim improvements that are of a temporary nature shall be constructed at the sole expense of the Applicant. Any permanent improvements constructed that are subject to reimbursement shall be reimbursed subject to the terms of a reimbursement agreement.
 - d) If the Traffic Signal at West Main Street and Grant Avenue is not funded and constructed by the Callahan Estates development prior to approval of the first final map for Ogando-Hudson development, the project proponent shall fund and construct improvements after construction and occupancy of 50 family dwelling unit "equivalents" from this project and/or Highlands, Ogando, or Creekside (i.e., multi-family housing units are 0.6 single family dwelling unit "equivalents" The signal

is to be constructed at applicant's expense subject to a reimbursement from the City Development impact fees through a reimbursement agreement.

75. Taylor Street:

a) Applicant shall acquire the right of way on the Ogando property and construct full improvements of Taylor Street. The street cross Improvements between Kennedy Street and "A " Street shall consist of a 36-foot back-of-curb to back-of-curb roadway section, a 5-foot sidewalk and 5.5-foot landscape strip on the west side, and a 13.5-foot landscape strip, 10-foot Ped/Bike path, and 2-foot landscape clear zone on the east side. "A" Street to the north Tentative Map boundary shall be constructed and shall have the same cross section dimensions with the Ped/bike landscape corridor on the west side and the sidewalk on the east side.

b) Applicant shall acquire the right of way on the east side of Taylor Street and construct full street and sidewalk improvements adjacent to the Sherwood et al property, between Parcel A and the existing street and sidewalk improvements to the south.

76. Kennedy Drive: Applicant shall acquire the right of way on the Ogando property and construct full street and sidewalk improvements on the north side, between proposed Taylor Street and the existing street and sidewalk improvements to the west.

77. Niemann Street: Niemann Street from its existing westerly terminus to W. Main Street is off-site and shall be included with the development of the Ogando-Hudson project if not already constructed with the Callahan Development or other developments. Improvements shall consist of full improvements on the south side of Niemann with the addition of a 12-foot travel lane and 4-foot shoulder on the north side of Niemann. The extension of Niemann Street shall be constructed with the first Final Map of development. Improvements subject to reimbursement shall be reimbursed subject to the terms of a reimbursement Agreement.

78. Grant Avenue:

a) Full widening improvements to include off-street landscaping and ped/bike path on north side shall be constructed from West Main Street to the western terminus of this Tentative Map with the first final map on the project.

b) Remove existing non-standard sidewalk and construct 5-foot wide concrete pedestrian sidewalk improvements, as approved by the City Engineer, from the west boundary of the Tentative Map improvements to the existing sidewalk at Taylor Street to the east. Relocate fire hydrant as necessary.

c) Restricted (no) public vehicle access shall be designated on the Final Map along the north side of Grant Avenue from the intersection of West Main Street to the west boundary of the Tentative Map. The final map shall identify relinquishment of access rights, except as noted.

d) No parking shall be allowed on Grant Avenue.

79. Anderson Avenue: Anderson Avenue from its existing westerly terminus to W. Main Street is off-site and shall be included with the development of the first Final Map of the Ogando-Hudson project to serve the existing Middle School on Anderson Avenue, if not already constructed with the Callahan Estates Development or other developments. Applicant shall construct full roadway improvements. Applicant shall acquire the needed right-of-way prior to approval of the final map. Improvements subject to reimbursement shall be reimbursed subject to the terms of a reimbursement agreement.

80. Alley "C" Street: The Applicant shall construct a 30- foot face-of-curb to face-of-curb alley street cross section between West Main Street and Alley Street "B". No parking shall be allowed in the alley, within the public right-of-way.

81. Alley "A" Street: Restricted (no) public or private vehicle access shall be designated on the Final Map along the south side of Alley "A" from the intersection of Alley "B" Street to the intersection of Taylor Street. The final map shall identify relinquishment of access rights, except as noted. No parking shall be allowed in the alley, within the public right-of-way.
82. Intersection Enhancement Details: Island Planters and crosswalks shall be constructed of colored brick pavers, stamped concrete or other enhanced feature as approved by the City Engineer.
83. Local Streets: Local streets shall provide for ADA compliant sidewalk turnouts where sidewalk widths do not meet ADA. All sidewalks at driveway locations shall be 6-inch thick Portland Cement Concrete (PCC).
84. Tentative Map Street Cross-Sections, Sheet 1 and 2, dated March 8, 2005. Conditions and Changes shall be made as follows:
 - a) Street Cross section details as modified by these conditions of approval, including all intersection geometric design, complying with the conditions of approval, shall be revised on tentative map, submitted to the City, and approved by the City Engineer prior to submitting a final map and improvement plans.
 - b) A signing and striping, and stop plan is required and shall be approved by the City Engineer. All signing and stripping shall be in accordance with the City of Winters Public Improvements Standards and Construction Standards.
 - c) Street light types shall be those historic types as approved by the City. Applicant shall fund the analysis for designing standards and details for spacing historic lights. Improvement plans shall be designed to those standards once approved.

Storm Drainage and Site Grading

85. A comprehensive storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing upstream and downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and City Public Works Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures. The Storm Drainage Plan shall be submitted for approval prior to submittal of the first final map and/or construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan and an appropriate reimbursement agreement shall be drafted to reimburse the applicant for oversize improvements on a pro rata basis per the Project level Development Agreement.
86. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. 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. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
87. The Tentative map Grading and Drainage plan showing grading and drainage information including topographic information, drainage routing, pipe slopes and sizing and locations and excluding

topographic information, and overland drainage routing are preliminary only and do not constitute approval in any way. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.

88. To accommodate the storm water project run-off and pass-through run-off from project into the existing Rancho Arroyo Pond the applicant shall be required to participate in the funding of a pump station in the pond that would consist of an approximate sized 14.5 cfs of pumping capacity. The applicant would also be required to fund and construct all storm drainage piping to accommodate flows from their project area to the storm pipe in West Main street, to include participating in funding a new inlet structure to the Rancho Arroyo detention pond and the abandonment of the existing inlet structure on the Cottages at Carter Ranch property and the existing detention pond pump and standpipe. The cost of work performed in and for the improvement of the Detention Basin shall be subject to fee credits and/or reimbursement, as determined by the City.
89. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
90. Applicant shall be required to coordinate with FEMA through the City's Floodplain Administrator to determine if a CLOMR or LOMR is needed for the project as a result of possible impacts to Dry Creek or Putah Creek Flood Plain. Applicant shall obtain all necessary permits and CLOMRs/LOMRs as required prior to First Final Map approval.
91. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls. Deviation from this condition may be allowed subject to approval by the City Engineer.
92. Drainage fees shall be paid prior to issuance of a building permit.
93. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
94. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
95. All projects 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.
96. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
97. Applications/projects 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.
98. 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 measures such as benching, sedimentation basins, storm water retention 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 City Engineer.
99. Where possible landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. All other slopes shall comply with the City of Winters Public Works

Improvements Standards. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.

100. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
101. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
102. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
103. Construction equipment and engines shall be properly maintained.
104. 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.
105. Construction practices will minimize vehicle idling.
106. Potentially windblown materials will be watered or covered.
107. Construction areas and streets will be wet swept.

Wastewater and Sewer Collection System

108. The applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
109. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral required for each parcel, in accordance with City of Winters Public Improvement standards and Construction Standards. Applicant shall construct sewer service lateral to parcel "A".
110. A Tentative Map Sewer comprehensive Collection System Master Plan shall be submitted for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. A registered civil engineer for project shall prepare the sewer collection system plan. The plan shall include final sizing and location of on-site conveyance facilities, structures, and engineering calculations. Said plan shall also include provisions for cost sharing among affected adjacent development for facilities sized to accommodate those developments.
111. The applicant shall pay the cost associated with all improvements, and an appropriate reimbursement agreement shall be drafted to reimburse the applicant for reimbursable improvements. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
112. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
113. As an interim connection, Developer shall have the option to direct its sewer flows south into the existing Grant Ave. sewer system as an interim connection on the condition that Developer fund all necessary new improvements and upgrades to the existing sewer system as required by the City at its own expense, which will not be subject to reimbursement. Once infrastructure is constructed to the north, the development shall be required to make that connection and disconnect from the Grant Ave sewer system. In addition, Ogando-Hudson shall be required to pay the full citywide sewer impact fee that funds the WWTP expansion that would still serve their development and associated sewer conveyance pipelines and regional pump station that would have served their development should the development have elected to continue to direct its development flows north through the Winters Highlands Development to the new proposed regional pump station at West Main Street and

the Rancho Arroyo Detention Pond. Should the development elect not to direct its flows south and not fund improvements, it shall be required direct their flows north through the Winters Highlands property, advance funds for those improvements, and construct the conveyance pipe line system and regional pump station in order to connect to the WWTP and comply with all conditions of approval. Any permanent improvements constructed that are subject to reimbursement shall be reimbursed subject to the terms of a reimbursement agreement.

114. Prior to approval for use of the City's existing force main pipe, Applicant shall assess the capacity and physical condition of the force main and obtain City Engineer approval for use on the project. If the force main cannot be used, the Applicant shall be required to construct a new force main to the WWTP or other acceptable alternative approved by the City Engineer.
115. Construction of sewer mains deeper than 16-feet at the bottom of the pipe shall be connected to laterals by a parallel mains and connections at Manholes.

Water Infrastructure

116. If required, per the Subdivision Map Act, project applicant shall obtain a Water Verification (WV) prior to approval of final map that addresses the following:
117. Actual water service to the subdivision will be predicated upon satisfaction of terms and conditions set by the water supplier
118. The WV is non-transferable, and can only be used for the specific tentative map for which it was issued.
119. The WV shall expire along with the tentative map subdivision map if a final map is not recorded within time allowed under law
120. Until such time as actual service connections are approved for the subdivision, the water agency may withhold water service due to a water shortage declared by the water agency.
121. Based on City water modeling, a new well is needed to serve the first phase of development. If the Water Well is not funded and constructed by the Callahan Estates development, Developer shall advance fund the construction of a water well and required water system conveyance pipelines with the project. Per Mitigation Measure #18, the applicant shall fund the up-front costs of design and construction of the well (including CEQA clearance), subject to later fair share reimbursement. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.
122. If the Water Well site plan is not funded and prepared by the Callahan Estates development The Applicant shall fund and prepare a well site plan with facility elevations with the first final map application subject to fee credits.
123. The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.
124. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection Fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
125. Applicant shall construct water service lateral to parcel "A" and install a meter for the service.

126. 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.
127. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the applicant's expense. Required location, service size and flow-rate for the fire protection system must be submitted. Actual location is subject to the review and approval of the Public Works Department, Fire Department, and Community Development Department.
128. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
129. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
130. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District. The minimum residual pressure shall be 20 PSI.
131. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Winters Fire Department for replacement purposes.
132. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.
133. Prior to approval of the first final map, a comprehensive on-site water system master plan shall be prepared by a registered civil engineer for project, and shall be submitted to the Public Works Director for review and approval. The master plan shall include final sizing and location of on-site conveyance facilities, structures, and engineering calculations. Said plan shall also include provisions for cost sharing among affected adjacent development for facilities sized to accommodate the plan area. The applicant shall pay the cost associated with all improvements required by the study, and an appropriate reimbursement agreement shall be drafted to reimburse the applicant for oversize improvements on a pro rata basis per the Project level Development Agreement. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
134. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
135. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
136. When the fire protection facilities are in the City of Winters, the developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.

137. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.
138. Submit three sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to the issuance of each building permit.
139. All residences shall have fire suppression sprinkler systems meeting or exceeding NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems.

