

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, November 28, 2006 @ 7:30 PM

City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #112
Email: dan.sokolow@cityofwinters.org

Chairman: Don Jordan
Vice Chairman: Albert Vallecillo
Commissioners: Jack Graf, Joe Tramontana, Pierre Neu, Bruce Guelden, and Wade Cowan
Administrative Assistant: Jen Michaelis
Community Development Director: Dan Sokolow

I CALL TO ORDER 7:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III COMMUNICATIONS:

1. Staff Reports
Current Projects list dated November 21, 2006
2. Commission Reports

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

V CONSENT ITEMS:

Approve minutes of the October 30, 2006 special meeting and October 24, 2006 regularly scheduled meeting of the Planning Commission.

VI DISCUSSION ITEMS:

1. Appointment of Planning Commission liaison for the Putah Creek Committee.
2. Scheduling of Planning Commission meeting for December.

VII ACTION ITEMS:

1. Continued Public Hearing and consideration of Anderson Place Subdivision Map. The project is a proposed subdivision of 2.13 acres to create 24 residential lots with a total of 28 residential units and 9 office suites, an internal roadway/parking area ("Lot A"), a pedestrian pathway area ("Lot B"), subdivision feature/green space area ("Lot C"), and second internal roadway/parking area ("Lot D") at 723 Railroad Avenue. APN: 003-220-22 (2.13 acres). Applicant: Eva Brzeski. Entitlements include Tentative Subdivision Map; Development Agreement; Rezone to add the Planned Development Overlay over the 2.13-acre site; Planned Development Permit for PD Overlay; Modifications to the adopted Street Cross Sections; Site Plan for residential units/office suites and landscaping; and Demolition Permit.
2. Continued Public Hearing and consideration of Mary Rose Gardens Subdivision. The project is a proposed subdivision of 5.69 acres to create 28 single-family lots including two half-plex lots (Lots 12A and B) and Parcel X for an 18,433 square foot subdivision feature/green space area at 415 Grant Avenue (northwest corner of Grant Avenue and Cemetery Lane). APN: 003-524-19 (5.69 acres). Applicant: Dave Snow. Entitlements include Tentative Subdivision Map; Development Agreement; Rezoning to add the Planned Development Overlay over the 5.69-acre site; Planned Development Permit for PD Overlay; Site Plan for residential units and landscaping of Parcel X; and Demolition Permit.

VIII COMMISSION/STAFF COMMENTS

IV ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON TUESDAY, NOVEMBER 21, 2006.

Dan Sokolow

DAN SOKOLOW – COMMUNITY DEVELOPMENT DIRECTOR

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

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

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING.

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

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

COPIES OF AGENDA, AGENDA REPORTS AND OTHER MATERIALS: PRIOR TO EACH MEETING, COPIES OF THE AGENDA ARE AVAILABLE, AT NO CHARGE, AT CITY HALL DURING NORMAL WORKING HOURS. IN ADDITION, A LIMITED SUPPLY WILL BE AVAILABLE ON A FIRST COME, FIRST SERVED BASIS, AT THE PLANNING COMMISSION MEETINGS. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

THE COUNCIL CHAMBERS IS WHEELCHAIR ACCESSIBLE

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of November 21, 2006
(530) 795-4910, extension 112, www.cityofwinters.org

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION
(1) Winters Highlands, Granite Bay Holdings, LLC, Larry John (916) 960-1656	Proposal to develop 413 single-family and 30 multi-family residential units in northwestern part of city. Application is being processed TSM, focused EIR (specific biological aspects), GPA, Zoning Amendment, PD Overlay, PD Permit, Inclusionary Housing agreement.	City Council approved Tentative Subdivision Map on April 4, 2006.	City Council approval of Final Map.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355 and John Siracusa (East project) (530) 795-0213	Proposal to develop 15 attached single-family residences on the southwest and southeast corners of East Main and East Baker Streets.	Building permit submitted for West project (10 units) in April 2006. East project (5 units) nearing completion.	Issuance of building permit for West project.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	City Council approval of Final Map.
(4) Creekside Estates, Don Miller (530) 753-2596	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	City Council approval of Final Map.
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	City Council approval of Final Map.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	Planning Commission approved Tentative Subdivision Map on November 23, 2004.	City Council approval of Final Map.
(7) The Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal to develop 16 attached single-family residences at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Conditional Use Permit, Planned Development Overlay, Site Plan, and Development Agreement.	Planning Commission recommended denial of project on August 22, 2006.	City Council continued public hearing scheduled for November 21, 2006.

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of November 21, 2006
(530) 795-4910, extension 112, www.cityofwinters.org

(8) Dunmore Commercial, Dunmore Communities, Rad Bartlam (916) 676-1115	Proposal to construct hotel, two retail outlets, three fast food restaurants, and gas station on the south side of East Grant Avenue adjacent to the Interstate 505 southbound on-ramp. General Plan Amendment, Rezone, Conditional Use Permit, Amendment/Update to Gateway Master Plan, and Site Plan.	Application submitted on April 12, 2005.	City staff determination of application completeness.
(9) Winters II, Community Housing Opportunities Corporation, Paul Ainger (530) 757-4444	Proposal to develop 34-unit apartment complex for low- and very low-income households at 110 East Baker Street.	Building permit issued in October 2006.	Completion of construction.
(10) Village on the Park, Village Partners, LLC, Mark Walther (310) 798-5656	Proposal to develop 75 attached single-family residences on Railroad Avenue south of NC Foliage (1029 Railroad). Tentative Subdivision Map, Conditional Use Permit, Planned Development Overlay, and Development Agreement.	July 19, 2006 Development Review Committee meeting.	City staff determination of application completeness.
(11) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506	Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Inclusionary Housing Agreement, and Development Agreement.	October 30, 2006 Planning Commission continued public hearing.	Continued Planning Commission public hearing scheduled for November 28, 2006.
(12) Anderson Place, Eva Brzeski (415) 887-9300	Proposal to develop up to 30 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Conditional Use Permit, Inclusionary Housing Agreement, and Development Agreement.	October 30, 2006 Planning Commission public hearing.	Continued Planning Commission public hearing scheduled for November 28, 2006.
(13) Pearse Subdivision, Thomas Pearse (530) 795-5901	Proposal to develop 5 single-family residential lots at the south end of Third Street.	Application submitted on November 17, 2006.	City staff determination of application completeness.

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
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AFFORDABLE HOUSING UNITS

Project #1: 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households.

Project #2: 3 units for low-income households.

Project #3: 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households.

Project #4: 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households.

Project #5: 11 units for very low-income households.

Project #6: 6 units for moderate-income households.

Project #7: 1 unit for very low-income and 1 unit for low-income households.

Project #9: 34 units for very low-income and low-income households.

Project #10: 4 units for very low-income and 7 units for low-income and moderate-income households.

Project #11: 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.

Project #12: 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.

Project #13: 1 unit for very low-income household.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Chairman Jordan called the meeting to order at 7:30 p.m.

PRESENT: Cowan, Graf, Guelden, Neu, Tramontana, Vallecillo, Chairman Jordan
ABSENT: None
STAFF: Community Development Director, Dan Sokolow

Commissioner Neu led in the Pledge of Allegiance.

CITIZEN INPUT

Joe McCabe, 217 Creekside Way, discussed development of the City's parking lot on Railroad Avenue. McCabe said the alleyway is a great resource so people can see continuously all the way through the downtown including the any development on the City's parking lot. He noted that the original building concept for the City parking lot had an opening to continue the visual effect of being able to see through the project from the existing alleyway to the west of the project. McCabe read excerpts from a design book, Pattern Language, by Christopher Alexander. According to Alexander, adjacent buildings should be roughly the same height and building heights shouldn't vary by more than one story. McCabe also noted his concerns on the potential of wind and noise problems occurring with a tall building being constructed at the project site (City parking lot). McCabe said the Planning Commission will need to give direction on the design process for the project, particularly as it pertains to the continuation of the alleyway visual effect and the building height.

CONSENT ITEM

1. Approve minutes of August 22, 2006 regularly scheduled meeting of the Planning Commission.

Commissioner Tramontana moved to approve minutes of August 22, 2006 regularly scheduled meeting of the Planning Commission. Seconded by Commissioner Vallecillo.

AYES: Cowan, Graf, Guelden, Neu, Tramontana, Vallecillo, Jordan
NOES: None
ABSTAIN: None
ABSENT: None

Motion carried unanimously.

DISCUSSION ITEM

Presentation on Rotary Park Preliminary Draft Master Plan by landscape architect Cheryl Sullivan.

Cheryl Sullivan, a landscape architect with Cunningham Engineering, discussed the October 18, 2006 community workshop on the project. Three options were reviewed at the workshop and the workshop participants all preferred Option #3. Based on comments from workshop participants, Option #3 has been modified. Sullivan presented the Planning Commission with copies of the revised option. Option #3 has been modified to reduce the size of the pavilion area, change the water fountain from an active splash feature to a vertical water feature that could include a statue, increase the size of the plaza and expand the gazebo stage and steps. The water feature was revised because of concerns about the long-term maintenance of an active splash feature.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Commissioner Tramontana asked about relocating the clock to the center of the plaza area. Sullivan said it can still be relocated. Tramontana asked if the gazebo would still have lawn areas. Sullivan said there would still be lawn areas, but additional seating including a seating wall will be added to the gazebo area.

Commissioner Neu asked whether the seating wall will be constructed to prevent skateboarders from using the seating wall. Sullivan said features will be incorporated in the seating wall to make it unfriendly to skateboarders.

ACTION ITEMS:

1. Continued Public Hearing and consideration of Site Plan (2006-05-SP) submitted by Don and Diane Jordan for the construction of a 1,440 square foot detached garage at 718 Hemenway Street (APN 003-281-07)

Chairman Jordan stepped down from the dais and Commissioner Graf replaced him as the chairman.

Community Development Director Sokolow said this item was continued to tonight's meeting in order to provide the project applicants and their neighbor to the south to discuss and reach an agreement on the design of the south side of the garage.

Don Jordan, 718 Hemenway Street, presented a drawing to the Planning Commission of the south elevation. The elevation has been modified to include an eyebrow. While this wasn't included in the original drawings for the project, Jordan said he intended to include this feature in the project. The windows will be removed from the south elevation since the neighbor said they weren't needed.

Lawren Brickey, 712 Hemenway Street, addressed the Commission. Brickey and her husband live directly south of the project site. She said that she and her husband spoke with the Jordans last night and everything is satisfactory.

Acting Chairman Graf opened the public hearing at 7:56 p.m. No public comment was received and Graf closed the public hearing at 7:57 p.m.

Commissioner Tramontana moved to approve consideration of Site Plan (2006-05-SP) submitted by Don and Diane Jordan for the construction of a 1,440 square foot detached garage at 718 Hemenway Street (APN 003-281-07) with modification to the conditions of approval to reflect the revised south elevation. Seconded by Commissioner Cowan.

AYES: Cowan, Graf, Guelden, Neu, Tramontana, Vallecillo

NOES: None

ABSTAIN: Jordan

ABSENT: None

Motion carried unanimously with Jordan abstaining.

2. Public Hearing and consideration of first amendment to the development agreement by and between the City of Winters and GBH-Winters Highlands, LLC for the Winters

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Highlands Subdivision project. The project site is north of Grant Avenue along Moody Slough Road (County Road 33) in the northwestern portion of the City of Winters. The project site totals 102.6 acres comprised of APNs 030-200-17 (48.1 acres), 030-220-10 (21.0 acres), and 030-220-33 (33.5 acres) located south of Moody Slough Road, east of the westerly City limits, and north of the existing Dry Creek Subdivision.

City Manager John Donlevy addressed the Planning Commission. Donlevy noted that the lawsuit filed by Richland Communities put a stop to implementation of the Winters Highlands Project. The amendment to the Winters Highlands Development Agreement is to move the start date of the project phasing from September 1, 2006 to September 1, 2007, have Granite Bay Holdings provide its funding for the swimming pool project by March 31, 2007, and establish a funding level of \$8 million from Granite Bay Holdings for expansion of the City's Wastewater Treatment Plant (WWTP). Donlevy said the funding for the swimming pool project has been delayed as a result of the Richland Communities lawsuit. The City will be providing a \$1.4 million loan for the pool project since a government entity cannot issue a construction contract unless the funds for the contract are in the bank and the project is in the process of being bid out. The pool should be finished by June 2007.

Donlevy said the \$8 Million funding level for the WWTP expansion is a funding cap and allows Granite Bay Holdings to go forward and bond for the Winters Highlands Project.

Commissioner Neu asked what happens if the cost of the WWTP expansion exceeds \$8 Million? Donlevy discussed various strategies on how the City would address the cost of the project. Community Development Director Sokolow noted that other projects including Callahan Estates and Hudson-Ogando will be paying into the sewer impact fund for the WWTP expansion and the Winters II project recently paid into the fund. He estimated that the Callahan Estates and Hudson-Ogando projects would generate approximately \$1.1 to 1.2 million in sewer impact fees for the City. Donlevy said that the City could potentially use funds from the Community Development Agency for the WWTP expansion.

Neu asked whether the sewer impact fees from the Callahan Estates and Hudson-Ogando projects could be used for other purposes. Sokolow said the fees would go into a restricted fund and could only be used to expand the WWTP. He noted that the City collects other types of impact fees such as streets.

Chairman Jordan asked whether there are provisions in other development agreement that allow for increased financial support of the WWTP expansion. Sokolow responded no. Donlevy said a critical element is whether the City will have to go to tertiary-level treatment with the WWTP expansion project.

Neu said he thinks that Granite Bay Holdings is doing its fair share as it pertains to funding the WWTP expansion project; however, he indicated that he wants to be assured that the City won't be "hog-tied" if the cost of the expansion goes above \$8 million.

Commissioner Tramontana asked if pushing back the phasing date to September 2007 for construction of the Winters Highlands project would affect the phasing of other projects. Donlevy replied that it would not.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Jordan opened the public hearing at 8:39 p.m. No public comment was received and Jordan closed the public hearing at 8:40 p.m.

Commissioner Graf moved to approve first amendment to the Development Agreement by and between the City of Winters and GBH-Winters Highlands, LLC for the Winters Highlands Subdivision project. The project site is north of Grant Avenue along Moody Slough Road (County Road 33) in the northwestern portion of the City of Winters. The project site totals 102.6 acres comprised of APNs 030-200-17 (48.1 acres), 030-220-10 (21.0 acres), and 030-220-33 (33.5 acres) located south of Moody Slough Road, east of the westerly City limits, and north of the existing Dry Creek Subdivision. Seconded by Commissioner Cowan.

AYES: Cowan, Graf, Guelden, Neu, Tramontana, Vallecillo, Jordan

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

3. Public Hearing and consideration of Anderson Place Subdivision Map. The project is a proposed subdivision of 2.13 acres to create 24 residential lots with a total of 28 residential units and 9 office suites, an internal roadway/parking area ("Lot A"), a pedestrian pathway area ("Lot B"), subdivision feature/green space area ("Lot C"), and second internal roadway/parking area ("Lot D") at 723 Railroad Avenue. APN: 003-220-22 (2.13 acres). Applicant: Eva Brzeski. Entitlements include Tentative Subdivision Map; Development Agreement; Rezone to add the Planned Development Overlay over the 2.13-acre site; Planned Development Permit for PD Overlay; Modifications to the adopted Street Cross Sections; Site Plan for residential units/office suites and landscaping; and Demolition Permit.

