

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: Orchard Village

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

Contact Person and Phone Number: Nelia Dyer, Community Development Director
(530) 795-4910, x114

Project Location: The project site is located in the north-central portion of town, along the east side of Railroad Avenue, between Carrion Circle and Martinez Way. The property extends from Railroad Avenue east to Walnut Street. The project site totals 10.6 acres comprised of APNs 003-360-05 (10.000 acres) and -18 (0.6 acres).

Project Sponsor's Name and Address: Shellan Miller, Project Manager
Pacific West Communities
430 East State Street, Suite 100
Eagle, ID 83616

Bryan Bonino, Project Engineer
Laugenour and Meikle
608 Court Street
Woodland, CA 95695
(530) 662-1755

General Plan Designation(s): The western five acres are designated High Density Residential (HR). The eastern five acres are designated Recreation and Parks (RP). The General Plan shows an extension of Dutton Road running north/south through the middle of the property dividing these two designations.

Zoning: The western five acres (approximate) is zoned High Density Multi-Family Residential (R-4). The eastern five acres (approximate) is zoned Parks and Recreation (P-R).

Existing Conditions: The elevation of the site is approximately 129 feet above sea level. The terrain is nearly flat, although the approximate western two thirds of the site slopes gently northwest towards the low elevation area along the northern project boundary. The approximate eastern third of the site drains towards a shallow depression at the east end of the site near Walnut Lane. This low-lying area has been identified as an isolated seasonal wetland totaling 0.38-acre. It measures about 400 feet in length and 40 feet in width, and is about 2-feet deep at its lowest point. There are two soil types on the site: Rincon silty clay loam and Brentwood silty clay loam, 0 to 2 percent slopes.

There are several dirt roads through the site. There is an existing well on site near the southwest corner of the park site. It is proposed to be properly abandoned. There are existing overhead utilities along Railroad Avenue and Walnut Lane.

The land is vacant except for 10 mulberry trees and 34 almond trees located primarily near the western boundary of the property along Railroad Avenue. There are three trees in the center of the site. The site presently consists of non-native grassland habitat. The property is potential habitat for the following species: Swainson's hawk, white-tailed kite and other raptors, western burrowing owl, and vernal pool invertebrates.

A portion of the property (approximately 5.000 acres) in the northwest corner of the site is designated "Flood Overlay Area" in the General Plan. A portion of the property (1.469 acres) near the southeast corner of the site falls within the 100 year flood plain (AO Zone) on the Federal Emergency Management Agency (FEMA) maps. Specifically, the AO zone denotes areas within the 100-year floodplain with expected maximum flood depths of two feet.

Surrounding land uses include:

North – Existing landscaping business (greenhouses and a residence) located on high density residential designated land and existing rural residential (3 residences) on low density residential designated land.

West – Railroad Avenue and existing medium density residential (North Point Village).

East – Walnut Lane and existing medium density residential (Almond Orchard I and III).

South – Vacant office land, existing self-storage on office designated land and existing apartments (Almondwood Apartments).

Background and History: The Central Valley Coalition for Affordable Housing, a California non-profit corporation, currently owns the property. Previously, Village on the Park, a California Limited Liability Company owned the parcel briefly. For the most part, the Ruiz family owned the property since 1937. The property was formerly a walnut grove. The orchard was removed by 1982. Farming has ceased and the land is vacant. The history of the subject application is as follows:

June 2008 – Two neighborhood workshops held by applicant and a project website was established.

June 11, 2008 – Application filed.

June 24, 2008 - Planning Commission for Conceptual Design Review and CEQA scoping session

July 11, 2008 – Application found to be complete.

July 30, 2008 – City staff determined that a Mitigated Negative Declaration would be an appropriate environmental document for the project

January 27, 2009 – Planning Commission for Design Review/Site Plan Review and CEQA Approval

Previous Relevant Environmental Analysis: The subject property has been designated for high density residential and park uses since at least 1992 when the last major update of the General Plan was adopted. 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. The range of units allowed on the property under the General Plan is 50 to 100 units (5ac x 10.0du/ac; 5ac x 20.0du/ac). The assumed yield for the General Plan EIR analysis was 77 units (5ac x 15.40du/ac). The proposed yield is 74 units ($74 \div 4.77^1 = 15.51\text{du/ac}$) which is slightly less than the EIR assumption and therefore the project falls within the prior build-out analysis.

Project Description:

Summary

Based on the submittal package and project description received June 11, 2008, the project is a proposed subdivision of 10.6 acres to create:

- 74 multi-family units
- Roadway dedications for Railroad Avenue and Dutton Street
- Common area including landscaping, internal roads, club house, pool, playground, and bike path
- Park, detention pond, and open space

The proposed project will include :

- 12 One-Bedroom Units (approx. 675 sq. ft)
- 26 Two Bedroom Units (approx. 1000 sq ft)
- 32 Three Bedroom Units (approx. 1200 sq ft)
- 4 Four Bedroom Units (approx. 1380 sq ft)

There are a total of 12 buildings on the residentially-zoned parcel. The units will be housed in 11 2-story buildings. The remaining building is the one-story community center. A total of 155 off-street parking spaces are proposed to be provided. Of the 155 spaces, 6 spaces are proposed to be reserved for accessible parking. The proposed common area would include a one-story community center (approx. 2,500 square feet), landscaping (approx. 71,000 square feet), walkways (approx. 12,000 square feet), swimming pool and hot tub (approx. 2,500 square feet), playground area (approx. 1,840 square feet), trellised picnic area (approx. 380 square feet) and on-site pond landscaped with wetland type plantings (approx. 1,300 square feet).

On site streetlights, sewer, storm drainage, and internal roads are all proposed to be privately owned and maintained by a management company. Water would be publicly owned and maintained.

¹ 4.77 ac = the gross acreage for the residential use including the landscaping (1.64 ac), pavement (1.35 ac), sidewalks (0.46 ac), buildings (1.14 ac), concrete around pool (0.06 ac), bike lock pads (0.02 ac), and a 10' bike path (0.1).

Roadways

The project proposes a 40-foot right-of-way dedication along Railroad Avenue to accommodate expansion of the roadway to a four-lane arterial. The section maintains the existing curb, gutter, and sidewalk alignment along the westerly side of Railroad Avenue which is almost fully developed, four 14-foot traveled lanes, a 14-foot median/left turn lane, an 8-foot planter, a 10-foot Class I bike path, and a 2-foot control area. The widening of Railroad Avenue will result in the removal of most of the existing trees on the site.

The primary access to the project site is proposed via a driveway on Railroad Avenue. A second driveway access is proposed on Dutton Street. Initially, the applicant proposed that the driveway be utilized for an emergency access only until planned improvements to the Dutton/Walnut/ Grant intersection have been completed. However, to meet the needs of the City of Winters Fire Department, it is now proposed to remain a secondary access.

Dutton Street will be constructed to meet Secondary Collector Standards with a 66-foot right-of-way. A 10-foot Class I bike path will be constructed within a 24-foot wide access-way dedicated to the City of Winters from Railroad Street to Dutton Street along the south side of the development.

Parks and Open Space

The proposal provides a 1.61-acre site for active parkland. The applicant is proposing to use a portion of this area (0.21 ac) for a detention pond to accept run-off from the residential portion in times of extreme flooding. The remaining portion (1.4 ac) is proposed to include a public neighborhood park including picnic tables, benches, bike racks, trails and landscaping.

The applicant is proposing that the remainder 3.0+/- area be accepted by the City as parkland and that the applicant be compensated for the land based on the ability of the City to find funding for the purchase and development of parkland. In accordance with the Quimby Act, the dedication of the parkland would satisfy Quimby Act requirements and the project would not be required to pay any Payments in Lieu of Park fees or park impact fees in exchange for deeding and developing the 1.61 acre park.

Sewer Conveyance

Upgrades to the existing sewer system may be necessary to serve this project. A new 36" sewer main is proposed to be extended northerly within the Dutton Street extension, and a new sewer line is proposed between Railroad Avenue and Dutton Street in a 15' public utilities easement (PUE) along the north boundary to serve the 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, assuming Winters Highlands, would exceed this amount and efforts are currently underway to expand the plant. The Phase 2 expansion

will bring the capacity to 1.2 mgd. Completion of this expansion has not been confirmed. Since the previous project approvals are assumed to not be constructed by 2011, the Phase 2 plant capacity will not need to be operational before this project could be served.

Water

Upgrades to the existing water system may be necessary to serve this project. Water calculations will be required to demonstrate that it can meet the water demands for full fire protection for build out of the project. The City Water Master Plan does not identify the requirement for a new well within the project area, but does identify the need for a new water well to serve any new development. The project will be required to provide data to the City documenting the water demand for the project. The City's consultant will analyze the project data and determine if the project will trigger the need for a new well based on the project water demands. The project will be required to fund the water study and a portion of the water well's construction as outlined in the forthcoming Owners Participation Agreement.

