



Winters City Council Meeting
Public Safety Facility
702 Main Street, Winters, CA 95694
Tuesday, March 17, 2015
5:45 p.m.
AGENDA

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Woody Fridae, Mayor Pro Tempore
Harold Anderson
Wade Cowan
Pierre Neu*

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

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

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

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

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, March 3, 2015 (pp. 4-9)
- B. Resolution 2015-09, a Resolution of the City Council of the City of Winters Approving the HERO Pace Program (pp. 10-23)
- C. Painting Basketball Courts at City Park (pp. 24)
- D. Final Acceptance of Public Improvements for Dollar General (pp. 25)
- E. Approve Design and Authorize Bid Issuance for Construction Improvements for Bridge Replacement Project-Railroad Avenue over Dry Slough (pp. 26-35)
- F. Proclamation Approving April 1st as Difference Makers Day (pp. 36-37)

PRESENTATIONS

DISCUSSION ITEMS

1. Public Hearing and Consideration of Tentative Subdivision Map for "Olive Grove" from Applicants Joe and Karen Ogando to Divide the Existing Two Parcels Totaling 4.21 acres into Eighteen (18) New Lots with an Average Size of Approximately 6,000 to 10,000 Square Feet (pp 38-118)

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

1. None

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the March 17, 2015 regular meeting of the Winters City Council posted on the City of Winters website at www.cityofwinters.org. Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on March 11, 2015, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

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Wednesday at 10:00 a.m.

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Minutes of the Winters City Council Meeting
Held on March 3, 2015

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

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Pierre Neu and Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, City Clerk Nanci Mills, Police Chief Sergio Gutierrez, Fire Chief Aaron McAlister, Director of Financial Management Shelly Gunby, Housing Programs/Economic Development Manager Dan Maguire, Public Works Superintendent Eric Lucero, Environmental Services Manager Carol Scianna and Management Analyst Tracy Jensen.

Council Member Neu led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Fridae, second by Council Member Cowan to approve the agenda. Mayor Aguiar-Curry said Council Member Neu needed to recuse himself for Consent Item F due to a possible conflict of interest. Council Member Fridae then approved the agenda as amended, with a second by Council Member Cowan. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, February 17, 2015
- B. Fire Department Grant Application Authorization – FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant
- C. Amend Wallace-Kuhl Agreement for Groundwater Monitoring Services, not to exceed \$8,800
- D. Concrete Slab Demolition Under Old Fire House Building
- E. Street Closure Request & Amplified Sound Permit for the Buckhorn Monthly Car Show
- F. Street Closure Request for the Davis Bike Club's Double Century Bike Ride
- G. Claim Against the City of Winters – Patricia Havens
- H. Claim Against the City of Winters – Anthony Lopes
- I. Proclamation Recognizing March as Women's History Month
- J. Authorize Issuance of Amendment to Professional Services Contract for Environmental Consulting Services to BSK Associates for Environmental Mitigation Services for the Walnut Park Construction Project (APN# 003 360 025)
- K. Purchase of ATV for Public Works Department

City Manager Donlevy gave an overview. Council Member Anderson will recuse himself from Item D and Council Member Neu will recuse himself from Item F. Motion by Council Member Fridae to approve the Consent Calendar except for Items D and F. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

Council Member Anderson then recused himself. Motion by Council Member Cowan, second by Council Member Fridae to approve Item D. Motion carried with the following vote:

AYES: Council Members Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: Council Member Anderson
ABSTAIN: None

Council Member Anderson returned to the dais and Council Member Neu recused himself. Motion by Council Member Cowan, second by Council Member Fridae to approve Item F. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Mayor Aguiar-Curry
NOES: None
ABSENT: Council Member Neu
ABSTAIN: None

Council Member Neu returned to the dais.

PRESENTATIONS

Bob Liu, Solano County Senior Civil Engineer & Bridge Project Manager gave a power point presentation and reviewed the bridge timetable, from bid opening on 5/16/2013 to the approximate completion in early 2016 at an approximate cost of \$12,278,425.70. Mayor Aguiar-Curry asked about the fluctuating number of employees at the work site and Bob said union procedures make it a hit or miss situation and everyone agreed that safety is the #1 priority. City Manager Donlevy acknowledged Carol, Bob, Mack and the entire team from Solano County. Bob is very professional and his standards are unquestionable. We will have the neatest bridge in the region and Mayor Aguiar-Curry thanked Bob for his presentation.

DISCUSSION ITEMS

1. Kennedy Jenks Chromium VI Compliance Proposal

Environmental Services Manager Carol Scianna gave an overview and said due to the recent adoption of the State's maximum level of 10ppb, 4 out of 5 City wells are non-compliant and the fifth one is close. The State doesn't have any specific fines in place, but wants to see a plan in place with monthly notification of non-compliance. Council Member Anderson confirmed the Federal standard was 100 ppb, and the State standard was 50 ppb, and as of 7/1/2014, we're at 10 ppb. Depending on what method you use to remove the Chromium 6, you may have to address other deficiencies.

Carol introduced Tim Williams, P.E. and Principal of Kennedy/Jenks, who reviewed their approach for compliance, including water conservation and using non-treated water for landscape/turf irrigation. A bill may be passed to extend the time of compliance but there is no definitive plan. He has presented the City's options in draft form and would like to receive feedback from Council and return with a plan. Council Member Anderson asked how much more the average homeowner will have to pay following various treatment methods. Carol said it would be significant and estimated the cost will double per household. Council discussed several alternative options, including providing bottled water, having a separate system for potable and regular water and possible grant opportunities. Council Member Cowan noted this is a giant waste of money and whoever voted

for it should have to pay for it. Tim said the State expects the City to be in compliance and he recommended that he provide the City with a compliance proposal and then Council could decide at a later day regarding implementation.

Ruy Laredo from the office of Assembly Member Bill Dodd said Senate Bill 385 is in the Senate and Assembly Member Dodd wants to work alongside the authors of the bill and grill the water resource board as to why the California Standard Level is so low compared to Federal levels. Ruy said the State Water Board should be held accountable as this affects everyone in the State.

Council Members Cowan and Anderson were hesitant about approving the funds to fix what they considered a non-problem, and Council Member Neu added that he didn't want to spend the money either, but there is no good option. The City has a plan on paper and needs to do the research and make an effort because we could be in trouble if we don't do anything. City Manager Donlevy said the amount to be approved, \$19,930, is the minimum and we need to do it. If we get to July and we haven't done anything, we could be in trouble. City Attorney Walsh said as per the bill language, the City would be able to get a 5-year delay or variance if a compliance plan is submitted, which will buy us some time.

Motion by Council Member Fridae, second by Council Member Neu to approve staff recommendation and approve the proposal for services from Kennedy/Jenks Consultants to develop Chromium 6 Compliance Strategies for the City's Drinking Water Supply. Council Member Anderson asked about public outreach and City Manager Donlevy said it is critical that we share definitive information as we receive it. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

2. Resolutions 2015-06 (General Plan Amendment), 2015-07 (Water Distribution Facility Improvement) and 2015-08 (SERAF Loan) and Ratification and Amendment to Loan and Repayment Agreement between the City of Winters and the Former Community Development Agency of the City of Winters

Director of Financial Management Shelly Gunby gave an overview. Council Member Anderson asked if Council can approve these resolutions since the Oversight Board postponed the approval of similar resolutions at their last meeting. City Attorney Walsh said functionally they all have to be approved at all three levels, in no specific order.

Motion by Council Member Cowan, second by Council Member Fridae to approve Resolutions 2015-06 and 2015-07, approving Ratification and Amendments to Loan Agreements between the City of Winters and former Community Development Agency of the City of Winters for the General Plan Amendment Loan and the Water Facility Loan Agreement. Motion also included the approval of Resolution , 2015-08, approving a Ratification and Amendment to Loan and Repayment Agreement between the City of Winters and the former Community Development Agency for the SERAF Loan Agreement. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

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

1. Resolutions SA-2015-01(General Plan Amendment), SA-2015-02 (Water Distribution Facility Improvement) and SA-2015-03 (SERAF Loan) and Ratification and Amendment to Loan and Repayment Agreement between the City of Winters and the Former Community Development Agency of the City of Winters

Mayor Pro-Tem Woody Fridae opened the Successor Agency at 8:00 pm.

Director of Financial Mangement Shelly Gunby gave a overview and confirmed this process is necessary due to dissolution laws. Motion by Mayor Aguiar-Curry, second by Council Member Neu. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

CITY MANAGER REPORT: Will be scheduling a sit down with Council Member Cowan for a building and planning discussion and to get additional perspective from a Council Member and builder (or customer). John, Shelly & Gene will bring something back to Council in April to bring everyone up to speed, with Gene

making the presentation. This month will be busy with the 3/17 meeting at the Public Safety Facility @ 5, where corned beef & cabbage will be served, followed by a joint workshop with the Planning Commission and PG&E. A second joint workshop with the City Council and Planning Commission will be held on 3/24 regarding environmental and creek issues related to the EIR. This will be the Planning Commission's opportunity to receive input regarding the EIR. The PG&E project won't come back to the Planning Commission until June and due to a lot of activity, there will be 2 meetings Planning Commission meetings in July.

ADJOURNMENT: Mayor Aguiar-Curry adjourned the meeting at 8:04 p.m.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

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Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: April 7, 2015
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager
SUBJECT: Adopt Resolution 2015-09 HERO PACE Program

RECOMMENDATION: Staff recommends the Council Adopt Resolution 2015-09, approving an Amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order to authorize the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties.

BACKGROUND: Assembly Bill (AB) 811 was signed into law on July 21, 2008, and AB 474, effective January 1, 2010, amended Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") and authorizes a legislative body to designate an area within which authorized public officials and free and willing property owners may enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, and/or water conservation improvements that are permanently fixed to real property, as specified. The financing for these improvements has come to be known as PACE, which stands for Property Assessed Clean Energy.

The HERO Program (for PACE financing) has been very successful in southern California region, since its launch in late 2011; the Program has approved over \$1.4 billion in applications and has funded over \$491 million in projects. Because of its success, the California HERO Program is now being offered to provide additional California cities and counties with a turnkey program that saves significant time, cost and local resources that would otherwise be needed to develop a new local program. Jurisdictions only need to adopt the form of resolution accompanying this staff report, related to the California HERO Program, and provided as an attachment to the resolution

ANALYSIS:

The California HERO Program is being offered to allow property owners in participating cities and counties to finance renewable energy, energy and water efficiency improvements, and electric vehicle charging infrastructure on their property. If a property owner chooses to participate, the installed improvements will be financed by the issuance of bonds by a joint powers authority, Western Riverside Council of Governments (“WRCOG”). The bonds are secured by a voluntary contractual assessment levied on such owner’s property, with no recourse to the local government or other participating jurisdictions. Participation in the program is 100% voluntary. Property owners who wish to participate in the program agree to repay the amount borrowed through the voluntary contractual assessment collected together with their property taxes. This financing is available for eligible improvements on both residential and non-residential properties.

The benefits to the property owner include:

- Eligibility: In today’s economic environment, alternatives for property owners to finance renewable energy/energy efficiency/water efficiency improvements or electric vehicle charging infrastructure may not be available. As such many property owners do not have financing options available that would provide funding for improvements that lower their utility bills.
- Savings: Energy prices continue to rise and selecting in energy efficient, water efficient and renewable energy improvements reduces utility bills.
- 100% voluntary. Property owners can choose to participate in the program at their discretion. Improvements and properties must meet eligibility criteria in order to qualify for financing.
- Payment obligation stays with the property. Under Chapter 29, a voluntary contractual assessment stays with the property upon transfer of ownership. Certain residential conforming mortgage providers will, however, require the assessment be paid off at the time the property is refinanced or sold.
- Prepayment option. The property owner can choose to pay off the assessments at any time, subject to applicable prepayment penalties.
- Customer oriented program. Part of the success of the program is the prompt customer service. Committed funding partners provide funding promptly upon project completion resulting in both property owner and contactor satisfaction.

The benefits to the City include:

- Increase local jobs.
- An increase in property values (energy efficient homes and buildings are worth more money).
- An increase in sales, payroll and property tax revenue
- As in conventional assessment financing, the City is not obligated to repay the bonds or to pay any delinquent assessments levied on the participating properties.
- All California HERO Program and assessment administration, bond issuance and bond administration functions are handled by California HERO. Little, if any, City staff time is needed to participate in the California HERO Program.
- By leveraging the already successful HERO Program, the City can offer financing to property owners more quickly, easily and much less inexpensively than establishment of a new local Program.

The proposed resolution enables the California HERO Program to be available to owners of property within our City to finance renewable energy, energy efficiency and water efficiency improvements and electric vehicle charging infrastructure. The resolution approves an Amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order to enable the California HERO Program to be offered to the owners of property located within the City who wish to participate in the California HERO Program

Federal Housing Finance Agency (FHFA), Fannie Mae and Freddie Mac

PACE enabling legislation was adopted by the State of California to encourage the adoption of energy efficiency, renewable energy and water efficiency measures on homes and businesses. When the legislation was enacted, many people believed PACE was an attractive financing option due to its ability to automatically transfer payments to a new owner if the property sold.

In response to the Directive issued by the FHFA on July 6, 2010 and implemented, in part, by Fannie and Freddie (Government Sponsored Entities, GSEs) on August 31, 2010, mortgage originators were informed that the GSEs would not be purchasing any mortgages with PACE liens.

In response to this, the State of California and other entities filed lawsuits against FHFA. The original intent of the lawsuit was to amend or dismiss the Directive by requiring that FHFA follow the rulemaking procedures as set forth under the Administrative Procedure Act. On October 16, 2010, the District Court issued a judgment which required FHFA to go through the rule making procedures. However, the trial court ruled that the FHFA's Directive would continue in effect. FHFA filed an appeal with the Ninth Circuit Court of Appeal, seeking to overturn the judgment requiring the FHFA to go through the rule making procedures. On March 19, 2013, the Ninth Circuit Court of Appeals ruled that the FHFA did not have to follow the rule making procedures in order to issue the Directive and dismissed the case. Thus, the FHFA does not need to go through the rule making procedures.

In the July 6, 2010 statement issuing the Directive, FHFA supported PACE programs whose assessments are junior/subordinate to Fannie/Freddie's mortgage interests. The statement also directed Fannie/Freddie to implement the following additional actions:

- Adjusting loan-to-value ratios to reflect the maximum permissible PACE loan amount available to borrowers in PACE jurisdictions;
- Ensuring that loan covenants require approval/consent for any PACE loan;
- Tightening borrower debt-to-income ratios to account for additional obligations associated with possible future PACE loans;
- Ensuring that mortgages on properties in a jurisdiction offering PACE-like programs satisfy all applicable federal and state lending regulations and guidance.