Community Development Director Sokolow stated that staff would request that items #3 and #4 be continued to the November meeting since the staff reports were not issued to the Commissioners until the evening of October 29 and the applicants didn't see the staff reports until today. As a result, there isn't sufficient time for the Commissioners to review the reports and take final actions on the projects this evening. In addition, the applicants haven't had sufficient time to review the recommended conditions of approval. Staff contacted the applicants and gave them the option of continuing the public hearings to the November 28, 2006 Planning Commission meeting. The applicant for Mary Rose Gardens chose to have his project delayed until the November 28 meeting while the applicant for Anderson Place decided to have her project discussed this evening.

Sokolow provided the Planning Commission with a summary of the project. He discussed the need for 10- and 13-foot tall sound walls on the east and south sides of the project, respectively, to address noise from the operations of the Double M Trucking, Inc., Inc. and Mariani Nut Company facilities. Off-site improvements recommended by the City Engineer include the completion of a sidewalk section on the west side of Railroad Avenue and construction of an 8-foot wide temporary asphalt-concrete bicycle/pedestrian path from the project south to the Railroad Avenue and Grant Avenue intersection. These two off-site improvements are for bicycle/pedestrian connectivity.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Sokolow noted that the Conceptual Downtown Master Plan shows the project site with residential uses in two options. The proposed project is a mixed use as it includes 28 residential units and 9 office suites. The Development Review Committee reviewed the project in March and a concern was raised about constructing residential on the project site, which is zoned Central Business District (C-2) and Office (O-F). Multi-family residential is a conditional use in the C-2 and O-F Zones. He said the applicant was wary of proposing retail for the project site because of the potential of competing with the retail in the downtown business district. Sokolow indicated that retail may be difficult at the site because it is distant from the downtown business district. Based on a noise study completed for the project, sound walls of 10-foot on the east and 13-feet on the south are needed to mitigate noise from the operations of Double M and Mariani. The sound wall design will need to be considered and reviewed at separate Site Plan Review before the Planning Commission.

The City received two comment letters during the circulation of the proposed Negative Declaration for the project from the owner of Double M and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). The owner of Double M raised concerns about the proximity of the project to the truck yard's operations and noted that the truck yard operates late into the night and early in the mornings at times. Sokolow said that recommendation conditions of approval have been prepared to address the noise from both Double M and Mariani. NRCS didn't provide specific comments on the project, but supplied flood zone, soil type, and other maps for the project site.

City Engineer Ponticello addressed the infrastructure that would be constructed for the project. A new roadway would be constructed by extending Anderson Avenue through the project and improve an existing roadway segment by widening the section of Railroad Avenue adjacent to the project. The Anderson extension would have a modified street cross section. The parkway/landscape strip will be eliminated and the sidewalk will be monolithic to the street. Ponticello said he supports the modified street cross section proposed for Anderson. The applicant proposes an interim cross section for Railroad by not constructing a four-lane arterial. The traffic study prepared for the project indicated that this particular roadway section could be two-lanes, but there are caveats to this. The two-lane scenario will only work if the Main Street loop is constructed. He said he and the City's traffic consultant would support a two-lane roadway for Railroad provided that the width for a four-lane roadway is reserved if the roadway needs to be widened to four lanes. The applicant would need to landscape the right-of-way reserved for a future four-lane roadway.

According to Ponticello, once Anderson Avenue is extended to Dutton Street and then Walnut Lane it will handle a significant amount of traffic, but the project's site plan shows a landscaped area at the Railroad-Anderson intersection. This landscape feature, which narrows the width of the roadway, won't allow for future left-hand turns from Anderson to Railroad. He noted also that staff at this time wasn't agreeing to take maintenance responsibilities for the private roadways and the utilities located in these roadways.

Eva Brzeski, the developer and co-owner of the property with her brother Jan Brzeski, introduced her project team. She said that she purchased the property one year ago and has held meetings with community members, City staff, and Planning Commission in putting together her project.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Chairman Jordan asked about the width of one of the internal roadways since one map shows 17-feet and the other 24-feet. Project architect Bob Lindley of YHLA Architects said 17-feet is the width of the lot that will be held in common, but 24-feet is the actual roadway width. He said the reason for the curvature in the extension of Anderson Avenue is to connect with a future extension of Anderson that will occur to the east of the project. Originally, Lindley thought of putting the Anderson extension at the northerly end of the project site to run parallel with the existing pressurized sewer main. However, this option was dropped because an offset intersection would be created at the Railroad Avenue and Anderson Avenue. He said the curve in Anderson provides an interesting glimpse into the commons area (park area) and will calm traffic.

Lindley said the houses are small and compact on the project site. The layout creates a community for the project site. The third floor of the units (buildings) on Railroad Avenue steps back to create a primary two-story unit on Railroad Avenue. The office and residential units planned for Railroad are completely separated in terms of firewall and egress. The Railroad frontage of the units has second floor porches/balconies. The two-story buildings have front porches and vehicles will park behind the buildings. The four affordable units required for the project are proposed for building G under a cooperative housing arrangement. Lindley displayed a new exhibit to show the colors of the buildings. He said he wanted to create a color palette for the project.

Commissioner Tramontana asked whether there was consideration of reversing the direction of the one-way internal road on the south side of the project since vehicles will have to make a left-hand turn to exit the project. Mark Rutheiser, a project representative, said reversing the direction of the one-way internal roadway could cause cars to backup at the Anderson Avenue and Railroad Avenue intersection.

Commissioner Guelden asked whether Lot B is a walkway. Brzeski said the lot is shown as a walkway on the conceptual landscaping plan.

Commissioner Neu asked about the recommended condition of approval requiring the affordable units to be located in separate buildings. Sokolow said the recommended conditional of approval might need to be modified.

Rutheiser noted there is extensive public right-of-way in the project. Tonight's meeting is the first time he's seen the off-site pedestrian/bicycle improvement requirements and they need to be further discussed.

David Thompson of Neighborhood Partners and the affordable housing consultant for the project said more than 600 cooperative affordable units have been built in Yolo County. Unit G has been chosen for the affordable units because this building is the furthest from the roadway and therefore the quietest one. The location of unit G will keep children residing in the units away from the roadway. A limited equity housing cooperative is proposed for the affordable units.

Commissioner Tramontana asked why the affordables weren't located elsewhere because the proposed location is near the Double M facility. Thompson said the units would also be located near the green space area. Commissioner Graf characterized the noise aspect as a serious issue that need to be addressed.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

Guelden asked how the housing cooperative would operate. Thompson responded that each family would own a share in the in the units/properties. He cited the example of the Leisureville Mobile Home Park in Woodland, which was purchased by the residents under a cooperative housing arrangement. In response to a question from Neu, Thompson said the architecture of the affordables is going to be similar to the other units.

Commissioner Vallecillo asked if the City would subsidize the cooperative housing. Thompson said the City would be asked to apply for grants to support the cooperative units, but a direct subsidy from the City wouldn't be required.

Jordan opened the public hearing at 10:00 p.m.

Elliot Landes, 454 Russell Street, spoke in favor of the project. He liked the compact, infill nature of the project and sees it as a different approach than some of the other more traditional sprawling developments Winters has seen in the past.

Lyndsay Dawkins, 4046 Central Lane, said she feels that the project adds to the community.

Jordan closed the public hearing at 10:02 p.m.

Lindley displayed a new exhibit that showed moving the project 18-feet to the west of Railroad Avenue if Railroad remained a two-lane roadway. Under this scenario, additional landscaping would be installed between the project site and the Double M facility on the east. Commissioner Cowan said the additional buffer between the project and Double M would be beneficial. He expressed comments in support of the project and the project's color palette.

Tramontana said he likes the project and the use of three-story buildings, but he has concerns about the project being so close to Double M Trucking.

Vallecillo said the Anderson Place project is one of the best projects that has come forward in a long time. A "brown" piece of land is being used for the project. He expressed his support for a two-lane roadway on Railroad Avenue and roundabouts possible in the area. Vallecillo said the City needs to look forward to when the truck company won't be at its current location.

Graf commented that the concentration of the affordable units in building G does make sense.

Guelden said he's not as optimistic about the project as others. He pointed out the potential of people residing in the office suites since the units have kitchenettes and bathrooms. Guelden expressed his concern that people driving along Railroad Avenue could look into the residential units fronting the street. Tramontana said the existing trees on Railroad would block the views. Guelden questioned the use of commercial property for residential purposes and expressed concern that the project will provide insufficient parking. He noted that there are different building code requirements for the proposed office and residential uses.

Commissioner Neu moved to continue the public hearing and consideration of the Anderson Place Subdivision Map project to the November 28, 2006 Planning Commission meeting. Seconded by Commissioner Vallecillo. Motion carried unanimously 7-0.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, OCTOBER 30TH, 2006**

4. Public Hearing and consideration of Mary Rose Gardens Subdivision. The project is a proposed subdivision of 5.69 acres to create 28 single-family lots including two half-plex lots (Lots 12A and B) and Parcel X for an 18,433 square foot subdivision feature/green space area at 415 Grant Avenue (northwest corner of Grant Avenue and Cemetery Lane). APN: 003-524-19 (5.69 acres). Applicant: Dave Snow. Entitlements include Tentative Subdivision Map; Development Agreement; Rezoning to add the Planned Development Overlay over the 5.69-acre site; Planned Development Permit for PD Overlay; Site Plan for residential units and landscaping of Parcel X; and Demolition Permit.

Commissioner Graf moved to continue the public hearing and consideration of the Mary Rose Gardens Subdivision Map project to the November 28, 2006 Planning Commission meeting. Seconded by Commissioner Vallecillo. Motion carried unanimously 7-0.

The meeting was adjourned at 10:20 p.m.

DON JORDAN, CHAIRPERSON

ATTEST:

DAN SOKOLOW, COMMUNITY DEVELOPMENT DIRECTOR

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING
HELD TUESDAY, OCTOBER 24, 2006**

Chairman Jordan called the meeting to order at 7:30 p.m.

PRESENT: Cowan, Graf, Guelden, Neu, Tramontana, Jordan
ABSENT: Vallecillo
STAFF: Community Development Director, Dan Sokolow

Commissioner Guelden led in the Pledge of Allegiance.

COMMUNICATIONS:

1. Staff Report

Current Planning Projects list dated October 17, 2006.

2. Commission Reports

None.

CITIZEN INPUT

None.

CONSENT ITEM

Approve minutes of September 26, 2006 and August 22, 2006 regularly scheduled meetings of the Planning Commission.

Community Development Director Sokolow said the minutes for the August 22, 2006 meeting will be provided at the October 30, 2006 meeting and therefore are not available for approval. Commissioner Graf made a motion to approve the minutes for the September 26, 2006 meeting of the Planning Commission. Seconded by Commissioner Tramontana.

AYES: Cowan, Graf, Guelden, Neu, Tramontana, Jordan
NOES: None
ABSTAIN: None
ABSENT: Vallecillo

Motion carried 6-0 with Vallecillo absent.

ACTION ITEMS:

1. Public Hearing and consideration of Site Plan (2006-05-SP) submitted by Don and Diane Jordan for the construction of a 1,440 square foot detached garage at 718 Hemenway Street (APN 003-281-07).

Chairman Jordan recused himself due to a conflict of interest as the Site Plan for the detached garage being considered was submitted by himself and his wife. Before recusing himself, he asked Commissioner to serve as Acting Chairman because of Vice-Chairman Vallecillo's absence.

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING
HELD TUESDAY, OCTOBER 24, 2006**

Community Development Director Sokolow gave an overview of the staff report. Commissioner Guelden inquired if the setback on the rear (west) property line was 6 feet. Don Jordan, 718 Hemenway and the project applicant, verified that the setback was extended to 10 feet and also verified that the minimum setback is 5 feet.

Commissioner Graf inquired about the set back distance on the side of the proposed structure (north). Applicant Jordan verified that the set back remained at 5 feet.

Commissioner Tramontana inquired about the flat roof and whether the proposed structure's height exceeded the height limitation of 15 feet. Applicant Jordan confirmed that the height of the garage wouldn't exceed 15 feet and said the flat roof design was used to accommodate a motor home that will be parked in the garage.

Commissioner Cowan inquired whether the exterior of the addition would match that of the existing structure. Applicant Jordan verified that the stucco and tile exterior of the addition would match the existing structure. Applicant Jordan also verified that, at the neighbor's request, the windows on the south side would be faux windows for decorative purposes only.

Graf opened the public hearing was opened at 7:43 p.m.

Matt Brickey, 716 Hemenway Street, said he thought the applicant was going to building a pitched roof. He expressed a concern about the effect on his property value of having to look at a stucco wall for a long distance. Applicant Jordan said he originally planned to construct a pitched roof. He noted that the City was considering a change to the height limitations for accessory structures that would eventually allow him to construct a pitched roof.

Brickey said he wasn't concerned about the roofline, but thinks that what's being built in the backyard needs to flow with the neighbors' properties.

Graf closed the public hearing at 7:50 p.m.

Commissioner Neu asked Applicant Jordan if there would be any landscaping between the garage the neighbor's yard to the south (716 Hemenway Street) in order to break up the vertical appearance of the wall facing the neighbor's property. Applicant Jordan said there is only 5 feet between the structure and the property line, but he agreed to look at landscaping options. He clarified that the south wall of the garage would be just stucco in response to a question from Commissioner Guelden.

Guelden confirmed that the Commission's role was to review the design of the proposed structure tonight.

Graf asked if the applicant would consider moving the garage somewhat north. Applicant Jordan said it could be moved, but it might run into existing landscaping. Increasing the side yard setback to 10 feet creates an unusable space. Under this

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING
HELD TUESDAY, OCTOBER 24, 2006**

scenario, Applicant Jordan said he might as well increase the setback to 15 feet since he could park a trailer in the setback area.

Commissioner Graf appreciated Don Jordan's willingness to compromise and to reach a solution. He also felt it was inappropriate to take action on this item and suggested continuing the item until the October 30th or November 28th Planning Commission meeting. Graf asked whether staff would have to re-notice the continued public hearing. Sokolow said a re-notice wouldn't be necessary as long as the Commission continued the project to a specific date.

Commissioner Neu made a motion to continue the public hearing and consideration of the detached garage project to the October 30, 2006 Planning Commission meeting. Seconded by Commissioner Cowan.

AYES: Cowan, Graf, Guelden, Neu, Tramontana
NOES: None
ABSTAIN: Jordan
ABSENT: Vallecillo

Motion carried 5-0-1.

Chairman Jordan re-joined the meeting at 8:05 p.m.

2. Public Hearing and Consideration of Historic Preservation Permit submittals for the façade improvement projects at 12 Main Street (APN 003-203-10), 14 Main Street (APN 003-203-10), and 31 Main Street (APN 003-204-14).

Community Development Director Sokolow gave an overview of this item.