General Public Works and Engineering Conditions

140. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.
141. The applicant agrees to adhere to the terms of the ordinance (Ordinance No. 96-02) adopted by the City Council to address impact fees to be paid for development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.
142. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
143. A subdivision map (Final or Parcel) shall be processed and shall be recorded prior to issuance of a Building Permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.
144. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
145. A registered landscape architect shall design public landscape and privacy wall improvements and improvements shall be per City Standards, as applicable.
146. Applicant shall make every attempt to submit joint trench/utility/composite plans for review, prior to approval of the final map and improvement plans. Construction will not be allowed to proceed prior to submittal of the joint trench/utility/composite plans for City review.
147. All existing and proposed utilities (Electric, phone/data, and cable) shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
148. Street lighting location plan shall be submitted and approved by the Department of Engineering, prior to approval of improvement plans and final recordation of Map.
149. Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City of Winters City Engineer and Fire Department
150. Occupancy of residential units shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings, unless otherwise approved by the City Engineer and Community Development Director. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
151. If relocation of existing facilities is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
152. A Subdivision Improvement Agreement shall be entered into and recorded prior construction of improvements, issuance of any building permits, or recordation of a final map.
153. At the time of making the survey for the final map, 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 subdivision shall be set or referenced prior to recordation of the final map.

Easements and Right of Way

154. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
155. 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.
156. A five (5) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City. Additional easements shall be dedicated as requested by the utility companies and approved by the City.
157. Per the project level Development Agreement, prior to approval of first set of improvement plans and final map, Applicant shall acquire all rights of way and easements necessary to construct off-site and on-site improvements associated with that set of improvement plans and final map.

Reimbursements for Applicant Install Improvements

158. Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.

Landscaping and Lighting

159. Project proponents shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
160. Applicant of multi-family residential, commercial and industrial project shall provide refuse enclosure detail showing bin locations and recycling facilities to the approval of the Public Works Department.
161. Prepare, and submit for approval, a utility site plan prior to preparation of full improvement plans.
162. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer.
163. Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.
164. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.
165. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
166. Encroachment permits if necessary from will be acquired from Yolo County, Cal-Trans, and PG&E.
167. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.

168. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
169. Prior to recording of the final map, if required, provide evidence of payment for the Habitat Mitigation Fee. This fee is paid to the Yolo County Planning Department.
170. If improvements are constructed and/or installed by a party or parties other than the Applicant, which improvements benefit Applicant's property, prior to issuance of a building permit (approval of the final map) on Applicant's property, Applicant shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) (approval of the final map) to Applicant.
171. The main electrical panel for each residence shall be located at the exterior of the residence and capable of total electrical disconnect by a single throw.

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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.

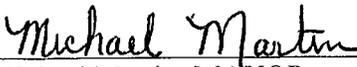
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on December 15, 2009, and was passed and adopted at a regular meeting of the City Council held on January 5, 2010 by the following vote:

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

NOES: None

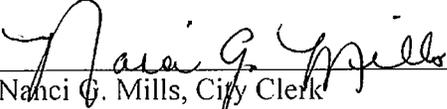
ABSENT: Council Member Anderson

ABSTAIN: None



Michael Martin, MAYOR

ATTEST:



Nanci G. Mills, City Clerk

1160228.15

CITY OF WINTERS**RESOLUTION 93-47****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ESTABLISHING FEES FOR PARK LAND DEDICATION AND PARK AND
RECREATION FACILITIES FOR NEW SUBDIVISIONS AND PARCEL
MAPS.**

WHEREAS, California Government Code Section 66477 grants local governments the authority to require dedication of land, payment of fees, or both, for park and recreational purposes; and

WHEREAS, the City has adopted an Ordinance specifically regulating the dedication and/or payment of fees for park and recreation purposes; and

WHEREAS, the City of Winters adopted policies in the General Plan which establish a standard of 5 acres of park land per 1,000 population and calls for various recreation programs and amenities; and

WHEREAS, in order to protect the health, safety and welfare of the community and to ensure that adequate public facilities are provided for the residents for the City of Winters, adoption of the fee is necessary; and

NOW, THEREFORE, BE IT RESOLVED that the City Council makes the following findings and adopts the following fees for establishing fees in lieu of park land dedication:

I. Fee For Park Land Dedication and Recreational Facilities .

The City Council finds that the City of Winters Parks and Community Services Development Impact Fees are specifically formulated to fund certain park and recreation facility improvements and the acquisition of various park and recreation lands, and that in order to maintain the adopted 1992 General Plan standard of 5 acres of park and recreation land per 1,000 population, the City must require park and recreation land dedication from new subdivisions and parcel maps and/or fees for park and recreation land or facilities if land is not dedicated. The City Council finds that if there is no park or recreational facility designated in the City's General Plan or existing Park and Recreation Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the City Council requires the payment of in lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee pursuant to this Resolution.

City Council
Resolution 93-47

The City Council finds and determines that new residential subdivisions need improved public parks. Thus, subdivisions have a responsibility to provide both land for parks and the improvement of that land for park and recreational use. Hence, as authorized by Government Code 66477, the City Council finds that subdivisions may be required to dedicate land, pay fees, or both, for park and recreational purposes.

II. Minimum Threshold and Exemptions.

All new residential subdivisions, regardless of size, are subject to this Resolution and payment of in-lieu fees. However, "in-fill lots" in existing subdivisions approved prior to adoption of Ordinance No. 93-09 are exempt.

III. Time of Payment of Fee.

Fees shall be paid as required in any applicable Subdivision Improvement and Maintenance Agreement. If there is no such Agreement, then payment is due concurrently with recordation of each Final Map or payment of Building Permit fees, as determined by the Director of Community Development & Building Department.

IV. Computation of Fee.

The fee per dwelling unit is computed as follows:

- | | | |
|-----|---|---------------|
| (1) | Value per acre of raw land for residential development located in Winters | |
| | | multiplied by |
| (2) | .015 | |
| | | equals |
| (3) | fee to be paid per dwelling unit | |

(Example: \$60,000/acre X .015 = \$900)

The value of land shall be determined by the City Council based upon actual purchase price of subject land, comparable land prices, estimates of value, appraisals or similar reliable opinions or statements of value.

City Council
Resolution 93-47

This Resolution establishing an In-Lieu Fee may be amended from time to time at the discretion of the City Council.

At this time the In-Lieu Fee is established at \$900 per dwelling unit based upon an estimated raw land value of \$60,000 as used in the example above.

Subsection G is hereby added to Section 4.03 Miscellaneous Planning Fees, establishing an in-lieu fee of \$900 per dwelling unit for parks and recreational facilities.

V. CEQA Documentation.

The environmental impacts of the designation of park sites within the City is described in the City's 1992 General Plan. Prior to action on site-specific projects, subsequent environmental review will be undertaken as necessary pursuant to the California Environmental Quality Act (CEQA).

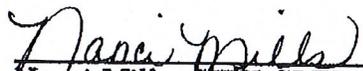
VI. Authority.

This Resolution is intended to implement the provisions of Article 3, Chapter 3, Title VIII of the Winters Municipal Code.

ADOPTED THIS 2ND DAY OF NOVEMBER, 1993.


William Pfanner, MAYOR PRO-TEM

ATTEST:


Nanci Mills, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WINTERS)

City Council
Resolution 93-47

I, Nanci Mills, City Clerk of the City of Winters do hereby certify that the foregoing Resolution of the City Council of the City of Winters was duly adopted by said City Council at a regular meeting held on the day of , 1993, by the following vote:

AYES: COUNCIL MEMBERS: Curry, Martin, Mosier, Mayor Pro-tem Pfanner

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Mayor Chapman

Nanci Mills
Nanci Mills, CITY CLERK

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, September 22nd at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application for a Tentative Map (8 lots) for parcel 003-430-030 due north of the intersection of Taylor Street and Kennedy Drive. Project applicants Joe and Karen Ogando seek to divide an existing 2.59 acre parcel into eight (8) new lots varying in size from 10,183 square feet to 16,842 square feet. The City Council will take final action on the project.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to jenna.moser@cityofwinters.org. In addition, the staff report will be available on the City's website on 09/17/15.

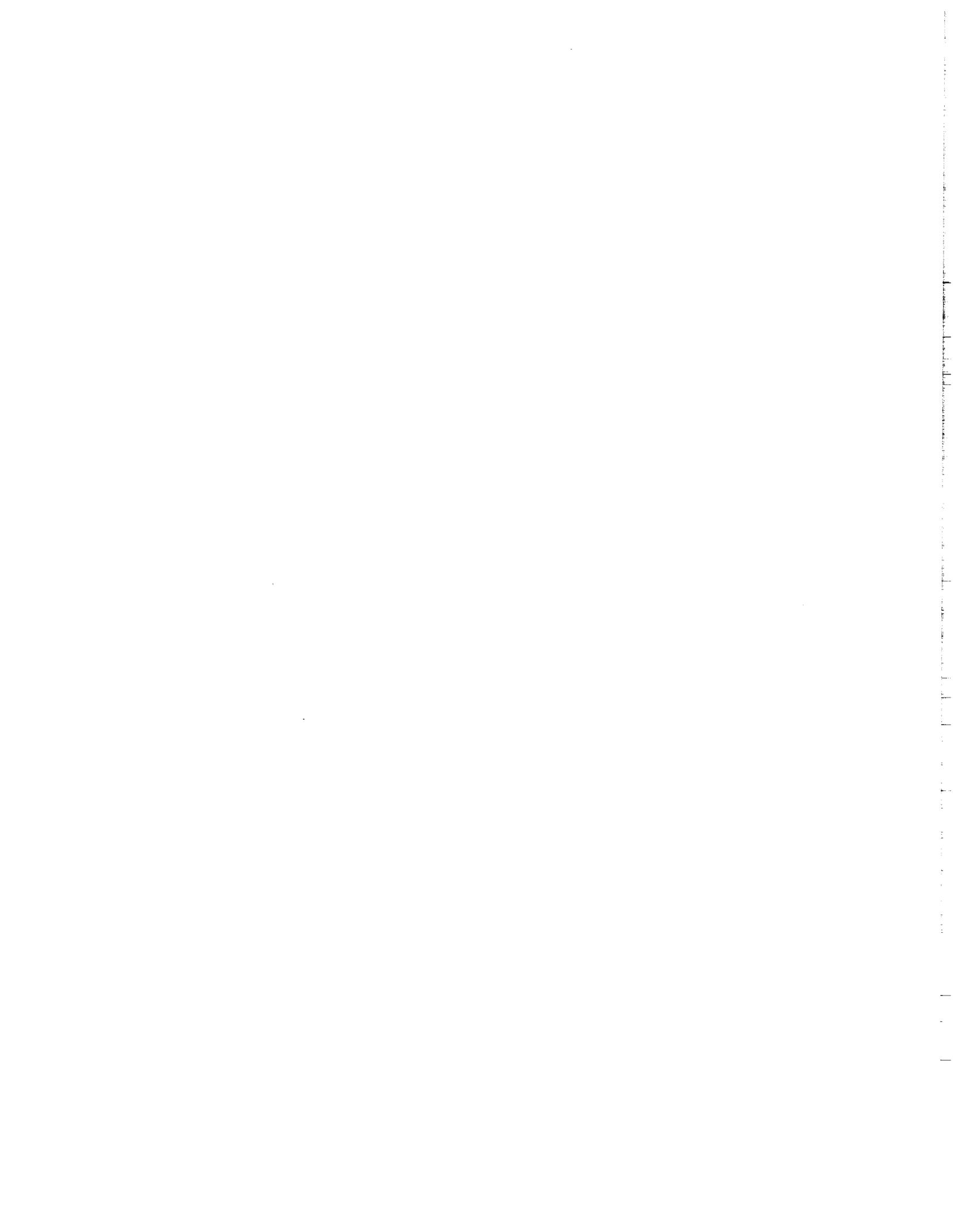
In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

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

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact Jenna Moser, Management Analyst – Planning & GIS, at (530) 794-6713.