Storm Drainage

Storm drainage would be conveyed through a 36-inch main in Dutton Street. The project proposes to detain project run-off and meet storm water quality standards in two pond areas and a below grade storm water quality unit. The first small pond (0.03 ac) is located on the interior of the residential portion and will service runoff for storm intensities beyond ten-year floods. Storm intensities less than the 10 year storm will flow pass the onsite pond to the below ground storm water quality unit and then to the 36" storm drain within the Dutton Street extension. The second pond would be located to the west of Dutton Street and will be designed to provide storage for the 25 year storm and the entire detention pond area including portions of the park will store and attenuate the 100 year flow. The proposed pond would contain design features that would provide storm water quality compliance. The detention ponds would be designed to contain the 100-year, 24 hour, storm event and avoid impact to down stream properties.

No increased drainage would be allowed to flow to the northeast and adversely affect those areas which the flood overlay area is intended to protect. The actual drainage shed areas would be reduced with the development and detained through the proposed detention pond. The existing grades are fairly flat across the site; however, they do generally slope to the east and pond in a naturally occurring low area on the easterly portion of the project. This low area has been identified as seasonal wetlands and is proposed to be maintained as open space.

A portion of the residential portion of the property (5.000 ac) falls within the General Plan Flood Overlay Area. This area is generally located in the northwesterly quadrant of site bounded by Railroad Avenue on the west, beginning at the southwesterly corner of the project, and then extending northeasterly to the north property line of the site. As such, the project will be required to pay into the Flood Overlay Area Storm Drainage Fee Program.

Affordable Units

All 74 units will be deed-restricted affordable for very low and low-income residents.

Architecture and Landscaping

The applicant is proposing craftsman style architecture for the project (units and club house) including board and batten siding, porches and patios, and ledge stone accents. Floor plans, elevations, and a color and materials board have been submitted. The applicant has also provided preliminary landscaping plans showing proposed plantings, irrigation, and shading.

Land Use Consistency

The western five acres of the site are designated High Density Residential (HR) in the General Plan. The HR designation provides for “single-family attached homes and multi-family residential units, group quarters and quasi-public uses, and similar and compatible uses.” Residential densities are required to be in the range of 10.1 to 20.0 units per gross acre. The applicant is proposing a multi-family residential type of unit at a density of 15.51 du/ac ($74 \div 4.77 \text{ ac}^2$), which is consistent with the land use designation.

The eastern five acres of the site are designated Recreation and Parks (RP). This designation allows for “existing and planned public parks and public and private recreational uses.” The applicant is proposing to use a portion of this area for detention ponds to accept run-off from the residential portion; a portion as active neighborhood park; and a portion to remain as preserved/protected habitat due to the existence of natural wetlands. The area proposed for detention facilities would not generally be considered consistent within this designation; however, the detention facilities are proposed to be designed as a park amenity.

Policy Consistency

General Plan Policies 1.A.9 and IV.D.4 preclude new development in the flood overlay area until a design solution and fee program are in place. The flood overlay area affects 5.000 ac of the site in the northwest corner. On Sept. 2, 2008, the City Council adopted new General Plan Policies for the Flood Overlay Area. These policies include I.A.12, I.A.13, I.A.14, I.A.15, IV.D.6, and IV.D.7, which would allow for development of the project:

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

² 4.77 ac = the gross acreage for the residential use including the landscaping (1.64 ac), pavement (1.35 ac), sidewalks (0.46 ac), buildings (1.14 ac), concrete around pool (0.06 ac), bike lock pads (0.02 ac), and a 10' bike path (0.1).

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

Policy I.A.14: *New residential development may only occur in the FOZ area south of Moody Slough if it is determined to be “infill” development which is characterized by all of the following:*

- *Contiguous to other existing development.*
- *Consistent with the General Plan and zoning land use designations.*
- *Supported by a finding that the project is necessary because it would specifically provide critical roadway and infrastructure connections, not otherwise feasibly achievable, as determined by the City.*

Residential projects which advance the City’s goals and policies for affordable housing shall have priority.

Policy I.A.15: *With the exception of housing incidental to the non-residential development (e.g. manager quarters; watchman quarters; etc.) new residential development is not allowed north of Moody Slough Road until such time as all of the following occurs:*

- *The citywide jobs/housing balance has significantly improved as determined by the City Council. This shall require demonstration of an acceptable match between housing prices and job wages, as well as a balance between the number of jobs and the number of houses. Licensed home occupations may be included.*
- *The storm drainage improvements specified in the updated Storm Drainage Master Plan have appropriate CEQA clearance thus allowing construction to commence, and until a time table for construction has been developed and approved by Council with a finding that the construction schedule will result in timely operation of the ultimate facilities in a manner that avoids drainage and or flooding impacts from development that would be allowed to proceed.*
- *The area is subject to a Specific Plan process consistent with State law.*

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

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

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

General Plan Land Use Policy I.C.2 states:

The City shall seek to maintain an overall mix of 75 percent single family and 25 percent multi-family in its housing stock.

The City has 1,901 existing single family units and 327 existing multi-family units for a current mix of 82.8 percent single family and 17.2 percent multi-family. The City has 122 vacant acres on which single-family units could be built as compared to 26 vacant acres available for multi-family units (including these five acres). This project would provide for 74 multi-family units on nearly 5 acres.

General Plan Housing Element Policy II.A.4 states:

The City shall encourage development in the upper one-quarter of the density range in the Medium High Density Residential designation and require it in the upper one quarter of the density range in the High Density Residential designation.

The project is designated High Density Residential which has a density range of 10.1 to 20 du/ac. The Orchard Village project site consists of greater than five (5) acres, upon which seventy-four (74) affordable housing units will be constructed, for an average of fifteen (15) units per acre. Fifteen units per acre fall within the upper half of the density range for high density residential projects.

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement). U.S. Army Corps of Engineers; Central Valley Regional Water Quality Control Board; Yolo County Environmental Health Department; and California Department of Fish and Game.

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | |
|---|--|
| <input 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 checked="" type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Transportation/Traffic |
| <input 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

Nelia Dyer, Community Dev. Director
Printed Name

Date

Community Development Department
Lead Agency

ENVIRONMENTAL CHECKLIST

Introduction

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

For this checklist, the following designations are used:

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

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

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

No Impact: The project would not have any impact.

Instructions

1. A brief evaluation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, potentially significant unless mitigation is incorporated, or less than significant.

“Potentially significant impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

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

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

Discussion

- a. The proposed project would change the visual characteristics of the project site, however, this site is planned for development of this type and existing mixed use development adjoins the site on all sides. There are no scenic vistas or scenic byways associated with this project site. The views from the streets would not be adversely impacted by the proposed high quality development because the development will be managed and maintained to the highest standard and will be designed as per Design Review recommendations. Currently, the site is vacant and has collects trash and old machinery. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.
- b. The western portion of the project site proposed for residential development does not contain any protected scenic resources. The eastern portion of the site proposed for park, drainage detention, and open space contains some areas or protected species and habitat, which are discussed under Biological Resources. The adjoining roadways are not listed or designated as a “scenic highway” and are not designated as scenic resources by the General Plan. As such, this impact would be less-than-significant.
- c. The proposed project would not significantly degrade the visual surroundings of the area. The existing visual conditions include non-native vegetation, open dust areas and degraded metal debris that can be viewed from public areas. There are haphazard trails that are not maintained but exist because of motorized and non-motorized uses. The General Plan anticipates that the western half of the site would develop as high density residential and that the eastern half would develop as a park. The project proposal would be substantially similar to this in terms of visual character. The project site is located adjacent to existing mixed-use development on all sides. Design review will be required to ensure that the proposed residential development will 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, this potential impact would be mitigated to a less-than-significant level.

Mitigation Measure #1

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 the first building permit the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

- d. The proposed project would provide additional light and glare in the area. If unshielded, lighting can spill onto adjacent projects, and disturb other residents.

The structures constructed on the western half of the project site would be one or two stories tall, with exterior materials common to residential development, such as vinyl, 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 #2

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>	☐	☐	■	☐
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	☐	☐	■	☐
<p>c. Involve other changes in the existing environment which, due to their location or nature, could result in loss of Farmland, to non-agricultural use?</p>	☐	☐	■	☐

Discussion

a. The project site has been used for agricultural purposes in the past, when it was used as a walnut orchard. The project site is composed of Prime Farmland.³ However, the project site has not been used for the production of irrigated crops within the last three years. Because the project site has not been used for agriculture within the last three years, the loss of Prime Farmland is considered a less-than-significant impact.

b,c. The project site is zoned R4 and PR and is not under a Williamson Act contract. Moreover, the project site is not adjacent or within close proximity to Farmland. As such, this impact would be less-than-significant.