FHFA stated that "Nothing in this Statement affects the normal underwriting programs of the regulated entities or their dealings with PACE programs that do not have a senior lien priority." To date neither Fannie nor Freddie have taken action to implement any of the additional actions contained in the Directive.

The PACE enabling legislation in California provides that PACE assessments, like traditional assessments levied by public agencies in California, are equal in priority as general property taxes and as such are senior to private debt on the property and thus have first liens/senior liens priority. However under federal law, the Ninth Circuit Court of Appeal, which includes California, in *Rust v. Johnson* (9th Circuit (1979) 597 F.2d 174) ruled that local government cannot collect payment of assessments if they impair loans insured or owned by Freddie/Fannie (“Conforming Loans”). The court ruled that if a federal government entity has a mortgage interest on a parcel subject to assessments or special taxes, the property cannot be sold at a foreclosure sale unless it can be sold for an amount sufficient to preserve the federal government mortgage interest. Thus under federal law as set forth in the opinion under *Rust v. Johnson*, assessments, including PACE assessments, placed on the property are not “first liens” or “senior liens” with respect to Conforming Loans. Disclosure of *Rust v. Johnson* has been provided for in Official Statements of Municipal Bond issuances for traditional assessment district and community facilities district bond issues since 1979, in a form similar to the following:

Portions of the property within the Assessment District may now or in the future secure loans. Any such loan is subordinate to the lien of the Assessments.

However, (a) in the event that any of the financial institutions making the loan that is secured by real property within the Assessment District is taken by the Federal Deposit Insurance Corporation (“FDIC”), (B) the FDIC or another federal entity acquires a parcel subject to the Assessment lien, (C) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation or similar federal agency or instrumentality has a mortgage interest in a loan on property subject to the Assessment lien, and, prior thereto or thereafter, the loan or loans go into default, the ability of the City to collect the interest and penalties specified by state law and to foreclose the lien of a delinquent unpaid assessment may be limited.

Additionally, under federal law, subordinate liens to mortgages are permitted and cannot be blocked (See U.S. Code Title 12 Banks and Banking, Section 1701j-3). Thus, the impact of a PACE assessment being subordinate in effect to the interests of Fannie/Freddie by virtue of the ruling in *Rust v. Johnson* and the inability to prevent a person from putting a subordinate lien on their property may make it difficult for FHFA/Fannie/Freddie to impose additional Directives adversely affecting the property owner’s mortgage.

The Governor of the State of CA created a PACE Loss Reserve Program. The PACE Loss Reserve Program, authorized by Senate Bill 96 (2013), is designed to address FHFA’s financial concerns by making first mortgage lenders whole for any losses in a foreclosure or a forced sale that are attributable to a PACE loan. If a mortgage lender forecloses on a home that has a PACE lien, the reserve can be used to cover PACE payments during the foreclosure period. Alternatively, if a local government sells a home for unpaid taxes and the sale price falls short of the outstanding tax and first mortgage amounts, the reserve can be used to cover the shortfall (up to the amount of outstanding PACE payments). By covering these types of losses, the Program puts the first mortgage lender in the same position it would be in without a PACE lien.

The \$10 million Loss Reserve will be available for all PACE loans issued by enrolled PACE

programs and reported to CAEATFA for the length of their terms. PACE programs will report to CAEATFA semi-annually and pay a small administrative fee based on the principal amount of new loans they issue.

FISCAL IMPACT: No negative fiscal impact to the City's general fund will be incurred by consenting to the inclusion of properties within the City limits in the California HERO Program. All California HERO Program administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee which is also collected on the property owner's tax bill.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO. 2015-09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

WHEREAS, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority intends to establish the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Winters (the "City") is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Improvements; and

WHEREAS, Authority has authority to establish the California HERO Program, which will be such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Winters as an Associate Member of the Western Riverside Council of Governments to Permit the

Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the incorporated area of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of Improvements.

2. This City Council consents to inclusion in the California HERO Program of all of the properties in the incorporated area within the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent and be secured by such contractual assessments.

4. This City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters

DULY AND REGULARLY ADOPTED this 7th day of April, 2015 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

CITY OF WINTERS

Cecilia Aguiar Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

**AMENDMENT TO THE JOINT POWERS AGREEMENT
ADDING CITY OF WINTERS AS
AS AN ASSOCIATE MEMBER OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN
ENERGY (PACE) PROGRAM SERVICES WITH SUCH CITY**

This Amendment to the Joint Powers Agreement (“JPA Amendment”) is made and entered into on the ___ day of ___, 2015, by City of Winters (“City”) and the Western Riverside Council of Governments (“Authority”) (collectively the “Parties”).

RECITALS

WHEREAS, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the “Joint Exercise of Powers Act”) and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the “Authority JPA”); and

WHEREAS, as of October 1, 2012, Authority had 18 member entities (the “Regular Members”).

WHEREAS, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy (“PACE”) program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the “Improvements”) that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

WHEREAS, Authority intends to establish a PACE program to be known as the “California HERO Program” pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, which will authorize the implementation of a PACE financing program for cities and county throughout the state; and

WHEREAS, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority to conduct proceedings under Chapter 29 to finance Improvements to be installed on such properties; and

WHEREAS, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the purpose of facilitating the implementation of such program within the jurisdiction of City; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services, including the operation of a PACE financing program, within the incorporated territory of City; and

WHEREAS, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

A. JPA Amendment.

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.
2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority

JPA and consistent with the requirements of the Joint Exercise of Powers Act. The rights and obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by the this JPA Amendment, City shall not have any rights otherwise granted to Authority's Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

B. Implementation of California HERO Program within City Jurisdiction.

1. Boundaries of the California HERO Program within City Jurisdiction. City shall determine and notify Authority of the boundaries of the incorporated territory within City's jurisdiction within which contractual assessments may be entered into under the California HERO Program (the "Program Boundaries"), which boundaries may include the entire incorporated territory of City or a lesser portion thereof.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Establishment of California HERO Program. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property

owners participating in such program, establishing and collecting assessments due under the California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City entering into this JPA Amendment will obtain the benefits of and incur the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

C. **Miscellaneous Provisions.**

1. Withdrawal. City or Authority may withdraw from this JPA Amendment upon six (6) months written notice to the other party; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment. City may withdraw approval for conduct of the HERO Program within the jurisdictional limits of City upon thirty (30) written notice to WRCOG without liability to the Authority or any affiliated entity. City withdrawal shall not affect the validity of any voluntary assessment contracts (a) entered prior to the date of such withdrawal or (b) entered into after the date of such withdrawal so long as the applications for such voluntary assessment contracts were submitted to and approved by WRCOG prior to the date of City's notice of withdrawal.

2. Mutual Indemnification and Liability. Authority and City shall mutually defend, indemnify and hold the other party and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or negligent acts, errors or omissions of the indemnifying party or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorneys fees and other related costs and expenses, but excluding payment of consequential damages. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly liable for any damages or liability resulting out of this JPA Amendment.

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor. MS1032
Riverside, CA 92501-3609
Att: Executive Director

City:

City of Winters

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the remaining parts of this JPA Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

By: _____
Executive Committee Chair
Western Riverside Council of Governments

Date: _____

CITY OF _____

By: _____

Date: _____

Title: _____



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: March 17, 2015
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Eric Lucero, Public Works Superintendent
SUBJECT: Painting Basketball Courts at City Park

RECOMMENDATION: Allow City Manager to execute a contract with Sierra Striping Inc. to paint the City park basketball courts as part of the City Park Rehab Project.

BACKGROUND: The City staff along with the Winters City Park Rehab Committee has gone out to bid to have the basketball courts at the city park repainted. Staff has received three bids from different companies and Sierra Striping Inc. was the lowest bidder at \$12,250. The funds will come out of the grant obtained by the city in 2013 so the job was bid out with prevailing wages. The other two bids came in at \$15,475 and \$19,500.

FISCAL IMPACT: Estimate is not to exceed \$12,250 which has already been budgeted and approved by the park committee.



TO: Honorable Mayor and Council Members
DATE: March 17, 2015
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Alan L. Mitchell, City Engineer
SUBJECT: Final Acceptance of Public Improvements for Dollar General

RECOMMENDATION: Staff recommends that the City Council accept the public improvements as complete and direct the City Clerk to file a Notice of Completion.

BACKGROUND: The project included a 9,100 sf Dollar General Store, with associated parking, along Grant Avenue west of Morgan Street.

The public improvements included widening along the frontage of Grant Avenue, with upgrade of the existing driveway for ADA, new water services, and signing and striping.

The Applicant entered into a Public Improvement and Maintenance Agreement, for required improvements within the public right of way. The Applicant obtained an encroachment permit for the work within State right of way.

The improvements have been constructed in accordance with the approved off-site improvement plans and Caltrans has approved the work. Staff recommends the City Council accept the improvements and direct the City Clerk to file a Notice of Completion.

FISCAL IMPACT: No funding impacts are associated with this request.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members
DATE: March 17, 2015
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager
SUBJECT: Approve Design and Authorize Bid Issuance for Construction Improvements for Bridge Replacement Project- Railroad Ave over Dry Slough

RECOMMENDATION:

Approve design and authorize the City Manager or his designees to issue Bid documents for the construction of Bridge Replacement Project – Railroad Ave over Dry Slough – Contract No. 003-15, Federal Project Aid Project No BRLS-5110(029).
Approve project budget update.

BACKGROUND:

The City has been given authorization from FHWA through California Department of Transportation (CalTrans) to construct a replacement bridge on Railroad Ave at Dry Slough which is about a quarter mile north of town. Part of the construction will include constructing a detour in order to maintain through traffic for the duration of the project. Construction is expected to begin by the end of April 2015 and work in the channel will be completed by October 2015 with project due to be completed by the end of 2015. The total funds authorized by CalTrans are \$2,020,180; the City's match is 11.47% or \$231,715.

The engineers estimate for the project is \$1,356,000.

The City has recently hired Willdan Engineering to manage our federal projects to ensure that all federal guidelines are adhered to in order to avoid any problems with reimbursement or CalTrans standards.

FISCAL IMPACTS: City match is currently \$231,715. The approved Capital budget for this project is \$1,905,830; of which \$265,078 is locally funded. The Caltrans or Federal portion of the funding increased from \$1,640,752 to \$1,788,465 and the required local funds are reduced to \$231,715 which is within the amount approved for local funding. Project funding is summarized in the following table:

Item	Approved Funding ¹	Adjusted Funding ²
Preliminary Engineering ³	\$425,000	\$338,330
Right of Way	\$50,000	\$50,000
Construction Engineering ⁴	\$118,000	\$212,850
Construction Contract	\$1,312,830	\$1,419,000
Totals	\$1,905,830	\$2,020,180

Note 1: Based on Budget Sheet for CIP 11-02 2014/15 & 2015/16 Budget

Note 2: Based on Caltrans (Federal form E-76) approved funding

Note 3: Preliminary Engineering includes; Project Management, Pre-Design, Design, CEQA/NEPA as shown on the CIP Budget Sheet

Note 4: Construction Engineering includes Construction Management, Inspection, and Material Testing.

ATTACHMENTS: Bid Documents



**CITY OF WINTERS
DEPARTMENT OF PUBLIC WORKS**

CONTRACT DOCUMENTS

FOR

**BRIDGE REPLACEMENT PROJECT
RAILROAD AVENUE OVER DRY SLOUGH**

**CONTRACT NO. 003-15
FEDERAL AID PROJECT No. BRLS-5110(029)**

BID OPENING – APRIL 21, 2015 IMMEDIATELY AFTER 2:00:00 P.M.

CITY MANAGER
John W. Donlevy, Jr.

MAYOR
Cecilia Aguiar-Curry

MAYOR PRO-TEMPORE
Woody Fridae

Harold Anderson

COUNCIL MEMBERS
Wade Cowan

Pierre Neu

Prepared By:
DRAKE HAGLAN & ASSOCIATES

CRAIG C. DRAKE, P.E.
PROJECT MANAGER



***CITY OF WINTERS
DEPARTMENT OF PUBLIC WORKS***

PART I – BID BOOK

FOR

**BRIDGE REPLACEMENT PROJECT
RAILROAD AVENUE OVER DRY SLOUGH**

**CONTRACT NO. 003-15
FEDERAL AID PROJECT No. BRLS-5110(029)**

BID OPENING – APRIL 21, 2015 IMMEDIATELY AFTER 2:00:00 P.M.

FOR USE IN CONNECTION WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS DATED 2010, REVISED STANDARD SPECIFICATIONS DATED 01-23-2015, STANDARD PLANS DATED 2010, AND LABOR SURCHARGE AND EQUIPMENT RATES, AND THE CITY OF WINTERS CONSTRUCTION SPECIFICATIONS DATED SEPTEMBER 2003, INsofar AS THE SAME MAY APPLY AND IN ACCORDANCE WITH THE SPECIAL PROVISIONS.

TABLE OF CONTENTS

BID ITEM LIST	8
LIST OF SUBCONTRACTORS.....	10
LIST OF PROPOSED SUBSTITUTIONS.....	11
TITLE VI ASSURANCES	12
EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION	13
PROMPT PAYMENT OF FUNDS WITHHELD TO SUBCONTRACTORS	13
PUBLIC CONTRACT CODE.....	14
NONCOLLUSION AFFIDAVIT	15
DEBARMENT AND SUSPENSION CERTIFICATION.....	16
NONLOBBYING CERTIFICATION.....	17
DISCLOSURE OF LOBBYING ACTIVITIES	18
BIDDER'S BOND	21
EXHIBIT 15-G LOCAL AGENCY BIDDER DBE COMMITMENT (CONSTRUCTION CONTRACTS)	22
EXHIBIT 15-H DBE INFORMATION —GOOD FAITH EFFORTS	24
EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE).....	27
CONTRACT NO. 003-15.....	29
BID ITEM LIST	31
SAMPLE PAYMENT BOND.....	43
SAMPLE PERFORMANCE BOND.....	44
FEDERAL MINIMUM WAGE RATES.....	45

**PROPOSAL TO THE CITY OF WINTERS
DEPARTMENT OF PUBLIC WORKS
CONTRACT NO. 003-15**

NAME OF BIDDER _____

BUSINESS P.O. BOX _____

CITY, STATE, ZIP _____

BUSINESS STREET ADDRESS _____

(Please include even if P.O. Box used)

CITY, STATE, ZIP _____

TELEPHONE NO: AREA CODE () _____

FAX NO: AREA CODE () _____

EMAIL ADDRESS: _____

CONTRACTOR LICENSE NO. _____

The work for which this bid is submitted is for construction in conformance with the special provisions (including the payment of not less than the State general prevailing wage rates or Federal minimum wage rates), the project plans described below, including any addenda thereto, the contract annexed hereto, and also in conformance with the California Department of Transportation Standard Plans dated 2010, the Standard Specifications dated 2010, the Revised Standard Specifications dated 01-23-2015, and the Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished.