**Ogando Subdivision No. 5087
Tentative Map
September 22, 2015**

PLANNING CONDITIONS OF APPROVAL

1. The project is described in the September 22, 2015 Planning Commission staff report. The project shall be constructed as depicted on the exhibits included in the September 22, 2015 Planning Commission Staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action.
2. Approval of the applicant's project shall be null and void if the applicant fails to submit a final map for the project within 36 months of the Planning Commission's approval of the Parcel Map application.
3. The applicant shall report to the City building materials diverted from landfilling during the course of their project, pursuant to the provisions of the City of Winters Ordinance 2002-03.
4. The project shall install as part of public improvement conduit for broadband as approved by the City Engineer.

PUBLIC WORKS CONDITIONS OF APPROVAL

1. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.
2. The applicant agrees to adhere to the terms of the ordinance (Ordinance No. 96-02) adopted by the City Council to address impact fees to be paid for development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.
3. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
4. A subdivision map (Final or Parcel) shall be processed and shall be recorded prior to issuance of a Building Permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.
5. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
6. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and

shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.

7. The applicant shall submit a current title report to the City prior to approval of public improvement plans.
8. The City of Winters Plan Review Fee applies and is due upon submittal of plans for review.
9. All street and other required public improvements shall be constructed concurrently, in a single phase operation.
10. A Soils/Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report. The applicant shall submit the report with the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.
11. Applicant shall construct public roadway improvements, to include curb, gutter, sidewalk and driveways per the City of Winters Public Improvements Standards and Construction Standards.
12. 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 measures such as benching, sedimentation basins, storm water retention 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 City Engineer.
13. A topographic survey of the entire site and a comprehensive grading plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. 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. A statement shall appear on the site grading plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
14. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
15. All projects shall include implementation of post-construction best management practices (BMPs). Post construction BMPs shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit, or a WPCP.
16. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.

17. Sewer and Water services shall be extended to each Lot, if not completed previously with the Hudson Ogando Subdivision, per City Standards.
18. 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 Public Works Department.
19. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
20. 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. Drip irrigation systems shall be used. No substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.
21. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers. The landscape water meter shall be installed to the satisfaction of the Public Works Department.
22. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
23. If relocation of existing infrastructure is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
24. A Subdivision Improvement and Maintenance Agreement shall be entered into and recorded prior to construction of improvements and/or issuance of any building permits.
25. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
26. 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.
27. Applicant shall make every attempt to submit joint trench/utility/composite plans for review, prior to approval of the final map and improvement plans. Construction will not be allowed to proceed prior to submittal of the joint trench/utility/composite plans for City review.
28. All existing and proposed utilities (electric, phone/data, and cable) within 100 feet of the project boundary shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
29. Project proponents shall enter into the Citywide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of street lighting and landscaping, and other related aspects of

development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to issuance of a building permit.

30. Prepare improvement plans for any work within the public right-of-way and submit them to the City Engineer for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Applicant shall provide, to the City Engineer, two sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer. Final Record Drawings shall be provided on Mylar and electronic media.
31. Install a street light on the property line between Lots 1 and 2, per City Standards, prior to issuance of the first building permit for either Lot.
32. Conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
33. Existing public and private facilities damaged during the course of construction shall be repaired by the Applicant at his/her sole expense, to the satisfaction of the City Engineer.
34. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.
35. The project shall operate within all applicable requirements of the City Code at all times
36. Landscape material may not be located such that, at maturity it interferes with safe distances for vehicular, bicycle or pedestrian traffic; conflicts with overhead utility lines, overhead lights, or walkway light; or blocks pedestrian or bicycle ways.
37. A 5-foot separated concrete sidewalk shall be constructed along Taylor frontage, from the existing sidewalk at Kennedy to the north property line.
38. All sidewalks at driveway locations shall be 6-inch thick Portland Cement Concrete (PCC).
39. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
40. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
41. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
42. Construction equipment and engines shall be properly maintained.
43. 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.
44. Construction practices will minimize vehicle idling.
45. Potentially windblown materials will be watered or covered.
46. Construction areas and streets will be wet swept.

47. At the time of making the survey for the final map, 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 subdivision shall be set or referenced prior to recordation of the final map.
48. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
49. Prior to recording of the final map, if required, provide evidence of payment for the Habitat Mitigation Fee. This fee is paid to the Yolo County Planning Department.
50. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.

END





**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: September 22, 2015
FROM: Jenna Moser, Management Analyst – Planning & GIS *JM*
SUBJECT: Public Hearing and Consideration of Design/Site Plan Review, for construction of the Yolo Federal Credit Union near the intersection of Grant Avenue and East Street (APN 003-370-044).

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions; 1) Receive the staff report; 2) Conduct the Public Hearing to solicit public comment; and 3) Approve Design/Site Plan Review for the Yolo Federal Credit Union.

BACKGROUND: Yolo Federal Credit Union (Yolo Federal) has shown interest in this site since the mid-2000s when this area was referred to as the “Granite Bay Commercial Project”. Yolo Federal has remained interested in the site through the disillusion of the Winters Community Development Agency, through the Successor Agency, and now that the property is developable, Yolo Federal is ready to move forward with the project.

On August 20, 2015, The Design Review Committee (“DRC”) reviewed the site plan and project design. Overall, the DRC was extremely favorable to the project design. Committee members appreciated the incorporation of the Winters Design Guidelines as well as the selection of landscaping species.

PROJECT DESCRIPTION: The applicant, Yolo Federal Credit Union, is requesting Design/Site Plan Review to construct an approximately 3,600 square foot Credit Union branch. Building features include wood construction with brick, wood, glass, and metal façade elements – incorporating a contemporary take on an agricultural water-tower feature on the south-east corner. Credit Union services provided include on-site banking, a drive through ATM, and night drop-off. The Credit Union will be a full service branch.

The site is .62 acres zoned C-2, located on the South side of Grant Avenue at East Street. Pedestrian access to the site would be via sidewalks along Grant Avenue, as well as internal circulation (Attachment A). The planned parking for the project includes 19 off-street spaces in the Credit Union parking lot, satisfying requirements (1 per 300 square feet of building area). The

landscaping plan provides for the 50% tree shading requirement. Trash collection will be serviced inside the building due to security and shredding needs. Credit Union Staff will take containers from door of facility to the curb for collection/shredding. The HVAC units and/or rooftop mounted equipment will be located on the building roof and will be screened from view.

DESIGN/SITE PLAN REVIEW: According to Winters Municipal Code, Chapter 17.36 (Design Review), design review is required before the Planning Commission for the construction of nonresidential buildings or structures of five hundred (500) square feet or more. According to the Design Review provisions, the Planning Commission shall consider the following aspects for design review of a site plan:

- The overall visible mass of the structure, which includes height, roofline profiles and overall scale of a building; and
- The proposed use and quality of exterior construction materials striving for long-term compatibility with the general setting of the subject property and visual character of the general neighborhood; and
- Avoidance of buildings which are characterized by large, blank or unbroken wall planes, as well as buildings which exhibit general lack of architectural detailing, shadow lines, etc. which generally lack interest; and
- Effective screening of ground – and – roof mounted equipment; and
- The use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development, as necessary; and
- The application of the Winters Design Guidelines

The Planning Commission shall make findings relative to compliance with the above provisions prior to approving a site plan for design review.

ANALYSIS: The proposed project is located along the key Grant Avenue entrance to downtown Winters. The expectation is that site planning and building design require a higher level of commitment to ensure the project reinforces and supports the special qualities of this area of the community.

The proposed design satisfies the City of Winters Design Guidelines. The analysis below reflects the applicant's effort to meet the intent of the Winters Design Guidelines. (See Attachment B)

Building elements/details – The proposed building design is a contemporary response to existing Agricultural and Industrial buildings. This look is reminiscent of the look of the facades on the Winters Library and portions of the Public Safety Facility – taking elements of wood, brick, metal and glass to evoke an agricultural, yet contemporary look.

Lighting – Project lighting will include pedestals with down-pointed fixtures to protect night-sky concerns. Soffit lighting as required for Banks and Financial Institutions for security purposes will be include in the ATM areas and oriented to minimize bleedover.

Sign Plan – The monument sign for the branch is conditioned to include a opaque background and include a pedestal that is faced with the same veneer as the branch building.

Landscaping – Native species have been selected with sensitivity to drought tolerance, and staff is pleased with the selections and placement of landscaping. To help screen the ATM

drive-through staff recommends the landscape planter along the outer edge of the driveway be mounded slightly and that low growing shrubs (max height of three feet) be added which will help hide the drive aisle without obscuring the building.

Parking- The planned parking for the site will be located in the parking lot to the South of the Credit Union and includes 19 spaces.

Compatibility – There are existing commercial businesses in the vicinity. Land immediately adjacent to the site is zoned Commercial and High Density Multi-Family Residential. A commercial project is compatible with adjacent uses.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department’s Management Analyst in accordance with notification procedures set forth in the City of Winters’ Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on 09/10/15 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight’s hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 09/17/15. (Attachment C)

ENVIRONMENTAL ASSESSMENT: The proposed project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects), project is consistent with the General Plan, located on less than 5 acres, has no habitat value for rare or endangered species, would not result in any significant effects relating to traffic, noise, air quality or water quality and has all the needed utilities.

The applicant had a Phase I Environmental Assessment prepared. The recommendation made in the Phase I Environmental Assessment reveals no evidence of recognized environmental conditions (REC’s) in connection with the site or adjoining properties, however a phase II is recommended if the site were to be re-zoned for residential or other uses. Since no re-zoning is to occur, a Phase II report was not required. The full report is available at City Hall on file with the Planning Department.

ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval or recommend denial of the application. If the Planning Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

RECOMMENDED FINDINGS FOR YOLO FEDERAL CREDIT UNION – SITE PLAN/DESIGN REVIEW

CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects.

Design Review Findings:

- 1) The proposed project’s overall visible massing, which includes height, roofline profiles and overall scale of the building meets the intent of the Winters Design Guidelines.

- 2) The proposed project's use of quality of exterior construction materials is compatible with the general setting of the subject property and visual character of the general neighborhood.
- 3) The proposed project avoids the use of large, blank or unbroken wall planes and architectural detailing such as shadow lines, etc. which generally lack interest.
- 4) The proposed project provides effective use of screening of ground – and – roof mounted equipment.
- 5) The proposed project provides effective use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development.
- 6) The proposed project achieves conformity with the Winters Design Guidelines.