Commissioner Tramontana asked about the colors proposed for the 12 and 14 Main Street projects. Sokolow did not have the specific information with him, but said he thought that maroon- and rust-type colors were planned. Commissioner Cowan said there needs to be more than one color for the 12 and 14 Main projects. He asked whether the color of the new awning at the 31 Main project would be the same as the existing awning. Sokolow responded yes.

Cowan asked whether the existing front doors would be stained or new doors be purchased. He suggested the wainscoat contain multiple colors and not just one color and it was confirmed that new doors were being installed.

Commissioner Graf asked if there were preferred colors established for the Historic District. Sokolow responded no. Chairman Jordan asked if the applicants for the 12, 14, and 31 Main Street projects have submitted color samples. The Planned Commission concurred that color samples need to be submitted for façade projects in the City's Historic District.

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING
HELD TUESDAY, OCTOBER 24, 2006**

Sokolow suggested adding a condition to the conditions of approval for the facade improvements at 12 and 14 Main Street to require that a minimum of three different colors or shades be used for the facades.

Jordan opened the public hearing at 8:27 p.m.

Aaron Drumwright, 627 Snapdragon Street, said he and his wife own the dance studio at 305 First Street. He wanted to re-paint the First Street façade of the building that he leases; however, he was informed by a resident that he would need to obtain permission before he could re-paint. Sokolow indicated he would check the ordinances on file and verify the extent of the Historic District.

Jill Courson, 28691 El Camino, asked if there were resources available at the Winters Branch of the Yolo County Library for architects and designers on the historic buildings in Winters. It was suggested that she contact the Winters Express.

Elliot Landes, 454 Russell Street, said there are a number of photos of the historical buildings in Winters on file at the Winters Express. The property owners painted everything brown. Landes said having multiple colors for the facades is a good idea.

Jordan closed the public hearing at 8:36 p.m.

Commissioner Neu made a motion to approve the Historic Permit submittals for the façade improvement projects at 12 Main Street (APN 003-203-10), 14 Main Street (APN 003-203-10), and 31 Main Street (APN 003-204-14), with the provision that three colors or shades be used on the facades at 12 and 14 Main Street. Seconded by Commissioner Cowan.

AYES: Cowan, Graf, Guelden, Neu, Jordan, Tramontana
NOES: None
ABSTAIN: None
ABSENT: Vallecillo

Motion carried unanimously.

INFORMATION ITEM

Commissioner Neu voiced his concern for cyclists exiting on the north end of the Railroad Bridge, who instinctively turn onto Railroad Avenue where there are often fast-moving vehicles. He suggested there be some type of traffic-slowing device such as signage or a crosswalk. Often times there are catering vehicles parked at the entrance of the Community Center, blocking the path of the cyclists and forcing them out onto Railroad Avenue. Commissioner Graf voiced his support for slowing the speed of the vehicle traffic. Chairman Jordan said that signs to warn motorists of the cyclists would be appropriate.

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING
HELD TUESDAY, OCTOBER 24, 2006**

Commissioner Tramontana indicated that the new white bike lane lines painted on Main Street looked wonderful. He also noted that many cyclists ride on the wrong side of the street (facing traffic), which is very dangerous.

Three Boys Scouts were in the audience and recognized by Chairman Jordan. They responded by saying they were present to work on their citizenship and communications merit badges.

The meeting was adjourned at 8:43 p.m.

DON JORDAN, CHAIRPERSON

ATTEST:

DAN SOKOLOW, COMMUNITY DEVELOPMENT DIRECTOR



PLANNING COMMISSION STAFF REPORT

November 28, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Appointment of Planning Commission liaison for Putah Creek Committee.**

RECOMMENDATION: Staff recommends that the Planning Commission appoint/select a member of the Commission to serve on the newly formed Putah Creek Committee.

PC Park/PC Committee Rep from Planning Commission PC Stf Rpt 28Nov06



PLANNING COMMISSION STAFF REPORT
November 28, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Scheduling of Planning Commission meeting for December.**

RECOMMENDATION: Staff recommends that the Planning Commission schedule Tuesday, December 19 for the December meeting of the Commission. Normally, Commission meetings are held on the fourth Tuesday of each month. As a result, the December meeting would occur on the 26th; however, the Winters City Hall will be closed during the last week of December. In the event that no action or discussion items are scheduled for the December meeting, the meeting will be cancelled.

Planning Commission/December 2006 Meeting Schedule PC Stf Rpt 28Nov06



PLANNING COMMISSION STAFF REPORT

November 28, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Continued Public Hearing and consideration of Anderson Place Subdivision Map. The project is a proposed subdivision of 2.13 acres to create 24 residential lots with a total of 28 residential units and 9 office suites, an internal roadway/parking area (“Lot A”), a pedestrian pathway area (“Lot B”), subdivision feature/green space area (“Lot C”), and second internal roadway/parking area (“Lot D”) at 723 Railroad Avenue. APN: 003-220-22 (2.13 acres). Applicant: Eva Brzeski. Entitlements include Tentative Subdivision Map; Conditional Use Permit to construct multi-family housing in the C-2 and O-F Zones; Development Agreement; Rezone to add the Planned Development Overlay over the 2.13-acre site; Planned Development Permit for PD Overlay; Modifications to the adopted Street Cross Sections; Site Plan for residential units/office suites and landscaping; and Demolition Permit.**

SUMMARY OF PROJECT: The project is a proposed rezoning and subdivision of 2.13 acres to create 24 residential lots with a total of 28 residential units and 9 office suites, an internal roadway/parking area (“Lot A”), a pedestrian pathway area (“Lot B”), subdivision feature/green space area (“Lot C”), and second internal roadway/parking area (“Lot D”).

In order to proceed with the project the following City approvals are needed:

- Conditional Use Permit to construct multi-family residential in the C-2 and O-F Zones.
- Modifications to the adopted Street Cross Sections for Railroad Avenue and Anderson Avenue.
- Rezoning to add the P-D overlay over the entire property to allow for lot sizes, widths, depths, floor area ratios, and setbacks to fall below the minimums set in the Winters Municipal Code (Title 17, Zoning); and to allow for the number of off-street parking spaces to fall below the minimums set in the Winters Municipal Code (Title 17, Zoning).
- Site Plan for the design of the residences and office suites and the conceptual

landscaping plans for the subdivision feature/green space area ("Lot B"), the Railroad Avenue frontage, and internal areas.

- Tentative Subdivision Map to create 24 residential lots, including 9 mixed use lots; an internal roadway/parking area ("Lot A"); a pedestrian pathway area ("Lot B"); subdivision feature/green space area ("Lot C"); and second internal roadway/parking area ("Lot D").
- Planned Development Permit.
- Development Agreement.
- Demolition Permit to remove the vacant 27,000 square foot warehouse.

PROJECT LOCATION: The project site is located in the north central area of the City of Winters at 723 Railroad Avenue. The project site, which is on the east side of Railroad, totals 2.13 acres comprised of APN 003-220-22 and is north of Grant Avenue (State Route 128), south of Betty Court, east of the existing section of Anderson Avenue, and west of Dutton Street.

BACKGROUND: The 1992 General Plan was the subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan, including the development of the site as currently designated. The General Plan EIR assumed floor area ratios of 0.54 (CBD) and 0.13 (OF) for the site, but did not assume residential yields for the CBD and OF designations.

The application for this project was received on April 21, 2006 and subsequently revised on June 6, 2006 (Tentative Subdivision Map updated to show square footages for each proposed lot). A more detailed project history is provided in the Negative Declaration (see Attachment B, separately provided) was released on September 28, 2006 for a 22-day comment period that ended October 19, 2006. Two comment letters were received (see Attachment C) and are discussed further below.

On March 28, 2006 the Planning Commission conducted a public workshop/CEQA scoping session on this project. A summary of the comments made by Commissioners during the workshop is provided below.

- Question about where clients of the commercial spaces (office suites) would park their vehicles.
- Concern about residents of the project not parking in their garages and parking elsewhere such as on Anderson Avenue west of Railroad Avenue.
- Interest in having a market study prepared on the businesses that would use the commercial spaces.
- Suggestion to provide a disclosure item for potential residents of the project on the noise generated from the adjacent Double "M" Trucking, Inc. facility.
- Question on why on-street parking cannot be provided on Railroad Avenue.
- Question on whether the Fire Department has reviewed the project.

Non-Commission comments made at the workshop including the following.

- Letter from the owner of the Double M expressing concerns about the project's

proximity to the trucking company.

- Question (from one of the members of the Development Review Committee, DRC, that was made at the March 8, 2006 DRC meeting on the project) on why housing was being pursued for the project site when it is zoned Central Business District (C-2) and Office (O-F).

DETAILED PROJECT DESCRIPTION: Based on the tentative map dated June 5, 2006 (see Attachment A), the project proposes 18 residential lots ranging in size from 1,380 to 2,273 square feet, a 13,684 square foot internal roadway/parking area ("Lot A"), a 325 square foot pedestrian pathway area ("Lot B"), and a 4,278 square foot subdivision feature/green space area ("Lot C") in the CBD/C-2 categories. The average proposed residential lot size within the CBD/C-2 designations is 1,674 square feet. The CBD/C-2 part of the project is located south of a proposed extension of Anderson Avenue to the east and will contain 22 residential units.

The project proposes six residential lots ranging in size from 1,357 to 2,853 square feet and a 5,601 square foot internal roadway/parking/plaza area ("Lot D") in the OF/O-F categories. The average proposed residential lot size within the OF/O-F designations is 2,118 square feet. The OF/O-F part of the project is located north of a proposed extension of Anderson Avenue to the east and will contain six residential units.

The Railroad Avenue frontage of the project will include five three-story buildings with a total of nine residential units. The buildings fronting Railroad will be separated from the existing two-lane, 37-foot wide roadway by a two-foot easement area; a ten-foot bicycle/pedestrian pathway; and an existing 35-foot wide swale that contains mature trees. Each residential unit will be 1,453 square feet in size with three bedrooms and three baths, and located above a 553 square foot first floor office suite. The entrances to the offices will be separate from the residential unit entrances.

The remainder of the project site will include eight two-story buildings with a total of 19 residential units. The 19 units will consist of two 1,813 square foot units each with four bedrooms and three baths, two 1,398 square foot units each with three bedrooms and two-and-one-half baths, two 1,397 square foot units each with three bedrooms and three baths, one 1,365 square foot unit with three bedrooms and two-and-one-half baths, one 1,321 square foot unit with three bedrooms and one-and-a-half baths, two 1,193 square foot units each with three bedrooms and one-and-a-half baths, five 1,030 square foot units each with two bedrooms and one-and-a-half baths, two 416 square foot units each with one bedroom and one bath, and two 415 square foot units each with one bedroom and one bath.

For the CBD/C-2 portion of the project, which is south of the Anderson Avenue extension, a private one-way (in the clock-wise direction) looped road (Lot A) with a width ranging from 20 to 24 feet will be constructed to provide access to the residential units and parking areas. Small, private yards will be provided for 11 of the 22 residential units. The subdivision feature/green space area (Lot C) will have frontage on the south side of the Anderson extension and will consist of a large lawn area and a network of concrete walkways to connect to five of the residential buildings that house 15 residential units. A

total of 48 off-street parking spaces are proposed for the 22 residential units and 7 office suites located in the CBD/C-2 part of the project and eight of the spaces will be reserved for users of the office suites. Accessible parking spaces have not been identified.

For the OF/O-F portion of the project, which is north of the Anderson Avenue extension, a private road (Lot D) with a width ranging from 16 to 24 feet will be constructed to provide access to the residential units and parking areas. Four of the residential units will have pedestrian access from the Anderson frontage. A paved plaza with a seating wall/area will be constructed at the northwest corner of the OF/O-F part of the project. The plaza will be accessible internally and from the Railroad Avenue bicycle/pedestrian pathway. A total of 15 off-street parking spaces are proposed for the six residential units and two office suites located in the OF/O-F portion of the project and three of the spaces will be reserved for users of the office suites. Accessible parking spaces have not been identified.

The project would result in improvements to Railroad Avenue along the project frontage and in the construction of an extension of Anderson Avenue with the extension terminating at the east end of the project. The Winters General Plan Circulation Element (1992) shows a future extension of Anderson from the Railroad/Anderson intersection east to Walnut Lane. An "interim" cross-section is proposed for Railroad with a right-of-way of 84-feet consisting of a 2-foot public utility easement, a 10-foot bicycle/pedestrian pathway, an existing 35-foot wide swale that contains mature trees, and an existing pavement section of approximately 37 feet that contains two travel lanes. The Circulation Master Plan designates Railroad as a 4-lane arterial with a 118-foot right-of-way consisting of two 14-foot inside travel lanes, two 12-foot outside travel lanes, a 14-foot median, two 6-foot bicycle lanes, two 0.5-foot curb areas, two 7.5-foot planter strips, and two 6-foot sidewalk sections.

For Anderson, a 50-foot right-of-way is proposed with two 12-foot travel lanes, two 8-foot on-street parking areas, and two 5-foot sidewalks. The Circulation Master Plan designates Anderson as a secondary collector with a 66-foot right-of-way consisting of two 12-foot travel lanes, two 8-foot on-street parking areas, two 0.5-foot curb areas, two 7.5-foot landscape strips, and two 5-foot sidewalk sections. The proposed cross-section for Anderson differs from the cross-section contained in the Circulation Master Plan by not including landscape strips and constructing a sidewalk monolithic to the street.

Other roadway-related improvements would include the following.

- Construction of a temporary off-street Class I pedestrian/bicycle asphalt concrete (AC) path with a width of 8-feet from the project site's south boundary to Grant Avenue.
- Construction of sidewalk and modification of existing driveways for ADA pedestrian accessibility on the west side of Railroad Avenue from Anderson Avenue to the existing sidewalk north of Grant Avenue.

LAND USE AND ZONING CONSISTENCY: The project site has been designated in the General Plan as Central Business District (CBD, approximately 1.42 acres of the project site), which allows residential densities of 10.1 to 20 units per acres, and Office (OF,

approximately 0.71 acres of the project site), which allows residential densities of 6.1 to 10 units per acres. The maximum number of units allowed for the CBD and OF portions of the project are 28 and 7, respectively. The proposed number of units for the CBD and OF portions of the project are 22 and 6, respectively.

The applicant is not proposing any changes to the CBD and OF designations. However, the applicant is requesting a rezone of the entire property in order to add a Planned Development (P-D) overlay. The P-D overlay would address a number of inconsistencies with the Winters Municipal Code (Title 17 – Zoning) as it pertains to development standards for the C-2 and O-F Zones as well as off-street parking requirements. The following table details the development inconsistencies.

Development Standard	C-2 Proposed	C-2 Standard	O-F Proposed	O-F Standard
Minimum Lot Size	1,380 sf	5,000 sf	1,357 sf	10,000 sf
Minimum Lot Width	22 feet	50 feet	23 feet	80 feet
Minimum Lot Depth	Meets standard	50 feet	59 feet	80 feet
Floor Area Ratio	1.75	0.60	1.80	0.40
Front Yard Setback	0 feet	20 feet	5 feet	23 feet
Rear Yard Setback	Meets standard	0 feet	7 feet	10 feet
Side Yard Setback	Meets standard	0 feet	0 feet	10 feet
Maximum Height	Below maximum	45	Below maximum	35

The project would fall short of the required off-street parking spaces for multi-family residential and office uses. The project proposes 63 off-street parking spaces including 11 for office uses. A total of 78 off-street parking spaces are required for the project. Of the 78 spaces, 60 are required for residential uses while 18 are for office uses. An estimated 12 to 14 on-street parking spaces will be provided on the Anderson Avenue portion of the project. Because accessible parking spaces have not been identified, the number of off-street parking spaces will be reduced.