The special provisions for the work to be done are entitled:

**CITY OF WINTERS
DEPARTMENT OF PUBLIC WORKS
NOTICE TO BIDDERS AND SPECIAL PROVISIONS**

FOR

**BRIDGE REPLACEMENT PROJECT
RAILROAD AVENUE OVER DRY SLOUGH**

The project plans for the work to be done are entitled:

**CITY OF WINTERS
DEPARTMENT OF PUBLIC WORKS
CONSTRUCTION PLANS**

FOR

**BRIDGE REPLACEMENT PROJECT
RAILROAD AVENUE OVER DRY SLOUGH**

Bids are to be submitted for the entire work. The amount of the bid for comparison purposes will be the total of all items. The contract award, if made, is awarded to the lowest responsible bidder.

The bidder shall set forth for each unit basis item of work a unit price and a total for the item, and for each lump sum item a total for the item, all in clearly legible figures in the respective spaces provided for that purpose. In the case of unit basis items, the amount set forth under the "Item Total" column shall be the product of the unit price bid and the estimated quantity for the item.

In case of discrepancy between the unit price and the total set forth for a unit basis item, the unit price shall prevail, except as provided in (a) or (b), as follows:

- (a) If the amount set forth as a unit price is unreadable or otherwise unclear, or is omitted, or is the same as the amount as the entry in the item total column, then the amount set forth in the item total column for the item shall prevail and shall be divided by the estimated quantity for the item and the price thus obtained shall be the unit price;
- (b) (Decimal Errors) If the product of the entered unit price and the estimated quantity is exactly off by a factor of ten, one hundred, etc., or one-tenth, or one-hundredth, etc. from the entered total, the discrepancy will be resolved by using the entered unit price or item total, whichever most closely approximates percentage-wise the unit price or item total in the *CITY OF WINTERS* Final Estimate of cost.

If both the unit price and the item total are unreadable or otherwise unclear, or are omitted, the bid may be deemed irregular. Likewise if the item total for a lump sum item is unreadable or otherwise unclear, or is omitted, the bid may be deemed irregular unless the project being bid has only a single item and a clear, readable total bid is provided.

Symbols such as commas and dollar signs will be ignored and have no mathematical significance in establishing any unit price or item total or lump sums. Written unit prices, item totals and lump sums will be interpreted according to the number of digits and, if applicable, decimal placement. Cents symbols also have no significance in establishing any unit price or item total since all figures are assumed to be expressed in dollars and/or decimal fractions of a dollar. Bids on lump sum items shall be item totals only; if any unit price for a lump sum item is included in a bid and it differs from the item total, the items total shall prevail.

The foregoing provisions for the resolution of specific irregularities cannot be so comprehensive as to cover every omission, inconsistency, error or other irregularity which may occur in a bid. Any situation not specifically provided for will be determined in the discretion of the *CITY OF WINTERS*, and that discretion will be exercised in the manner deemed by the *CITY OF WINTERS* to best protect the public interest in the prompt and economical completion of the work. The decision of the *CITY OF WINTERS* respecting the amount of a bid, or the existence or treatment of an irregularity in a bid, shall be final.

If this bid shall be accepted and the undersigned shall fail to enter into the contract and furnish the 2 bonds in the sums required by the State Contract Act, with surety satisfactory to the *CITY OF WINTERS*, within 8 days, not including Saturdays, Sundays and legal holidays, after the bidder has received notice from the *CITY OF WINTERS* that the contract has been awarded, the *CITY OF WINTERS* may, at its option, determine that the bidder has abandoned the contract, and thereupon this bid and the acceptance thereof shall be null and void and the forfeiture of the security accompanying this bid shall operate and the same shall be the property of the *CITY OF WINTERS*.

The undersigned, as bidder, declares that the only persons or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the location of the proposed work, the annexed proposed form of contract, and the plans therein referred to; and he proposes, and agrees if this bid is accepted, that he will contract with the *CITY OF WINTERS*, in the form of the copy of the contract annexed hereto, to provide all necessary machinery, tools, apparatus and other means of construction, and to do all the work and furnish all the materials specified in the contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that he will take in full payment therefor the following prices, to wit:

BID ITEM LIST
BRIDGE REPLACEMENT PROJECT
RAILROAD AVENUE OVER DRY SLOUGH

No.	P-F	BID ITEM No.	BID ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE	AMOUNT
1		66597	STORM WATER SAMPLING AND ANALYSIS	LS	1		
2		74019	CONSTRUCTION AREA SIGNS	LS	1		
3		120090	TRAFFIC CONTROL SYSTEM	LS	1		
4		120100	TYPE III BARRICADE	EA	6		
5		129000	TEMPORARY RAILING (TYPE K)	LF	934		
6		130100	JOB SITE MANAGEMENT	LS	1		
7		130330	STORM WATER ANNUAL REPORT	EA	1		
8		130550	HYDROSEED	SQYD	3715		
9		130610	TEMPORARY CHECK DAM (T57, TYPE 1)	LF	510		
10		130640	TEMPORARY FIBER ROLL (T56, TYPE 1)	LF	2,641		
11		130680	TEMPORARY SILT FENCE (T51)	LF	431		
12		130690	TEMPORARY STRAWBALE BARRIER (T52)	EA	24		
13		130710	TEMPORARY CONSTRUCTION ENTRANCE (T58, TYPE 1)	EA	4		
14		130900	TEMPORARY CONCRETE WASHOUT (T59)	LS	1		
15		141000	TEMPORARY FENCE (TYPE ESA) (T69)	LF	1288		
16		141120	TREATED WOOD WASTE	LB	2800		
17		150662	REMOVE METAL BEAM GUARD RAILING	LF	370		
18		157550	BRIDGE REMOVAL	LS	1		
19	F	160102	CLEARING AND GRUBBING	LS	1		
20	F	170101	DEVELOP WATER SUPPLY	LS	1		
21	F	190101	ROADWAY EXCAVATION	CY	930		
22	F	190136	ROADWAY EXCAVATION (DETOUR)	CY	550		
23	F	390132	ROADWAY EXCAVATION (DETOUR REMOVAL)	CY	860		
24	F	192003	STRUCTURE EXCAVATION (BRIDGE)	CY	99		
25	F	193003	STRUCTURE BACKFILL (BRIDGE)	CY	41		
26		210250	EROSION CONTROL (BONDED FIBER MATRIX)	SQFT	15408		
27		210270	ROLLED EROSION CONTROL PRODUCT (COCOMAT)	SQFT	33431		
28		260203	CLASS 2 AGGREGATE BASE	CY	790		
29		260203	CLASS 2 AGGREGATE BASE (DETOUR)	CY	520		
30		390132	HOT MIX ASPHALT (TYPE A)	TON	410		
31		390132	HOT MIX ASPHALT (TYPE A) (DETOUR)	TON	300		
32		394077	PLACE HOT MIX ASPHALT DIKE (A87B, TYPE F)	LF	387		
33		394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREAS) (D87D)	SQYD	12		
34		490604	30" CAST-IN-DRILLED-HOLE CONCRETE PILING	LF	458		
35		500001	PRESTRESSING CAST-IN-PLACE CONCRETE	LS	1		
36	F	510053	STRUCTURAL CONCRETE (BRIDGE)	CY	165		
37		519081	JOINT SEAL (MR = 1/2")	LF	66		
38	F	520102	BAR REINFORCING STEEL (BRIDGE)	LB	41203		
39	P	620060	12" ALTERNATIVE PIPE CULVERT	LF	202		
40		623001	12" TEMPORARY CULVERT	LF	55		
41		623008	48" TEMPORARY CULVERT	LF	120		

No.	P-F	BID ITEM No.	BID ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE	AMOUNT
42		705307	12" ALTERNATIVE FLARED END SECTION (D94A)	EA	4		
43		721026	RSP (NO 1, METHOD B)	CY	12		
44		810111	SET SURVEY MONUMENT	EA	1		
45		832005	MIDWEST GUARDRAIL SYSTEM	LF	113		
46	P-F	839543	TRANSITION RAILING (A 77U4, TYPE WB-31)	EA	4		
47	P-F	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM (A77F1)	EA	1		
48	P-F	839585	ALTERNATIVE FLARED TERMINAL SYSTEM (A77F1)	EA	3		
49	P	839631	TEMPORARY CRASH CUSHION (TYPE A SORB 350)	EA	3		
50	P-F	839738	CALIFORNIA ST-30 BRIDGE RAIL (MOD)	LF	142		
51		840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	3861		
52		999990	MOBILIZATION	LS	1		

When an item of work is designated as (F) or (P-F) in the Bid Item List, the estimate quantity shall be the final pay quantity. When an item of work is designated as (P) or (P-F) in the Bid Item List, then that item is subject to partial payment as materials furnished but not incorporated in the work.

TOTAL BID: _____

NOTE: "Total Bid" line is provided for convenience purposes only. The actual bid shall be computed as described above.

Name of Bidder: _____

California Contractor License No.: _____

Bid Submitted By: _____
(Signature)

Print Name: _____

Title: _____

Date: _____

Primary Email Address: _____

Alternate Email Address: _____

The City will use email to notify bidders of the decision of the City on the award of this bid. Therefore, it is essential that bidders identify one or more contact persons who has frequent access to email to monitor the Primary Email Address and Alternate Email Address accounts for City Bidder Notifications. Please provide a Primary Email Address and Alternate Email address in the provided area above for bidder notification purposes. The City will not be responsible for delivery failure of email due to firewalls, spam filters, or individuals' failure to retrieve email messages. The City will not attempt to re-deliver any messages which fail due to no fault of the City.

The foregoing quantities are approximate only, being given as a basis for comparison of bids, and the Department of Public Works does not express or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of any class or portion of the work, or to omit portions of the work, as may be deemed necessary, or advisable by the Engineer.

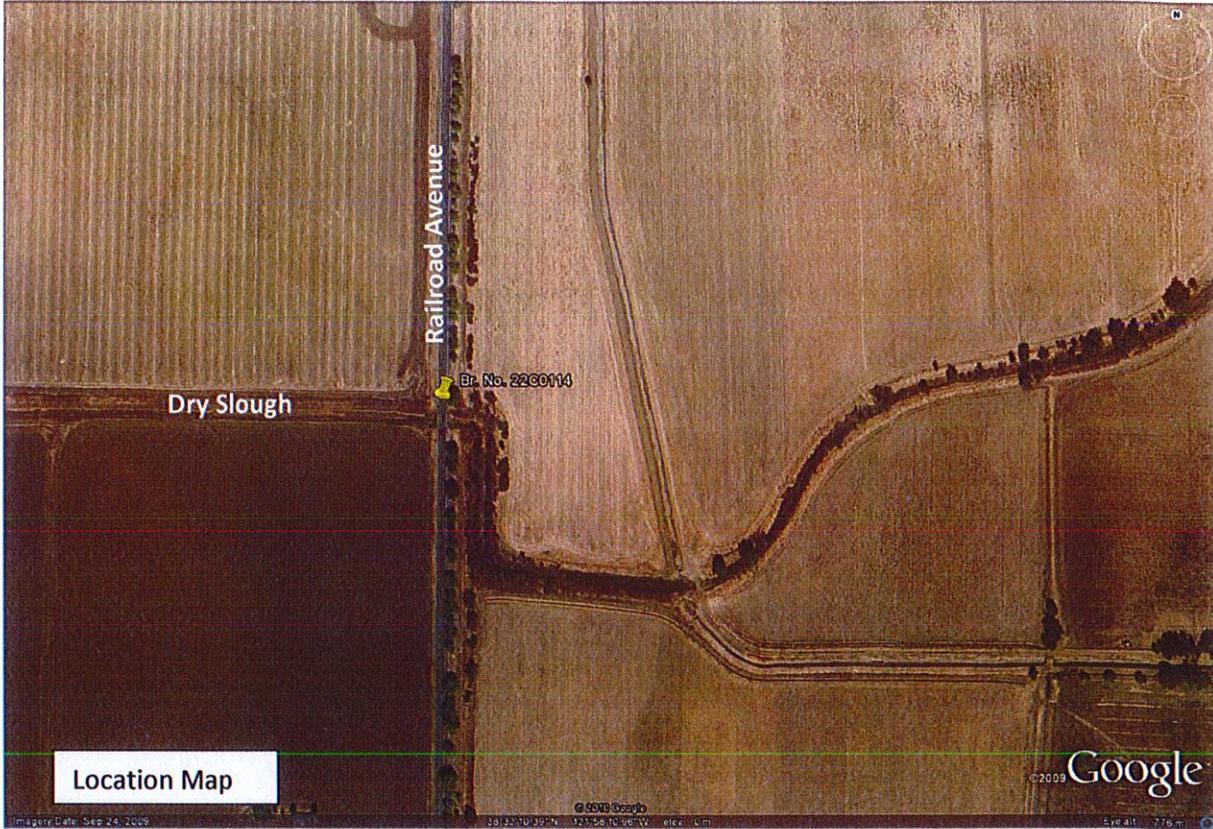
ENVELOPES CONTAINING BIDS shall be marked:

**BRIDGE REPLACEMENT PROJECT
RAILROAD AVENUE OVER DRY SLOUGH**

NOT TO BE OPENED UNTIL immediately after 2:00:00 PM Pacific, April 21, 2015.

City reserves the right to reject any or all bids and to waive any irregularities in bids.

Railroad Avenue Bridge @Dry Slough, City of Winters
Bridge No. 22C0114





TO: Honorable Mayor and Council Members

DATE: March 17, 2015

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

FROM: Nanci G. Mills, Director of Administrative Services/City Clerk

SUBJECT: Proclamation-Difference Makers Day – April 1, 2015

RECOMMENDATION:

Approve Proclamation – Proclaiming April 1st as Difference Makers Day.

BACKGROUND:

The City of Barstow is requesting the following of all 468 cities to participate.

The Barstow Youth Advisory Council (BYAC) is asking if you might help them to bring awareness to the Blue Ribbon Acknowledgement Program throughout California by asking your Mayor/Council to declare **April 1st as Difference Makers Day** in your community. This is a program they have adopted that acknowledges people for what they do creating a rippling effect of kindness, gratitude and encouragement that has proven to eradicate bullying, avert adolescent suicide, raise self-worth and help children and adults alike realize their dreams. The BYAC is in a challenge to hopefully get every city in California to recognize the value of positive acknowledgement and reinforcement.