RECOMMENDATION: Staff recommends approval of the Site Plan/Design Review by making an affirmative motion as follows:

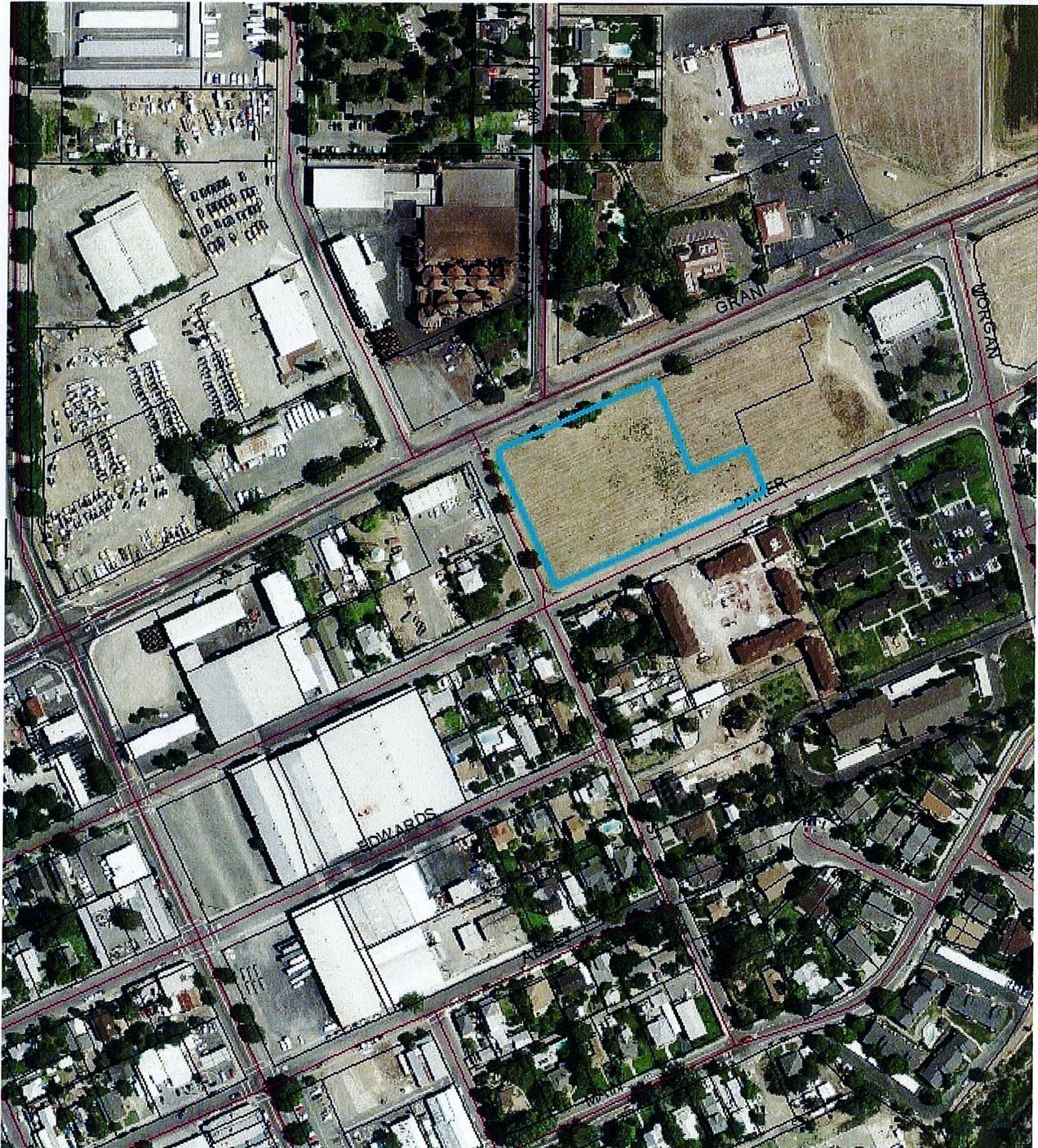
I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE DESIGN REVIEW/SITE PLAN FOR THE CONSTRUCTION OF THE YOLO FEDERAL CREDIT UNION BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Approve Design Review/Site Plan subject to the conditions of approval attached hereto. (Attachment D)

ATTACHMENTS:

- A. Vicinity Map
- B. Design & Mapping Exhibits
- C. Public Hearing Notice
- D. Conditions of Approval

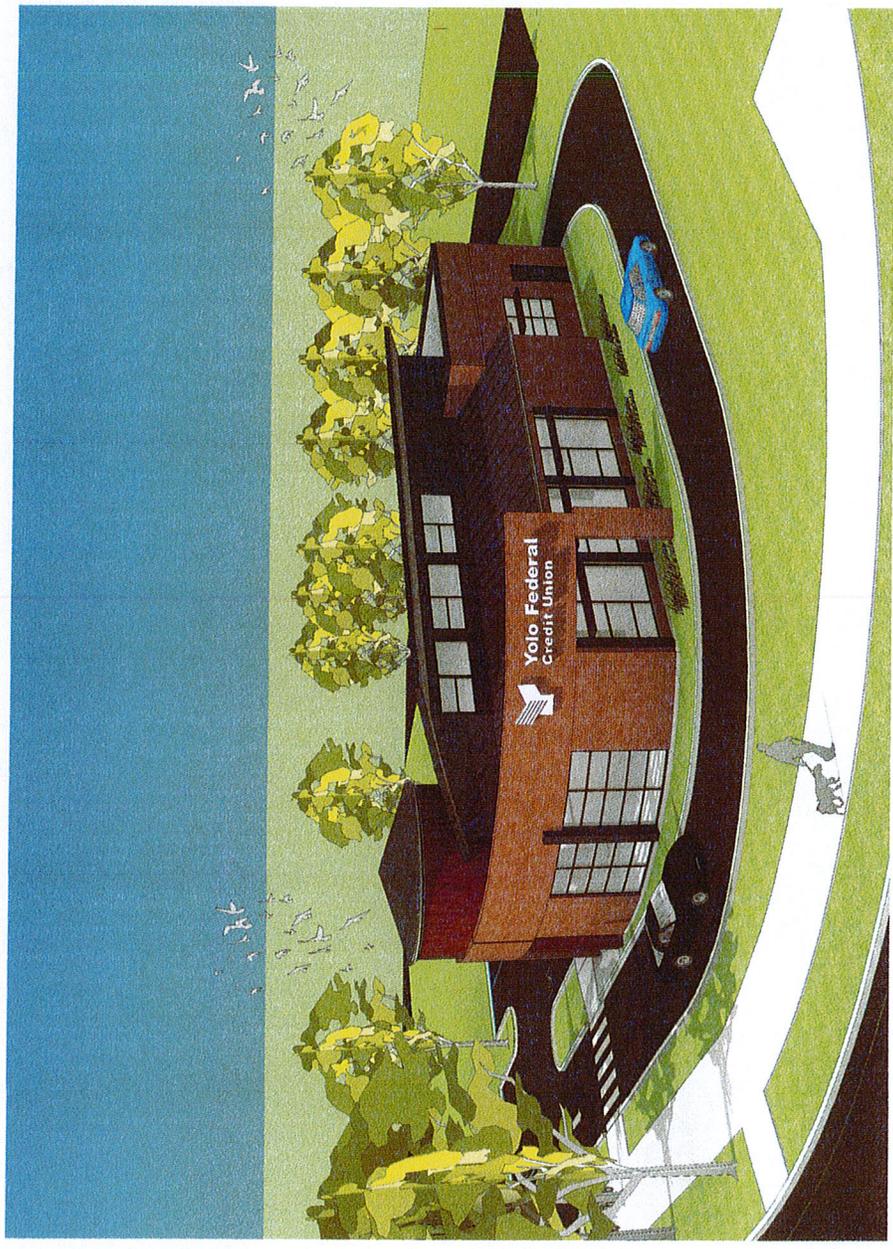
Yolo Federal Credit Union Vicinity







medica architecture



1 - 3D VIEW 4

**Yolo Federal
Credit Union**
Discovers the Local Difference!

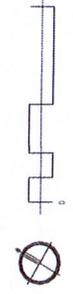
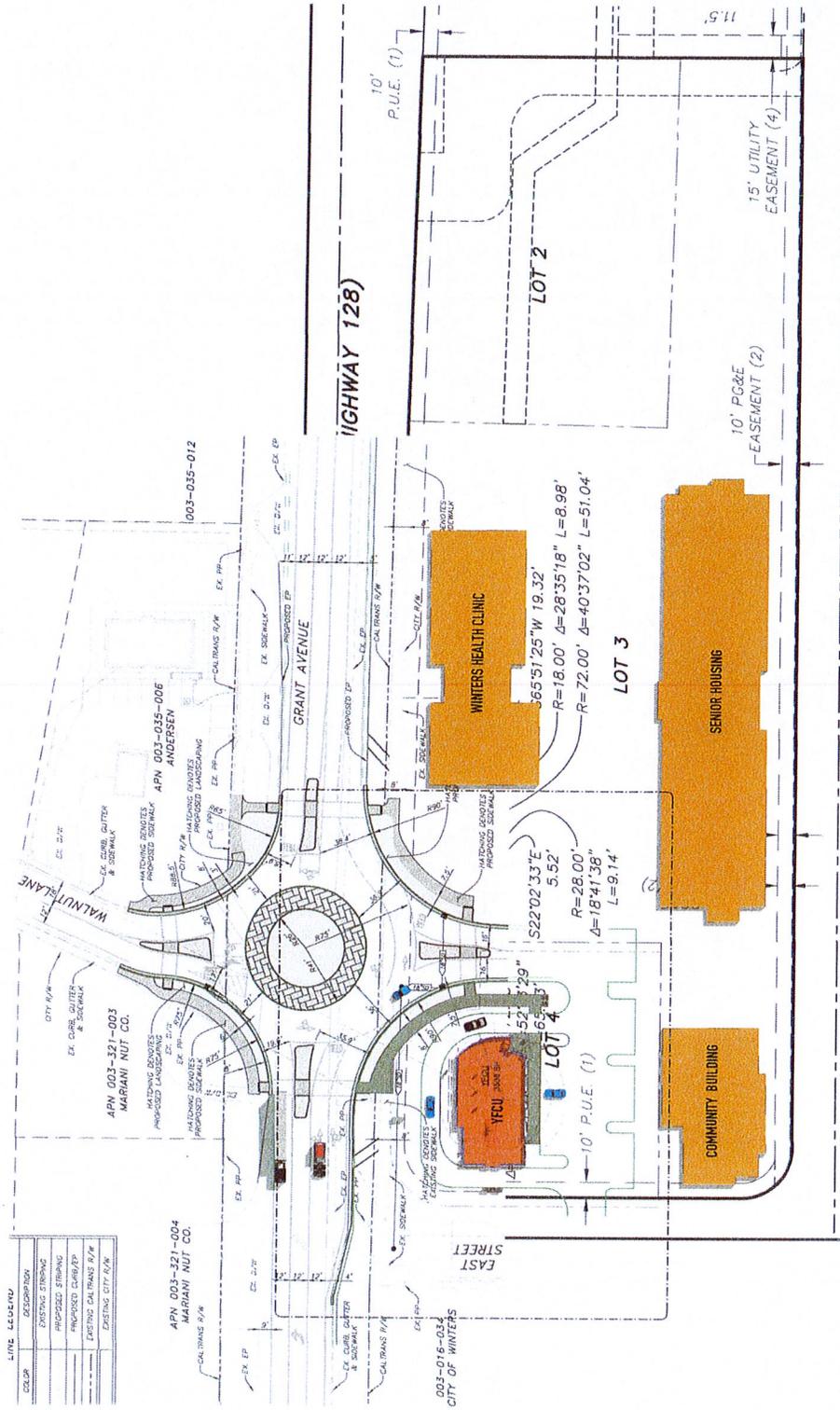


yolo federal credit union

0001 | Aerial View

LINE LEGEND

COLOR	DESCRIPTION
(Green)	EXISTING STRONG
(Red)	PROPOSED STRONG
(Blue)	PROPOSED CURB/EP
(Black)	EXISTING CALTRANS R/W
(Grey)	EXISTING CITY R/W