³ City of Winters, General Plan Background Report, May 19, 1992, Figure VIII-2.

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 type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input 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 type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input 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 type="checkbox"/>	■

Discussion

- a. The Yolo-Solano Air Quality Management District is currently a non-attainment area 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.

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

- b. Development projects are most likely to violate an air quality standard or contribute substantially to an existing or projects air quality violation through general 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.

The project would increase traffic on existing roads and elevate carbon monoxide concentrations near these roads. The statewide protocol for carbon monoxide studies provides that with attainment areas for carbon monoxide, signalized intersections having a Level of Service of E or F represent a potential for a CO violation and require further analysis. The traffic analysis for the proposed project shows that existing LOS at signalized intersections is LOS D or better, and the proposed project would not result in any signalized intersections degrading below LOS D with project or cumulative traffic.

Considering that the proposed project is in an attainment area for carbon monoxide (the state and federal ambient standards area met) and that Yolo County has relatively low background levels of carbon monoxide and the project would not result in significant traffic congestion nor are there intersections in the project vicinity operating at LOS E or F, the project's impact on carbon monoxide concentrations would be less than significant.

c. Criteria Pollutants

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 trip generation estimates include regional emissions from auto travel and area sources as shown in Table 1, Project Regional Emissions in pounds per day. These emissions are for Reactive Organic Gases and Nitrogen Oxides (the two precursors of ozone) and PM₁₀. Table 1 shows that project operational emissions would not exceed the YSAQMD thresholds of significance, so project regional air quality impacts would be less than significant.

Table 1: Project Regional Emissions in Pounds Per Day

	ROG	NO _x	PM ₁₀
Proposed Project:			
Area Sources	4.0	0.6	10.0
Vehicles	5.4	7.1	7.6
TOTAL	9.4	7.7	17.6
YSAQMD Threshold of Significance	82.0	82.0	150.0

ROG = Reactive Organic Gases
 NO_x = Oxides of Nitrogen
 PM₁₀ = Particulate Matters, 10 Microns

Greenhouse Gases

Additional trips to and from the project and combustion of fuels would result in greenhouse gas emissions. Direct and indirect carbon dioxide emissions associated with the proposed project were estimated using the URBEMIS-2007

program. The estimated annual emission of carbon dioxide (the primary greenhouse gas associated with development projects) is 985 tons per year (carbon dioxide equivalent), while Bay Area greenhouse gas emissions are currently estimated at 85 millions tons per year (carbon dioxide equivalent).

There are currently no federal, state, county or air district thresholds of significance by which the above emissions can be determined to be significant or not. Due to the nature of global climate change, greenhouse gas emissions are considered to be cumulative in nature. Greenhouse gas impacts of a single project are, therefore, considered to be too speculative to allow a determination of significance.

The project incorporates energy efficiency design features than will reduce greenhouse gas emissions. These include:

- Use plant and tree species that require low water use
- Use low-flow drip bubblers or low-flow sprinklers
- Install ENERGY-STAR ceiling fans in living areas and all bedrooms, install whole house fans with insulated louvers or install an economizer.
- Install ENERGY-STAR appliances.
- Install gas storage water heaters with an Energy Factor (EF) or 0.62 or greater.
- Use water saving fixtures or flow restrictors.
- Use bathroom fans that exhaust to the outdoors and are equipped with a humidstat sensor or timer in all bathrooms.
- Use recycled materials in cast-in-place concrete, carpet, road base, fill or landscape amendments.

The proposed project increases non-motorized transportation circulation with a bicycle/ pedestrian public access trail and easement from Railroad Avenue to Dutton Street along the south side of the parcel. The development meets the City's General Plan Policy I.A.8 by facilitating pedestrian convenient routes with a crosswalk proposed at Railroad Avenue and Carrion Circle and a sidewalk proposed along Railroad Avenue. This improvement will also promote a safer bicycle pedestrian route to Winters High School.

Additionally, the proposed project provides high-density development along a transit corridor, is an infill development and is near to public transportation access. These are all recommended measures to address global climate change according to OPR Technical Advisory dated June 2008.

d. Construction

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 matters emissions that would temporarily affect local air quality for adjacent land uses.

Estimated maximum construction emissions are shown in Table 2. Table 2 shows that the proposed project would not result in emissions exceeding the

YSAQMD significance thresholds. However, construction dust emissions would have the potential to cause nuisance. This is a potentially significant impact.

Table 4: Project Maximum Construction Emissions in Pounds Per Day

	ROG	NO _x	PM ₁₀
Maximum Construction Emissions	10.6	36.7	100.0
YSAQMD Threshold of Significance	82.0	82.0	150.0

ROG = Reactive Organic Gases

NO_x = Oxides of Nitrogen

PM₁₀ = Particulate Matters, 10 Microns

The majority of the PM₁₀ from construction shown in Table 2 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. High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops) were identified as having the highest associated risk.

Health risks from Toxic Air Contaminants are a 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 emission occurs within the project site at a substantial distance from nearby receptors. The site is level and would not require substantial grading. The prevailing winds would carry emissions to the northeast and away from the nearest residences located west of the site across Railroad Avenue. Because of its short duration, low number of diesel vehicles and prevailing winds that carry pollutants away from sensitive receptors, health risks from construction emissions of diesel particulate would be a less than significant impact.

Mitigation Measure #3

Implement the following dust control mitigation measures during all construction phases:

- *Apply nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas (previously graded areas inactive for ten days or more).*
- *Reestablish ground cover in disturbed areas quickly.*
- *Water active construction sites at least three times daily to avoid visible dust plumes.*
- *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.*

- *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)*
- *Enforce a speed limit of 15 MPH for equipment and vehicles operated on unpaved areas.*
- *All vehicles hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard.*
- *Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.*

According to the YSAQMD *Air Quality Handbook*, implementation of the above measures would be about 88.6% efficient in controlling PM₁₀ emissions. The above mitigation measure reduces the PM₁₀ nuisance potential to a level that is less than significant.

Operation

The project consists of residential development and park use which would include sensitive receptors that would be exposed to mobile sources of TACs.

The California Air Resources Board published an air quality/land use handbook titled *Air Quality and Land Use Handbook: A Community Health Perspective (2005)*. The handbook, which is advisory and not regulatory, was developed in response to recent studies that have demonstrated a link between exposure to poor air quality and respiratory illnesses, both cancer and non-cancer related. The CARB handbook recommends that planning agencies strongly consider proximity to these sources when finding new locations for “sensitive” land uses such as homes, medical facilities, daycare centers, schools and playgrounds. Air pollution sources of concern include freeways, rail yards, ports, refineries, distribution centers, chrome plating facilities, dry cleaners and large gasoline service stations.

A key recommendation in the handbook is to avoid placing new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads carrying more than 50,000 vehicles/day. The CARB recommendation does not preclude residential development in these areas, as the recommendation is advisory. The handbook recommends that a site-specific analysis be made whenever possible.

The project site is not within 500 feet of any freeway, urban road (with an Average Daily Traffic exceeding 100,000 vehicles per day) or rural road (with an Average Daily Traffic exceeding 50,000 vehicles per day). The closest major highway is SR 128, which is over 1,000 feet from any part of the project site and carries substantially less than 50,000 vehicles per day. Project impact related to exposure of the residences and park or other sensitive receptors to substantial concentrations of mobile TAC emissions would be less than significant.

e. During construction, 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.

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

Discussion

a,b,c,d The project site was historically an almond orchard. The site has been converted to primarily grassland habitat and the majority of the trees have been removed. The elevation of the project site is approximately 129 feet above sea level. The terrain is nearly level, sloping slightly from the west to east towards a shallow depression at the east end of the site near Walnut Lane.

LSA Associates, Inc. conducted a biological resources evaluation for the proposed project site. Vegetation communities and associated wildlife, special-status species, and potential jurisdictional waters occurring on the project site were evaluated for potential impacts from the proposed project. The existing habitat conditions on the portion of the project site proposed for residential development include non-native grasslands and street and orchard trees. The existing habitat conditions on the portion of the project site proposed for park development include non-native grasslands and a 0.38 acre seasonal wetland.