Please bring this forward to your council and maybe every year on April 1st we can bring this awareness to the forefront helping to save lives and eradicate bullying at home, school, work and at play. The BYAC themselves have acknowledged thousands of people themselves but have also lost friends and family members to suicide. Please send your proclamation to BYAC at the City of Barstow. We will make a list of the participating cities and send that back to you. Help us make a difference and make this date be one of significance.

FISCAL IMPACT:

None by this action.

DIFFERENCE MAKERS DAY

APRIL 1, 2015

WHEREAS, in 1980, Helice “Sparky” Bridges, Co-Chair of the San Diego Hunger Project, discovered that people were literally starving to be appreciated, respected and loved where they lived, learned and worked. People of every age, race, religion, sexual orientation and economic status confided in her that they felt invisible, unacknowledged and bullied throughout their lives. Helice committed her life to doing something to solve this problem; and

WHEREAS, doing research, Helice also discovered that hurt people hurt people. The more people felt disrespected, the less they were able to realize their true potential and make a positive difference. ***Being disrespected often caused people to numb out their pain with drugs and alcohol, lash out with crime and violence, and even commit suicide; and***

WHEREAS, in 1983, Helice founded Difference Makers International, a nonprofit educational organization committed to creating home, school, workplace and community-wide environments where children and adult alike would be acknowledged, valued for their unique talents and empowered to reach their full potential; and

WHEREAS, to this end, Helice created the “Who I Am Makes A Difference”® Blue Ribbon Acknowledgment Ceremony. This simple, yet powerful tool gave people a way to ***express their respect for one another, value unique talents and acknowledge, support and encourage dreams...in a minute or less; and***

WHEREAS, today over 40 million people throughout the world have been impacted by this Blue Ribbon Message creating a rippling effect of kindness, gratitude and encouragement that has ***proven to eradicate bullying, avert adolescent suicide, raise self-worth and help children and adults alike realize their dreams; and***

WHEREAS, as a result, Difference Makers International’s impact has expanded to include leadership training programs and the #billiondreams global movement, empowering a billion pioneers by 2020 to ignite the power of acknowledgment, encouragement and support for all generations, so that children and adults may live, love and dream.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Winters, for and on behalf of the citizens of Winters, California, does hereby commend *Difference Makers International* for making it possible for every child and adult in Winters to know that “Who They Are Makes A Difference”.

BE IT FURTHER RESOLVED that the City Council of the City of Winters does hereby declare **April 1, 2015** as “*Difference Makers Day*” and encourages all of its citizens to recognize the ***significant impact they are making to sustain safe, healthy and prosperous environments for ALL people and life on our sacred planet.***

SIGNED AND SEALED AT WINTERS, CALIFORNIA this 17th day of March, 2015.

Cecilia Aguiar-Curry, Mayor

Woody Fridae, Mayor Pro Tem

Harold Anderson, Council Member

Wade Cowan, Council Member

Peirre Neu, Council Member



**CITY COUNCIL
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: March 17, 2015
FROM: Jenna Moser – Management Analyst, Planning - GIS *JM*
SUBJECT: Public Hearing and Consideration of a Tentative Subdivision Map (18 lots) for parcels 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place. Project applicant Joe & Karen Ogando seek to divide two parcels, totaling 4.21 acres, into eighteen (18) lots ranging in size from 6,000 to 10,000 square feet. The Planning Commission recommended approval at the January 27th, 2015 regular meeting. The City Council will take final action.

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

- 1) Receive the staff report;
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Approve Resolution 2015-11, the Tentative Subdivision Map (18 lots) for parcels 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place.

RECENT BACKGROUND: The Planning Commission recommended at their January 27th, 2015 regular meeting that the City Council approve Tentative Subdivision Map (18 lots) for parcels 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place. Project applicant Joe & Karen Ogando seek to divide two parcels, totaling 4.21 acres, into eighteen (18) lots ranging in size from 6,000 to 10,000 square feet.

Discussions at the January 27th, 2015 Commission meeting included traffic calming, potential landscaping of the pedestrian walkway, lot sizes/density, affordable housing, and park in-lieu fees.

- Traffic calming – no measures proposed at this time. Public Safety could propose calming measures should conditions warrant in the future.
- Landscaping – the pedestrian walkway leading from Hemenway Street into Olive Court will be landscaped. A plan will return to the Planning Commission as part of future Design Review hearings.
- Lot Sizes & Density – The MR Land Use allows a density range of 4.1 to 6 units per gross acre. The two parcels total 4.21 acres, which allows 17 to 25 lots. The Council

cannot approve a lower density without amending the Land Use and Zoning of the parcels.

- Affordable Housing Plan – The applicant is working with Housing Programs Manager Dan Maguire on the development of an Affordable Housing Plan. A plan will be in place prior to first permit issuance, consistent with how the City has handled other recent subdivisions.
- Park in-lieu fees – Fees will be calculated at the same time Impact Fees are paid - at building permit issuance.

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

North: Existing Single-Family Housing – Zoned R-2

East: Existing Cemetery – Zoned PQP

South: Existing Single-Family Housing – Zoned R-2

West: Existing Winters High School Campus – Zoned PQP, Hemenway Street

Historically, the site has featured one single-family residence with outbuildings (currently unoccupied and in disrepair) and contained a walnut orchard. A few very large Olive Trees are contained on the site. The general topographic character is flat.

GENERAL PLAN & ZONING DESIGNATION: The General Plan land use designation for the property is Medium Density Residential (MR). The project parcels are zoned Single Family Residential (R-2).

BACKGROUND: In July 2008 the Planning Commission held a Public Hearing to consider a General Plan Amendment for the western portion (1.42 acres) of the subject property to amend it from Recreation & Parks (PR) to Medium Density Residential (MR) and Rezone it from Parks and Recreation (P-R) to Single-Family Residential with the conditions that 1. A development plan for the entire 4.14 acres (currently indicated as 4.21 acres), which includes the 1.42 acres portion, must be presented to the City for consideration at one time; and 2. At the time of development of the 4.14 acres the property owner will be required to dedicate land and/or pay fees for park or recreational purposes, in accordance with then-existing City ordinances. Commission recommended approval and in October 2008 the application was approved by the Winters City Council.

As part of this GPA and Rezone the following actions took place:

1. a Mitigated Negative Declaration and Mitigation Monitoring Program were adopted (**Exhibit A**)
2. Resolution 2008-37 approving a General Plan Amendment to designate 1.42 acres from Recreation & Parks (RP) to Medium Density Residential (MR) (**Exhibit B**)
3. Ordinance 2008-10 approving a rezoning that changes the current zoning designation from Parks and Recreation (P-R) to Single-Family Residential (R-2) (**Exhibit C**)

From 2008 to the present the site has sat undeveloped and unchanged in use. In November 2014 the applicant met with the City to discuss the possible Tentative Subdivision Map application process for the subject property – several lot layouts and options were discussed and the application

you see before you is the result.

PROJECT DESCRIPTION: Project applicant Joe & Karen Ogando seek to divide the existing two parcels (003-391-005 & 003-392-001 near Apricot Avenue & Pear Place), totaling 4.21 acres, into eighteen (18) new residential lots with ranging in size from 6,000-10,000 square feet.

ANALYSIS: Exhibit D illustrates the proposed Parcel 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 Medium Density Residential (MR).

The project site is surrounded by residential uses, the Winters High School Campus, and the Winters Cemetery. Division of the property as proposed would allow for the construction of one single-family residence on each lot, with the exception of "Lot A" near Hemenway to be dedicated to the City as a pedestrian access point. 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 existing Apricot Avenue to be completed and the newly created street "Olive Court". Two of the lots will be accessed from Hemenway Street from the west (these two homes front Hemenway), with rear access at "Olive Court". Review by Public Safety was performed during map-check and the configuration of the roadway was determined to be acceptable with the comment that the driveway for the flag lot proximate to the Cemetery be built to accommodate fire apparatus. 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 existing Apricot Avenue, and the newly created "Olive Court". Staff and the applicant concurred that continuation of the existing monolithic sidewalk configuration is acceptable and will continue the same layout and aesthetic along this stretch of Apricot Avenue.

Existing very large Olive Trees on site will be relocated to specific visual points in the subdivision and any existing usable orchard trees that can be saved will be preserved on site.

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 applicant has the responsibility to satisfy the requirements of the Affordable Housing Program for the City of Winters. The affordable housing requirements seek to promote 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.

Section 17.200.030 of the City's Municipal Code regarding Inclusionary Housing Requirements states:

- (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.

The obligation for Olive Grove is one (1) very-low income unit, one (1) low-income unit, and one (1) moderate income unit.

The City strongly prefers and shall encourage on-site construction of inclusionary units, however alternatives to the on-site construction are available and provided for in Section 17.200.050.

- Land Dedication
- Acquisition, Rehabilitation, and Conversion of Market Rate Units
- Accessory Units
- Inclusionary Housing Credits
- In-Lieu Fees
- Cooperative Ventures
- Sweat Equity
- Combination
- Other Alternatives

The initial step of developing a plan to satisfy Affordable Housing requirements is meeting with the City to discuss options and alternatives to satisfy the obligation. Based on that discussion, the developer would prepare a Draft Affordable Housing Plan (AHP), and meet with the Affordable Housing Steering Committee to solicit support of the AHP and consider any modifications. With Steering Committee support, the AHP would then go to the Planning Commission for review. Should the Commission recommend approval, the City Council would take final action on the AHP.

At this time the applicant is working with Housing Programs Manager, Dan Maguire, on developing an AHP.

PARK IN-LIEU FEE: Discussion occurred between City staff and the applicant on ways to address the park requirement. 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. Also in part due to the small size of the subject property, and the small amount of land to be dedicated to park use, staff and the applicant concurred that the use of Park In-Lieu Fees was appropriate and could be put to the best use.

The formula used to calculate the park in-lieu fee is based on the current 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, **Exhibit 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 03/04/15 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 03/10/15.

ENVIRONMENTAL ASSESSMENT: A Mitigated Negative Declaration and Mitigation Monitoring Plan were adopted by the Winters City Council on 09/02/08 as part of the General Plan Amendment and Rezone and the following findings were made:

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 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 Mitigation Monitoring and Reporting 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 Valadez General Plan Amendment and Rezone Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

RECOMMENDED FINDINGS FOR THE TENTATIVE SUBDIVISION MAP (18 LOTS) FOR PARCELS 003-391-005 & 003-392-001 NEAR APRICOT AVENUE AND PEAR PLACE

CEQA Findings:

1. A Mitigated Negative Declaration and Mitigation Monitoring Plan were adopted by the Winters City Council on 09/02/08

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 Medium Density Residential (MR) and this designation provides for residential uses such as single-family dwellings, and two-family or duplex 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-2) and this zone provides for residential use. The applicant anticipates developing the newly created parcels for residential use.

RECOMMENDATION: Staff recommends that the City Council make an affirmative motion as follows:

MOVE THAT THE CITY OF WINTERS CITY COUNCIL APPROVE RESOLUTION 2015-11 THE “OLIVE GROVE” TENTATIVE SUBDIVISION MAP (18 LOTS) FOR PARCELS 003-391-005 & 003-392-001 NEAR APRICOT AVENUE AND PEAR PLACE

ALTERNATIVES: The City Council can elect to modify any aspect of the approval or recommend denial of the application. If the Council chooses to deny the application, the Council 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 denied by the council on any of the grounds provided by the Subdivision Map Act or this code. The council shall deny 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. Initial Study & Mitigation Monitoring Plan
- B. City Council Resolution 2008-37
- C. City Council Ordinance 2008-10
- D. Vicinity Map -Tentative Subdivision Map Exhibits
- E. City Council Resolution 93-47, Park in-lieu Fees
- F. Public Hearing Notice
- G. Conditions of Approval
- H. Resolution 2015-11

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: Valadez GPA/Rezone

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

Contact Person and Phone Number: Dan Sokolow
Community Development Director
(530) 795-4910, extension 114

Project Location: The project is located in the north central area of the City of Winters directly north of Pear Place at Assessor Parcel Number 003-391-05. The property has a situs of Apricot Avenue, but does not have a street address. The property is approximately 1.421 acres in size. The project is north of Pear Place, south of 776 Apricot Avenue, west of a future extension of Apricot Avenue, and east of the Winters Cemetery.

Project Sponsor's Name and Address: Frank Valadez (Trustee)
Applicant/Owner
1137 Williams Way
Yuba City, CA 95991
530-674-5102

General Plan Designation: Recreation and Parks (RP).

Zoning: Parks and Recreation (P-R).

Existing Conditions: The project site consists of a long, almost rectangular-shaped parcel with dimensions of approximately 145 feet on the north, 257 feet on the south, 308 feet on the west, and 324 feet on the east. The property is generally flat, but surface elevation information is not known. The current use of the project site is a walnut orchard and the orchard extends across a future extension of Apricot Avenue to a second parcel located at 720 Hemenway Street (APN 003-391-01). The property lies in a FEMA Flood Zone X based on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community-Panel Number 060425 0001 C). Zone X is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain. Surrounding land uses include:

North – Single-family residences.

West – Winters Cemetery.

East – Walnut orchard.

South – Single-family residences.

Background: The project site has been used for a walnut orchard for a number of decades. Information is not available on whether the site has supported structures in the past.

Project History:

March 29, 2007 – Application submitted for General Plan Amendment and Rezone.

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 currently designated.

Description of the Project: The project is a proposed General Plan Amendment to change the existing General Plan designation from Recreation and Parks (RP) to Medium Density Residential (MR) and rezone the property from Parks and Recreation (P-R) to Single Family, 6000 Square Foot Average Minimum (R-2 Zone). The applicant has indicated that the project site would be developed for single-family residences if the general plan amendment/rezone request is approved.

Site Plan

A site plan has not been submitted for residential development of the project area. However, it is estimated that five or six single-family residences could be constructed at the project site.

Roadways

A roadway plan has not been submitted for residential development of the project area; however, under the City's Circulation Master Plan a future extension of Apricot Avenue would be constructed directly east of the project site.

Land Use And Zoning Consistency

The applicant is proposing a general plan amendment to change the land use designation from RP to MR and a rezone to change the zoning from P-R to R-2.

Other Applicable Plans

The project site falls within the redevelopment area of the City of Winters known as the Community Development Agency Project Area. In the event that the site is developed for residential purposes, the California Redevelopment Law requires that 15% of the residential units developed or rehabilitated in a project area by public or private entities other than a redevelopment agency must be affordable to low and moderate income households. For the 15% requirement, 40% of the units must be affordable to very low-income households while the remaining 60% must be affordable to low- to moderate-income households.

Sewer Conveyance

Infrastructure plans have not been submitted for the project site.