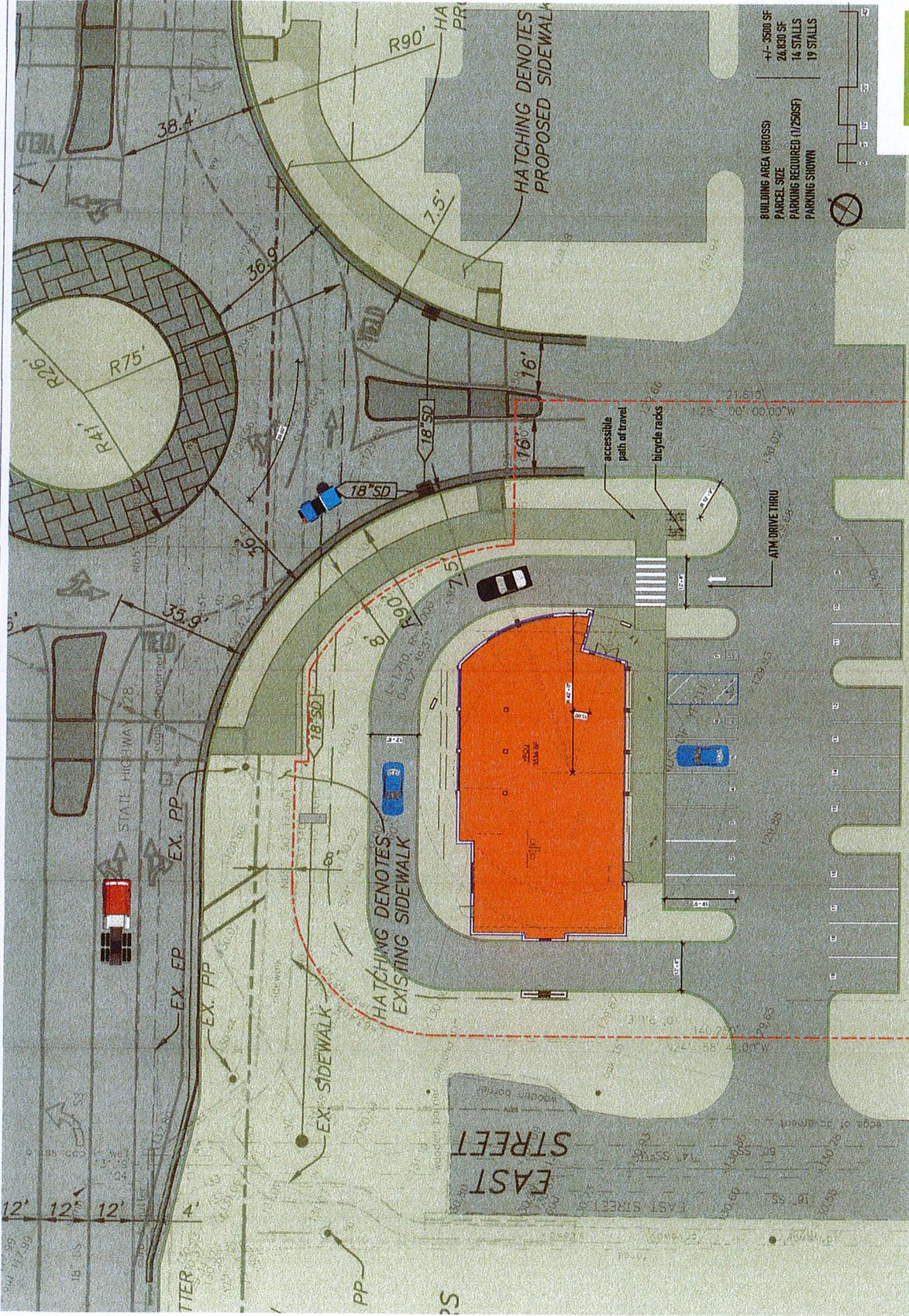
ibog | mejico architecture studio
09/15/14



yolo federal credit union

d001a | site plan





BUILDING AREA (GROSS)
 PARCEL SIZE
 PARKING REQUIRED (1/250SF)
 PARKING SHOWN

± 3500 SF
 24,630 SF
 14 STALLS
 19 STALLS



**Yolo Federal
 Credit Union**
Discover the Local Difference!

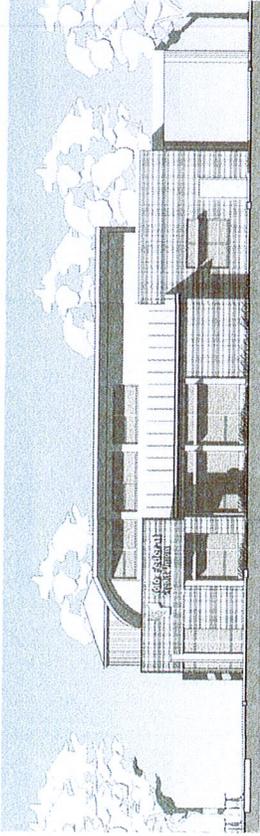
yolo federal credit union

d002 | enlarged site plan

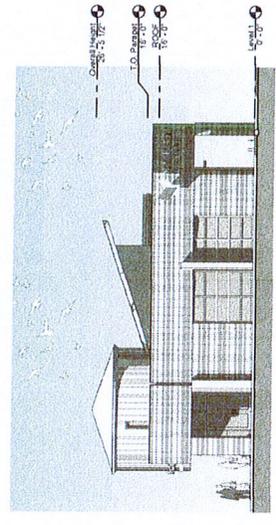
COOZES | m e j i c a a r c h i t e c t u r e s t u d i o

07/31/15

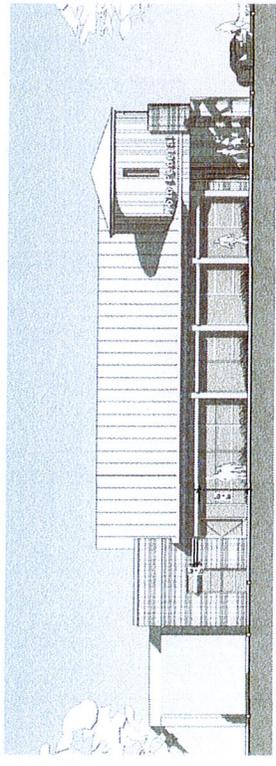




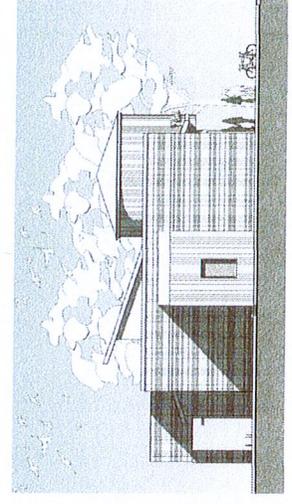
1 NORTH
1/8" = 1'-0"



2 EAST
1/8" = 1'-0"



3 SOUTH
1/8" = 1'-0"



4 WEST
1/8" = 1'-0"



**Yolo Federal
Credit Union**
Discover the Local Difference!

yolo federal credit union

d003 | elevations



ibog | melissa architecture studio
05/04/15



SHADE CALCULATION

Paving & Backup Area Included in Calculation

REQUIRED SHADING

Total sq. ft. of parking and backup area: 6,523
 Total sq. ft. of required shading: 3,262

PROPOSED SHADING

Site	Plant Key	Credit	Sq. Ft.	Shade Credit
15	Platanus x acerifolia Blackpoplar	25%	240	(2) (240) = 480 SF
		50%	481	(1) (481) = 481 SF
30	Ginkgo biloba Autumn Gold	50%	353	(2) (353) = 706 SF
		75%	550	(2) (550) = 1,090 SF
20	Lagerflorantia Natchez	50%	238	(3) (238) = 705 SF
			Total:	= 3,402 SF

Total sq. ft. of proposed shading: 3,402 SF
 Percentage of shade provided: 52%

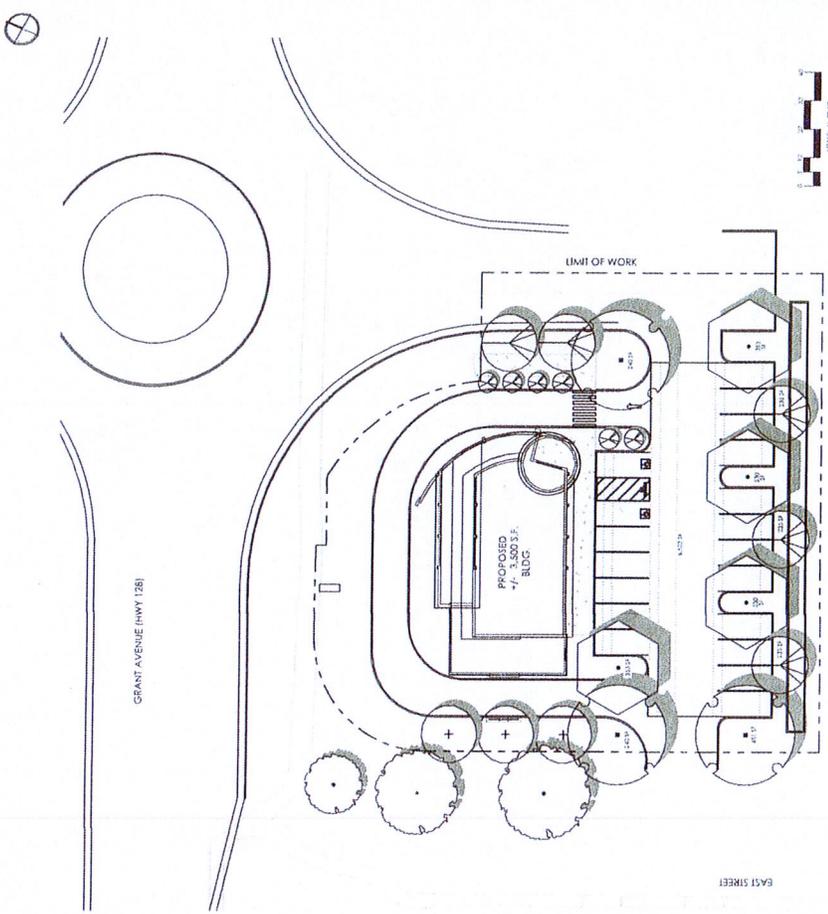


Stamp
 No. Date
 Bruce J. Reynolds
 Date

Key Plan/Consultant Stamp

Parking Lot Shading
 Plan

Date: August 7, 2018
 Project Number: 15-2533
 Scale: As Noted



CANDIDATE PLANT PALETTE

TREES



Fraxinus velutina
Golden Ash
Medicinal Tree



Sequoia sempervirens
Redwood
Sensory Plant Tree



Sequoia sempervirens
Coast Redwood
Sensory Plant Tree



Platanus racemosa
California Sycamore
Sensory Plant Tree



Sequoia sempervirens
Redwood
Sensory Plant Tree

SHRUBS & PERENNIALS



Eschscholzia californica
California Poppy
Mazontia



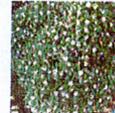
Salvia canescens
Blue Sage
Sensory Plant Tree



Salvia canescens
Blue Sage
Sensory Plant Tree



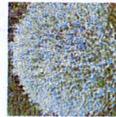
Salvia leucantha
Purple Sage
Sensory Plant Tree