Plant Communities and Associate Wildlife

The project would result in impacts to plant communities and associated wildlife. Impacts will consist of the loss of approximately 6.78 acres of nonnative grassland and a maximum of 0.82 acre of orchard/ street trees. Impacts to wildlife may be greater if work begins in spring, when many species are breeding/nesting. The loss of 6.78 acres of nonnative grassland is a small impact relative to the amount of this plant community present in the region. In addition, the project site is surrounded by development and exhibits regular pedestrian use, decreasing its value as foraging habitat (e.g., for tricolored blackbird and raptors). The orchards/street trees are not natural communities and have inherently low biological value aside from potential nesting habitat, which is discussed below. Consequently, the loss of these communities and associated wildlife habitat value is considered a less than significant impact.

Wetlands

There is a 0.38 acre depression near the east end of the project site adjacent to Walnut Lane. The area meets criteria for wetlands based on observations of vegetation, hydrology and soils. The wetland is seasonal and is isolated from interstate commerce as it is not tributary or otherwise hydrologically connected to navigable waters of the U.S.

The wetland is currently adjacent to a road and residential development and is being affected by human intrusion, introduced species and pollution. The proposed project will introduce additional human population to the site but it is unlikely it will result in significant indirect impacts considering the existing conditions (i.e. the location of the seasonal wetland adjacent to an existing residential development). The proposed development and associated grading will not significantly modify the existing wetland and the development's series of detention ponds will discharge into the City's storm drains system so no additional urban runoff will be introduced into the seasonal wetland. Existing urban runoff from the north and east that influences that hydrology of the seasonal wetland will not be affected by the proposed development. Based on the existing degraded condition of the seasonal wetland, any additional indirect impacts resulting from the proposed project will be less than significant and no mitigation is required.

Orchard/Street Tree Removal

The project will remove a maximum of 55 almond trees and 10 mulberry trees. Removal of large, older or historically significant trees would be a potentially significant impact pursuant to General Plan Policy VI.C.9. The almond trees on the site are remnants from past land uses and the mulberries are ornamental trees. The largest trees on the site are 20 inches dbh. Neither of these tree species is native to California. The General Plan Policy does not specifically define "large, older or historically significant trees" and the City does not have a tree ordinance that regulates tree removals, but based on general plan policy and tree ordinances from other jurisdictions, the trees on the site would not meet the criteria of "large, older or historically significant trees." Consequently,

removal of the 55 almond trees and 10 mulberry trees on the site would be a less than significant impact.

Nesting Swainson's Hawk/Other Raptors

The project could impact nesting Swainson's hawks or other raptors (e.g., white-tailed kite) if they are nesting in any of the trees on the project site when construction begins. However, the trees on the site are not tall enough to be suitable nest trees for raptors. In addition, the trees and project site are surrounded by urban development and the site is subject to regular pedestrian traffic. As a result, raptors are not likely to utilize the trees and, thus, no impacts would occur from the proposed project.

Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp

The project will not directly impact vernal pool fairy shrimp or vernal pool tadpole shrimp since the project will not impact the seasonal wetland at the east end of the site where these species occur. However, ground disturbing activities associated with project implementation will occur within 250 feet of the seasonal wetland where vernal pool fairy shrimp were identified. The Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects With Relatively Small Effects on Vernal Pools Within the Jurisdiction of the Sacramento Field Office (USFWS 1995) states that indirect impacts to vernal pool invertebrates could occur if development occurs within 250 feet of aquatic habitat. Mitigation for indirect impacts to listed vernal pool invertebrates is typically preservation of suitable aquatic habitat at a 2:1 ratio.

Approximately 0.6 acre of the park improvements at the eastern limit of the project will encroach within 250 feet (i.e., the indirect impact area) of the seasonal wetland. The park improvements that are proposed within 250 feet of the seasonal wetland consist of irrigated and non-irrigated turf and native tree plantings.

Typically, potential indirect impacts to the seasonal wetland (and vernal pool fairy shrimp or vernal pool tadpole shrimp) could include modification of the watershed, human intrusion, introduced species, and pollution.

A watershed analysis was conducted for the project site in December 2008 by Laugenour and Meikle. The focus of the analysis was to determine the amount of watershed or "shed" area necessary to preserve the seasonal wetland at the east end of the site. The results of the analysis indicated that the entire shed supporting the seasonal wetland is contained to the approximate eastern third of the project site. The remaining two thirds of the site drains away from the seasonal wetland and does not contribute to the hydrology of the seasonal wetland. The majority of the seasonal wetland shed is located within the 250-foot indirect impact area of the wetland but approximately 0.6 acre is not. Project (park) improvements that will encroach within 250 feet of the seasonal wetland are limited to this approximate 0.6 acre that is outside the shed for the seasonal wetland. Consequently, these improvements will

not affect these watersheds of the seasonal wetland and will not affect vernal pool fairy shrimp or vernal pool tadpole shrimp.

Due to the location of the seasonal wetland adjacent to residential development and the regular pedestrian use of the project site, the seasonal wetland is currently being affected by human intrusion, introduced species, and pollution. Although the proposed project will introduce additional population to the project site, it is unlikely this will result in a significant increase in these indirect impacts considering the existing conditions (i.e., the location of the seasonal wetland adjacent to residential development).

Since the project will not affect the watershed of the seasonal wetland and based on the existing site conditions that contribute to the degradation of the seasonal wetlands, any additional indirect impacts resulting from the proposed project will be less than significant and no mitigation is required.

Swainson's Hawk Foraging Habitat

The project will remove approximately 6.78 acres of nonnative grassland that is suitable foraging habitat for Swainson's hawk. The loss of a total of 6.78 acres of suitable foraging habitat for Swainson's hawk would be a potentially significant impact.

With the applicant's agreement to accept and implement the following mitigation measure, potential impacts to Swainson's hawk foraging habitat would be reduced to a less-than-significant level:

Mitigation Measure #4

The applicant shall provide a fee payment to the Yolo County Habitat Joint Powers Authority for the loss of 6.78 acres of Swainson's hawk foraging habitat. The payment shall be provided based on the current fee schedule at the time work will begin. Evidence of fee payment shall be provided to the City prior to issuance of a grading permit or other project-related disturbance of the site.

Nesting Birds (Non-Raptors)

The project will remove approximately 6.78 acres of nonnative grassland and a total of 65 trees that could impact nesting birds if they are present when construction begins. Impacts to nesting birds would result in a potentially significant impact.

With the applicant's agreement to accept and implement the following mitigation measure, potential impacts to nesting birds would be reduced to a less-than-significant level:

Mitigation Measure #5

The following measures shall be implemented to mitigate for potential impacts to nesting birds:

- 1) *If possible, all trees, brush, and other potential nesting habitat that shall be impacted by project construction shall be removed during the non-nesting season (September 1 through February 28).*
- 2) *If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (March 1 through*

August 31), all suitable nesting habitat within the limits of work shall be surveyed by a qualified biologist prior to initiating construction-related activities. Surveys shall be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a 100-foot buffer shall be established around the nest and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the nesting season or until the young have fledged, as determined by a qualified biologist.

- 3) If no nesting is discovered, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.
- 4) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).

Western Burrowing Owl

The project will remove approximately 6.78 acres of nonnative grassland that is potential burrowing owl habitat. The loss could impact the western burrowing owl if this species occupies the site prior to the start of construction, and would be a potentially significant impact.

With the applicant's agreement to accept and implement the following mitigation measure, potential impacts to burrowing owl habitat would be reduced to a less-than-significant level:

Mitigation Measure #6

No more than 30 days prior to the start of ground disturbing activities, the project site shall be surveyed for the presence of burrowing owls. If no burrowing owls or sign are detected, the project can proceed as scheduled. If surveys determine that one or more burrowing owls are occupying the site, mitigation in accordance with the Staff Report on Burrowing Owl Mitigation Guidelines (1995) will be required. The 1995 staff report specifies that 6.5 acres of suitable foraging habitat is required for each pair of burrowing owls or unpaired resident owl. Since the site contains only 9.62 acres of marginally suitable foraging habitat, the site can only support one pair of burrowing owls or one unpaired resident owl. Consequently, if one or more owls are determined to be occupying the site, 6.5 acres of habitat mitigation will be required. Mitigation would also include disturbance buffers around occupied burrows and passive relocation of any owls occupying the site; passive relocation would be implemented during the non-nesting season (September 1 through January 31).

- e, f. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing 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. In 2005, Solano Archaeological Services (SAS) was contracted by American Communities (the previous land owner) to conduct a study of the 10.5 acre parcel for a similar project. The land was later sold to the Central Valley Coalition and Pacific West Communities who are the project's applicants.

Prior to conducting a pedestrian field survey, the official Yolo County archaeological records maintained by the Northwest Information Center at CSU-Sonoma were examined for any existing recorded prehistoric or historic sites. No prehistoric or historic-period sites or features have been formally recorded within or adjacent to the project area. A number of such sites have been identified and documented along Dry and Putah Creeks, and in open terrain away from permanent surface water sources in the Winters area. However, none of these previously documented sites would be affected by the project.