Sewer Treatment

The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals dating back to Spring 2005 exceed this amount and efforts are underway to expand the plant. The Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd.

Water Conveyance

Infrastructure plans have not been submitted for the project site.

Drainage Conveyance

Infrastructure plans have not been submitted for the project site.

Off-Site Infrastructure

An analysis to determine what if any off-site infrastructure necessary for development of the project site has not been prepared.

Flooding

The project does not fall within the City's General Plan Flood Overlay Area. The project site lies in FEMA Flood Zone X based on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community-Panel Number 060425 0001 C). Zone X is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain.

Parkland

The applicant has not proposed a park for the project site. The site is currently designated under the General Plan and zoned for a future park.

Affordable Housing

In the event that the project site is developed for residential use, the development would be subjected to the City's affordable housing ordinance. The ordinance requires a 15 percent affordable component comprised of 6 percent very low-income, and 9 percent low- to moderate-income.

Required City Approvals

The following entitlements are required for approval of the project.

- CEQA clearance in the form of a Negative Declaration and Mitigation Monitoring Plan.
- General Plan Amendment to change the land use designation from Recreation and Parks (RP) to Medium Density Residential (MR).
- Rezone to change the zoning from Parks and Recreation (P-R Zone) to Single Family, 6000 Square Foot Average Minimum (R-2 Zone).

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

- California Department of Fish and Game
- Central Valley Regional Water Quality Control Board
- Yolo-Solano Air Quality Management District

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 Municipal Code, City of Winters Improvement Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

Technical Studies: No technical studies have been prepared for the project.

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 type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Air Quality | <input 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

Dan Sokolow, Comm. Dev. Director
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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 project site does not contain a scenic vista and development of the site would not block views of a scenic vista. For these reasons, the proposed project would result in no impact on a scenic vista.
- b. 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, no impact would result.
- c. Development of the project site for residential use would change the visual surroundings of the area; however, the visual characteristics would change also if the site was developed as a park. Based on this and the presence of single-family residences north and south of the site, the impact is considered a less-than-significant.
- d. Development of the project site for residential use, including off-site improvements, would provide additional light and glare in the area. If unshielded, lighting can spill onto adjacent projects, and disturb other residents.

The potential 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.

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 provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

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

Discussion

- a. The project site is not designated as Prime Farmlands, Unique Farmlands, or Farmlands of Local Importance on the City's Important Farmlands Map (1992 General Plan Background Report, Figure VIII-2). The Yolo County Important Farmland Map (California Department of Conservation, 2004) designates the project site as Urban and Built-Up Land.
- b,c. While the project site is used for a walnut orchard, the site is not zoned for agricultural use and is not under a Williamson Act contract. Therefore, the impact on agriculturally zoned land or Williamson Act contract land is less-than-significant.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Air quality modeling (URBEMIS) was not used for the project because residential development of the project site would result in a small number of residences. The number of single-family residences that could be constructed at the project site, an estimated five to six residences, falls significantly below the project size, 350 single-family residences for year 2010, that may exceed Yolo-Solano Air Quality Management District's (YSAQMD) thresholds for ROG, NO_x and PM₁₀.

- a. The Yolo-Solano Air Quality Management District is currently a non-attainment for ozone (State and Federal ambient standards) and Particulate Matter (State ambient standards). While air quality plans exist for ozone, none exists (or is currently required) for PM₁₀.

Based on consistency with the regional air plan, the YSAQMD CEQA guidance provides that a development project would have a cumulatively significant impact with respect to a non-attainment pollutant if the project requires a change in the existing land use designation (i.e., general plan amendment), and projected emissions of ozone precursors for the proposed project are greater than the emissions anticipated for the site if developed under the existing land use designation.

While the project would require a change in the existing land use designation of RP (Recreation and Parks), the vehicle trip generation for a residential development may not be more than the trip generation for development of the

project site as a park. The estimated vehicle trip generation for a residential development of five or six single-family residences ranges from 45 to 54 trips per day while the estimated vehicle trip generation for development of the project site as a park is 71 trips per day (San Diego Trip Generation Manual, May 2003). As a result, the impact would be less-than-significant.

- b. Development projects are most likely to violate an air quality standard or contribute substantially to an existing or project air quality violation through generation of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an odorless, colorless poisonous gas whose primary source is automobiles. Concentrations of this gas are highest near intersections of major roads.

Because the proposed project is in an attainment area for carbon monoxide (the State and Federal ambient standards are met), Yolo County has relatively low background levels of carbon monoxide, and the project would not result in significant traffic congestion, the project's impact on carbon monoxide concentrations would be less-than-significant.

The project's maximum daily construction and maximum daily regional (operational) emissions would fall below the YSAQMD thresholds of significance for ROG (10 tons/year), NO_x (10 tons/year), and PM₁₀ (80 lbs/day). Nonetheless, for purposes of consistency the City is imposing the same air quality mitigations measures on this project as it has the last four subdivision projects approved by the City (Casitas at Winters, Anderson Place, Winters Highlands, and Hudson-Ogando). Additionally it should be pointed out that General Plan Policy VI.E.6 requires controls for construction-related dust.

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, PM₁₀ emissions would be minimized and this impact would be held to a less-than-significant level.

Mitigation Measure #3

- a. Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- b. Ground cover shall be reestablished in disturbed areas quickly.
- c. Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- d. Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- e. Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- f. A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- g. All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- h. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

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 #4 – Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.

- c. Project traffic emissions would have an effect on air quality outside the project vicinity. Trips to and from the project and area sources associated with residential uses would result in air pollutant emissions within the air basin. The daily increase in regional emissions from auto travel and area sources for Reactive Organic Gases and Nitrogen Oxides (the two precursors of ozone) and PM₁₀ would not exceed the YSAQMD thresholds of significance. As a result, project regional (operational) air quality impacts would be less-than-significant.
- d. Construction activities such as clearing, excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would temporarily affect local air quality for adjacent land uses.

Although the project's maximum daily construction emissions would not exceed the YSAQMD significance thresholds, construction dust emissions would have the potential to cause nuisance. This is a potentially significant impact.

The majority of the PM₁₀ from construction shown would be soil particles, while a small fraction would be from diesel exhaust. Diesel exhaust particulate is a pollutant that has come under increased scrutiny in recent years. In 1998, the California Air Resources Board (CARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines.¹ High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truckstops) were identified as having the highest associated risk.

Health risks from Toxic Air Contaminants are function of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction related sources are mobile and transient in nature, and the bulk of the emissions occur within the project site at a substantial distance from nearby receptors. The site is level and would not require substantial grading. Because of its short duration, low number of diesel vehicles and distance between equipment and nearby receptors, health risks from construction emissions of diesel particulate would be a less-than-significant impact. The Mitigation Measure contained in 3(b) would mitigate the dust generated from construction of the project to a less-than-significant impact.

- e. During construct the various diesel-powered vehicles and equipment in use on the site would create odors. These odors are temporary and not likely to be noticeable much beyond the project boundaries. The potential for diesel odors impacts is less-than-significant.

¹ California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000.

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 adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b,c,d,e. A biological resources report has not been prepared for the project site and would typically not be required until an application for development had been submitted. The site is surrounded by urban uses on three sides (north, south, and west), is not connected to a riparian corridor, is used as a walnut orchard, and is not known to contain any wetland-type features.

With the applicant's agreement to accept and implement the following mitigation measure, the potential impact to any potential candidate, sensitive, or special status species located at the project site would be mitigated to a less-than-significant level.

Mitigation Measure #4 – A biological resources assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed.

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 Yolo County and four cities located in it are in the process of developing such a document, but it is not complete. This project would have no effect on this plan and is not subject to it. For this reason, this impact would be 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,c,d. A cultural resources report has not been prepared for the project site and typically would not be required until an application for development has been submitted. 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 #5 – A cultural resources report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant. 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.~~

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

Discussion

ai, ii. There are no known faults within the City of Winters. The Concord-Green Fault is the closest known active fault, and is located approximately 22 miles west of Winters, according to the California Division of Mines and Geology.

The Alquist-Priolo Special Studies Zones Act of 1972 regulates development near active faults to mitigate the hazard of surface fault rupture and prohibits the development of structures for human occupancy across the traces of active faults. 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 and 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 the requirements of the California Building Standards Code 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.

- a.iii, c.d. A geotechnical engineering report has not been prepared for the project site and typically would not be required until an application for development has been submitted. With the applicant's agreement to accept and implement the following mitigation measure related to seismic-related ground failure, unstable soil, and expansive soil, 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 #6 – A geotechnical investigation report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant.

- a.iv. The project site is relatively flat with elevations similar to the developed areas north, south, and west of the 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, no impact would occur.
- b. The project site is relatively flat, and does not contain drainages with steep slopes, so the erosion hazard is slight (see Item 8(a,f) for a discussion of protection of water quality from erosion) and would be considered a less-than-significant impact.
- 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 Phase One Environmental Site Assessment (ESA) has not been prepared for the project site and typically would not be required until an application for development has been submitted. An ESA report evaluates a project site and surrounding properties for evidence of potential soil and groundwater contamination resulting from current or former on-site and off-site activities. With the applicant's agreement to accept and implement the following mitigation measure, impacts of hazards and hazardous materials will be reduced to a less-than-significant level.

Mitigation Measure #7 – A Phase One Environmental Site Assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the assessment shall be followed by the developer.

- c. The project site is located near the Winters High School and Winters Middle 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 residential construction would provide connections to 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 type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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., Putah 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 1.421 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 project site is not identified as a recharge area and has been planned for development since at least 1969, and 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 and the effect on the aquifer would be less-than-significant.

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. 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.

Conditions of Approval will address the need to identify and implement construction and post construction Best Management Practices (BMPs). The project is not located in a FEMA Special Flood Hazard Zone. However, Conditions of Approval will require the applicant to coordinate with FEMA with regards to floodplains along Dry Creek and Putah Creek. 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 site is not located in a 100-year flood hazard area on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community Panel Number 060425 0001 C). The site is located in a Zone X, this is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain. As a result, the proposed project would not place housing or other structures in a 100-year flood hazard area. For these reasons, there would

be no impact as related to 100-year floodplain and less-than-significant impact as related to localized flooding.

- 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 for either residential or recreation and parks use would require the construction of a roadway section to connect the north and south sections of Apricot Avenue. Currently, there is a gap between the north and south sections of Apricot. Construction of the roadway section would improve connectivity for pedestrians, bicyclists, and vehicle users. As a result, no impact would occur.
- b. The General Plan designates the project site for recreation and parks use while the site is zoned for same use under the Zoning Ordinance (Winters Municipal Code, Title 17). In 1992, the site was re-designated and re-zoned from residential to recreation and parks. Prior to 1992, the site was designated and zoned for residential use since at least 1969. The proposed project would re-designate and re-zone the site for residential use. Design review will be required so that residential development would be compatible with existing development in Winters and satisfy the Community Design Guidelines. With the applicant's agreement to accept and implement the following mitigation measure, the potential impact of the residential design would be mitigated to a less-than-significant level.

Mitigation Measure #8 – 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 phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

- c. The project site is not in an area currently subject of a habitat conservation plan or natural community conservation plan. As discussed under Item 4(f), if the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan is adopted, the proposed project could participate. The proposed project would not

preclude or interfere with development or adoption of the Yolo County HCP/NCCP. For these reasons, this impact is considered 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 noise analysis has not been prepared for this project and it is not anticipated that one would be required for residential development of the project site since the site is not located adjacent to noise producers such as industrial operations or roadways with significant traffic volumes. Because of the location of the site, the impact in this area is less-than-significant.

b. Some groundborne vibration could occur during construction of a residential project. However, the activities that typically generate excessive vibration, such as pile driving, would not be necessary for one to two story residential construction. Furthermore, the City's Zoning Ordinance prohibits operations that

habitually or consistently produce noticeable vibration beyond the property line. 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. Under the General Plan, a 60 dB CNEL exterior noise level would occur up to a distance of 40-feet from the centerline of the extension of Apricot Avenue required for development of the project. Since this noise level does not exceed the exterior noise level, this impact is considered less-than-significant.
- d. Construction activities associated with the project could generate noise levels in the range of 80-90 dB CNEL 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 7:00 a.m. to 7:00 p.m. Monday through Friday only (holidays excluded). Therefore, the project would have a less-than-significant impact related to temporary or periodic increase in ambient noise levels.
- 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 a private airstrip. As a result, no impact would occur.

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

Discussion

- a. Development of the project site for either residential or parks and recreation use would require the extension of new infrastructure to the project site. However, the new infrastructure would be extended within the City limits and it is estimated that an additional five or six housing units would be constructed under a residential use scenario. The proposed project, construction of five or six housing units, would not induce substantial growth in total. Furthermore, the proposed pace and timing of growth from this project is not considered significant. Over the last nine years (1999 – 2007) the City has grown by an average of 45 new units per year (403 new occupied units ÷ 9). As a result, the impacts from the construction of five or six units would be less-than-significant.

Calendar Year	Certificates of Occupancies Issued	Building Permits Issued
2007	42	3
2006	4	36
2005	2	4
2004	40	33
2003	107	100
2002	83	56
2001	39	45
2000	36	46
1999	50	36
TOTALS	403	359

- b,c. The project site does not have a history of residential use. As a result, the project involves no displacement of housing or people and there would be no impact 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. Development within the project site would contribute taxes 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. The City will require the preparation of a fiscal impact analysis to analyze impacts of the project on the General Fund and to make recommendations to ensure that project tax revenues fully fund project service expenses.

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 #9 – The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City’s general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any 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 Clayton Education Center (continuation high school), Waggoner Elementary School (grades K-3), Shirley Rominger Intermediate School (grades 4-5), Winters Middle School (grades 6-8), and Winters High School (grades 9-12). Students from the proposed project would be expected to attend these schools.

As shown below, the proposed project would generate 4 students, including 2 elementary school (K-6) students, 1 intermediate school (7-8) student, and 1 high school (9-12) students.

VALADEZ STUDENT GENERATION			
<i>Grade Level</i>	<i>Number of Units</i>	<i>Students per Unit</i>	<i>Number of Students</i>
K-6	5 or 6	0.4030	2
7-8	5 or 6	0.1234	1
9-12	5 or 6	0.2156	1
Total	5 or 6	0.7420	4

¹School Facility Needs Analysis, September 2007.

According to the District’s September 2007 School Facility Needs Analysis, existing available school capacity is 2,139 students, while enrollment totals 1,952 (potential enrollment from existing homes, 2007/08). The Analysis indicated that there is capacity available at the elementary school level (141 students for grades K-6) and limited capacity at the middle school (24 students for grades 7-8) and high school levels (22 students for grades 9-12). Based on the Analysis and adding in potential students from residential development of the Valadez project site, new development in Winters is estimated to increase the number of students by 460 over a five-year period. Because the WJUSD grades 7-8 and 9-12 facilities are estimated to be at near capacity, these new students will result in the need for additional school facilities at the grades 7-8 and 9-12 levels. The proposed project would contribute to this need for additional facilities.