RESIDENTIAL SITE PLAN: A total of thirteen buildings, five three-story and eight two-story, are proposed for the project. The exterior materials will include dimensional asphalt shingle roofing, vinyl windows, cedar trellises, cedar deck railing, and acrylic color-coated cement plaster. Design features of the buildings include balconies, chimneys, second floor areas protruding over first floor areas, French doors, varied rooflines, covered porches, rear-loaded garages, and six buildings clustered around the subdivision feature/green space (Lot C).

POLICY ANALYSIS

General Plan: The project has been reviewed for consistency with the policies of the General Plan. Conditions have been identified in some cases, to ensure consistency. A few policies are discussed below for clarity. For all policies, the staff believes a finding of consistency can be made. The Planning Commission, and ultimately the City Council, must reach this same conclusion in order to approve the project.

Policies I.F.2, I.F.3, IV.H.5, and IV.H.6 related to funding and timing of school facilities have been superseded by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996), as described on page 45 of the Initial Study in the Negative Declaration.

Policy II.A.3 of the City's Housing Element (adopted December 14, 2004) requires the City to implement its 15-percent inclusionary housing ordinance for all new housing developments. By including two very low-, one low-, and one moderate-income units, this project is consistent with the policy. Policy II.A.13 requires affordable units to be interspersed within the development. Recommended Condition of Approval #50 requires that no more than one affordable unit shall be located in a building.

Bikeway System Master Plan: Railroad Avenue is slated for future bike lanes or routes under the Master Plan. A 10-foot wide bicycle/pedestrian pathway will be constructed along the project's Railroad frontage for a distance of approximately 315 feet. In addition, the project applicant will be required to construct permanent and temporary pedestrian and bicycle improvements on Railroad from the project site to Grant Avenue (SR 128). On the west side of Railroad, the improvements will consist of constructing sidewalk and modifying driveways for ADA pedestrian accessibility from Anderson Avenue to the existing sidewalk north of Grant. On the east side of Railroad, the improvements will consist of constructing a temporary off-street Class I pedestrian/bicycle asphalt concrete (AC) path from the project site south boundary to Grant with a minimum width of 8 feet within the existing right of way. As a result of these bicycle/pedestrian improvements, the project is consistent with the Bikeway System Master Plan.

INFRASTRUCTURE

Sewer Conveyance: Sanitary sewer service is proposed to be provided by the construction of an 8-inch sewer main in the right-of-way of the Anderson Avenue extension constructed on the project site. The new 8-inch sewer main will connect to the west with the existing 8-inch sewer main located in Railroad Avenue. Two 8-inch sewer mains will be constructed on the south side of the project in order to service the lots south of Anderson and will connect with the 8-inch sewer main in Anderson. A privately owned and maintained 4-inch sewer main will be constructed on the north side of the project to service Lot 23.

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

expansion will bring the capacity to between 1.2 and 1.6 mgd.

Water Conveyance

Water Service: Water service is proposed to be provided by the construction of an 8-inch water main in the right-of-way of the Anderson Avenue extension 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. An 8-inch looped water main will be constructed on the south side of the project to service most of the lots south of Anderson and will connect with the 8-inch water main in Anderson. A privately owned and maintained 1-inch water main on the north side of the project will service Lot 23; however, the size of the main will need to be upgraded in order to provide an adequate water flow for the fire suppression system. The Draft Water Master Plan identifies that the City currently requires a new well to serve the existing City and future development. The City is in the process of drilling a test well 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. This requirement is reflected in Recommended Condition of Approval #33 (Mitigation Measure #15).

Storm Drainage: Storm drainage is proposed to be provided through the construction of a 15-inch storm drain line in the right-of-way of the Anderson Avenue extension constructed on the project site. The Anderson storm drain line will connect to a new 15-inch storm drain line that will be constructed on the project's Railroad Avenue frontage north of Anderson. The 15-inch storm drain line on Railroad will connect with an existing 48-inch storm drain line in the Railroad right-of-way that is then reduced to an existing 12-inch storm drain line. The south side of the project (south of Anderson) will be serviced by two 12-inch storm drain lines that will connect with the new 12-inch storm drain line constructed in Anderson. The north side of the project (north of Anderson) will be serviced by a 12-inch storm drain line that will connect with the new 12-inch storm drain line constructed in Anderson.

Off-Site Infrastructure: The project would be required to fund and construct off-site improvements necessary to support the development. Such improvements would include, but not be limited to water lines, sewer lines and storm drainage lines. To the extent that acquisition or subsequent CEQA clearance is necessary for such work, that would be the responsibility of the developer. As noted earlier, the project would be required to construct off-site pedestrian improvements on the east and west side of Railroad Avenue.

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

PARK REQUIREMENT: The City requires the development of public parkland in conjunction with subdivision development at a ratio of 5 acres per 1,000 persons, and has

a goal of 7 acres per 1,000 persons. Using the applicable Department of Finance factor (January 1, 2006 estimate) for household size of 3.153 persons per household, and assuming 28 total units, the project triggers the need for between 0.44 and 0.62 acres of developed parkland ($3.153 \times 28 \text{ dus} \div 1,000 \times 5 = 0.44 \text{ acres}$; $3.153 \times 28 \text{ dus} \div 1,000 \times 7 = 0.62 \text{ acres}$). The project includes no on-site public parkland. The proposed 4,278 square foot subdivision feature/green space ("Lot C") is considered a subdivision feature and would not receive parkland credit. If the applicant is not required to construct an on-site park, the applicant would be required to fund acquisition and development of parkland at an off-site location.

LANDSCAPING AND PARK DESIGN: The applicant has submitted for Site Plan review of the conceptual landscaping plans for the Railroad Avenue streetscape, the internal areas, and the green space/subdivision feature ("Lot C"). The applicant has not submitted design plans for the sound walls needed on the east and south sides of the project. As a result, the applicant will be required to obtain a separate Site Plan approval for the sound walls (Recommended Condition of Approval #49). The Railroad Avenue streetscape includes a 10-foot wide concrete pedestrian/bike path, existing shade trees, new shade trees, accent trees, and shrubs. The plaza area includes a paved concrete area with seat wall surround it, accent trees, a shade tree, shrubs, and ground cover. The internal landscaping which also covers the Anderson Avenue frontages of the project includes shade trees, accent trees, shrubs, grasses, ground covers, and vines. The conceptual landscaping plan for the section of Anderson near its intersection with Railroad will need to be modified in order to provide a 50-foot right of way (40-foot face of curb to face of curb for street section) and accommodate on-street parking. The green space/subdivision feature ("Lot C") includes a lawn area with a shade tree. Lot C is bordered by four residential buildings on the west, south, and east. This allows Lot C to benefit from the landscaping used for the adjacent buildings.

AFFORDABLE HOUSING: The total number of proposed units would be 28. The City requires a 15 percent affordable component comprised of 6 percent very low-income, and 9 percent low- to moderate-income. Therefore, the requirements for this project would be 4 affordable units comprised of 2 very low-income units, 1 low-income unit, and 1 moderate-income unit. The locations of the affordable units have not been designated and the Planning Commission may want to consider designating the locations.

UNIT PHASING: The applicant is proposing to create all 24 residential lots and the 28 residential units which includes the 9 office suites and have them available for sale at the same time. No phasing is proposed.

DEVELOPMENT AGREEMENT: The City will require that a Development Agreement (DA) be executed for this project. Under the City's DA enabling ordinance, there must be resulting "net benefits" to the community from entering into such an agreement. In addition, if approved the Development Agreement would be used to "lock in" project features such as the lot layout, design review requirements, conditions of approval, mitigation measures, phasing (if any), payment of impact fees, etc. The draft deal points for the agreement are outlined below. It should be noted that there are many other requirements of the project that the City will achieve through the mitigation measures and

conditions of approval. The items below are the items that would be gained to the community's "net benefit", in addition to the requirements of the mitigation measures and conditions of approval.

- School Funding – Payment of Level Three School Impact Fees (low- and very low-income units exempt).
- Fiscal Neutrality – Pay an annuity per an Economic and Planning Systems report to offset any cost increase to the City general fund.
- Parks – Fund new parks at seven acres per thousand through in-lieu fees.
- Energy – All of the units to be constructed as EPA Energy Star units. Photovoltaic solar energy systems capable of producing 2.4 peak rated direct current (DC) kilowatts to be installed on half of the 24 market rate units while the remaining market rate units to be pre-wired to accommodate such a system.
- Water Impact Fees Advance Payment – Pay the City impact fees for Water at Final Map.

It should be noted that the Fiscal Neutrality and Parks items are General Plan requirements and therefore are not true "net benefit" items, but they have been detailed here for clarity purposes.

CEQA CLEARANCE: A Negative Declaration (see Attachment B) was circulated on September 28, 2006, for a 22-day comment period extending through October 19, 2006. All comment letters received within the comment period are attached for the Commission's review (see Attachment C). Each letter is discussed briefly below.

USDA Natural Resources Conservation Service letter dated October 5, 2006 – The agency provided maps on the location, soil unit, drainage class, topography, and potential habitat area for the Northwestern Pond Turtle for the project site and vicinity (in some instances). It should be noted that the project is not located in the potential habitat area for the Northwestern Pond Turtle. No specific comments were submitted with the letter from the U.S. Natural Resources Conservation Service.

Double "M" Trucking, Inc. letter dated October 18, 2006 – The trucking company objects to the proposed use of the 723 Railroad Avenue project site (for residential and office purposes). Double M notes that its trucking operations begin as early as 3:00 a.m. and sometimes run as late as 12:00 midnight, serve's as the City's second largest employer, and has operated at the same location on Dutton Street adjacent to the project site for more than 30 years. The trucking company recommends that a second noise study be performed when the operations of both Double M and the Mariani Nut Company are in "full swing". A noise analysis (*Environmental Noise Analysis*, J.C. Brennan & Associates, Inc., July 14, 2006) was prepared for the project. A significant part of the analysis is focused on the noise generated from the operations of both the Double M Trucking Company and the Mariani Nut Company. Mitigation Measures #9 - 11 (Recommended

Conditions of Approval #27 – 29), have been prepared to address the noise generated from the Double M and Mariani operations.

FISCAL IMPACT: The City required the preparation of a Fiscal Impact Analysis for this project to determine effects on the City's general fund. While the analysis has not be completed, it is anticipated that the project will fail to result in general fund revenues sufficient to serve the project, particularly in the areas of police and fire protection. As one of the draft deal points for the Development Agreement, the applicant will be required to fund an annuity and the interest proceeds of the annuity will be used for fiscal neutrality.

The General Plan requires fiscal neutrality from development. The Negative Declaration identifies a Mitigation Measure, #12 (Recommendation Condition of Approval #30), that requires mitigation for the fiscal deficit in the Development Agreement. The draft deal points for the Development Agreement includes such a requirement.

PLANNING COMMISSION ACTION: Subject to the attached conditions of approval, the staff recommends that the Planning Commission make the following recommendations to the City Council:

1. Adopt the Negative Declaration and Mitigation Monitoring Plan.
2. Approve a Conditional Use Permit to allow the construction of multi-family housing in the C-2 and O-F Zones.
3. Approve modifications to the adopted Street Cross Sections for Railroad Avenue and Anderson Avenue.
4. Approve a Rezoning to add a Planned Development Overlay over the 2.13 acres project site to allow the following.
 - a. Lot sizes less than the minimums for the C-2 and O-F Zones.
 - b. Lot widths/depths less than the minimums for the C-2 and O-F Zones.
 - c. Floor area ratios less than the minimums for the C-2 and O-F Zones.
 - d. Setbacks less than the minimums for the C-2 and O-F Zones.
 - e. Off-street parking spaces less than the minimums for multi-family housing and office uses.
5. Approve the Site Plan for the design of the residences and office suites and the conceptual landscaping for the subdivision feature/green space area ("Lot B"), the Railroad Avenue frontage, and internal areas.
6. Approve the Tentative Subdivision Map to create 24 residential lots, including 9 mixed use lots; an internal roadway/parking area ("Lot A"); a pedestrian pathway area ("Lot B"), subdivision feature/green space area ("Lot C"); and second internal roadway/parking area ("Lot D").

7. Approve a Planned Development Permit.
8. Approve the draft deal points of a Development Agreement as described in the staff report.
9. Approve a Demolition Permit to remove the vacant 27,000 square foot warehouse.

ATTACHMENTS:

- A. Tentative Subdivision Map (provided at October 30, 2006 meeting)
- B. Negative Declaration (separately provided)
- C. Negative Declaration comment letters (2) (provided at October 30, 2006 meeting)
- D. Site Plan, Elevation and Floor Plans (provided at October 30, 2006 meeting)
- E. Conceptual Landscape Plan (provided at October 30, 2006 meeting)

Anderson Place/TM PC Stf Rpt 30Oct06

FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR THE ANDERSON PLACE PROJECT

FINDINGS OF FACT

Findings for Adoption of Mitigated Negative Declaration

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

Findings for PD Overlay and PD Permit

1. The project, as modified and conditioned, is consistent with the General Plan and the purposes of Section 17.48.010 (Planned Development Overlay Zone – Purpose) of the Winters Municipal Code.
2. Deviations from specified provisions of the basic zoning district on the property have been justified as necessary to achieve an improvement design for the development and/or the environment. The development complies with the remaining applicable provisions of the basic zoning district on the property.
3. The proposed development, as modified and conditioned, is desirable to the public comfort and convenience.
4. The requested plan, as modified and conditioned, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.

5. Adequate utilities, access roads, sanitation, and/or other necessary facilities and services will be provided or available.
6. The development, as modified and conditioned (including execution of the Development Agreement) will not create an adverse fiscal impact for the City in providing necessary services.

Findings for Tentative Subdivision Map (G.C. 66474)

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

Findings for Development Agreement

1. The DA is consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. The DA is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.
3. The DA is in conformity with and will promote public convenience, general welfare and good land use practice.
4. The DA will not be detrimental to the health, safety and general welfare.
5. The DA will not adversely affect the orderly development of property or the preservation of property values.
6. The DA will meet the intent of Section 15.72.100(a) (Public Benefits) of the Winters Municipal Code.
7. The DA is consistent with Chapter 15.72 (Development Agreements) of the Winters Municipal Code.

CONDITIONS OF APPROVAL

The following conditions of approval are required to be satisfied by the Applicant/developer prior to Final Map, unless otherwise stated.

General

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval

of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project Applicant shall defend such action at Applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the Applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the subdivider in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning commission, any advisory agency to the City, local district and the City Council.

2. All conditions identified herein shall be fully satisfied prior to acceptance of the first Final Map unless otherwise stated.
3. The project is as described in the October 30, 2006 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the October 30, 2006 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require a public hearing and Council action.