In addition, the following sources were consulted and contacts made:

- The National Register of Historic Places,
- The California Register of Historic Resources,
- The California Historical Landmarks,
- California Points of Historical Interest, and
- Existing published and unpublished documents relevant to prehistory, ethnography, and early historic developments in the vicinity.

No archaeological sites, prehistoric or historic, have been identified in the project area or within a half-mile radius of the project area. The project site was formerly disturbed during cultivation of the walnut orchard on the site.

Although no evidence of prehistoric or historic resources was observed in the study area, there is always the possibility that unidentified resources could be encountered on or below the surface during grading and construction and trenching of utility lines. 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 #7

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 may include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often found in old wells and privies.

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

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

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
6. GEOLOGY AND SOILS.				
<i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<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 to 7.9. Effects associated with this intensity range from difficulty standing to broken tree branches to damage to foundations and frame structures to destruction of most masonry and frame structures.

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

- a.iii, c,d. A geotechnical engineering study was conducted for the project site in June 2005 by EarthTec, Ltd.

The geologic investigation, which included 5 borings throughout the project site, found that surface and near-surface soils on the project site are capable of supporting residential structures of the type proposed for the project. The clays occurring at approximately two-and-a-half feet below grade were found to have moderately high expansion potential. Geologic hazard impacts that are associated with expansive soils include long-term-differential settlement and cracking of foundations, disruption and cracking of paved surfaces, underground utilities, canals, and pipelines. The clays underlying the project site could also be subject to liquefaction during strong ground shaking.

With the applicant's agreement to accept and implement the following mitigation measure, impacts of geologic hazards will be reduced to a less-than-significant level.

Mitigation Measure #8

Special preparation of subgrades and reinforcement of foundations and floor slabs shall be conducted in full and as described in the Preliminary Geotechnical Study Railroad Avenue Subdivision 10-Acre Parcel Between Railroad Avenue and Walnut Avenue (June 14, 2005, EarthTec, Ltd.) for the Proposed Project.

- a.iv. The project site consists of gently rolling topography, ranging from approximately 126 to 131 feet mean sea level. There are no steep slopes within the project site. There are no drainages with steep slopes running through or adjacent to the project site. Because the site conditions would not result in landslides, 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. Site soils are no longer productive for agriculture uses, so the proposed project would not result in the loss of productive topsoil. For these reasons, impacts related to erosion and topsoil would be less than significant.

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

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
7. HAZARDS AND HAZARDOUS MATERIALS.				
<i>Would the project</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Modified Phase One Environmental Site Assessments (ESA) was prepared for the project site by EarthTec, Ltd., Inc (June 2008).

A review of governmental agencies' databases was conducted in 2008. The governmental agencies include:

- The United States Environmental Protection Agency (the "EPA")
- CAL/EPA
- California Regional Water Quality Control Board – Central Valley Region
- California Integrated Waste Management Board
- California Department of Health Services
- California Department to Toxic Substances Control

Based on the review of the agencies' lists, three LUST (leaking underground storage tank) sites were located within a ½ -mile radius and at equal or higher elevation to the subject site. These sites include:

- 1) *Barbosa Tire Center (0.36 mi towards the SE) 400 Railroad Avenue, Winters, CA*
A leaking underground storage tank caused a local drinking water aquifer to become contaminated with gasoline. At the time of the report in 2005, the site was undergoing a regulatory review by the Regional Water Quality Control Board, Central Valley Region. According to a recent review of the agencies' lists, the site was undergoing remediation.
- 2) *Winters Fire Department (0.42 mi. towards the SE), 10 Abbey Street, Winters, CA*
A leaking underground storage tank caused a local drinking water aquifer to become contaminated with gasoline. At the time of this report, the site case was closed indicating remediation has been completed or deemed unnecessary.
- 3) *Lowrie Truck Maintenance (0.48 mi towards the SE), 9 Main Street E, Winters, CA*
A leaking underground storage tank caused a surrounding soil media to become contaminated with diesel. At the time of this report, the site is case closed indicating remediation has been completed or deemed unnecessary.

There are three UST sites located within a ½-mile radius at equal or higher elevation to the subject site. These sites include:

- 1) Pisanis Service (0.24 mi towards the SE), 2 Grant Avenue and Railroad Street, Winters, CA. This site has a total of 2 underground storage tanks on site.
- 2) Berryessa Sporting Goods/Mini Mart (0.24 mi towards the SE), 115 E. Grant Avenue, Winters, CA. This site has a total of 2 underground storage tanks on site.
- 3) Winters Store (0.24 mi towards the SE), 3 Grant Avenue, Winters, CA. This site has a total of 2 underground storage tanks on site.

On June 2, 2004, EarthTec, Ltd. conducted a preliminary screening of the 10+/- - acre parcel. The purpose of the screening was to preliminarily assess if pesticide or herbicide contamination existed in the surface soils in the historical orchard area. EarthTec, Ltd. collected ten discreet soil samples from the entire property location and sent them to a state certified analytical laboratory.

The laboratory test results indicated reportable quantities of DDE in all of the samples tested in amounts lower than the EPA's Preliminary Remediation Goals (PRG's) for residential soils. No other constituents were detected in the samples in quantities that are in non-detectable amounts, amounts detected less than the reporting limits.

Additional soils test were completed on September 4, 2008 to assess the level of arsenic and lead on the parcel based on its historical use as an orchard. Laboratory test results indicated these chemicals were not found in excess of accepted California Human Health Screening Levels.

While the regulatory agency lists did return listings in regards to environmental hazards within the radial vicinity of the site, these sites are listed as case closed in which remediation has been completed, in process or deemed unnecessary. Moreover, the site reconnaissance indicated the site did not contain indicators of possible potential for contamination of the subject site. Therefore the site is not considered a substantial hazard to construction workers and project occupants. This impact is considered less than significant.

- c. The project site is located near one school (Winters High School). However, as discussed in Item 7(a,b), above, construction and occupancy of the proposed project would not generate substantial amounts of, or particularly dangerous, hazardous materials. Therefore, the impact on the school would be less than significant.
- d. The project is not located on a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Department-Hazardous Waste Site Files pursuant to Government Code 65962.5. Therefore, no impact would occur.

- e. The project site is not within two miles of a public airport, and is not within the runway clearance zones established to protect the adjoining land uses in the vicinity from noise and safety hazards associated with aviation accidents. Therefore, there would be no impact.
- f. There are no private airstrips in proximity of the project site, so there would be no impact.
- g,h. The proposed project would have no effect on any emergency plan, because it would not alter the existing street system, and would provide 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 checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- 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 10 acres, and thus would fall subject to these requirements. Compliance with these required permits would ensure that runoff during construction and occupancy of the project site would ensure that runoff does not substantially degrade water quality. Conditions of Approval will require that the applicant prepare a drainage study that confirms the Best Management Practices that are needed to ensure runoff does not substantially degrade water quality and will be included in the SWPP. Therefore, this is a less-than-significant impact.

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

The City of Winters would supply groundwater to the Proposed Project. 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. Increasing groundwater pumping to serve project demand would not substantially deplete aquifer volume or lower the groundwater table. Therefore, impacts on groundwater would be less than significant.

- c,d,e. The proposed project would change absorption rates, drainage patterns, and the rate and amount of surface runoff, but would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, including the project site. A Storm Drainage Study was prepared for the property in October of 2008 by Laugenour and Meikle. Consistent with the City's Stormwater Master Plan, runoff from the project site is proposed to drain through a 36-inch line in Dutton Street. The project proposes to detain project run-off and meet storm water quality standards in two pond areas and a below grade storm water quality unit. The first small pond (0.03 ac) is located on the interior of the residential portion and will service runoff for storm intensities beyond ten year floods. Storm intensities less than the 10 year storm will flow passed the onsite pond to the below ground storm water quality unit and then to the 36" storm drain within the Dutton Street extension. The second pond would be located to the east of Dutton Street and will be designed to provide storage for the 25 year storm and the entire detention pond area including portions of the park will

store and attenuate the 100 year flow. The detention ponds would be designed to contain the 100-year, 24 hour, storm event and avoid impact to down stream properties.