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 of Winters General Plan Policy V.A.2 requires new residential development to dedicate improved parkland based on the standard of 5 acres per 1,000 residents. The General Plan also has a goal of 7 acres of developed parkland per resident (Policy V.A.1). The proposed project would generate 16 to 19 persons at build-out (5 x 3.156 to 6 x 3.156). Based on this number, the project is required to provide 0.112 (16/1000 x 7) to 0.133 (19/1000 x 7) acres of park to meet the City goal of 7 acres per 1,000 residents.

The project does not include any land onsite for park development. Given the small amount of parkland triggered, park obligations would be met by the payment of mitigation fees for the actual obligation. With the applicant's agreement to accept and implement the following mitigation measure, park impacts would be less-than-significant.

Mitigation Measure #10 – The applicant shall pay park mitigation fees to satisfy the obligation for 0.112- (based on 5 residential units) or 0.133-acre (based on 6 residential units) 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 #9 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. As discussed in Item 13(d), the Proposed Project would provide adequate parkland for residents. Mitigation Measure #13 will ensure that the park facilities are provided to serve new residents. Therefore, the potential for impacts to off-site parks will be mitigated to a less-than-significant level.
- b. The proposed project does not include a park and would be required to pay mitigation fees for a future off-site park. Potentially, these fees could be used for construction of planned parks in the Winters Highlands Subdivision ("Linear Park") or at the Winters Landfill ("Sports Park"). The CEQA process has been completed for both parks. As a result, the potential impacts in this area are less-than-significant.

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

Discussion

The property is approximately 1.421 acres in size. The project is north of Pear Place, south of 776 Apricot Avenue, west of a future extension of Apricot Avenue, and east of the Winters Cemetery. Development of the project site for either residential or parks and recreation use would require the construction of a roadway section to connect the north and south sections of Apricot. Currently, there is a gap between the north and south sections of Apricot.

a,b. The construction of a new roadway section to connect the existing north and south sections of Apricot is consistent with the Winters General Plan Circulation Element (May 19, 1992) which calls for the existing sections of Apricot to be connected. Apricot is categorized as a local residential street under the Winters Design Standards (September 2003) and does not involve a roadway subject to a level of service standard established by the county congestion management agency. The resulting impacts in these areas are less-than-significant.

- 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. Development of the project site for either residential or parks and recreation use would require the construction of a roadway section to connect the existing north and south sections of Apricot Avenue. The new roadway section would not include any tight curves or other design hazards. The roadway section would provide connectivity for the site and other areas in the City. For these reasons, impacts related to roadway hazards or interference with emergency access would be less-than-significant.
- f. Any development of the project site would need to comply with the off-street parking provisions of the Winters Municipal Code (Title 17, Zoning). As a result, the impact would be less-than-significant.
- g. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Development of the project site would require the construction of pedestrian sidewalk on the east side of the site. 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 building constructed as part of the proposed project will be required to connect to the City sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. Development of the site for residential or parks and recreation use 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. Development of the project site would require sewer and water service from the City of Winters. Infrastructure improvement plans have not been prepared for the site.

The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals dating back to Spring 2005 exceed this amount and efforts are underway to expand the plant. The

Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd. The timing of this expansion is not set. The Phase 2 expansion is not needed to serve this project.

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

Mitigation Measure #11 – 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 or parks and recreation development would increase storm water runoff in the project vicinity. While the site is located outside of the 500-year floodplain, infrastructure improvement plans have not been prepared.

With the applicant's agreement to accept and implement Mitigation Measure #11, the impact to storm drainage would be mitigated to a less-than-significant impact.

- d. The proposed project would be served by the City of Winters, which uses groundwater for the municipal water supply. The City of Winters currently operates five groundwater wells to meet urban demand for water. During the period of 1995 – 2003, the City's pumping has ranged from a low of 1,540 acre-feet to a high of 1,830 acre-feet. In 2003, production of 1,565 acre-feet was generated from the five wells. 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. For the period of 2002 – 2003, 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 is 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. Development of the project site for residential use is estimated to generate a demand for municipal water of 4.59 acre-feet of water annually without a conservation factor as shown in the following table.

Valadez			
Estimated Water Demand (Residential Development Scenario)			
Land Use	Size (acres)	Production Factor (acre-feet/year)	Estimated Volume (acre-feet/year)
Single Family Residential	1.421	3.23	4.59
Source: Revised 2004 Water Supply Assessment for water use rates.			

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. However, analysis for the City's Water Master Plan Update recommended that a new well will be required for any future development in the City. The City has drilled a new well, Well #7, near the northwest intersection of West Grant Avenue and West Main Street; however, construction of the second (completion) phase of the project has not begun. Funding for the second phase with an estimated cost of \$700,000 to \$850,000 from the developers of new residential projects has not been provided because of the slowdown in the residential development field.

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

Mitigation Measure #12 – Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.

- 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 12.3 million tons with an anticipated 2047 closure date. The Yolo County Board of Supervisors has approved a revised conditional use permit for the facility to increase the future "cell" units (disposal areas) from 80 to 140 feet above mean sea level; this would push back the closure date to 2100 and add additional capacity. Approval of the California Regional Water Quality Control Board and the California Integrated Waste Management Board (CIWMB) is required before the height of the future cell units can be increased. Based on the residential disposal household per household provided by the CIWMB, the proposed project under a residential development would generate up 6.7 to 8 tons per year, assuming 2.31 pounds per day per person ($16 \times 2.31 \times 365 + 2000$ to $19 \times 2.31 \times 365$). This would represent a minute fraction of landfill capacity by 2047, and would not substantially shorten the life of the landfill, or require unplanned expansion of the landfill. Therefore, this impact is considered less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input 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.
- b. As discussed throughout this Initial Study, mitigation measures have been prepared to mitigate the potential impacts to less-than-significant levels and the project would not result in significant new or increased cumulative effects.
- c. As discussed in Sections 3 (Air Quality), 6 (Geology and Soils), 7 (Hazards and Hazardous Materials), and 11 (Noise), 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 provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

Mitigation Measure #2

- 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 emissions 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

- a. Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- b. Ground cover shall be reestablished in disturbed areas quickly.
- c. Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- d. Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- e. Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- f. A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- g. All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- h. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

Mitigation Measure #4 – Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.

Mitigation Measure #5 – A cultural resources report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant. 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 #6 – A geotechnical investigation report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant.

Mitigation Measure #7 – A Phase One Environmental Site Assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the assessment shall be followed by the developer.

Mitigation Measure #8 – 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 phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Mitigation Measure #9 – The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any 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 #10 – The applicant shall pay park mitigation fees to satisfy the obligation for 0.112- (based on 5 residential units) to 0.133-acre (based on 6 residential units) 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 #11 – 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 #12 – Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.

**VALADEZ
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 18.04.090 of the Winters Municipal Code 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 18.04.060.A and implemented pursuant to Section 18.04.070.A - E, of the Winters Municipal Code.

The applicant shall fund the costs of implementing the MMP including the payment of fees specified in Section 18.04.100.A - D of the Winters Municipal Code.

Pursuant to Section 18.04.050 of the Winters Municipal Code 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 Sections 18.04.110 and 18.04.120 of the Winters Municipal Code.

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.

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 emissions 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

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.

Checkoff Date/Initials/Notes –

Mitigation Measure #3

- a. Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- b. Ground cover shall be reestablished in disturbed areas quickly.
- c. Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- d. Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- e. Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- f. A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- g. All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- h. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

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.

Checkoff Date/Initials/Notes –

Mitigation Measure #4 – Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.

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

Checkoff Date/Initials/Notes –

Mitigation Measure #5 – A cultural resources report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant. 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.

Checkoff Date/Initials/Notes –

Mitigation Measure #6 – A geotechnical investigation report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant.

Timing/Milestones – Prior to the submittal of improvement plans or building plans, whatever occurs first.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – The applicant and subsequent home builders shall satisfy the terms of the measure.

Checkoff Date/Initials/Notes –

Mitigation Measure #7 – A Phase One Environmental Site Assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the assessment shall be followed by the developer.

Timing/Milestones – Prior to submittal of a development application.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant and subsequent home builders shall satisfy the terms of the measure.

Checkoff Date/Initials/Notes –

Mitigation Measure #8 – 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 phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, 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

Checkoff Date/Initials/Notes –

Mitigation Measure #9 – The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any 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 – Prior to final approval of a development project.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

Mitigation Measure #10 – The applicant shall pay park mitigation fees to satisfy the obligation for 0.112- (based on 5 residential units) to 0.133-acre (based on 6 residential units) 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.

Checkoff Date/Initials/Notes –

Mitigation Measure #11 – 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 approval of a subdivision or parcel map for the project site.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

Mitigation Measure #12 – Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

RESOLUTION 2008-37**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WINTERS AMENDING THE GENERAL PLAN TO CHANGE THE
GENERAL PLAN DESIGNATION FROM RECREATION AND
PARKS (RP) TO MEDIUM DENSITY RESIDENTIAL (MR) FOR THE
PROPERTY LOCATED AT
ASSESSOR'S PARCEL NUMBER 003-39105**

WHEREAS, Section Government Code 65358 authorizes the City Council of City of Winters, upon receipt of a recommendation from the Planning Commission, upon holding a public hearing and hearing all testimony, upon examination and review of the investigative and staff reports and upon ascertaining all other pertinent facts relative thereto, and upon conclusion of public hearing to make determinations and findings of fact as deemed necessary and to approve proposed General Plan amendment and adoption of a Resolution changing General Plan designation; and

WHEREAS, California Government Code section 65350 *et seq.* authorizes the City Council of City of Winters, upon hearing all testimony, upon examination and review of the investigative and staff reports and upon ascertaining all other pertinent facts relative thereto, and upon conclusion of public hearing to make determinations and findings of fact as deemed necessary and to approve proposed General Plan amendment and adoption of a Resolution changing General Plan designation; and

WHEREAS, the Planning Commission of the City of Winters held a duly noticed public hearing and recommended that the City Council approve a General Plan Amendment to change the General Plan designation from Parks and Recreation to Medium Density Residential for the real property abutting Hemenway Street, APN 003-391-05 shown in Attachment "A"; and

WHEREAS, the City Council of the City of Winters held a public hearing on September 2, 2008, for this General Plan Amendment following notice duly and regularly given as required by law and interested parties were heard; and

WHEREAS, the City Council has carefully considered all pertinent testimony, staff report and Planning Commission recommendations in the case as presented at the public hearing of September 2, 2008; and

WHEREAS, the proposed General Plan Amendment is necessary to carry out general purpose and provisions of General Plan; and

WHEREAS, the proposed General Plan Amendment is required by public necessity and convenience, and will promote general welfare.

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

SECTION 1. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines, the City Council finds that:

9. The City Council has considered the proposed Mitigated Negative Declaration before making a decision on the project.
10. The City Council has considered comments received on the Mitigated Negative Declaration during the public review process.
11. 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.
12. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Winters.
13. The Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and is determined to be complete and final.
14. 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.
15. The Mitigation Monitoring and Reporting 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.
16. The City Council hereby adopts the Valadez General Plan Amendment and Rezone Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

SECTION 2. Pursuant to Section 65358 of the California Government Code, the City Council of the City of Winters does hereby approve the adoption of a General Plan Amendment to change the General Plan designation from Parks and Recreation to Medium Density Residential for the property, APN 003-391-05, designated herein as Attachment "A", attached hereto and made part of this Resolution.

SECTION 3. The City Council of the City of Winters finds that this General Plan Amendment should be adopted for the following reasons and findings:

adopted City
site in-fill
dominantly

her designations
residences on the
single-family

Winters City
General Plan
property, APN

the City Council

† Martin

**CITY OF WINTERS
ORDINANCE NO. 2008-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING
THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN
PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 003-391-05**

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

SECTION 1: The Zoning Map of the City of Winters is amended to change the zoning classification of the property described in Exhibit "A" and depicted in Exhibit "B", which are attached hereto and incorporated herein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No. 003-391-05 and is approximately 1.42 acres, from the P-R Zone to the R-2 Zone, as depicted on Exhibit "B".

SECTION 2: The change in the zoning classification for the Subject Property provided for in Section 1 hereof shall be subject to, and conditioned upon, compliance with all of the conditions set forth in Exhibit "C", which is attached hereto and incorporated herein as though set forth in full.

SECTION 3: The conditions set forth in Exhibit "C" and incorporated herein shall run with the land and shall be directly enforceable by the City of Winters against the owner(s), successors and assigns of the Subject Property.

SECTION 4: The City Council finds in connection with its adoption of this Ordinance, and the imposition of the conditions enumerated in Exhibit "C" hereof and incorporated herein, that the owners of the Subject Property, or authorized representative of the owners, have consented to the imposition of the conditions enumerated in Exhibit "C" hereof. This consent is memorialized in Exhibit "D" which is attached hereto and incorporated herein as though set forth in full.

SECTION 5: This Ordinance shall be in full force and effect 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 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 September 16, 2008, and was **PASSED AND ADOPTED** at a regular meeting of the City Council held on October 7, 2008, by the following vote:

EXHIBIT A

All that real property situated in the City of Winters, County of Yolo, State of California, described as follows:

A portion of Block 13 of Hills Subdivision of the Northeast Quarter of Section 21, Township 8 North, Range 1 West, M. D. B. & M., according to the official plat thereof, filed for record in the office of the Recorder of Yolo County, California, on August 31, 1885, in Book 39 of Deeds, at page 63, described as follows:

That portion of said block which lies South of a line which commences on the East boundary of said block, distant thereon 322.85 feet South of the Northeast corner thereof, and extends thence West, at right angles, 690.36 feet to the West line of said block.