Salvia leucantha
Purple Sage
Sensory Plant Tree



Salvia roemeriana
Red Sage
Sensory Plant Tree



Salvia roemeriana
Pink Sage
Sensory Plant Tree



Salvia roemeriana
Pink Sage
Sensory Plant Tree



Salvia roemeriana
Pink Sage
Sensory Plant Tree



Salvia roemeriana
Pink Sage
Sensory Plant Tree

GRASSES & GRASSLIKE PLANTS



Poa annua
Bluegrass
Sensory Plant Tree



Poa annua
Bluegrass
Sensory Plant Tree



Poa annua
Bluegrass
Sensory Plant Tree



Poa annua
Bluegrass
Sensory Plant Tree



Poa annua
Bluegrass
Sensory Plant Tree

GROUND COVERS & VINES



Thymus serpyllifolius
Groundcover
Sensory Plant Tree



Thymus serpyllifolius
Groundcover
Sensory Plant Tree



Thymus serpyllifolius
Groundcover
Sensory Plant Tree



Thymus serpyllifolius
Groundcover
Sensory Plant Tree



Thymus serpyllifolius
Groundcover
Sensory Plant Tree

BIOEROSION PLANTS



Phacelia
Bioerosion Plant
Sensory Plant Tree



Phacelia
Bioerosion Plant
Sensory Plant Tree



Phacelia
Bioerosion Plant
Sensory Plant Tree



Phacelia
Bioerosion Plant
Sensory Plant Tree



Phacelia
Bioerosion Plant
Sensory Plant Tree



DATE: _____
SCALE: _____



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS
1500 CALIFORNIA BOULEVARD
211 GATEWAY ROAD WEST, SUITE 204
SAN FRANCISCO, CA 94133
TEL: (415) 775-2729 FAX: (415) 775-5024 WWW.CHAUDHARY.COM

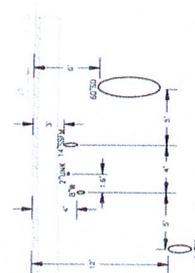
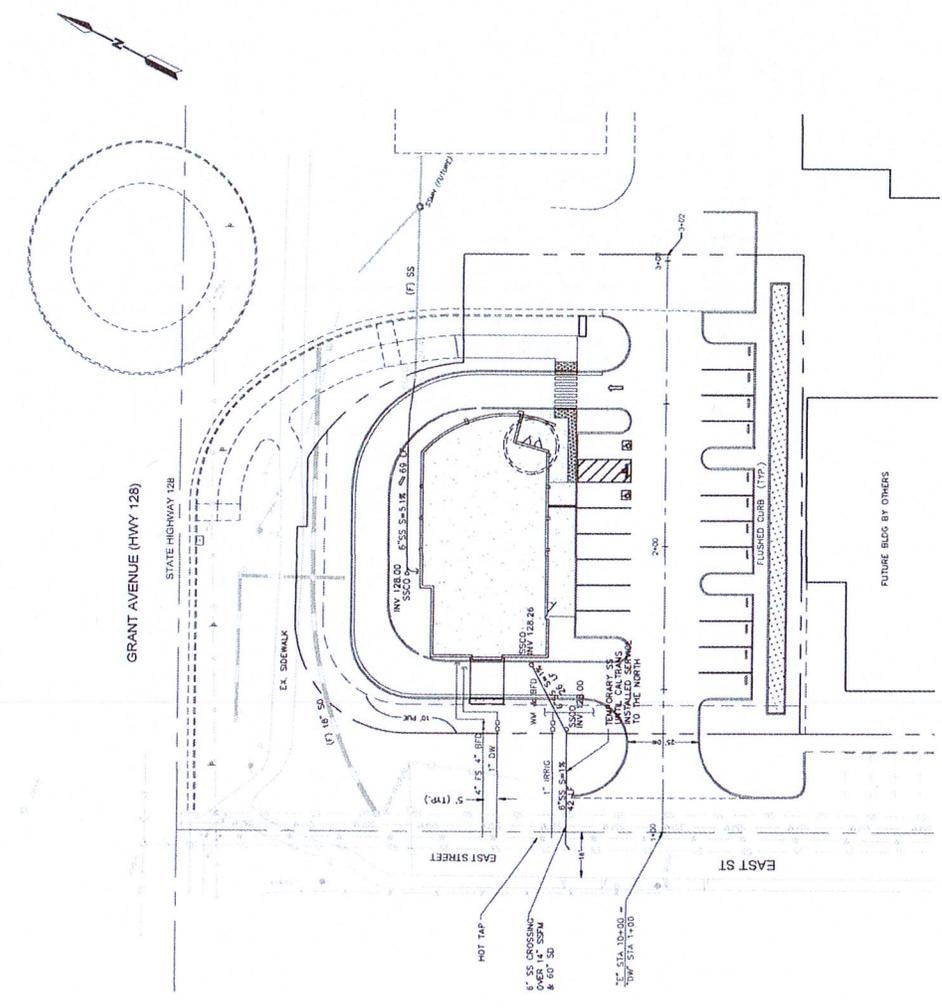


SITE DEVELOPMENT PLANS
PRELIMINARY UTILITY PLAN
GRANT AVENUE
APN 003-370-044
CALIFORNIA

WRITERS
DRAWN BY
CHECKED BY
DATE: August 11, 2015
SCALE: 1"=20'

SHEET 2
TOTAL SHEETS 2

CITY OF SAN FRANCISCO
PROJECT: _____



**TYPICAL EXISTING UTILITY LOCATIONS
EAST STREET**
N.T.S.
NOTE: EXISTING UTILITIES WERE VERIFIED AND POKED BY EXHIB.

UNAUTHORIZED DUPLICATION: The author warrants that this work was prepared by the author or under the author's direct supervision and that the author is a duly licensed professional engineer in the State of California. No part of this work shall be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of CHAUDHARY & ASSOCIATES, INC.

PRELIMINARY - NOT FOR CONSTRUCTION

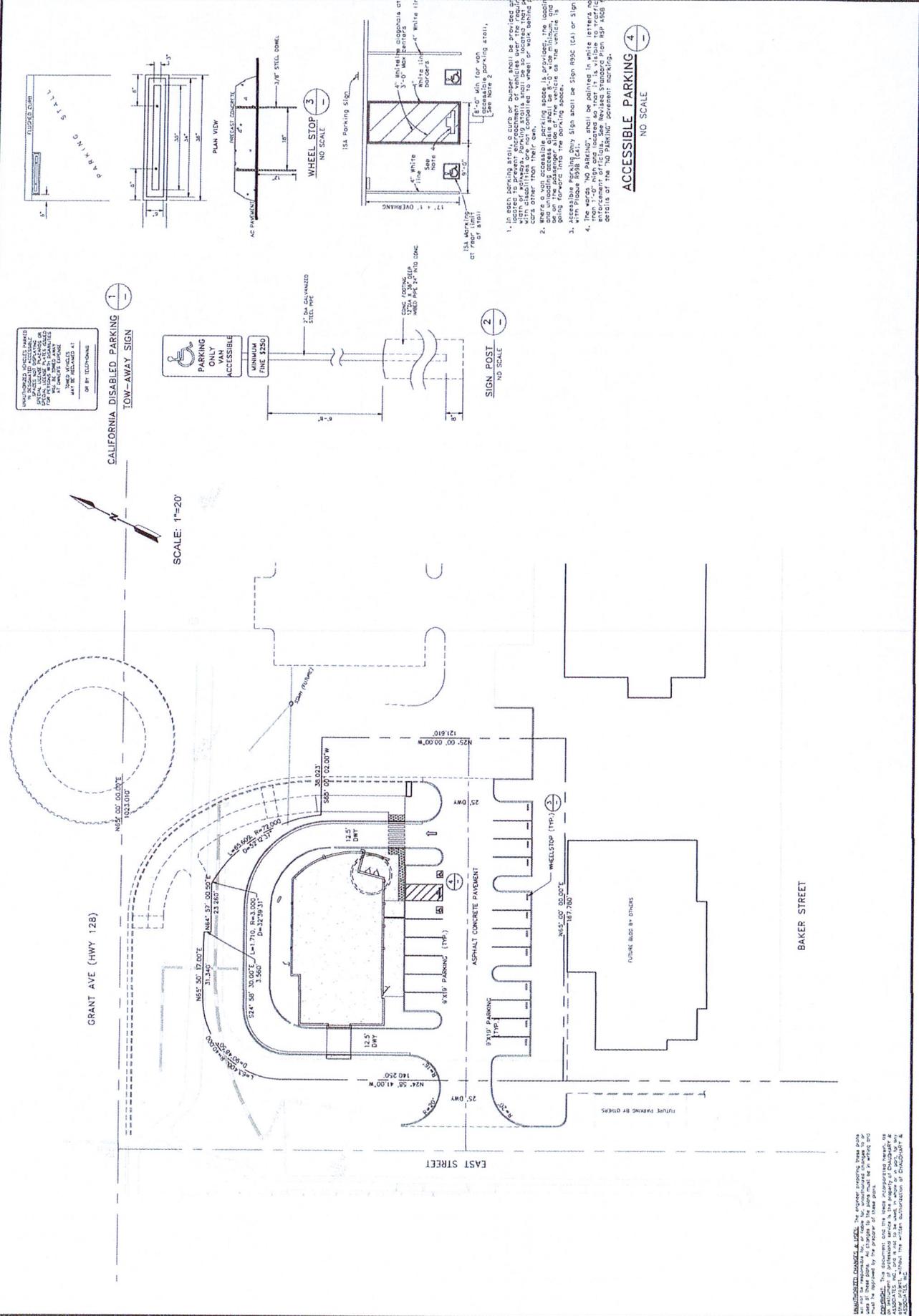
DATE	11/11/2015
BY	CH
CHKD BY	CH
SCALE	1"=20'
SHEET	3
PROJECT	GRANT AVENUE PRELIMINARY SIGNING & STRIPING PLAN
CLIENT	CHAUHARY & ASSOCIATES, INC.
ADDRESS	211 CALIFORNIA AVENUE, SUITE 204, CARPENTERSVILLE, CA 92008
PHONE	(707) 262-7179
FAX	(707) 262-5271
WWW	WWW.CHAUHWARY.COM



CHAUHWARY & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, INSPECTORS
 211 CALIFORNIA AVENUE, SUITE 204
 CARPENTERSVILLE, CALIFORNIA 92008
 TEL: (707) 262-7179 FAX: (707) 262-5271 WWW.CHAUHWARY.COM

SITE DEVELOPMENT PLANS
 PRELIMINARY SIGNING & STRIPING PLAN
 GRANT AVENUE
 APN 003-370-044
 WRITERS

DRAWING NO.	15-0000
DATE	11/11/2015
BY	CH
CHKD BY	CH
SCALE	1"=20'
SHEET	3
PROJECT	GRANT AVENUE PRELIMINARY SIGNING & STRIPING PLAN



MANUFACTURED CHANNEL & LOCK: The engineer providing these data warrants that these plans and specifications are true and correct and that they will be followed by the contractor in the construction of these plans. The engineer shall be responsible for the accuracy of the information provided in these plans. The engineer shall be responsible for the accuracy of the information provided in these plans. The engineer shall be responsible for the accuracy of the information provided in these plans.

1. ISIP parking signs shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area.

2. Accessible parking signs shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area.

3. Wheel stops shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area.

4. Wheel stops shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area.

5. Wheel stops shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area. The sign shall be provided at the entrance of the parking area.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, September 22nd at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application for Design Review for the construction of the Yolo Federal Credit Union near the intersection of Grant Avenue and East Street (APN 003-370-044)

The proposed project is approximately 3,600 square feet in size, will be of wood construction with exterior materials in brick, wood, glass, and metal. The project will include 19 parking stalls, automatic tellers and night drop-off, and a drive-through ATM

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to jenna.moser@cityofwinters.org. In addition, the staff report will be available on the City's website on 09/17/15.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

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

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact Jenna Moser, Management Analyst – Planning & GIS, at (530) 794-6713.