The proposed detention ponds and storm water quality unit is designed to store stormwater runoff from the land area encompassing Orchard Village Apartments. Conditions of Approval will require that the applicant prepare a drainage study that confirms the drainage facilities (e.g., the detention ponds and storm water quality unit included in the project) needed for handling the capacity requirements of the project. Additionally, the drainage study will identify the construction and post construction Best Management Practices (BMPs) included in the SWPPP for the project site. The project is not in a FEMA Special Flood Hazard Zone. Because the Proposed Project can be accommodated within the City's planned stormdrain 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 Flood Insurance Rate Map, Community Panel Number 060425-0001-C. There is a portion of the project site that falls within the City's General Plan Flood Overlay Area and is subject to localized flooding. The project is required to pay into the Flood Overlay Area Storm Drainage Fee Program. This will be modified and drainage improvements, including two detention ponds, will be installed as a part of the project. 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. The project site is currently vacant. Development of the project site in residential uses is consistent with the City General Plan and has been the long-term plan for the property. The project would fill in and connect the established residential community of the City, not divide it because the site is surrounded by mixed use development. An existing commercial business and a residence is located on high density residential designated land to the north along with existing rural residential (3 residences) on low density residential designated land. Railroad Avenue and existing medium density residential (North Point Village) is to the west and Walnut Lane and existing medium density residential (Almond Orchard I and III) is to the east. To the south of the project an existing commercial use is an office designated land use along with another multifamily development. Therefore, no impact would occur.
- b. The western five acres of the site are designated High Density Residential (HR) in the General Plan. The HR designation provides for “single-family attached homes and multi-family residential units, group quarters and quasi-public uses, and similar and compatible uses.” Residential densities are required to be in the range of 10.1 to 20.0 units per gross acre. The applicant is proposing a multi-family residential type of unit at a density of 15.51 du/ac ($74 \div 4.77 \text{ ac}^4$), which is consistent with the land use designation.

The eastern five acres of the site are designated Recreation and Parks (RP). This designation allows for “existing and planned public parks and public and private recreational uses.” The applicant is proposing to use a portion of this area for detention ponds to accept run-off from the residential portion; a portion

⁴ 4.77 ac = the gross acreage for the residential use including the landscaping (1.64 ac), pavement (1.35 ac), sidewalks (0.46 ac), buildings (1.14 ac), concrete around pool (0.06 ac), bike lock pads (0.02 ac), and a 10' bike path (0.1).

as active neighborhood park; and a portion to remain as preserved/protected habitat due to the existence of natural wetlands. The area proposed for detention facilities would not generally be considered consistent within this designation; however, the detention facilities are proposed to be designed as a park amenity.

Design Review will be required to demonstrate that the proposed residential development will 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 measures, this potential impact would be mitigated to a less-than-significant level.

Mitigation Measure #9

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 applicant 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), no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing 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
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?	□	□	■	□
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?	□	□	■	□

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 was prepared by Brown-Buntin Associates for the Proposed Project (June 2, 2008). Brown-Buntin employed the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) for the prediction of traffic noise levels. Sound level measurements and concurrent counts were conducted adjacent to Railroad Avenue near the project site on June 9, 2005. Measured noise levels on Railroad Avenue are shown in the following table.

Orchard Village Noise Measurement Survey Results Railroad Avenue, Winters, California				
Distance (feet)	Mic Height (feet)	Posted speed (mph)	Measured Leq	Predicted Leq
50'	5'	45	56.9	57.6
50'	15'	45	57.9	57.6
Source: Brown-Buntin Associates, 2005				

The noise monitoring at the project site indicate existing noise levels are below the City's exterior noise standard of 60 dB Ldn.

The noise study evaluated potential impacts associated with the proposed project. Predicted noise levels within the project site are shown in the following table.

Orchard Village Predicted Project Noise Levels at the Reference Distance		
Roadway	Segment	Predicted Ldn at 50 feet
Railroad Avenue	Between Nieman and Project Driveway	64.9
Railroad Avenue	Between Project Driveway and Anderson	65.5
Railroad Avenue	Between Anderson and Grant Avenue	65.5
*Assumes Cumulative Plus Project No Dutton Access		

The common outdoor activity area for the project is assumed to be at the open community space area, near the swimming pool location, approximately 250 feet to the Railroad Avenue roadway centerline. For Railroad Avenue, the cumulative plus project traffic noise level at the project driveway (without Dutton access) is 65.5 dB CNEL at 50 feet. This results in an exterior noise level of 55 dB CNEL at the common outdoor activity area. The exterior traffic noise level complies with the City of Winters 60 dB CNEL exterior noise level standard.

The exterior noise level at the building façade for first floor receivers for apartments adjacent to Railroad Avenue is predicted to be approximately 62 dB CNEL. The exterior noise level at the building façade for second floor receivers will normally be about 3 dB higher than that at the ground floor. The future noise levels at the second floor building facades for homes adjacent to Railroad Avenue will be as high as 65 dB CNEL which would be consistent with the City's "Conditionally Acceptable" noise levels for outdoor activity areas in residential developments.

Typical façade designs and constructions in accordance with prevailing industry practices would result in an exterior to interior noise attenuation of 20 to 25 db with windows closed and depending on the materials used for façade construction. Since the predicted facade noise levels on Railroad Avenue would not exceed 65 db CNEL, the typical façade designs and construction practices in accordance with prevailing industry practices are expected to provide adequate noise attenuation to comply with the interior noise level standard of 45 dB CNEL.

Although the predicted future traffic noise levels at the building facades would exceed the 60 db CNEL standard established by the City of Winters General Plan, an exterior noise level of up to 65 dB CNEL is Conditionally Acceptable and may be allowed after an acoustical analysis is performed and necessary noise abatement features are included in the design. The proposed project meets the requirements of the General Plan with the preparation of an acoustical analysis by Brown-Buntin Associates. For this reason, and because interior noise standards would be acceptable, the proposed project would not expose persons to noise levels in excess of standards established in Winters General Plan, and the impact would be less than significant.

- b. Some groundborne vibration could occur during construction of the proposed project. However, the activities that typically generate excessive vibration, such as pile driving, would not be necessary and are not proposed for one and two story residential construction. Furthermore, the City's Zoning Ordinance prohibits operations that habitually or consistently produce noticeable vibration beyond the property line. The project does not include any such operations. Therefore, adjacent and nearby residents should not be disturbed by ground vibration during project construction. This impact would be less than significant.
- c. Traffic associated with the proposed project would contribute to existing noise levels in the project vicinity. However, the increase would not be higher than levels assumed under General Plan build-out because this project was assumed to develop in residential uses. Under the General Plan, noise levels on roadways in the project vicinity were estimated to be 60 dB Ldn or less. The proposed project requests fewer units than the General Plan EIR assumed for this property. Since roadways in the project vicinity would have acceptable noise levels with the proposed project and the project includes less traffic and lower associated noise levels than that assumed in the General Plan, this impact is considered less than significant.
- d. Construction activities associated with the project could generate noise levels in the range of 80-90 dBA at a distance of 50 feet. Noise levels at the nearest residence could approach these levels during construction activities along the project boundary. However, construction noise would be for a short duration, and limited to the construction hours (typically daylight hours). The City has both a Noise Ordinance and Standards Specifications that regulate construction noise. These regulations restrict construction activities to 7:00am to 7:00 pm Monday through Friday only (holidays excluded). These regulations will be incorporated into the construction contract. 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 the private airstrip, so no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
12. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. The residential uses proposed for the project site are consistent with General Plan assumptions for the area. The number of units would be fifteen percent fewer than assumed in the General Plan EIR for the site ($88 - 74 = 14$; $14 \div 467 = 15\%$). The 1992 General Plan EIR assumed a yield of approximately 88 units from the project site, which would yield a population of approximately 286 persons (using the applicable Department of Finance factor for household size of 3.248 persons per household). The proposed project would generate approximately 240 persons at build-out. Therefore, the proposed project would result in a decreased population within the project site by about 46 persons. Infrastructure, services, and utilities are master planned to accommodate this growth.

The proposed project would extend one road adjacent to the project site and install other infrastructure to the project site as contemplated by the General Plan. Because the development of the project site, including the extension of infrastructure, is generally consistent with the planning assumptions of the General Plan, the proposed project would not induce substantial growth. Therefore, this impact is less than significant.

b,c. No housing exists on-site and construction of the proposed project would not displace any people, so the project involves no displacement of housing or people. Therefore, there would be no impact in these categories.

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

Discussion

a,b,e. 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 apartments in Winters by 74 units and number of residents within the Departments’ service areas by less than 240 as there may be some influx of residents due to this development but it is unlikely that 100% of the future residents of the proposed residents will come from communities outside of Winters. However, this increase in development is consistent with City plans for the project site, as reflected in the General Plan.

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 and other services and public facilities needed by the project. In addition, 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. Therefore, this impact is less than significant.

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

As shown below, the Proposed Project would generate approximately 27 students, including 18 K-6 students, 3 grade 7-8 units, and 6 high school students based on the District's School Facility Needs Analysis.