Excepting therefrom the following described real property situated in the City of Winters, County of Yolo, State of California:

A portion of Block 13 of Hills Subdivision of the N.E. one-quarter of Section 21, Township 8 North, Range 1 West, M.D.B. & M., as said subdivision is shown on that map filed in Book 39 of Deeds, at page 63 of Official Records of Yolo County, California, and being more particularly described as follows: BEGINNING at the northerly terminus of the center-line of Apricot Avenue that is distant South 89 Deg. 42'24" West 140.91 feet from the Northeast Corner of Subdivision No. 2110, also known as Kaiser-Aetna, Winters, as said subdivision is shown on that map filed in Book 8 of Maps at pages 32 and 33 of Official Records of Yolo County; thence, from said point of beginning along the northerly boundary of said Subdivision No. 2110, South 89 Deg. 42'24" West 26.54 feet; thence, leaving said northerly boundary, North 19 deg. 55' 12" West approximately 324.48 feet plus or minus to the southerly boundary of that parcel of land conveyed to the Dearborn Development Co. by Stanley M. Davis and Ruth Wood Davis by deed November 19, 1965, in Book 830 of Official Records of Yolo County, at pages 84 and 85; thence, along said southerly boundary, North 89 deg. 47' 37" East 53.11 feet; thence, leaving said southerly boundary, South 19 deg. 55' 12" East approximately 324.39 feet plus or minus to the northerly boundary of said Subdivision No. 2110; thence, along said northerly boundary, South 89 deg. 42' 24" West 26.55 feet to the point of beginning.

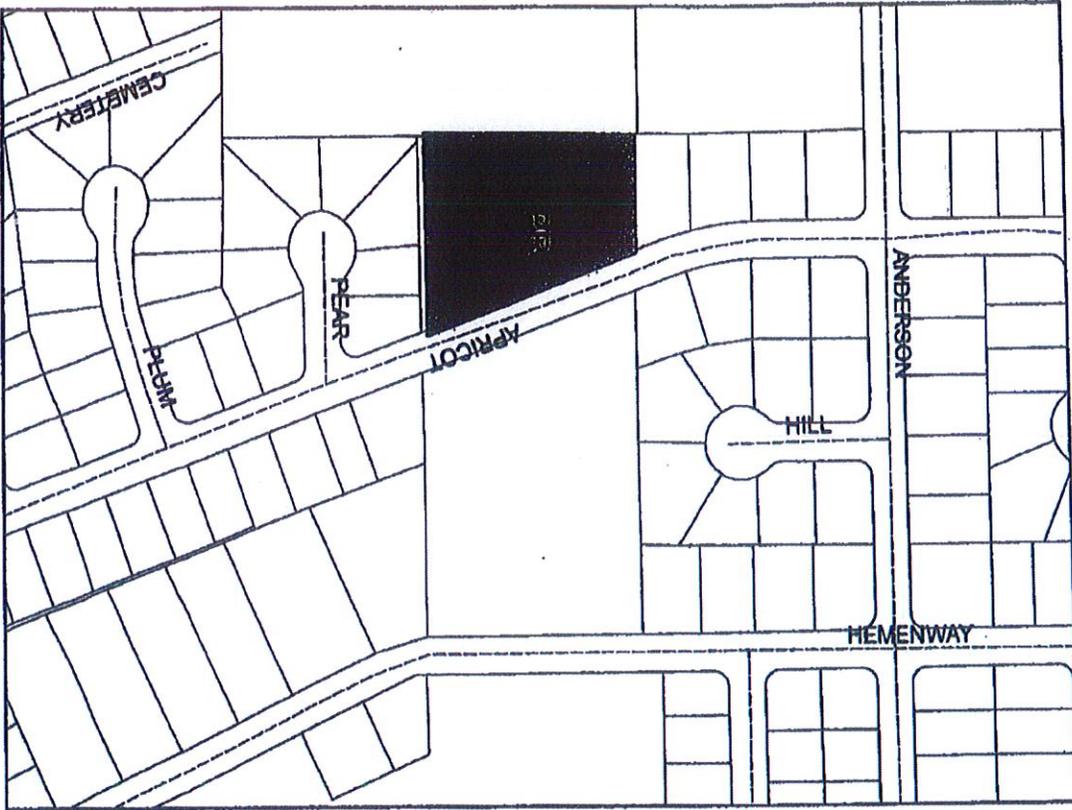
Yolo County A.P.N. 3-392-01

Yolo County A.P.N. 3-391-05

EXHIBIT A

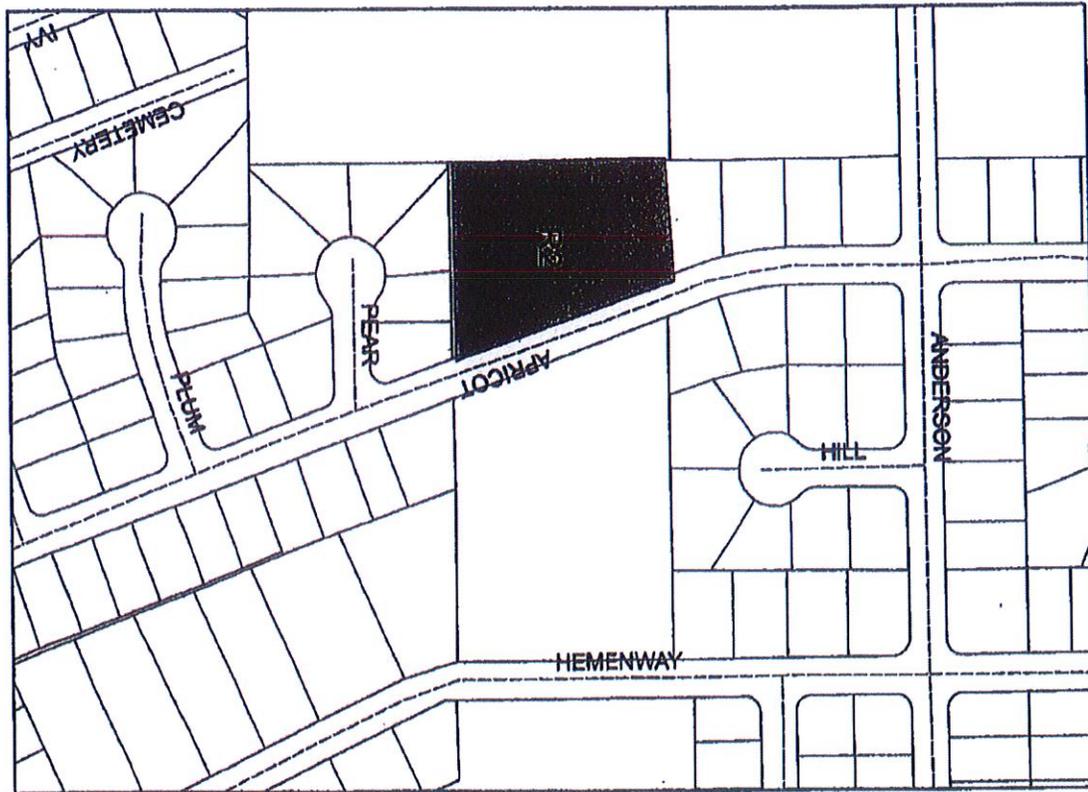
Felix Valadez Family Trust

Petition for Reissuance of Order Nunc Pro Tunc



Existing

Rezone Exhibit



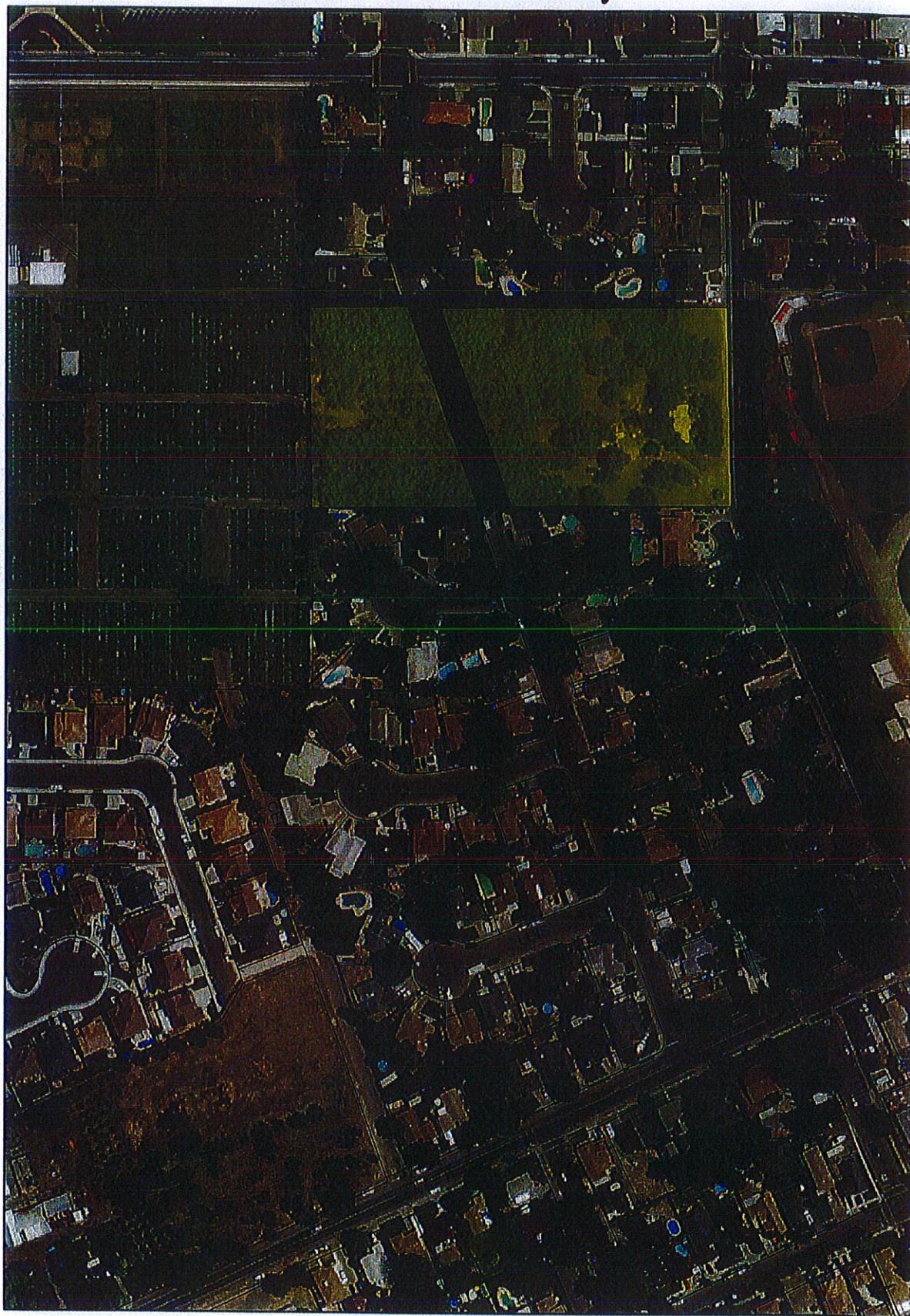
Proposed

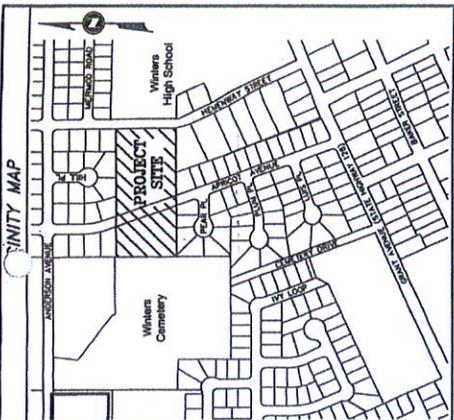
EXHIBIT "C"

REZONE CONDITIONS

1. In order to promote the compatibility of the development with the surrounding neighborhood, a development plan for the entire 4.14 acre parcel, which includes APN # 003-391-05 (1.421 acres) and APN #003-0392-01 (2.719 acres) shall be presented to the City of Winters for consideration at one time, as opposed to submitting separate and independent plans for either the eastern or western portion of the site.
2. The property owner understands and acknowledges that at the time of development of the 4.14 acre parcel, which includes the Subject Property, there will be a requirement to dedicate land and/or pay fees for park or recreational purposes, in accordance with then-existing City ordinances, and the property owner agrees to comply with such ordinances.
3. The property owner agrees to provide any successor-in-interest to the 4.14 acre parcel, which includes the Subject Property, or any portion thereof, with a complete copy of this Ordinance.

Olive Grove Vicinity





OWNER: FRANK WALLACE

SUBMITTER: GORDON LAUGENOUR AND NEIKLE CIVIL ENGINEERS 1000 W. 10TH STREET WICKLIFFE, CA 95695 PHONE: (530) 942-1755

EXISTING USE: VACANT

PROPOSED USE: LOT A - SINGLE FAMILY LOTS (4-3) B - OPEN SPACE

EXISTING ZONING: RZ

PROPOSED ZONING: RZ

CONCRETE SERVICE: CITY OF WINTERS

DRAINAGE SERVICE: CITY OF WINTERS

WATER SERVICE: CITY OF WINTERS

CAN & ELECTRIC SERVICE: P.S.A.C.