General Plan Requirements

4. Pursuant to General Plan Policy II.C.1 and VI.F.2, energy efficient design shall be used. Pursuant to Policy II.C.2 of the Housing Element, energy conservation and weatherization features shall be incorporated into the home design. At a minimum this shall include: a) maximization of energy efficient techniques as identified in the July 27, 2004 Planning Commission staff report on "Proposed Energy Resolution", b) attainment of EPA Energy Star Standards in all units, c) low emission furnaces in all units, d) avoidance of dark colored roofing on all units, and e) a minimum of 50 percent of the market-rate units shall have a photovoltaic solar energy system capable of producing a minimum of 2.4kW (peak-rated DC watts) photovoltaic. The remainder of the market-rate units shall be pre-wired for an equivalent system.
5. Pursuant to General Plan Policy II.D.4 and IV.A.1 necessary public facilities and services shall be available prior to the first occupancy of the project.
6. Pursuant to General Plan Policy IV.A.4 (second sentence), the developer shall pay in-lieu fees for the parkland not provided on site, or at the City's discretion may construct needed improvements according to City specification in lieu of paying the fees.
7. Pursuant to General Plan Policy VI.C.7, drought-tolerant and native plants, especially valley oaks, shall be used for landscaping roadsides, parks, schools, and private properties. Pursuant to General Plan Policy VI.C.8, drainage-detention areas shall incorporate areas of native vegetation and wildlife habitat. All lawn areas in this subdivision shall have "low application rate" lawn sprinkler systems, as approved by the Planning Commission.
8. Pursuant to General Plan Policy IV.B.14, there shall be a water meter on each new hook-up.
9. Pursuant to General Plan Policy IV.C.2, adequate sewer service shall be provided prior to the issuance of any individual building permit.
10. Pursuant to General Plan Policy IV.J.2, all new electrical and communication lines shall be installed underground.
11. Pursuant to General Plan Policy VI.A.6, grading shall be carried out during dry months, when possible. Areas not graded shall be disturbed as little as possible. Construction and grading areas, as well as soil stockpiles, should be covered or temporarily revegetated when left for long periods.

Revegetation of slopes shall be carried out immediately upon completion of grading. Temporary drainage structures and sedimentation basins must be installed to prevent sediment from entering and thereby degrading the quality of downstream surface waters, particularly Putah Creek. The full cost of any necessary mitigation measures shall be borne by the project creating the potential impacts. Pursuant to General Plan Policy VII.B.3, should the City allow any grading to occur during the rainy season, conditions shall be implemented to ensure that silt is not conveyed to the storm drainage system.

12. Pursuant to General Plan Policy VI.E.6, construction-related dust shall be minimized. Dust control measures shall be specified and included as requirements of the contractor(s) during all phases of construction of this project and shall be included as a part of the required construction mitigation plan for the project.
13. Pursuant to General Plan Policy VII.A.1, VII.A.2, and VII.C.4 all site work and construction activities shall be in accordance with the requirements of the City, and other applicable local, regional, state, and federal regulations.
14. Pursuant to General Plan Policy VII.C.1, necessary water service, fire hydrants, and access roads shall be provided to the satisfaction of the Fire Chief and Fire Protection District standards.
15. Pursuant to General Plan Policy VII.C.2, a minimum fire-flow rate of 1,500 gallons per minute is required for all residential uses.
16. Pursuant to General Plan Policy VIII.D.2, street trees shall be planted along all streets, in accordance with the City's Street Tree Plan and Standards. All trees shall be of a type on the approved street tree list and shall be a minimum of fifteen gallons in size with a mature tree canopy of at least a thirty-foot diameter within five years. The intent is that majestic street tree species that create large canopies at maturity will be required in all medians and streetside landscape strips. The goal is create maximum shade canopy over streets and sidewalks. The conceptual landscape plan for the subdivision feature/green space area (Lot C), Railroad Avenue frontage, residential units, and other areas shall be submitted to the Public Works and Community Development Departments for review and final approval. Landscaping of the project shall be completed prior to occupancy of the residential units and office suites.
17. Pursuant to General Plan Policy VIII.D.4, a permanent mechanism for the ongoing maintenance of street trees is required, to the satisfaction of the City Manager and City Finance Director.
18. Pursuant to General Plan Policy VIII.D.7, all lighting including street lighting, shall be designed, installed, and maintained to minimize excess light spillage, unnecessary brightness and glare, and degradation of night sky clarity.

Negative Declaration Mitigation Measures

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

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

20. Mitigation Measure #2:

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

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

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

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

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

21. Mitigation Measure #3:

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

22. **Mitigation Measure #4:** Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.
23. **Mitigation Measure #5:** 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.
24. **Mitigation Measure #6:** Special preparation of subgrades and reinforcement of foundations and floor slabs shall be conducted in full and as described in the Geotechnical Engineering Report 723 Railroad Avenue Residential (June 7, 2006) for the proposed project.
25. **Mitigation Measure #7:** Prior to demolition activities, the 27,000 square foot warehouse shall be sampled for the presence of lead-based paint and asbestos-containing materials. If the building surfaces are determined to contain concentrations of lead at or above regulatory limits, then removal in accordance regulations shall be required prior to demolition activities. If building materials are found to contain asbestos, then removal of the asbestos-containing materials in accordance with applicable regulations shall be required prior to demolition activities.
26. **Mitigation Measure #8:** All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.
27. **Mitigation Measure #9:** A solid noise barrier 13-feet in height shall be constructed on the southerly property line and a solid noise barrier 10-feet in height shall be constructed on the easterly property line prior to occupancy of the residential units and combined with a 10 dB noise level reduction (correction) in order to comply with the City's exterior noise standards. The barriers should be constructed of concrete masonry (CMU) units, solid concrete panels, earth berms, or any combination of these. Proposed designs/materials for the barriers shall be reviewed and approved by a qualified acoustical consultant prior to construction to ensure that they achieve the required reduction in exterior noise levels.
28. **Mitigation Measure #10:** In order to achieve compliance with the City's interior noise level standards for the residential units along the southerly property line of the project site, STC 40 rated window assemblies shall be required for all second and third floor windows with a view of the Double M Trucking facility. In order to achieve compliance with the City's interior noise level standards for the residential units along the easterly property line of the project site, STC 35 rated window assemblies shall be required for all second floor windows with a view of the Double M Trucking facility. Air conditioning or other suitable mechanical ventilation shall be provided for all residential and office units to allow residents and office users to close windows for the desired acoustical isolation. The building plans for these residences shall be reviewed and approved by a qualified acoustical professional to identify the acoustical treatments necessary to meet the City's interior noise level standards.
29. **Mitigation Measure #11:** A disclosure statement shall be provided to all prospective homebuyers disclosing that the Double M Trucking facility is located adjacent to and the Mariani Nut Company facilities near the Anderson Place Subdivision project and noise from both the Double M and Mariani facilities will be experienced at the Anderson Place project.
30. **Mitigation Measure #12:** The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development

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

31. **Mitigation Measure #13:** The applicant shall pay park mitigation fees to satisfy the obligation for 0.62-acre of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.
32. **Mitigation Measure #14:** 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.
33. **Mitigation Measure #15:** The City shall issue building permits only after the new water well is in service.

Community Development

34. Construction activities shall be limited to 7:00 am to 7:00 pm, Monday through Friday only (holidays excluded) in compliance with the City's Noise Ordinance and Standard Specifications. The Applicant shall submit a Construction Noise Control Plan for review and approval by the City prior to acceptance of Final Map. This plan shall address job site noise control and establish protocols for addressing noise complaints. Job site signage with 24-hour contact information for noise complaints shall be included.
35. Foundations shall be poured in place, onsite. No pre-cast foundations will be permitted. This shall be stipulated in all construction contracts.
36. All address numbering shall be clearly visible from the street fronting the property. All buildings shall be identified by either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting colors. Because the project contains residential units that will be individually owned and will utilize zero lot lines, additional addressing requirements may be necessary as determined by the Fire Department. Naming of streets shall be completed by the Street Naming Committee and the addressing shall be approved by a committee comprised of the Community Development Department, the Fire Department, the Police Department, and the Postal Service.
37. The Applicant shall pay all development impact fees, fees required by other entities, and permit fees.
38. The Applicant shall be responsible for any additional costs associated with the processing of this project including but not limited to: plan check, inspections, materials testing, construction monitoring, and other staff review and/or oversight including staff time necessary to ensure completion/satisfaction of all conditions of approval and mitigation measures. The Applicant shall, on a monthly basis, reimburse the City for all such costs. Project Applicant shall pay all development impact fees adopted by the City Council and shall pay fees required by other entities.
39. The Developer shall obtain the following approvals from the Central Valley Regional Water Quality Control Board, as appropriate: 1) coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities; 2) compliance with post construction storm water Best Management Practices pursuant to the NPDES General Permit for Small Municipal Separate Storm Sewers Systems; 3) 401 Water Quality Certification for wetlands impacts; 4) Dewatering Permit under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit.

40. The main electrical panel for each residence and shall be located at the exterior of the residence and capable of total electrical disconnect by a single throw. This same requirement shall apply to each office suite unless waived by the Fire and Community Development Departments.
41. A minimum one-hour occupancy separation shall be required for common walls separating residential units. A minimum one-hour occupancy separation shall be required also for common walls separating commercial and residential units. Wall construction shall be approved by the Fire and Community Development Departments.
42. All wall assemblies separating dwelling units shall comply with Sound Transmission Control per 2001 California Building Code Section 1208.

Design Review

43. Prior to recordation of the Final Map, a deed restriction shall be recorded against each property that precludes conversion of garage area to livable areas.
44. Units on opposing sides of a street shall be compatible in terms of design and color.
45. Lights along local streets shall not exceed 20-feet in height and shall be spaced to meet illumination/safety requirements. Lights along collector and arterial streets shall be as low as feasible in order to maintain pedestrian scale. Historic-style street lamps shall be used along all streets including the private internal streets.
46. Exterior colors on residential units shall not be restricted.
47. Landscaping and signage shall be consistent with the applicable requirements of Chapters 17.76 (Landscaping and Design) and 17.80 (Signs) of the Winters Municipal Code.
48. Universal design features shall be incorporated as an option in residential units. These features shall include first floor passage doors and hallways, a handicap accessible path of travel from either the driveway or sidewalk to the entrance of the residential units, and other features determined by the Community Development Department.
49. Details for the sound barrier and landscaping along the west and south sides of the project shall be provided for City review and approval during a subsequent Site Plan (Design Review) for the project.

Affordable Housing

50. Prior to recordation of the Final Map, an inclusionary housing agreement shall be prepared and executed for the identified income-restricted units/properties. Deed restrictions shall be recorded against four lots or four residential units to ensure permanent affordability. All agreements necessary for the affordable housing units shall be reviewed and approved by City staff. Of the four affordable units, two shall be restricted to very low-income households, one shall be restricted to a low-income household, and one shall be restricted to a moderate-income household.
51. The construction of the affordable units shall keep pace or exceed the construction of the market rate units.
52. Pursuant to Policy II.A.13 of the Housing Element, the affordable units shall be visually indistinguishable from the market-rate units.

Street Improvements

53. All proposed roads within the subdivision shall comply with the City's Public Works Improvement Standards and Construction Specifications, dated September 2003 and as amended, unless otherwise approved by the City. Other than Anderson Avenue and Railroad Avenue, all other streets shall be privately owned streets.

54. Anderson Avenue shall be constructed to Collector Street improvement standards with a 50-foot right of way, 40-foot face of curb to face of curb and 5-foot sidewalks each side to the existing Railroad Avenue roadway.
55. Anderson Avenue at the intersection of Railroad Avenue – Developer shall construct roadway and curb, gutter, and sidewalk improvements to the existing Railroad Avenue roadway to the satisfaction of the City Engineer.
56. Railroad Avenue:
 - a) Interim Railroad Avenue improvements to include interim landscaping within the future roadway on east side of Railroad Avenue, with a 10-foot concrete pedestrian/bike path from the northern terminus of this development to the southern terminus of the development.
 - b) Developer shall design and construct permanent and temporary pedestrian and bicycle improvements on Railroad Avenue from the project site to Grant Avenue (SR 128). On the west side of Railroad Avenue, improvements shall consist of constructing sidewalk and modify driveways for ADA pedestrian accessibility from Anderson Avenue to the existing sidewalk north of Grant Avenue. On the east side of Railroad Avenue, improvements shall consist of constructing a temporary off-street Class I pedestrian/bicycle asphalt concrete (AC) path from the project site south boundary to Grant Avenue. The path shall be a minimum of 8 feet wide within the existing right of way.
 - c) No parking shall be allowed on Railroad Avenue.
 - d) Developer shall install roadway striping and markings as required by the City Engineer.
57. Local Streets: Local streets shall provide for ADA compliant sidewalk turnouts where sidewalk widths do not meet ADA requirements. All sidewalks at driveway locations shall be 6-inch thick Portland Cement Concrete (PCC).
58. Tentative Map Anderson Avenue Street Cross Section, dated June 5, 2006. Conditions and Changes shall be made as follows: **Anderson Avenue shall be extended to existing Railroad Avenue with full collector roadway improvements with 40-foot curb to curb roadway width and 5-foot sidewalks on each side.**
 - a) Street Cross section details as modified by these conditions of approval, including all intersection geometric design, complying with the conditions of approval, shall be revised on tentative map, submitted to the City, and approved by the City Engineer prior to submitting a final map and improvement plans.
 - b) A signing and striping, and stop plan is required and shall be approved by the City Engineer. All signing and striping shall be in accordance with the City of Winters Public Improvements Standards and Construction Standards.
 - c) Street light types shall be those historic types as approved by the City.
59. The internal roadway in the C-2/southerly portion of the project shall be one-way, have a minimum roadway width of 20-feet and minimum vertical clearance of 14-feet, and be signed and striped for no parking. The internal roadway for in the O-F/northerly portion of the project shall have a minimum roadway width approved by the Winters Fire Department, have a minimum vertical clearance of 14-feet, and be signed and striped for no parking.

Storm Drainage and Site Grading

60. A comprehensive storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to

control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing upstream and downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and City Public Works Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures. The Storm Drainage Plan shall be submitted for approval prior to submittal of the final map and/or construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan.

61. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
62. The Tentative map Grading and Drainage plan showing grading and drainage information including topographic information, drainage routing, pipe slopes and sizing and locations and excluding topographic information, and overland drainage routing are preliminary only and do not constitute approval in any way. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
63. On-site Drainage utilities within the private streets shall be privately owned.
64. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
65. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls. Deviation from this condition may be allowed subject to approval by the City Engineer.
66. Drainage fees shall be paid prior to issuance of a building permit.
67. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
68. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map. Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
69. All projects shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.
70. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
71. Applications/projects disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less that one acre shall include a BMP to be approved by the City Engineer.
72. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm

water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by City Engineer.

73. Where possible landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. All other slopes shall comply with the City of Winters Public Works Improvements Standards. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
74. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
75. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
76. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
77. Construction equipment and engines shall be properly maintained.
78. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
79. Construction practices will minimize vehicle idling.
80. Potentially windblown materials will be watered or covered.
81. Construction areas and streets will be wet swept.