ORCHARD VILLAGE STUDENT GENERATION			
Grade Level	Number of Units (MF)	Students/Unit Rate (MF)¹	Number of Students (SF/MF/Total)
K-6	74	0.2500	18.5
7-8	74	0.0400	2.96
9-12	74	0.0800	5.92
Total	74	0.3700	27.38
¹ School Facility Needs Analysis, November 2008.			

According to the District's most recent School Facilities Needs Analysis (November 2008), capacity is available at all school levels. The 2008 analysis assumed 27 students from this project based on a plan for 74 multi-family homes.

Funding for new school construction is provided through State and local revenue sources. Senate Bill (SB) 50 (Chapter 407, Statutes of 1998) 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 would be used in combination with State and other funds to construct new schools.

Because the Proposed Project was contemplated in the City's General Plan, the applicant 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 a less-than-significant impact. Additionally, although the increase in students is not considered to be a physical effect on the environment under CEQA, the City considers physical effects on the school facilities, themselves, in its CEQA analysis. Because the existing school facilities have sufficient capacity to accommodate the Project's increased student generation, the Project would not result in a significant impact to schools.

- d. The City requires the development of parkland in conjunction with subdivision development at a ratio of 7 acres per 1,000 persons (General Plan Policy V.A.1). Using the applicable Department of Finance factor for household size of 3.248 persons per household, and assuming 74 total units the project triggers the need for 1.68 acres of developed parkland ($3.248 \times 74 \text{ units} \div 1,000 \times 7 = 1.68 \text{ acres}$).

The proposal includes a 1.6-acre site for park use (a 0.2-acre proposed detention pond has been excluded from the total required acreage). This park site would meet the developer's park obligation. The proposal includes a 1.6 acre public neighborhood park including picnic tables, benches, bike racks, trails and landscaping; and the remainder (3 +/- ac) would be preserved/protected habitat due to the existence of seasonal wetlands.

A small open space area is also proposed near the center of the development. A bike/pedestrian pathway will be constructed from Dutton Street to Railroad Avenue on the project's south boundary.

With the applicant's agreement to accept and implement the following mitigation measure, park impacts would be less-than-significant.

Mitigation Measure #10

The project park site shall be designed and constructed to meet the design and specifications of the City of Winters. Park phasing and a final date by which the park shall be completed, operational, and accepted by the City shall be established in the project's conditions of approval.

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

Discussion

- a. As discussed in Item 13(d), the Proposed Project would increase the demand for parks and recreational areas and would provide adequate parkland for residents in order to offset the increased demand. Mitigation Measure #10 will ensure that the park facilities are provided in a timely fashion to serve new residents. Therefore, the potential for impacts to off-site parks will be mitigated to a less-than-significant level.
- b. The 1.6-acre City required public park improvements which incorporate a small (0.21-acre) water quality detention pond will be located east of the Dutton Street extension. The park includes a system of non-motorized trails, benches, picnic, barbecue areas and potential play areas. The public park development is adjacent to the Dutton Street improvements.

As mentioned in Section 4, approximately 0.6 acre of the park improvements at the eastern limit of the project will encroach within 250 feet (i.e. the indirect impact area) of the seasonal wetland. The park improvements that are proposed within 250 feet of the seasonal wetland consist of irrigated and non-irrigated turf and native tree plantings.

Based on the watershed analysis conducted in December 2008, the improvements will not affect the watershed of the seasonal wetland and will not affect the vernal pool fairy shrimp or vernal pool tadpole shrimp. Therefore, any indirect impacts resulting from the proposed project will be less than significant and no mitigation is required.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

A Traffic Impact Study (dated May 2006) was prepared to examine the impacts from American Communities Townhome project. The study describes the existing and future setting for transportation both with and without the proposed project in the City of Winters. The analysis also provides information on the potential effects associated with increased in traffic volumes on seven local intersections as a result of the proposed project.

While the American Communities project and Orchard Village project are similar in total units and circulation pattern, an update to the traffic impact study was prepared in December 2008. The trip generation rates used in the analysis described in the update memo were derived from the Instituted of Transportation Engineers (ITE) *Trip Generation Handbook (7th Edition)*. A comparison of the trip generation data, shown below in Table 1, indicates that the current project description will generate approximately 1 fewer trip during the a.m. peak hour and 10 more trips during the p.m. peak hour.

Table 1 – Trip Generation Comparison

Scenario	Land Use	Units	AM Peak		PM Peak	
			IN	OUT	IN	OUT
Current Project	Apartments	74	8	32	38	20
TOTALS – Revised Project Description			8	32	38	20
2006 Study	Townhouses	75	7	34	32	16
TOTALS – 2006 Study Project Description			7	34	32	16
DIFFERENCE IN TRIP GENERATION			+1	-2	+6	+4

a,b. Traffic count data was collected in 2005 at all study intersections and these counts were adjusted to account for additional traffic generated by development approved in the past 5 years that should be in place in the next 5 to 10 years. The trip generation and distribution estimates for the approved projects were taken from the Winters Highlands, Callahan Estates, Ogando-Hudson, and Creekside Estates Traffic Impact Study prepared in July 2004 by Grandy & Associates and Fehr & Peers Associates. The service level analysis revealed that all intersection operate at acceptable conditions (service level D or better) in the AM Peak period and all intersections excepts for Grant Avenue/Walnut Street operating at service level D or better in the PM peak period. The addition of 10 trips during the PM peak hour would not cause any of the study intersections to change to LOS E or F conditions under cumulative conditions.

Two access scenarios for the project were analyzed for both near- and long-term impacts. In one scenario, access to the development is provided by a single driveway that connects to Railroad Avenue, the other scenario provides access to both Railroad Avenue and Dutton Street. The service level analysis revealed that the proposed project would not have a significant impact on intersection operations under either of the access scenarios in the near-term. Level of service at all study intersections remained the same with the addition of project trips in both the AM and PM peak periods and control delay increased by less than five seconds at the Grant Avenue/Walnut Street intersection.

The Cumulative No Project Condition assumes that development occurs based on the current General Plan, but without the construction of the proposed project. The service level analysis revealed that all study intersections would operate at acceptable levels under Cumulative No Project Conditions.

The Cumulative & Project Condition adds the trips expected to be generated by the proposed project to the Cumulative No Project traffic conditions. The service level analysis revealed that all study intersections would operate at service level C or better for both access scenarios. With the added 10 PM peak hour trips generated by the current project description, the project would not result in a significant impact at all study intersections.

There are no significant impacts to intersection operations under either the near- or long-term scenarios regardless of what access option is chosen. With all

impacts deemed to be less-than-significant, no mitigation measures are necessary.

- c. The project site is not located near an airport and it does not include any improvements to airports or change in air traffic patterns. No impact would occur.
- d,e. The proposed project includes land uses that are similar to other development in the project vicinity. The circulation system does not include any tight curves or other design hazards and provides adequate on-site circulation. For these reasons, there would be no adverse impacts related to roadway hazards or interference with emergency access. The planned roadway connections and extensions would have beneficial effects for emergency access.
- f. The proposed project does not provide for any commercial or similar uses that require extensive parking. The project will meet parking standards established in the Winters Zoning Code for residential uses. Therefore, approval of the project would result in adequate parking supply, and no impact would occur.
- g. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project includes appropriate pedestrian and bicycle route connections. Therefore, this impact would be less than significant.

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

Discussion

- a. Currently there is no public sewer service to the project site. Each 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. As a residential development, the proposed project is not anticipated to generate wastewater that contains unusual types or levels of contaminants, so it would not inhibit the ability of the Winters Wastewater Treatment Plant (WWTP) to meet State water quality standards. For these reasons, this would be a less-than-significant impact.
- b,e. The proposed project would require sewer and water service from the City of Winters. Sanitary sewer service is proposed to be provided by the construction of a 6-inch sewer main in the right-of-way of the driveway constructed on the project site. The new 8-inch sewer main will connect to the north with the existing 8-inch sewer main located in Railroad Avenue.

Water service is proposed to be provided by the construction of an 8-inch water main in the right-of-way of the driveway constructed on the project site. The new

8-inch water main will connect to the west with the existing 8-inch water main located in Railroad Avenue.

The sections of the sewer and water lines not constructed within the project site will be constructed along existing roadways, and would not disturb sensitive habitats or other important natural resources.

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 development would incrementally increase storm water runoff in the project vicinity. An existing storm drain connection consists of an existing 36" storm drain in Dutton Street, and the project will maintain this connection. Two detention ponds and a storm water quality unit are proposed to control any potential downstream flood impacts from this development. Therefore, while the proposed project would result in the construction of additional stormwater facilities, it would not result in additional environmental effects beyond those analyzed in this document.