SEWER SERVICE: X (PER PERM 0811200500)

FLOOD ZONE: 4.200A

CROSS AREA: 4.200A ACRES

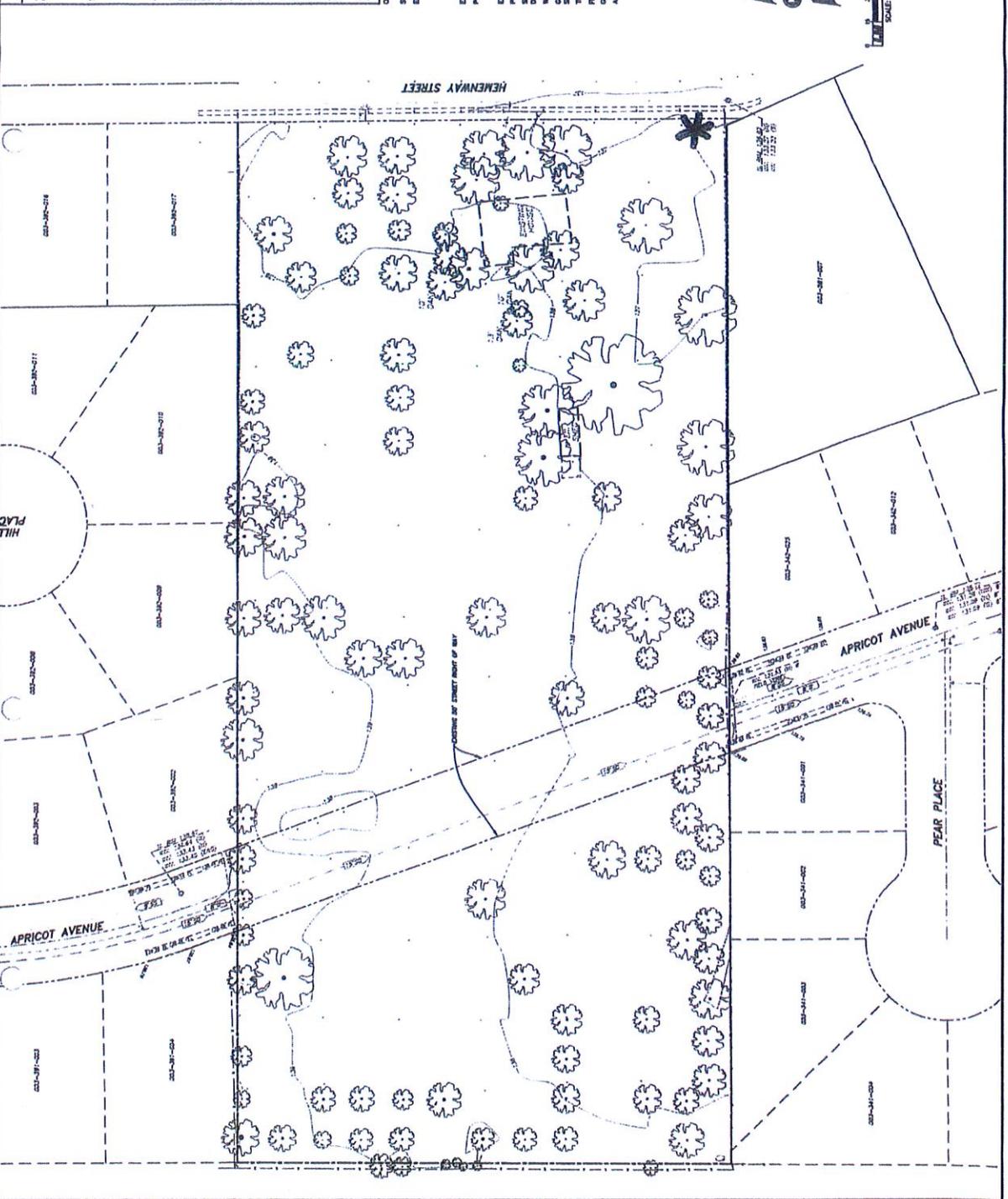
APN: 003-391-008 & 003-392-001

TOPOGRAPHIC SURVEY FOR TENTATIVE MAP FOR SUBDIVISION NO. 5066 CLIVE GROVE

LOCATED IN A PORTION OF FRACTIONAL SECTION 21 TOWNSHIP 8 NORTH, RANGE 1 WEST, MOUNT Diablo MESSING, CITY OF WINTERS, BUTTE COUNTY, CALIFORNIA

G.M. LAUGENOUR AND NEIKLE
 CIVIL ENGINEERS
 1000 W. 10TH STREET WICKLIFFE, CA 95695
 PHONE: (530) 942-1755 FAX: (530) 942-1882

NOVEMBER 14, 2014 SHEET 1 OF 3

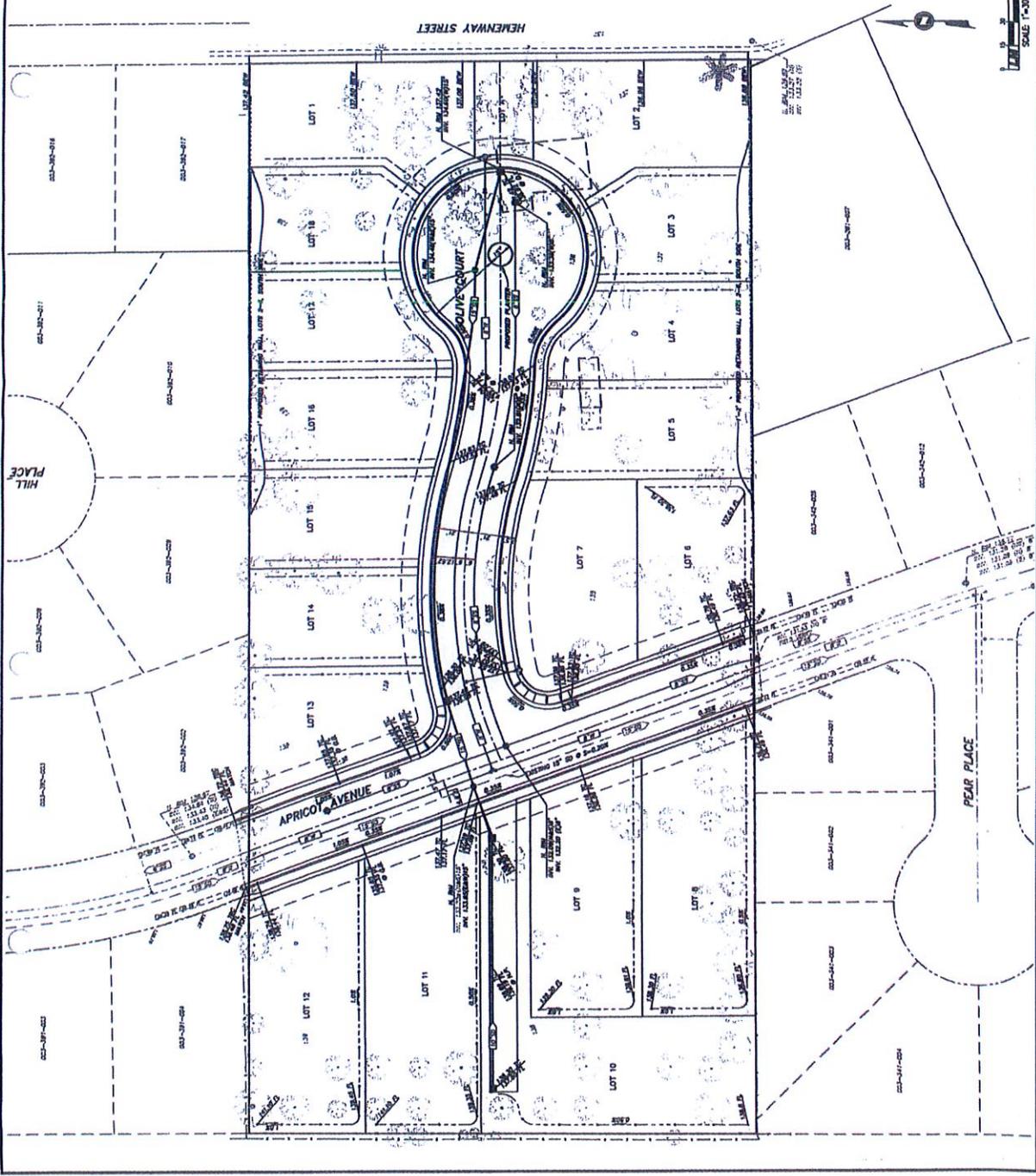


LEGEND

	STORM DRAIN AND MANHOLE
	SANITARY SEWER AND MANHOLE
	SANITARY SEWER FORCE MAIN
	SEWER PUMP STATION
	FIRE HYDRANT AND VALVE ASSEMBLY
	WATER MAIN, VALVE, & BLOWOFF WALK
	JOINT UTILITY TRENCH
	GAS MAIN
	ELECTRICAL LINE (OVERHEAD)
	ELECTRICAL LINE (UNDERGROUND)
	TELEPHONE LINE (OVERHEAD)
	TELEPHONE LINE (UNDERGROUND)
	STREET LIGHT CONDUIT, WIRING & PULL BOX
	STREET LIGHT SERVICE POINT AT UTILITY CO. BOX
	STREET LIGHT AND POLE
	UTILITY POLE WITH DOWN CITY & ANCHOR
	POWER POLE, TELEPHONE POLE, JOINT POLE
	FENCE
	VERTICAL CURVE, GUTTER & SIDEWALK WITH DRIVEWAY
	CATCH BASIN OR DRAINAGE INLET
	FLOWLINE OF DITCH OR SWALE
	CROSS-SECTION OF SURFACE DRAINAGE FLOW
	CUT ON FULL SLOPE
	RIGHT OF WAY OR PROPERTY LINE
	STREET CENTERLINE OR BASELINE
	SURVEY MONUMENT
	SIGN
	TREE
	TREE TO BE REMOVED
	EXISTING GROUND SURFACE ELEVATION
	EDGE OF PAVEMENT AND ELEVATION
	FLOW LINE GRADE
	TOP OF CURB GRADE/ASPHALT GRADE
	PROPOSED CONCRETE GRADE
	PUBLIC UTILITY EASEMENT
	ROLL CURB, GUTTER, & SIDEWALK

1 APRICOT AVENUE OLIVE COURT

REQUEST APPROVAL FOR ROLL CURB FOR CITY SECT. 4-2 TO MATCH ADJUSTMENTS TO THE NORTH AND SOUTH OF THE PUBLIC UTILITY CURB AND OTHER PUBLIC UTILITIES AT THE INTERSECTION.



GRADING AND UTILITY PLAN
TENTATIVE MAP
FOR
SUBDIVISION NO. 5066
OLIVE GROVE
LOCATED IN A PART OF PARCEL 10, SECTION 29,
TOWNSHIP 8 NORTH, RANGE 1 WEST, MERIDIAN 240
NORTH, CITY OF WATERS, YOLO COUNTY, CALIFORNIA

LM
LAND MANAGEMENT CONSULTANTS
1000 W. COLLETT AVENUE, SUITE 100
SACRAMENTO, CALIFORNIA 95811
NOVEMBER 14, 2014

SHEET 3 OF 3

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.

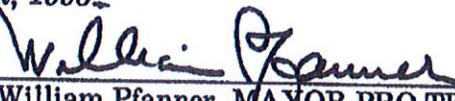
V. CEQA Documentation.

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).

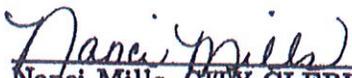
VI. Authority.

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 BEFORE THE CITY COUNCIL OF THE CITY OF WINTERS

Notice is hereby given that the City of Winters will conduct a Public Hearing by the City Council on Tuesday, March 17th at 5:00PM at the Winters Public Safety Facility, 702 Main Street, Winters California to consider an application for Tentative Subdivision Map (18 lots) for parcel 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place.

Project applicant Joe and Karen Ogando seek to divide the existing two parcels totaling 4.21 acres into eighteen (18) new lots with an average size of approximately 6,000 to 10,000 square feet.

The Tentative Subdivision Map was reviewed by the Planning Commission at a noticed public hearing held on January 27, 2015. Following the January 27, 2015 public hearing, the Planning Commission recommended that the City Council approve the application for Tentative Subdivision Map (18 lots) for parcel 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, City Clerk, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 101, before the meeting on March 17, 2015. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

If you plan on attending the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, please contact Nanci Mills, City Clerk, (530) 795-4910, extension 101 to arrange for those accommodations to be made.

Olive Grove Subdivision
FINAL CONDITIONS OF APPROVAL – CITY COUNCIL ACTION 03/17/15

PLANNING CONDITIONS OF APPROVAL

1. The project is described in the January 27, 2015 Planning Commission staff report. The project shall be constructed as depicted on the exhibits included in the January 27, 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, and sidewalk per the City of Winters Public Improvements Standards and Construction Standards. The City approves Apricot as a 50-foot right of way with monolithic sidewalks, consistent with the existing Apricot to the south.
12. 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.
13. 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.

14. 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.
15. Construction materials for storm drain pipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
16. 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.
17. 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.
18. 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.
19. A Tentative Map Sewer comprehensive Collection System Master Plan shall be submitted by a registered civil engineer, for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. 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.
20. 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.
21. A Tentative Map Water comprehensive Distribution System Master Plan shall be submitted by a registered civil engineer, for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. 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.

22. 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.
23. 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:
24. Actual water service to the subdivision will be predicated upon satisfaction of terms and conditions set by the water supplier
25. The WV is non-transferable, and can only be used for the specific tentative map for which it was issued.
26. The WV shall expire along with the tentative map subdivision map if a final map is not recorded within time allowed under law
27. 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.
28. 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.
29. Applicant shall construct water service lateral for irrigation of any landscaping to parcel A and install a meter for the service.
30. 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.
31. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
32. 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.

33. 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.
34. 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.
35. 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.
36. A Subdivision Improvement and Maintenance Agreement shall be entered into and recorded prior to construction of improvements and/or issuance of any building permits.
37. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
38. 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.
39. 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.
40. 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. A common-trench for installation of broadband conduit shall be installed to City Standard and approved by the City Engineer.
41. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City.
42. 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.
43. 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.

44. 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.
45. 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
46. Conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
47. 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.
48. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.
49. The project shall operate within all applicable requirements of the City Code at all times
50. 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.
51. Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans.
52. For the proposed flag-lot: on-site drainage system shall be private and water quality requirements addressed for discharge into the public system. The driveway access to the flag-lot home shall be built to accommodate fire apparatus.
53. An 8-foot concrete path shall be constructed in Parcel A, to connect Hemenway sidewalk to cul-de-sac sidewalk.
54. A licensed Arborist shall be consulted for the proposed planting of a tree within the cul-de-sac. Also, the civil engineer shall provide a plan to address long-term degradation of the pavement section due to irrigation of the tree.
55. The Fire Department shall review and approve the proposed cul-de-sac design with the tree.
56. A site plan for Parcel A (open space) with landscape/hardscape plans 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.
57. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.

58. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
59. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
60. Construction equipment and engines shall be properly maintained.
61. 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.
62. Construction practices will minimize vehicle idling.
63. Potentially windblown materials will be watered or covered.
64. Construction areas and streets will be wet swept.
65. 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.
66. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
67. 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.

RESOLUTION NO. 2015-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING A TENTATIVE SUBDIVISION MAP FOR THE OLIVE GROVE SUBDIVISION

WHEREAS, on January 27, 2015 the Planning Commission of the City of Winters recommended to the City Council approval of Tentative Subdivision Map No. 5066 for the Olive Grove Subdivision (the "Tentative Map"); and

WHEREAS, the Tentative Map is in the form attached hereto as **Exhibit A**,

WHEREAS, the Tentative Map was reviewed, studied, and found to comply with the California Environmental Quality Act ("CEQA") as more fully described below;

WHEREAS, in July 2008 the Planning Commission of the City of Winters ("Planning Commission") conducted a duly noticed public hearing to consider a General Plan Amendment for the western portion of this property to amend it from Parks & Recreation to Single Family Residential in both Zone and Land Use. Planning Commission recommended approval and in October 2008 the application was approved by City Council. As part of this action a Mitigated Negative Declaration and Mitigation Monitoring Program were adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS RESOLVES AS FOLLOWS:

SECTION 1. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, the City Council hereby approves Tentative Map as depicted in **Exhibit A**.

SECTION 2. Except as specifically amended herein, the Tentative Map, all Findings of Fact and Conditions of Approval approved by the City Council therewith, and all other approvals and conditions approved by the City pursuant to Resolution No 2006-09 remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of Winters at a regular meeting held on the 17th day of March, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Cecilia Aguiar-Curry, Mayor
City of Winters

Nanci G. Mills, City Clerk
City of Winters