Wastewater and Sewer Collection System

82. The Applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
83. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral and cleanout required for each parcel, in accordance with City of Winters Public Improvement Standards and Construction Standards.
84. On site sewer utilities within the private streets shall be privately owned.
85. A Tentative Map Sewer Collection System Plan shall be submitted for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. A registered civil engineer for project shall prepare the sewer collection system plan. The plan shall include final sizing and location of on-site conveyance facilities, structures, and engineering calculations.
86. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
87. Construction of sewer mains deeper than 16-feet at the bottom of the pipe shall be connected to laterals by parallel mains and connections at manholes.

Water Infrastructure

88. Based on City water modeling, a new well is needed to serve the development. Per Mitigation Measure #15, no building permits shall be issued until the new well is in service.

89. The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. If required, Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.
90. The property shall be connected to the City of Winters water system, with a separate water lateral and meter required for each parcel, in accordance with City of Winters Public Improvement Standards and Construction Standards.
91. On site water utilities within private streets shall be privately owned.
92. At the time the Final Map is approved, the applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
93. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.
94. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the applicant's expense. Required location, service size and flow-rate for the fire protection system must be submitted. Actual location is subject to the review and approval of the Public Works Department, Fire Department, and Community Development Department.
95. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
96. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. The applicant shall install fire hydrants on the project's Railroad Avenue frontage, Anderson Avenue frontages, along the internal roadways, and potentially in other locations. The number and locations of the fire hydrants shall be determined by the Fire Chief. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
97. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District. The minimum residual pressure shall be 20 PSI.
98. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Winters Fire Department for replacement purposes.
99. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.
100. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.

101. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
102. When the fire protection facilities are in the City of Winters, the developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
103. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.
104. Submit four sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to the issuance of each building permit.
105. All buildings shall have fire suppression sprinkler systems meeting or exceeding NFPA 13 and local Fire Department standards. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems. All occupants of each of the project's buildings shall be notified of a water flow in that building's fire suppression system; the Winters Fire Department shall approve the type, locations, and audible decibel level of the internal water flow alarms. Each of the project's buildings shall have an external horn and strobe unit that is approved by the Winters Fire Department. Individual fire department connections shall be installed for each of the project's buildings.

Backflow devices for each Fire Department connection shall be approved by the City Engineer and the Winters Fire Department. Each device shall be fitted with OS&Y valves at each end. Each system shall be supervised so the general water flow can be detected and water flow to each office or residential unit can be detected. Supervised systems shall be monitored on a 24-hour basis, 7 days per week by an approved monitoring station that can then report the water flow situation to the Fire Department's dispatch center.

General Public Works and Engineering Conditions

106. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.
107. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
108. A subdivision map shall be processed and shall be recorded prior to issuance of a building permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the Final Map from the County, prior to issuance of the first building permit.
109. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
110. A registered landscape architect shall design public landscape and privacy wall improvements and improvements shall be per City Standards, as applicable.
111. Applicant shall make every attempt to submit joint trench/utility/composite plans for review, prior to approval of the Final Map and improvement plans. Construction will not be allowed to proceed prior to submittal of the joint trench/utility/composite plans for City review.
112. All existing and proposed utilities (electric, phone/data, and cable) shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.

113. Street lighting location plan shall be submitted and approved by the City Engineer, prior to approval of improvement plans and final recordation of Map.
114. Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City Engineer and Fire Department.
115. Occupancy of residential units shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings, unless otherwise approved by the City Engineer and Community Development Director. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
116. If relocation of existing facilities is deemed necessary, the applicant shall perform the relocation, at the Applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
117. A Subdivision Improvement Agreement shall be entered into and recorded prior construction of improvements, issuance of any building permits, or recordation of a Final Map.
118. At the time of making the survey for the Final Map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the Final Map.

Easements and Right of Way

119. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
120. The Applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the City.
121. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City. Additional easements shall be dedicated as requested by the utility companies and approved by the City.

Reimbursements for Applicant Installed Improvements

122. Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.
123. Project proponents shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
124. Prepare, and submit for approval, a utility site plan prior to preparation of full improvement plans.
125. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works Department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer.

126. Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.
127. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.
128. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
129. Encroachment permits if necessary shall be acquired from Yolo County, Caltrans, and PG&E.
130. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.
131. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
132. If improvements are constructed and/or installed by a party or parties other than the Applicant, which improvements benefit Applicant's property, prior to issuance of a building permit (approval of the final map) on Applicant's property, Applicant shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) (approval of the Final Map) to Applicant.

ANDERSON PLACE/TM COAs PC 28Nov06



PLANNING COMMISSION STAFF REPORT
November 28, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: Continued Public Hearing and consideration of Mary Rose Gardens Subdivision. The project is a proposed subdivision of 5.69 acres to create 28 single-family lots including two half-plex lots (Lots 12A and B) and Parcel X for an 18,433 square foot subdivision feature/green space area at 415 Grant Avenue (northwest corner of Grant Avenue and Cemetery Lane). APN: 003-524-19 (5.69 acres). Applicant: Dave Snow. Entitlements include Tentative Subdivision Map; Development Agreement; Rezoning to add the Planned Development Overlay over the 5.69-acre site; Planned Development Permit for PD Overlay; Site Plan for residential units and landscaping of Parcel X; and Demolition Permit.

SUMMARY OF PROJECT: The project is a proposed rezoning and subdivision of 5.69 acres to create 28 single-family lots including two half-plex lots (Lots 12A and B) and Parcel X for an 18,433 square foot subdivision feature/green space area.

In order to proceed with the project the following City approvals are needed:

- Rezoning to add the P-D overlay over the project in order to allow Lots 12A and 12B to utilize a zero lot line, to allow Lot 12B to fall below the minimum lot size for the R-2 Zone, and to allow Lots 12A and 12B to utilize tandem parking.
- Site Plan for residential units and conceptual landscape plan for the subdivision feature/green space area (Parcel X).
- Tentative Subdivision Map No. 2851 to create 28 single-family residential lots and a subdivision feature/green space area 18,433 square feet in size (Parcel X).
- Development Agreement.
- Planned Development Permit.
- Demolition permit to remove approximately seven existing on-site structures.

PROJECT LOCATION: The project site is generally located in the northwest area of

the City of Winters. The project site totals approximately 5.69 acres comprised of APN 003-524-19 located at the northwest corner of Grant Avenue (State Route 128) and Cemetery Lane. The project site is north of the Waggoner Elementary School, south and east of the Carter Ranch Phase I and II Subdivisions, and west of Cemetery Lane and the Kaiser-Aetna Subdivision. Situs address: 415 West Grant Avenue, Winters, CA 95694.

BACKGROUND: The 1992 General Plan was the subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan, including the development of the site as currently designated. The assumed yield for the General Plan EIR analysis was 26 units (5.69ac x 4.62dwelling units/acre = 26 dwelling units).

The application for this project was received on February 14, 2006. A more detailed project history is provided in the Negative Declaration (see Attachment B, separately provided) which was released on September July 21, 2006 for a 22-day comment period that ended October 19, 2006. Two comment letters were received (see Attachment C) and are discussed further below.

On March 28, 2006, the Planning Commission conducted a public workshop/CEQA scoping session on this project. A summary of the comments made by Commissioners during the workshop is provided below.

- Question on whether staff had consulted with the Fire Department on the project.
- Question on whether the sound wall for the project would be installed in front of the project's mini park.
- Question on who would be responsible for maintaining the mini park and whether there was a buffer zone between the mini park and Grant Avenue.
- Question on whether it was possible to save the large Walnut trees on the south side of Grant Avenue.
- Concern about having the windows of two story homes in close proximity to the sound wall on Grant Avenue.
- Question about whether the Wastewater Treatment Facility has sufficient capacity to serve the project.
- Interest in seeing universal design features incorporated into the project.
- Comment that the mini park has been placed in a good location.
- Question on how long it will take for the project to move forward.
- Suggestion that the park in-lieu fees generated from the project be used to improve the City's skate park on Valley Oak Drive.

Non-Commission comments made at the workshop including the following.

- Concern (from Larry Justus, member of the Winters Cemetery District Board of Directors) about gates being installed in the rear yard fences of homes that will be built adjacent to Cemetery Lane and the lack of lighting on Cemetery Lane.
- Letter from a property owner (Greg Drummond) adjacent to the project site in support of moving the existing emergency vehicle access/overland flood release from the

Carter Ranch Subdivision project to the project site and relocating the park space (mini park) proposed for the project.

DETAILED PROJECT DESCRIPTION: Based on the tentative map dated February 13, 2006 (see Attachment A), the applicant proposes 26 detached single-family lots and 2 half-plex lots in the MR/R-2 categories that would range in size from 4,181 (half-plex lot) to 8,502 square feet. Excluding the two half-plex lots and Parcel X (subdivision feature/green space area), the range is 5,207 to 8,502 square feet and 27 percent of the lots (7 of 26 lots) would be more than 7,000 square feet in size or larger. The proposed lot size average is 6,590 square feet. The density is 4.92 du/ac (28 residences ÷ 5.69 acres). Excluding Parcel X, the density is 5.31 du/ac (28 residences ÷ 5.27 acres).

Parcel X would consist of 18,433 square feet subdivision feature/green space area at the southeast corner of the project site. This parcel is proposed for use as a small subdivision-level park. Conceptual features include a children's play structure, grassy open area, benches, and shade trees. The parcel would also include a concrete pathway to connect the subdivision to Grant Avenue for pedestrian and bicycle traffic.

The applicant proposes the extension of the existing northerly section of Ivy Loop to the existing southerly section of Ivy Loop. Because of concerns about addressing, the Fire Department has recommended that a different street name be used for the extension. In addition, the Fire Department has recommended that the existing southerly section of Ivy Loop, which contains two residences, be renamed to match the street name for the extension. The applicant proposes a 57-foot cross-section comprised of 17.5-foot travel lanes which includes on-street parking, 6-foot landscape strips including vertical curbs, and 5-foot sidewalks. While this does not match the cross-section of the local streets in the Carter Ranch Phase I and II Subdivisions, the cross-section is consistent with existing City Street Standards, which were adopted after construction of Carter Ranch. The principal differences between the two street cross-sections are the proposed cross-section includes a planter strip and a separated sidewalk. The applicant also proposes a 5-foot public utility easement (PUE) behind the back of the sidewalk; however, Recommended Condition of Approval #121 requires a 10-foot PUE.

For Grant Avenue (north side), the applicant proposes to construct improvements to widen the existing travel lane to 16-feet, provide a 12-foot paved buffer between the travel lane and Class II bicycle lane, provide a 6-foot Class II bicycle lane, install an 8-foot landscape strip, construct a 5-foot sidewalk, and provide a landscape area ranging from 8 to 29 feet north of the sidewalk. However, staff is recommending a somewhat different street cross section for Grant Avenue as noted in Recommended Condition of Approval #61 and the City Engineer will further discuss/detail this at tonight's meeting.

The applicant has proposed that four lots (1, 12A, 12B, and 24) be deed-restricted as affordable units to meet the City's affordable housing requirement.

LAND USE AND ZONING CONSISTENCY ANALYSIS: The project density is 4.92 du/ac (28 lots ÷ 5.69 acres) or 5.31 du/ac (28 residences ÷ 5.27 acres) if Parcel X is excluded. Both densities are consistent with the MR/R-2 density ranges of 4.1 to 6.0 du/ac. (In April,

the City Council approved a change to the density ranges for MR/R-2 from 5.4 – 8.8 du/ac to 4.1 – 6.0 du/ac.)

A rezoning to add a planned development overlay over the project is needed in order to allow Lots 12A and 12B to utilize a zero lot line; to allow Lot 12B which is proposed for 4,181 square feet in size to fall below the 5,000 square foot minimum lot size for the R-2 Zone; and two allow Lots 12A and 12B to utilize tandem parking. The garages for the two lots will each accommodate one vehicle. Lots 12A and 12B comprise two of the affordable lots proposed for the project.

The applicant is requesting Site Plan Review (Design Review) at this time. Lots 5, 6, 9, 13, 14, 16 – 20, 22, 23, and 25 – 27 do not meet the R-2 Zone front yard setback requirements for livable space, covered porch, or garage. As a result, the setbacks will need to be modified before building permit issuance. Also, a number of the same lots do not meet the side yard setback requirements of the R-2 Zone and these setbacks will need to be modified before building permit issuance.

RESIDENTIAL SITE PLAN: The applicant has submitted for Site Plan (Design Review) of the residential units (see Attachment D). A total of 8 home models and 18 elevations are proposed for the project and they are detailed in the following table.

Model	Livable SF	Bedrooms/ Bathrooms	Features & Notes
Plan Duet	1420	3/2.5	Two story units, some craftsman-style features, bedroom protruding over garage, proposed for affordable Lots 12A & 12B
Plan 1140	1140	3/2	Single story units, stucco exterior, tile roof, garage forward of living space, proposed for affordable Lots 1 and 24
Plan 1720A	1720	?	Single story unit, three gables on street elevation, use of shingles under gables, garage flush with livable space, porch closer to street than garage area
Plan 1720B	1720	?	Single story units, three gables on street elevation, contrast of horizontal and vertical siding under two of the gables, dormer located above garage, garage flush with livable space, porch closer to street than garage area
Plan 1830A	1842	3/2	Single story unit, Tudor-style?, stucco exterior, chimney framed with stone and visible on street elevation, roof with steep pitch, garage forward of livable space
Plan 1830B	1826	3/2	Single story unit, Tudor-style?, stucco exterior, roof with steep pitch, front porch area 104 sf in size and includes its own gable, garage forward of livable space
Plan 1830C	1826	3/2	Single story unit, Spanish-style?, stucco exterior, tall entry way, 144 sf front courtyard, tower feature behind entry way, garage forward of livable space
Plan 2030A	2036	3/3	Two story unit, composition roof, shingles and horizontal siding on exterior of street elevation, arched entry way, livable space forward of garage
Plan 2030B	2036	3/3	Two story unit, composition roof, stucco on exterior of street elevation, livable space and front porch forward of garage
Plan 2030C	2036	3/3	Two story unit, tile roof, stucco on exterior of street elevation, livable space and front porch forward of garage

Plan 2100A	2100	?	Two story unit, composition roof, horizontal siding and brick on exterior of street elevation, four gables on street elevation, side-loaded garage and separate single-car garage, side-loaded garage forward of livable space but resembles livable space
Plan 2100B	2100	?	Two story unit, composition roof, horizontal and vertical siding on exterior of street elevation, side-loaded garage and separate single-car garage, side-loaded garage forward of livable space but resembles livable space
Plan 2304A	2246	3/2.5	Two story unit, tile roof, stucco exterior, garage recessed behind livable space and gabled porch, 109 sf foot porch area
Plan 2304B	2246	3/2.5	Two story unit, tile roof, horizontal siding and shingles on exterior of street elevation, garage recessed behind livable space and gabled porch, 109 sf front porch area, dormer over garage
Plan 2304C	2246	3/2.5	Two story unit, tile roof, horizontal siding/vertical siding/shingles on exterior of street elevation, garage recessed behind livable space and gabled porch, 109 sf front porch area, dormer over garage
Plan 2400A	2706	4/2.5	Two story unit, tile roof, stucco exterior, garage recessed behind livable space and gabled porch, gable/dormer over garage
Plan 2400B	2706	4/2.5	Two story unit, tile roof, horizontal siding and shingles on exterior of street elevation, garage recessed behind livable space and gabled porch, gable/dormer over garage
Plan 2400C	2706	4/2.5	Two story unit, tile roof, stucco exterior, garage recessed behind livable space and porch, gable/dormer over garage, chimney on street elevation

POLICY ANALYSIS

General Plan: The project has been reviewed for consistency with the policies of the General Plan. Conditions have been identified in some cases, to ensure consistency. A few policies are discussed below for clarity. For all policies, the staff believes a finding of consistency can be made. The Planning Commission, and ultimately the City Council, must reach this same conclusion in order to approve the project.