Storm drainage is proposed to be provided through the construction of a series of interconnected storm drain lines within the project boundaries. Specifically, two 10-inch storm drain lines in the common area near the project's southern boundary will connect to one 10-inch storm drain line that will connect to a 15-inch storm drain line within the right-of-way of the proposed drive aisle on the east side of the proposed development. This 15-inch storm drain line then connects to a 24-inch storm drain, which connects to the proposed detention pond as well as the existing 36-inch storm drain line in the right-of-way of Dutton Street. A 12-inch storm drain line in the right-of-way of the drive aisle on the west side of the proposed development will connect to a 15-inch storm drain line in the same drive aisle. This 15-inch storm drain line will connect to an 18-inch storm drain line in the right-of-way of the northern drive aisle that connects to the 24-inch storm drain line. As noted previously, the 24-inch storm drain line connects to both the existing 36-inch storm drain in Dutton Street and the proposed detention pond. While the proposed project would result in the construction of additional stormwater facilities, it would

not result in additional environmental effects beyond those analyzed in this document. As a result, the impact would be less-than-significant.

- 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. The Proposed Project is estimated to generate a demand for municipal water of 17.22 acre-feet of water annually without a conservation factor as shown in the table below.

Orchard Village Estimated Water Demand			
Land Use	Size (acres)	Production Factor (acre-feet/year)	Estimated Volume (acre-feet/year)
High Density Residential	4.77	3.61	17.22
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 recommends that a new well will be required for any future development in the City. The City is in the process of bidding out the construction of a new that will be located near the intersection of West Grant Avenue and West Main Street. The new well will need to be in service before building permits can be issued for this project.

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

Mitigation Measure #12 – *The City shall issue building permits only after the new water well is in service.*

- f., g. Solid waste from the project site will be collected by the City of Winters and disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The proposed project would generate approximately 135 tons per year, assuming 10 pounds per day per household ($74 \times 10 \times 365 \div 2,000$).⁵ This project is part of the planned growth for which the landfill has been sized and therefore solid waste generated by the project would not have unanticipated impacts on the life of the landfill. Therefore, this impact is considered less than significant.

⁵ This is an average of rates based on a survey conducted by the CIWMB.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	■	☐	☐
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)?	☐	☐	■	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

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.

As described in Section 4 (Biological Resources), the project will result in impacts to 6.78 acres of Swainson’s hawk foraging habitat and could impact burrowing owls and other nesting birds.

Per CEQA Guidelines, Section 15065, “a lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur.”

15065(a)(1) The project has the potential to substantially 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; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

The impacts to biological resources resulting from the proposed project do not meet the conditions in Section 15065(1). The project is located in an urban setting, thus development of the site will not degrade the quality of the

environment. Impacts to 6.78 acres of nonnative grassland are relatively small and will not substantially reduce the amount of habitats for species that utilize this community. Similarly the loss of these habitats will not cause these species to drop below self sustaining levels, threaten to eliminate a community, or substantially reduce the number or restrict the range of these species. Consequently, preparation of an EIR is unnecessary.

- 15065(b) (1) Where, prior to the commencement of preliminary review of an environmental document, a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment specified by subsection (a) or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, a lead agency need not prepare an environmental impact report solely because, without mitigation, the environmental effects at issue would have been significant.
- (2) Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the lead agency need not prepare an EIR solely because of such an effect, if:
- (A) The project proponent is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;
 - (B) The state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and
 - (C)
 - 1. Such requirements avoid any net loss of habitat and net reduction in number of the affected species, or
 - 2. Such requirements preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species to below a level of significance.

The mitigation for potentially significant impacts to Swainson's hawk foraging habitat and nesting burrowing owls and other birds, as described in Section 4, clearly reduces the impact to these resources to a level less than significant. Consequently, preparation of an EIR is unnecessary.

- b. As discussed throughout this Initial Study, the proposed project is consistent with the Winters General Plan and assumptions made in the Winters General Plan EIR. The proposed project would result in fewer units than assumed in the 1992 General Plan EIR. Therefore, cumulative impacts as analyzed in the 1992 General Plan EIR remain valid, and this 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 8 (Hydrology and Water Quality) the potential for

impacts on human beings would be reduced to less-than-significant levels by mitigation identified in these sections.

Summary of Mitigation Measures

Mitigation Measure #1 -- 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 the first building permit the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Mitigation Measure #2 – 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 #3 -- Implement the following dust control mitigation measures during all construction phases:

- Apply nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Reestablish ground cover in disturbed areas quickly.
- Water active construction sites at least three times daily to avoid visible dust plumes.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Enforce a speed limit of 15 MPH for equipment and vehicles operated on unpaved areas.
- All vehicles hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard.
- Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.

Mitigation Measure #4 -- The applicant shall provide a fee payment to the Yolo County Habitat Joint Powers Authority for the loss of 6.78 acres of Swainson's hawk foraging habitat. The payment shall be provided based on the current fee schedule at the time work will begin. Evidence of fee payment shall be provided to the City prior to issuance of a grading permit or other project-related disturbance of the site.

Mitigation Measure #5 -- The following measures shall be implemented to mitigate for potential impacts to nesting birds:

- 1) If possible, all trees, brush, and other potential nesting habitat that shall be impacts by project construction shall be removed during the non-nesting season (September 1 through February 28).
- 2) If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (March 1 through August 31), all suitable nesting habitat within the limits of work shall be surveyed by a qualified biologist prior to initiating construction-related activities. Surveys shall be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a 100-foot buffer shall be established around the nest and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the nesting season or until the young have fledged, as determined by a qualified biologist.
- 3) If no nesting is discovered, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.
- 4) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).

Mitigation Measure #6 -- No more than 30 days prior to the start of ground disturbing activities, the project site shall be surveyed for the presence of burrowing owls. If no burrowing owls or sign are detected, the project can proceed as scheduled. If surveys determine that one or more burrowing owls are occupying the site, mitigation in accordance with the Staff Report on Burrowing Owl Mitigation Guidelines (1995) will be required. The 1995 staff report specifies that 6.5 acres of suitable foraging habitat is required for each pair of burrowing owls or unpaired resident owl. Since the site contains only 9.62 acres of marginally suitable foraging habitat, the site can only support one pair of burrowing owls or one unpaired resident owl. Consequently, if one or more owls are determined to be occupying the site, 6.5 acres of habitat mitigation will be required. Mitigation would also include disturbance buffers around occupied burrows and passive relocation of any owls occupying the site; passive relocation would be implemented during the non-nesting season (September 1 through January 31).

Mitigation Measure #7 -- 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 #8 -- Special preparation of subgrades and reinforcement of foundations and floor slabs shall be conducted in full and as described in the Preliminary Geotechnical Study Railroad Avenue Subdivision 10-Acre Parcel Between Railroad Avenue and Walnut Avenue (June 14, 2005, EarthTec, Ltd.) for the Proposed Project.

Mitigation Measure #9 -- 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 applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Mitigation Measure #10 -- The project park site shall be designed and constructed to meet the specifications of the City of Winters. Park phasing and a final date by which the park shall be completed, operational, and accepted by the City shall be established in the project's conditions of approval.

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 -- The City shall issue building permits only after the new water well is in service.

Supporting Information Sources

The following information sources can be accessed through this website:

<http://tpchousing.com/orchardvillage/default.shtml>

- 1) Air Quality Impact Analysis for the Orchard Village Residential Project, City of Winters (August 2008) – Donald Ballanti, Certified Consulting Meteorologist
- 2) Biological Resources Evaluation, Orchard Village (December 2008) – LSA Associates, Inc.
- 3) Cultural and Paleontological Resources Survey for the Winters Affordable Family Housing Project (May 2008) – Solano Archaeological Services
- 4) Preliminary Geotechnical Study, Railroad Avenue Subdivision, 10 acre Parcel Between Railroad Avenue and Walnut Avenue, Winters, CA (June 14, 2005) – EARTHTEC, LTD
- 5) Environmental Noise Analysis, Orchard Village, Winters, CA (June 2, 2008) – Brown-Buntin Associates, Inc.
- 6) 2005-2006 Wet Season Vernal Pool Shrimp Surveys of the Winters Ranch Property, Winters, Yolo County, California (February 27, 2006) – LSA Associates, Inc.
- 7) Phase One Environmental Site Assessment Update (September 19, 2007) – EARTHTEC, LTD.
- 8) Memo Regarding Orchard Village Traffic Analysis Update (December 1, 2008) – Fehr & Peers
- 9) American Communities Traffic Study (May 3, 2006) – Fehr & Peers

The following information sources can be accessed through this website:

<http://www.cityofwinters.org>

- 1) City of Winters General Plan Policy Document (Adopted May 19, 1992)