**Yolo Federal Credit Union
Design Review**

**FINAL PLANNING CONDITIONS OF APPROVAL
September 22, 2015**

1. Measures shall be taken to insure the longevity of exterior elements used in the project.
2. The monument sign for the branch will include an opaque background and include a pedestal that is faced with the same veneer as the branch building.
3. The Design Review/Site Plan approval shall expire in one year from its date of approval unless the applicant begins construction of the infrastructure improvements necessary for the project or requests and receives an extension from the Community Development Director. The applicant shall bear all expenses for any extension request submitted to the Community Development Director.

**FINAL PUBLIC WORKS CONDITIONS OF APPROVAL
September 22, 2015**

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.
2. The applicant shall submit a current title report to the City prior to approval of public improvement plans.
3. The City of Winters Plan Review Fee applies and is due upon submittal of plans for review.
4. All street and other required public improvements shall be constructed concurrently, in a single phase operation.
5. A Soils/Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report. The applicant shall submit the report with the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.
6. Applicant shall construct public roadway frontage improvements along Taylor & Kennedy Street, to include curb, gutter, and sidewalk per the City of Winters Public Improvements Standards and Construction Standards.

7. A drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall address water-quality, and demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to the existing SD System. The applicant shall pay the cost associated with all improvements required by the plan.
8. A topographic survey of the entire site and a comprehensive grading plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. 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. A statement shall appear on the site grading plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
9. Construction materials for storm drain pipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
10. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
11. All projects shall include implementation of post-construction best management practices (BMPs). Post construction BMPs shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit, or a WPCP.
12. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
13. A registered civil engineer for project shall prepare the sewer collection system plan, for approval by the City Engineer. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
14. A registered civil engineer for project shall prepare the water system plan, for approval by the City Engineer. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the costs associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
15. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the Public Works Department.
16. 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 Public Works Department.

17. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
18. 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. Drip irrigation systems shall be used. No substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.
19. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers. The landscape water meter shall be installed to the satisfaction of the Public Works Department.
20. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
21. If relocation of existing infrastructure is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
22. A Public Improvement and Maintenance Agreement shall be entered into and recorded prior to construction of improvements and/or issuance of any building permits.
23. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
24. 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.
25. Project proponents shall enter into the Citywide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of street lighting and landscaping, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to issuance of a building permit.
26. Prepare improvement plans for any work within the public right-of-way and submit them to the City Engineer for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Applicant shall provide, to the City Engineer, two sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer. Final Record Drawings shall be provided on Mylar and electronic media.
27. Conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
28. Existing public and private facilities damaged during the course of construction shall be repaired by the Applicant at his/her sole expense, to the satisfaction of the City Engineer.

29. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.
30. The project shall operate within all applicable requirements of the City Code at all times
31. Landscape material may not be located such that, at maturity it interferes with safe distances for vehicular, bicycle or pedestrian traffic; conflicts with overhead utility lines, overhead lights, or walkway light; or blocks pedestrian or bicycle ways.
32. Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans. Decorative Street Lights shall be placed along Railroad and Abbey, and be consistent with existing decorative street lights in the downtown area.



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners

DATE: September 22, 2015

FROM: David Dowswell, Contract Planner 
Jenna Moser, Management Analyst - Planning & GIS 

SUBJECT: Public Hearing and Consideration of various amendments to Chapters 17.04, Introductory Provisions and Definitions, 17.16, Applications and Public Hearings, 17.52, Land Use Regulations/Zoning Matrix, 17.60.070, Second Residential Units, and Chapter 17.60.080, Home Occupations, of the Winters Municipal Code (Zoning Ordinance).

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend the City Council find the proposed amendments Statutorily and Categorically Exempt from CEQA
- 4) Recommend the City Council adopt the proposed amendments to Chapters 17.04, Introductory Provisions and Definitions, 17.16, Applications and Public Hearings, 17.52, Land Use Regulations/Zoning Matrix, 17.60.070, Second Residential Units and Chapter 17.60.080, Home Occupations of the Winters Municipal Code (Zoning Ordinance).

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The proposed ordinance amendments affect the entire city. The properties affected by these amendments are designated Rural Residential (RR), Low Density Residential (LDR), Medium Density Residential (MDR), Medium Density High Residential (MDHR) and High Density Residential (HDR). Their Zoning classifications are Rural Residential (R-R), Single Family (R-1 and R-2), Multi-Family Residential (R-3), and High Density Multi-Family Residential (R-4).

BACKGROUND: Staff has identified certain sections of the Home Occupation and Second Residential Units in the Zoning Ordinance that need updating due to changes in State law.

On May 26, 2015 the Planning Commission held a study session where they discussed possible updates to the City's Home Occupation (HOP) regulations contained in Section 17.060.080 due to the recently adopted Assembly Bill (AB) 1616 (Cottage Food), which allows as a home occupation people to produce/cook items in their home that can be offered for sale. The Commission also discussed amending the HOP regulations to allow the Commission to grant an exception at a noticed public hearing to the certain regulations in the new HOP Section 17.94.

ANALYSIS:

Home Occupation Amendments

On January 1, 2013 AB 1616 (Cottage Food) went into effect. A cottage food business is defined as a business with less than \$50,000 in gross receipts in a calendar year, and not more than one (1) full-time equivalent employee (not including family members). A permit shall be granted automatically if the cottage food operation complies with local ordinances (parking, noise, spacing and concentration).

Section 17.60.080 of the Winters Municipal Code (Code) provides specific restrictions and types of uses that cannot be approved as a home occupation. For the past ten years the City has not approved home occupations where appointments are taken which allow clients to come to the house where the business takes place due to concerns about compliance with the Americans with Disabilities Act (ADA). ADA, Title III establishes requirements for public accommodations, including service establishments. It is not clear how these requirements apply to home occupations. After discussing this issue with the Building Department and the City Attorney, staff came to the conclusion that in those instances where an applicant requests approval for a home occupation where no new construction is being undertaken to facilitate the business the City should not be obligated to determine if Title II of the ADA had to be met.

At the May 26 meeting the Planning Commission discussed at a study session the proposed amendments to the HOP regulations. The Commission agreed with staff's suggested amendments to the Code and directed staff to return with draft ordinance for action.

The proposed amendments to the HOP regulations are designed to bring them into compliance with the new State law AB 1616. An administration section and a regulation prohibiting someone from using their garage to facilitate the HOP have also been added. The proposed amendments would allow the Planning Commission to consider granting an exception to one or more regulations at a noticed public hearing. In addition to updating the ordinance, staff is proposing moving the HOP regulations from Chapter 17.60 "Residential Densities and Standards" and placing them in a new separate chapter (Chapter 17.94), making them easier to find when looking for them in the Municipal Code. All of the significant changes are highlighted in the draft ordinance (Attachment A)

Second Residential Units Amendments

The proposed amendments to the second residential unit regulations are designed to bring them into compliance with State law. Staff is proposing some other minor changes to the regulations:

1. Allowing the required parking for a second residential unit to be located within the front yard setback, adjacent to an existing driveway.

2. Requiring the property on which a second residential unit is located to be owner-occupied. To ensure the property is owner-occupied the owner will have to record a deed restriction prior to obtaining a certificate of occupancy for the second residential unit. The deed restriction will stipulate they (property owner) will live in one of the two units at all times. The purpose of the restriction is to maintain the distinction between the property being single family, where the owner rents out one of the two units, rather than a duplex, where the owner can rent out both units and not live on the property. State law allows cities to place such a restriction on second residential units. Many cities have this regulation/restriction in their ordinance.

Staff is also proposing moving the second residential units regulations, which are part of Chapter 17.60 "Residential Densities and Standards", and placing them in a separate chapter (Chapter 17.98), making them easier to find when looking for them in the Municipal Code. All of the significant changes are highlighted in the draft ordinance (Attachment B)

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

1. Confirmation of CEQA exemption finding - Second Unit amendments are Statutorily Exempt, Section 15282(h) (Second Unit Ordinance) and Home Occupation amendments are Categorically Exempt, Section 15301 (Existing Facilities).
2. Recommendation that the City Council adopt the ordinance amendments;

APPLICABLE REGULATIONS: The planning application is subject to several regulations:

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

PROJECT NOTIFICATION: An Public Notice advertising for the public hearing on this planning application 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 (Attachment C) was published in the Winters Express on 9/10/15 ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 9/17/15.

ENVIRONMENTAL ASSESSMENT: The proposed project is statutorily and categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15282h (Second Unit Ordinance) and Section 15301 (Existing Facilities).

RECOMMENDED FINDINGS FOR PROPOSED AMENDMENTS TO CHAPTERS 17.04, 17.16, 17.52, AND 17.60 (ZONING ORDINANCE) OF THE CITY OF WINTERS MUNICIPAL CODE.

CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Sections 15282h (Second Unit Ordinance) and 15301 (Existing Facilities).

General Plan and Zoning Consistency Findings:

- 1) The project is consistent with the goals and policies of the General Plan.
- 2) The project will not result in a negative fiscal impact upon the City.

RECOMMENDATION: Staff recommends the Planning Commission recommend the City Council approve the proposed amendments to the Municipal Code (Zoning Ordinance) by making an affirmative motion as follows:

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE MUNICIPAL CODE BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA
- Confirmation of consistency findings with the General Plan and Zoning Ordinance
- Recommend City Council approval of the amendments to Chapter 17.04, 17.16, 17.52, and 17.60 (Zoning Ordinance) of the City of Winters Municipal Code, as shown in Attachments A and B.

ALTERNATIVES: The Planning Commission can elect not to recommend approval of the two amendments, modify the amendments or refer the amendments back to staff for additional review.

ATTACHMENTS:

- A. Draft Home Occupation Ordinance
- B. Draft Second Residential Units Ordinance
- C. Notice of Public Hearing published 9/10/15

CITY COUNCIL

ORDINANCE NO. 2015 - 04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
DELETING SECTION 17.60.070 (HOME OCCUPATIONS), AMENDING SECTION 17.52.020
(LAND USE REGULATIONS: ZONING MATRIX) , AND ADDING SECTION 17.94 (HOME
OCCUPATIONS) TO THE WINTERS MUNICIPAL CODE**

The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to amend various section of the text in the Zoning Ordinance necessary to regulate Home Occupations and Second Residential Units.
2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.
3. Amendment to Section 17.04.140B. Section 17.04.140B is hereby amended to read as follows:

"Cottage food operation" means any activity operated by as a cottage food enterprise with not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator living in the home where the cottage food products are prepared or packaged for direct or indirect sale to consumers, as defined and may be amended by the California Department of Public Health, Section 113758 of the Health and Safety Code. Gross annual sales are regulated by the provisions of Section 113758 of Health and Safety Code.

"Cottage food products" means non-potentially hazardous foods, including foods that are limited to and described in Section 114365.5 of the State of California Health and Safety Code and that are prepared for sale in the kitchen of a cottage food operation.

4. Amendment to Title 17. Chapter 17.94 Home Occupations is hereby added to Winters Municipal Code to read as follows:

Chapter 17.94

HOME OCCUPATIONS

Sections:

- 17.94.010 Purpose and intent**
- 17.94.020 Regulations**
- 17.94.030 Administration**
- 17.94.040 Exceptions**

17.94.010 Purpose and intent

The purpose of a home occupation permit is to insure that businesses allowed to be conducted from a home can be done so in a manner without changing the residential character of the neighborhood, subject to the regulations listed in Section 17.102.020.

17.94.020 Regulations.

Any of following regulations, including but not limited to those related to direct sales from a home and permitted employees, which conflict with at-home cottage food operations permitted in Section 113758 of Health and Safety Code.