Policies I.F.2, I.F.3, IV.H.5, and IV.H.6 related to funding and timing of school facilities have been superseded by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996), as described on page 45 of the Initial Study in the Negative Declaration.

Policy II.A.3 of the City's Housing Element (adopted December 14, 2004) requires the City to implement its 15-percent inclusionary housing ordinance for all new housing developments. By including two very low-, one low-, and one moderate-income units, this project is consistent with the policy. Policy II.A.13 requires affordable units to be interspersed within the development. Recommended Condition of Approval #56 designates Lots 1, 12A, 12B, and 24 for the affordable units.

Bikeway System Master Plan: A Class II bicycle lane and a pedestrian path are

proposed for the projects Grant Avenue frontage; this is consistent with the Master Plan. The subdivision feature/green space areas (Parcel X) proposed for the southeast corner of the project near the intersection of Grant and Cemetery Lane will provide pedestrians and bicyclists to the project and the existing 140 residences located in the Carter Ranch development. As one of the proposed deal points for the Development Agreement, pedestrian and landscape improvements on the south side of Grant will be constructed along the frontage of the Waggoner Elementary School.

INFRASTRUCTURE

Sewer Conveyance: Sanitary sewer service is proposed to be provided by the construction of an 8-inch sewer main that will extend from the existing northerly section of Ivy Loop through the project to the existing southerly section of Ivy Loop. The new sewer main will be located in the street right-of-way.

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

Water Conveyance

Water Service: Water service is proposed to be provided by the construction of an 8-inch water main that will extend from the existing northerly section of Ivy Loop through the project to the existing southerly section of Ivy Loop. The new water main will be located in the street right-of-way. The Draft Water Master Plan identifies that the City currently requires a new well to serve the existing City and future development. The City is in the process of drilling a test well 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. This requirement is reflected in Recommended Condition of Approval #36 (Mitigation Measure #17).

Storm Drainage: Storm drainage is proposed to be provided through the installation of a 12-inch storm drain line that will connect from the existing 12-inch storm drain line at the existing northerly section of Ivy Loop to the existing 12-inch storm drain line at the existing southerly section of Ivy Loop. The new storm drain line will be located in the street right-of-way.

Off-Site Infrastructure: As one of the proposed Development Agreement deal points, pedestrian and landscape improvements will be constructed on the south side of Grant Avenue along the frontage of the Waggoner Elementary School. The project would be required to fund and construct other off-site improvements necessary to support the development. Such improvements could include, but not be limited to water lines, sewer lines and storm drainage lines. To the extent that acquisition or subsequent CEQA clearance is necessary for such work, that would be the responsibility of the developer.

Flooding: The project does not fall within the City's General Plan Flood Overlay Area. The project site lies in FEMA Flood Zone X (unshaded) based on a Letter of Map Revision (LOMR) dated July 11, 2002 (Case No. 02-09649P). Zone X (unshaded) is a flood insurance rate zone assigned to property determined to be outside the 500-year floodplain.

PARK REQUIREMENT: The City requires the development of public parkland in conjunction with subdivision development at a ratio of 5 acres per 1,000 persons, and has a goal of 7 acres per 1,000 persons. Using the applicable Department of Finance factor (January 1, 2006 estimate) for household size of 3.153 persons per household, and assuming 28 total units the project triggers the need for between 0.44 and 0.62 acres of developed parkland ($3.153 \times 28 \text{ dus} \div 1,000 \times 5 = 0.44 \text{ acres}$; $3.153 \times 28 \text{ dus} \div 1,000 \times 7 = 0.62 \text{ acres}$). The project includes no on-site public parkland. The applicant would be required to pay an equivalent fee for the development of parkland off-site.

LANDSCAPING AND PARK DESIGN: The applicant has submitted for Site Plan (Design Review) of Parcel X, the 18,433 square foot subdivision feature/green space located at the southeast corner of the project site at the corner of Cemetery Lane and Grant Avenue. The applicant has provided three options for Parcel X. Option A includes a gazebo at the center of the parcel, a children's play structure with adjacent multiple benches and a trash receptacle, lawn areas, a large clock in a brick planter, and landscaping with various shrubs and trees. Option B includes a gazebo with adjacent benches and a trash receptacle at the southwest corner of the parcel, a children's play structure with adjacent benches, a clock located in a brick planter, and landscaping with various shrubs and trees. Option C includes a gazebo with adjacent park benches at the southwest corner of the parcel, a children's play structure with adjacent park benches and a trash receptacle, a bicycle loops bicycle parking area, lawn areas, and landscaping with various shrubs and trees. The three options all include pedestrian and bicycle pathways. The Commission will need to recommend one of three options for the subdivision feature/green space area (Parcel X) and may consider modifying the recommended option.

AFFORDABLE HOUSING: The total number of proposed units would be 28. The City requires a 15 percent affordable component comprised of 6 percent very low-income, and 9 percent low- to moderate-income. Therefore, the requirements for this project would be 4 affordable units comprised of 2 very low-, 1 low-, and 1 moderate-income units. Recommended Condition of Approval #57 designates Lots 1, 12A, 12B, and 24 for the affordable units.

UNIT PHASING: The applicant is proposing to create all 28 residential lots and have them available for sale at the same time. No phasing is proposed.

DEVELOPMENT AGREEMENT: The City will require that a Development Agreement (DA) be executed for this project. Under the City's DA enabling ordinance, there must be resulting "net benefits" to the community from entering into such an agreement. In addition, if approved the Development Agreement would be used to "lock in" project

features such as the lot layout, design review requirements, conditions of approval, mitigation measures, phasing (if any), payment of impact fees, etc. The draft deal points for the agreement are outlined below. It should be noted that there are many other requirements of the project that the City will achieve through the mitigation measures and conditions of approval. The items below are the items that would be gained to the community's "net benefit", in addition to the requirements of the mitigation measures and conditions of approval.

- School Funding – Payment of Level Three School Impact Fees (low- and very low-income units exempt).
- Streets – Construct a pedestrian and landscape improvements on the south side of Grant Avenue along the frontage of the Waggoner Elementary School.
- Fiscal Neutrality – Pay an annuity per an Economic and Planning Systems report to offset any cost increase to the City general fund.
- Parks – Fund new parks at seven acres per thousand through in-lieu fees.
- Energy – All of the units to be constructed as EPA Energy Star units. Photovoltaic solar energy systems capable of producing 2.4 peak rated direct current (DC) kilowatts to be installed on half of the 24 market rate units while the remaining market rate units to be pre-wired to accommodate such a system.
- Water and Streets Impact Fees Advance Payment – Pay the City impact fees for Water and Streets at Final Map.

It should be noted that the Fiscal Neutrality and Parks items are General Plan requirements and therefore are not true "net benefit" items, but they have been detailed here for clarity purposes.

CEQA CLEARANCE: A Negative Declaration (see Attachment B) was circulated on September 28, 2006, for a 22-day comment period extending through October 19, 2006. All comment letters received within the comment period are attached for the Commission's review (see Attachment C). Each letter is discussed briefly below. Modifications have been made to the Recommended Conditions of Approval based on the comment letter from the Yolo County Transportation District.

Yolo County Transportation District letter dated October 8, 2006 – The District recommends a bus stop/shelter/turn-out facility on along the project's Grant Avenue frontage just west of Cemetery Lane. The District suggests that the City request a \$2,500.00 from the project applicant to cover the first five years of maintenance costs for the bus shelter and incorporate an item in the development agreement to subsidize transit operations. The District also wants to be listed in the Environmental Checklist/Initial Study under the "Other public agencies whose approval may be required". Recommended Condition of Approval #61(c) would require the applicant to construct a bus turnout on the north side Grant Avenue along the frontage of the project site.

USDA Natural Resources Conservation Service letter dated October 5, 2006 – The agency provided maps on the location, soil unit, drainage class, potential habitat area of the Northwestern Pond Turtle, and topography for the project site and vicinity (in some instances). While no specific comments were submitted, it should be noted that the neither the Biological Resources Evaluation or the Biological Resources Report – Peer Review prepared for the project identified the presence of the Northwester Pond Turtle or the potential for the project site to serve as habitat for the Northwestern Pond Turtle.

FISCAL IMPACT: The City required the preparation of a Fiscal Impact Analysis for this project to determine effects on the City's general fund. While the analysis has not be completed, it is anticipated that the project will fail to result in general fund revenues sufficient to serve the project, particularly in the areas of police and fire protection. As one of the draft deal points for the Development Agreement, the applicant will be required to fund an annuity and the interest proceeds of the annuity will be used for fiscal neutrality.

The General Plan requires fiscal neutrality from development. The Negative Declaration identifies a Mitigation Measure, #13 (Recommended Condition of Approval #32) that requires mitigation for the fiscal deficit in the Development Agreement. The draft deal points for the Development Agreement includes such a requirement.

PLANNING COMMISSION ACTION: Subject to the attached conditions of approval, the staff recommends that the Planning Commission make the following recommendations to the City Council:

1. Adopt the Negative Declaration and Mitigation Monitoring Plan.
2. Approve a Rezoning to add a Planned Development Overlay over the 5.69-acre project site to allow the following.
 - a. Lots 12A and 12B to utilize a zero lot line.
 - b. Lot 12B to fall below the minimum lot size for the R-2 Zone.
 - c. Lots 12A and 12B to utilize tandem parking.
3. Approve the Site Plan for the design of the residences and the conceptual landscape plan for the subdivision feature/green space area (Parcel X).
4. Approve the Tentative Subdivision Map No. 2851 to create 28 single-family lots and a subdivision feature/green space area 18,433 square feet in size (Parcel X).
5. Approve the draft deal points of a Development Agreement described in the staff report.
6. Approve a Planned Development Permit.
7. Approve a demolition permit to remove approximately seven existing on-site

structures.

ATTACHMENTS:

- A. Tentative Subdivision Map (provided at October 30, 2006 meeting)
- B. Negative Declaration (separately provided)
- C. Negative Declaration comment letters (2) (provided at October 30, 2006 meeting)
- D. Site, Elevation, and Floor Plans for residential units (provided at October 30, 2006 meeting)
- E. Conceptual Landscape Plan (Options A – C) for Parcel X (subdivision feature/green space area) (provided at October 30, 2006 meeting)

MRG/TM PC Stf Rpt 28Nov06

FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR THE MARY ROSE GARDENS PROJECT

FINDINGS OF FACT

Findings for Adoption of Mitigated Negative Declaration

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

Findings for PD Overlay and PD Permit

1. The project, as modified and conditioned, is consistent with the General Plan and the purposes of Section 17.48.010 (Planned Development Overlay Zone – Purpose) of the Winters Municipal Code.
2. Deviations from specified provisions of the basic zoning district on the property have been justified as necessary to achieve an improvement design for the development and/or the environment. The development complies with the remaining applicable provisions of the basic zoning district on the property.
3. The proposed development, as modified and conditioned, is desirable to the public comfort and convenience.
4. The requested plan, as modified and conditioned, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.

5. Adequate utilities, access roads, sanitation, and/or other necessary facilities and services will be provided or available.
6. The development, as modified and conditioned (including execution of the Development Agreement) will not create an adverse fiscal impact for the City in providing necessary services.

Findings for Tentative Subdivision Map (G.C. 66474)

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

Findings for Development Agreement

1. The DA is consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. The DA is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.
3. The DA is in conformity with and will promote public convenience, general welfare and good land use practice.
4. The DA will not be detrimental to the health, safety and general welfare.
5. The DA will not adversely affect the orderly development of property or the preservation of property values.
6. The DA will meet the intent of Section 15.72.100(a) (Public Benefits) of the Winters Municipal Code.
7. The DA is consistent with Chapter 15.72 (Development Agreements) of the Winters Municipal Code.

CONDITIONS OF APPROVAL

The following conditions of approval are required to be satisfied by the Applicant/Developer prior to Final Map, unless otherwise stated.

General

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval

of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project Applicant shall defend such action at Applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the Applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the subdivider in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning commission, any advisory agency to the City, local district and the City Council.

2. All conditions identified herein shall be fully satisfied prior to acceptance of the first Final Map unless otherwise stated.
3. The project is as described in the October 30, 2006 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the October 30, 2006 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require a public hearing and Council action.

General Plan Requirements

4. Pursuant to General Plan Policy II.A.18, a minimum of ten percent of the single-family lots (3 lots) shall be offered for sale to local builders or owner-builders. These lots shall not be the same lots as those identified to meet the City's affordable housing requirement.
5. Pursuant to General Plan Policy II.C.1 and VI.F.2, energy efficient design shall be used. Pursuant to Policy II.C.2 of the Housing Element, energy conservation and weatherization features shall be incorporated into the home design. At a minimum this shall include: a) maximization of energy efficient techniques as identified in the July 27, 2004 Planning Commission staff report on "Proposed Energy Resolution", b) attainment of EPA Energy Star Standards in all units. c) low emission furnaces in all units, d) avoidance of dark colored roofing on all units, and e) a minimum of 50 percent of the market-rate units shall have a photovoltaic solar energy system capable of producing a minimum of 2.4kW (peak-rated DC watts) photovoltaic. The remainder of the market-rate units shall be pre-wired for an equivalent system.
6. Pursuant to General Plan Policy II.D.4 and IV.A.1 necessary public facilities and services shall be available prior to the first occupancy of the project.
7. Pursuant to General Plan Policy IV.A.4 (second sentence), the Developer shall pay in-lieu fees for the parkland not provided on site, or at the City's discretion may construct needed improvements according to City specification in lieu of paying the fees.
8. Pursuant to General Plan Policy VI.C.7, drought-tolerant and native plants, especially valley oaks, shall be used for landscaping roadsides, parks, schools, and private properties. Pursuant to General Plan Policy VI.C.8, drainage-detention areas shall incorporate areas of native vegetation and wildlife habitat. All homes in this subdivision shall have "low application rate" lawn sprinkler systems, as approved by the Planning Commission.
9. Pursuant to General Plan Policy IV.B.14, there shall be a water meter on each new hook-up.
10. Pursuant to General Plan Policy IV.C.2, adequate sewer service shall be provided prior to the issuance of any individual building permit.
11. Pursuant to General Plan Policy IV.J.2, all new electrical and communication lines shall be installed underground.