A use which is clearly incidental and secondary to the residential use of the dwelling may be conditionally approved by the zoning administrator, provided that:

- A. No more than one (1) home occupation shall be permitted in any dwelling unit.
- B. Only the residents of the dwelling may be employed by the home occupation, except as allowed for a cottage food operation.
- C. No more than fifteen (15) percent of the dwelling's gross floor area, to a maximum of four hundred (400) square feet, may be used in connection with the home occupation.
- D. No required parking shall be made unusable in connection with a home occupation.
- E. No mechanical or power-driven equipment other than that customarily used in dwellings shall be used in connection with a home occupation.
- F. No sign for the home occupation shall be displayed on the house or property.
- G. The home occupation may not create vehicular or pedestrian traffic above and beyond that normally generated by residential use of the dwelling unit. For the purposes of determining compliance with this regulation, a home occupation may have no more than an average of four (4) customers and/or deliveries to the residence per day, not to exceed a maximum of six (6) customers and/or deliveries to the residence on any one (1) day.
- H. There shall be no visible exterior evidence of the conduct of a home occupation. A home occupation must be conducted wholly within the dwelling unit or an accessory structure.
- I. Hours of operation where customers come to a home shall be conducted between the hours of 8:00 am and 6:00 pm Monday through Saturday. No customers shall come to a home on Sunday.
- J. Cottage Food Operations shall obtain an annual registration or permit to operate through the Yolo County Health Services prior to commencing operations. Yolo County Health Services

shall review for compliance with the provisions of state law related to a cottage food operation as described below and subject to periodic amendment by the state:

1. A "Class A" cottage food operation is one that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venue.

2. A "Class B" food operation is one that may engage in both direct and indirect sales of cottage food products from the cottage food operation, from direct sales venues, from offsite events, or from a third-party retail food facility described in the paragraphs below.

K. The following uses are not permitted as home occupations:

1. Those which entail repair, manufacturing, or processing. However, this shall not include ~~handicraft, millinery, and laundering;~~

Deleted:

2. Those which entail the harboring, training, or raising of dogs, cats, birds, or other animals;

3. Those which entail automobile, ~~body and fender repairing or painting;~~

Deleted:

4. Any use which is hazardous to the public health, safety and welfare or which may create objectionable noise or odors.

17.94.030 Administration

A. Home Occupation Permit Required. No person shall operate a home occupation business, as defined in Chapter 5.04 Business Licenses of the Winters Municipal Code, without first having a home occupation permit.

B. Application. An applicant for a home occupation permit shall submit a completed application form, processing fee (as applicable) and any other information required by the community development director.

~~C. Reviewing Body. Home occupation permits shall be reviewed by the zoning administrator subject to the provisions in Section 17.12.030D.2.~~

Deleted:

17.94.040 Exceptions

The City recognizes that special circumstances may exist which warrant granting a possible exception to some of the regulations. Exceptions to any of the regulations shall be considered by the planning commission at a noticed public hearing in accord with Section 17.16.040C. In considering a request for an exception the planning commission shall weigh the special circumstances against the potential impact to health, safety and welfare of the public. The following are exceptions the planning commission may consider:

A. Allowing more customers to come to the home than permitted in Section 17.94.020G if the business complies with all other regulations in this Chapter.

B. Allowing a small semi-trailer, typically one used for hauling equipment or landscaping materials, to be kept on the site if it can be kept in a place where it is not visible from the street, such as behind a solid fence, and the business complies with all of the other regulations.

In granting an exception, the planning commission shall make the following findings:

1. The business cannot easily be conducted where customers do not come to the home.
2. The business can be conducted in such a manner as not to adversely impact parking.
3. The business will not adversely impact the neighborhood.

5. Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

6. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on the ____ day of _____ 2015 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____ 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

CITY COUNCIL
ORDINANCE NO. 2015 - 05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
DELETING SECTION 17.60.070 (SECOND RESIDENTIAL UNITS), AMENDING SECTION
17.16.050 (MINISTERIAL PROJECTS), AMENDING SECTION 17.52 (LAND USE
REGULATIONS/ZONING MATRIX) AND ADDING SECTION 17.98 (SECOND RESIDENTIAL
UNITS) TO THE WINTERS MUNICIPAL CODE**

The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to amend various section of the text in the Zoning Ordinance necessary to regulate Home Occupations and Second Residential Units.

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Amendment to Section 17.16.050. Section 17.16.050 is hereby amended to read as follows:

17.16.050 Ministerial permits.

A. Purpose.

Ministerial actions, as noted herein, shall be subject to review and approval by the community development director and, as applicable, city engineer, to ensure, project consistency with this title, the municipal code and applicable provisions of state law.

B. Ministerial Projects.

The following is a list of projects which typically are classified as being ministerial. The community development director and/or city engineer retain the authority to seek guidance or discretionary approval from a reviewing body if the nature of a proposed project warrants such action:

1. Building permits and tenant improvements, where the proposed use or structure does not trigger discretionary review under the terms of this title (such as for certain types of remodeling), or when such discretionary review has been completed;
2. Demolition permits;
3. Grading permits where the intended use of land does not trigger discretionary review under the terms of this title, or when such discretionary review has been completed;
4. Site plans in conjunction with a building or grading permit, except where planning commission design review is required as noted elsewhere in this title;

5. Certificates of occupancy;
6. Lot line adjustments; (Note: The community development director and city engineer may refer a lot line adjustment application to the planning commission for action if it is determined that the adjustment has the potential to significantly enhance the developability of one or more lots.)
7. Certificates of compliance;

8. Second residential units; and

9. Voluntary lot mergers. (Ord. 97-03 § 2 (part): prior code § 8-1.4209)

Deleted: 8

4. Amendment to Section 17.52.020. Section 17.52.020 is hereby added to the Winters Municipal Code to read as follows:

17.52.020 Land Use/Zone Matrix

Add "Second Residential Units" to Table 2 under R-R, R-1 and R-2 as a permitted "P" use.

5. Deletion of Section 17.60.070. Section 17.60.070 is hereby deleted in its entirety.

6. Addition of Chapter 17.98. Chapter 17.98 is hereby added to the Winters Municipal Code to read as follows:

Chapter 17.98

SECOND RESIDENTIAL UNITS

Sections:

- 17.98.010 Purpose and intent.**
- 17.98.020 Administration**
- 17.98.030 Development Standards**

17.98.010 Purpose and intent

The purpose of this section is to permit second residential units in single-family residential zoning districts consistent with state law (California Government Code Sections 65852.150 through 65852.2). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. Second residential units are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan.

17.98.020 Administration

A. Second Residential Unit Permit Required. An approved second residential unit permit shall be obtained prior to construction, conversion and/or development of a second residential unit. Pursuant to California Government Code Section 65852.2, the second residential unit permit shall be considered ministerial without any discretionary review or a hearing.

B. Application.

1. Applications for a second residential unit permit shall be filed with the community development director on forms provided by the community development department.

2. An application for a second residential unit permit shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this subsection.

C. Existing Second Residential Units. This section shall in no way validate an illegal second residential unit. An application for a second residential unit permit may be made pursuant to the provisions of this chapter to convert an illegal second residential unit into a lawful second residential unit, or to allow for the replacement, alteration or expansion of an existing nonconforming second residential unit. The conversion of an illegal second residential unit into a lawful second residential unit, or the replacement, alteration or expansion of an existing nonconforming second residential unit shall be subject to the requirements of this chapter.

17.98.030 Development Standards

All second residential units shall comply with the following development standards:

A. The maximum area of floor space of any second residential unit shall not exceed one thousand two hundred (1,200) square feet of living area on lots with a net lot area of twenty thousand (20,000) square feet or more and seven hundred fifty (750) square feet of living area on lots with a net lot area of less than twenty thousand (20,000) square feet. A second residential unit may be attached to or detached from the principal residence.

B. The site on which the proposed second residential unit is to be located meets the minimum lot size requirements for the zone in which it is located, and in no instance is less than, ~~six~~ thousand, ~~(6,000)~~ square feet.

Deleted: seven

Comment [DD1]: Table 3B in Chapter 17.56 permits a minimum of 6,000 square feet.

Deleted: (7,000)

C. Construction under this section shall be subject to zoning requirements applicable to residential construction in single-family (R-R, R-1 and R-2) zones, ~~except as modified by the conditions of this section.~~

Comment [DD2]: Purpose and Intent section states that second residential units shall be allowed only in single-family residential zoning districts.

D. The lot on which the second residential unit is proposed shall contain a principal residence at the time of construction of the second unit. In the case of vacant lots, the principal residence and second residential unit may be constructed at the same time.

E. The second residential unit is self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.

F. Only one second residential unit shall be allowed for each principal residence per lot. A second residential unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guest dwelling. A guest dwelling shall not be permitted on any lot developed with a second residential unit.

G. The second residential unit shall be in compliance with all current zoning requirements, including structure height and yard setbacks. Consistent with the general plan, second residential units that front on alleys shall be encouraged.

H. One off-street uncovered parking space shall be provided for every second residential unit in addition to parking required for the principal residence. The off-street uncovered parking space may be provided in the front setback to the side of the existing driveway, subject to complying with Section 17.60.070E.10. When development of the second residential unit displaces existing required off-street parking (e.g., conversion of a garage) the required parking shall be concurrently replaced on the property in compliance with the off-street parking regulations in Chapter 17.72.

I. Not more than forty (40) percent of the front yard of a parcel, inclusive of second residential unit off-street parking requirements, shall be devoted to a driveway.

J. The second residential unit shall not cause excessive noise, traffic congestion, parking congestion or overloading of public facilities.

K. Separate hookups for city services and/or utilities may be required as determined by city standards as applied by city staff or by the appropriate public utility.

L. Second residential units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to a second residential unit shall be located on the front building elevation of the principal residence if the second residential unit is attached to the residence, in order to maintain the appearance of the structure as a single-family unit.

M. The property owner shall occupy either the principal or second residential unit as their principal or primary residence as defined by the County Assessor. If either unit should become non-owner occupied the second residential unit, upon notification by the city, shall be converted into a non-dwelling unit or guest dwelling by removing the kitchen facilities. To ensure the property is owner-occupied the property owner shall record a deed restriction prior to obtaining a certificate of occupancy for the second residential unit. The deed restriction will stipulate they (property owner) will live in one of the two units at all times.

Comment [DD3]: New section. This section/regulation helps to distinguish a single-family home with a second unit from a duplex.

N. Before obtaining an occupancy permit for a second residential unit the owner of a second residential unit shall file with the County Recorder a declaration or agreement, form to be approved by the city attorney, stating the owner shall live in either the principal residence or second residential unit at all times. This restriction shall be removed if the owner eliminates the second residential or converts it into a non-dwelling unit or guest dwelling by removing the kitchen facilities.

O. The size of the second residential unit shall be counted towards the maximum floor area ratio (FAR) for the site.

P. Second residential unit permits shall not be issued for second residential units that result in adverse impacts to the adequacy of water and sewer services, and/or result in adverse impacts on traffic flow, and/or result in adverse impacts on any real property listed in the California Register of Historic Places.

Q. All new construction or exterior alterations to existing structures proposed under the second residential unit permit may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.

7. Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

8. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on the ____ day of _____ 2015 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____ 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, September 22th at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an ordinance amending Title 17 of the Winters Municipal Code (Zoning) subsection 17.60.070 "Second Residential Units", subsection 17.76.040 Landscaping Standards " and subsection 17.60.080 "Home Occupations." The City Council will take final action on the project.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to jenna.moser@cityofwinters.org. In addition, the staff report will be available on the City's website on 09/17/15.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

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

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact
Jenna Moser, Management Analyst – Planning & GIS, at
(530) 794-6713.