12. Pursuant to General Plan Policy VI.A.6, grading shall be carried out during dry months, when possible. Areas not graded shall be disturbed as little as possible. Construction and grading areas, as well as soil stockpiles, should be covered or temporarily revegetated when left for long periods. Revegetation of slopes shall be carried out immediately upon completion of grading. Temporary drainage structures and sedimentation basins must be installed to prevent sediment from entering and thereby degrading the quality of downstream surface waters, particularly Putah Creek. The full cost of any necessary mitigation measures shall be borne by the project creating the potential impacts. Pursuant to General Plan Policy VII.B.3, should the City allow any grading to occur during the rainy season, conditions shall be implemented to ensure that silt is not conveyed to the storm drainage system.
13. Pursuant to General Plan Policy VI.E.6, construction-related dust shall be minimized. Dust control measures shall be specified and included as requirements of the contractor(s) during all phases of construction of this project and shall be included as a part of the required construction mitigation plan for the project.
14. Pursuant to General Plan Policy VII.A.1, VII.A.2, and VII.C.4 all site work and construction activities shall be in accordance with the requirements of the City, and other applicable local, regional, state, and federal regulations.
15. Pursuant to General Plan Policy VII.C.1, necessary water service, fire hydrants, and access roads shall be provided to the satisfaction of the Fire Chief and Fire Protection District standards.
16. Pursuant to General Plan Policy VII.C.2, a minimum fire-flow rate of 1,500 gallons per minute is required for all residential uses.
17. Pursuant to General Plan Policy VIII.D.2, street trees shall be planted along all streets, in accordance with the City's Street Tree Plan and Standards. There shall be a minimum of one street tree in the front of each single-family lot, and on both frontages for corner lots. All trees shall be of a type on the approved street tree list and shall be a minimum of fifteen gallons in size with a mature tree canopy of at least a thirty-foot diameter within five years. The intent is that majestic street tree species that create large canopies at maturity will be required in all medians and streetside landscape strips. The goal is create maximum shade canopy over streets and sidewalks. The conceptual landscape plan for the subdivision feature/green space area (Parcel X) shall be submitted to the Public Works and Community Development Directors for review and final approval. Landscaping of the project including Parcel X, front yards of the residential units, and the north side of Grant Avenue shall be completed prior to occupancy of the residential units.
18. Pursuant to General Plan Policy VIII.D.4, a permanent mechanism for the ongoing maintenance of street trees is required, to the satisfaction of the City Manager and City Finance Director.
19. Pursuant to General Plan Policy VIII.D.7, all lighting including street lighting, shall be designed, installed, and maintained to minimize excess light spillage, unnecessary brightness and glare, and degradation of night sky clarity.

Negative Declaration Mitigation Measures

20. **Mitigation Measure #1:** 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.
21. **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.

22. Mitigation Measure #3:

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

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

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

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

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

23. Mitigation Measure #4:

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

- h. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.
24. **Mitigation Measure #5:** Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.
25. **Mitigation Measure #6:** The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.
26. **Mitigation Measure #7:** The project proponent shall mitigate for potential project-related impacts to Swainson's hawk and nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of Swainson's hawks and raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-feet) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the Swainson's hawk and raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.
27. **Mitigation Measure #8:** Focused surveys for Valley Longhorn Elderberry Beetles (VELB) shall be conducted by a qualified biologist to determine presence of the species. The surveys shall be conducted, data collected, and mitigation required according to the USFWS' guidance document Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999). If no plants are found then no further mitigation is required. If plants are found they shall be avoided and a 20-foot buffer from the dripline is required. If the plants can not be avoided then consultation with the USFWS is required and a mitigation plan should be prepared for approval by the Service. At a minimum the mitigation plan should include acquisition of credits at an approved mitigation bank or implementation of onsite mitigation and monitoring plan that includes transplantation of plants and planting elderberry seedlings. If the potential for take is identified following surveys, the project proponent will implement the referenced guidelines through coordination with the USFWS under Section 10 of the federal Endangered Species Act.
28. **Mitigation Measure #9:** If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-

affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

29. **Mitigation Measure #10:** Special preparation of subgrades and reinforcement of foundations and floor slabs shall be conducted in full and as described in the Soils Investigation Report Mary Rose Gardens (June 2, 2006, Raney Geotechnical, Inc.) for the proposed project.
30. **Mitigation Measure #11:** The surficial soil located near the south end of the former above ground storage tank area shall be scraped and stockpiled. The stockpile shall be evaluated by a geotechnical and environmental engineering firm to determine whether the soil requires regulated disposal. If regulated disposal is required, the soil shall be disposed of properly and documentation of the soil evaluation and disposal shall be provided to the City of Winters. If soil with odor or discoloration is encountered during site grading, a geotechnical and environmental engineer firm shall be retained to monitor segregation of the soil and collection of samples for analysis to assist in proper disposal. If disposal is required, documentation of the soil evaluation and disposal shall be provided to the City of Winters.
31. **Mitigation Measure #12:** A solid barrier more than 7-feet in height and no taller than 8-feet in height shall be constructed along Grant Avenue to meet the City of Winters 60 dB CNEL exterior noise level requirement. The barrier shall be constructed of concrete or masonry block, precast concrete, earthen berm, or any combination of these. Other prefabricated barriers may be used. However, barriers constructed with wood shall not be used. The barrier design shall be reviewed by a qualified acoustical professional to ensure that it will achieve the required reduction in exterior noise levels.

For the two-story homes on lots adjacent to Grant Avenue, standard energy conserving double pane windows shall be used on the second floor parallel and perpendicular facades in order to meet the City of Winters 45 dB Ldn interior noise level requirement. Air conditioning or other suitable mechanical ventilation shall be provided for all residential units to allow residents to close windows for the desired acoustical isolation. The building plans for these residences shall be reviewed by a qualified acoustical professional to identify the acoustical treatments necessary to meet the City's interior noise level requirement.

32. **Mitigation Measure #13:** The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.
33. **Mitigation Measure #14:** The applicant shall pay park mitigation fees to satisfy the obligation for 0.62-acre of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.
34. **Mitigation Measure #15:**
 - a. Install a traffic signal at the intersection of Grant Avenue/I-505 Northbound Ramps. The traffic signal would need to be installed after construction and occupancy of 40 single family dwelling unit "equivalents" citywide (i.e., multi-family housing units are 0.6 single family dwelling units "equivalents"); and
 - b. Install a traffic signal at the intersection of Grant Avenue/West Main Street. The traffic signal would need to be installed after construction and occupancy of 50 single family dwelling unit "equivalents" from this project and/or Winters Highlands, Hudson/Ogando, Callahan Estates, or Creekside (i.e., multi-family housing units are 0.6 single family dwelling unit "equivalents").

35. **Mitigation Measure #16:** 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.
36. **Mitigation Measure #17:** The City shall issue building permits only after the new water well is in service.

Community Development

37. Construction activities shall be limited to 7:00 am to 7:00 pm, Monday through Friday only (holidays excluded) in compliance with the City's Noise Ordinance and Standard Specifications. The Applicant shall submit a Construction Noise Control Plan for review and approval by the City prior to acceptance of Final Map. This plan shall address job site noise control and establish protocols for addressing noise complaints. Job site signage with 24-hour contact information for noise complaints shall be included.
38. Foundations shall be poured in place, onsite. No pre-cast foundations will be permitted. This shall be stipulated in all construction contracts.
39. All address numbering shall be clearly visible from the street fronting the property. All buildings shall be identified by either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting colors. Naming of streets shall be completed by the Street Naming Committee and the addressing shall be completed by a committee comprised of the Community Development Department, the Fire District, the Police Department, and the Postal Service.
40. The Applicant shall pay all development impact fees, fees required by other entities, and permit fees.
41. The Applicant shall be responsible for any additional costs associated with the processing of this project including but not limited to: plan check, inspections, materials testing, construction monitoring, and other staff review and/or oversight including staff time necessary to ensure completion/satisfaction of all conditions of approval and mitigation measures. The Applicant shall, on a monthly basis, reimburse the City for all such costs. Project Applicant shall pay all development impact fees adopted by the City Council and shall pay fees required by other entities.
42. The Developer shall obtain the following approvals from the Central Valley Regional Water Quality Control Board, as appropriate: 1) coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities; 2) compliance with post construction storm water Best Management Practices pursuant to the NPDES General Permit for Small Municipal Separate Storm Sewers Systems; 3) 401 Water Quality Certification for wetlands impacts; 4) Dewatering Permit under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit.
43. The main electrical panel for each residence shall be located at the exterior of the residence and capable of total electrical disconnect by a single throw.
44. A minimum one-hour occupancy separation shall be required for common walls separating residential units. Wall construction shall be approved by the Fire and Community Development Departments.
45. All wall assemblies separating dwelling units shall comply with Sound Transmission Control per 2001 California Building Code Section 1208.
46. The Developer shall preserve the Valley Oak trees identified at locations #56 and #58 in the March 8, 2006 Tree Protection Report.

47. The Developer shall repair the fencing on the existing emergency vehicle access/overland flood release located adjacent to the project site in the Carter Ranch project. The Developer shall also install fencing to close off the opening of the emergency vehicle access/overland flood release at its entrance to Cemetery Lane. The extent of the fencing work and type of materials shall be shown on the subdivision improvement plans and shall be approved by the City Engineer.

Design Review

48. Prior to recordation of the Final Map, a deed restriction shall be recorded against each property that precludes conversion of garage area to livable areas. A separate deed restriction shall be recorded against Lots 13, 14, and 15 to prevent the installation of gates in the rear yard fences.
49. The residential units constructed for Lots 12A and 12B shall utilize different frontages.
50. Each residential driveway shall have a minimum depth of 20-feet.
51. Units on opposing sides of a street shall be compatible in terms of design and color.
52. Lights along local streets shall not exceed 20-feet in height and shall be spaced to meet illumination/safety requirements. Lights along collector and arterial streets shall be as low as feasible in order to maintain pedestrian scale. Historic-style street lamps shall be used along all streets including the private internal streets.
53. Exterior colors on residential units shall not be restricted.
54. Landscaping and signage shall be consistent with the applicable requirements of Chapters 17.76 (Landscaping and Design) and 17.80 (Signs) of the Winters Municipal Code.
55. Universal design features shall be incorporated as an option in residential units. These features shall include first floor passage doors and hallways, a handicap accessible path of travel from either the driveway or sidewalk to the entrance of the residential units, and other features determined by the Community Development Department.
56. Details for the sound barrier and landscaping along West Grant Avenue shall be provided for City review and approval during a subsequent Site Plan (Design Review) for the project.

Affordable Housing

57. Prior to recordation of the Final Map, an inclusionary housing agreement shall be prepared and executed for the identified income-restricted units/properties. Deed restrictions shall be recorded against the four affordable units, Lots 1, 12A, 12B, and 24. Of the four affordable units, two shall be restricted to very low-income households, one shall be restricted to a low-income household, and one shall be restricted to a moderate-income household.
58. The construction of the affordable units shall keep pace or exceed the construction of the market rate units.
59. Pursuant to Policy II.A.13 of the Housing Element, the affordable units shall be visually indistinguishable from the market-rate units.

Street Improvements

60. All proposed public roads or their improvements for the subdivision shall comply with the City's Public Works Improvement Standards and Construction Specifications, dated September 2003 and as amended, unless otherwise approved by the City Engineer.

61. Grant Avenue:

a) The Developer shall construct improvements on Grant Avenue from Cemetery Road to West Main Street to support the project; the improvements shall be constructed per the Laugenour & Meikle Grant Avenue Interim Phase I Plan Line drawings dated March 28, 2006 with modifications yet to be approved by the City and Caltrans. Final limits of construction and street roadway cross sections will be determined and approved with the Final Map and Improvement Plans. Developer shall construct final improvement should the improvements not be constructed with the West Main Street at Avenue Traffic Signal Project. The West Main Street at Grant Avenue Traffic Signal Project is currently under design with the Callahan Estates Development and is anticipated to be constructed with the development.

b) The Developer shall construct pedestrian and landscape improvements on the south side of Grant Avenue along the frontage of the Waggoner Elementary School. Final frontage improvement shall be determined with the approval of the Final map and Improvement Plans for the Project.

c) A bus turnout shall be constructed on the north side of Grant Avenue along the frontage of the development. Limits of location yet to be determined.

d) No parking shall be allowed on Grant Avenue.

62. Local Streets: Local streets shall provide for ADA compliant sidewalk turnouts where sidewalk widths do not meet ADA requirements. All sidewalks at driveway locations shall be 6-inch thick Portland Cement Concrete (PCC).

63. The Grant Avenue Street Cross Sections on the Tentative Map dated February 13, 2006 do not apply. Conditions and Changes shall be made as follows: Street Cross Sections shall comply with final Laugenour and Meikle Grant Avenue Interim Phase I Plan Line drawings dated March 28, 2006 with modifications as approved by the City and Caltrans. Final limits of construction and street roadway cross sections will be determined and approved with the Final Map and Improvement Plans.

a) Street Cross section details as modified by these conditions of approval, including all intersection geometric design, complying with the conditions of approval, shall be revised on tentative map, submitted to the City, and approved by the City Engineer prior to submitting a final map and improvement plans.

b) A signing and striping, and stop plan is required and shall be approved by the City Engineer. All signing and striping shall be in accordance with the City of Winters Public Improvements Standards and Construction Standards.

c) Street light types shall be those historic types as approved by the City.

Storm Drainage and Site Grading

64. A comprehensive storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing upstream and downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the Applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and City Public Works Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures. The Storm Drainage Plan shall be submitted for approval prior to submittal of the final map and/or construction drawings for checking. The Applicant shall pay the cost associated with all improvements required by the plan.

65. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
66. The Tentative map Grading and Drainage plan showing grading and drainage information including topographic information, drainage routing, pipe slopes and sizing and locations and excluding topographic information, and overland drainage routing are preliminary only and do not constitute approval in any way. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
67. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
68. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls. Deviation from this condition may be allowed subject to approval by the City Engineer.
69. Drainage fees shall be paid prior to issuance of a building permit.
70. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
71. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
72. All projects shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.
73. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
74. Applications/projects disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less than one acre shall include a BMP to be approved by the City Engineer.
75. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the Applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by City Engineer.
76. Where possible landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. All other slopes shall comply with the City of Winters Public Works Improvements Standards. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
77. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.

78. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
79. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
80. Construction equipment and engines shall be properly maintained.
81. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
82. Construction practices will minimize vehicle idling.
83. Potentially windblown materials will be watered or covered.
84. Construction areas and streets will be wet swept.

Wastewater and Sewer Collection System

85. The Applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
86. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral and cleanout required for each parcel, in accordance with City of Winters Public Improvement Standards and Construction Standards.
87. A Tentative Map Sewer Collection System Plan shall be submitted for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. A registered civil engineer for project shall prepare the sewer collection system plan. The plan shall include final sizing and location of on-site conveyance facilities, structures, and engineering calculations.
88. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
89. Construction of sewer mains deeper than 16-feet at the bottom of the pipe shall be connected to laterals by parallel mains and connections at manholes.

Water Infrastructure

90. Based on City water modeling, a new well is needed to serve the development. Per Mitigation Measure #17, no building permits shall be issued until the new well is in service.
91. The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. If required, Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.
92. At the time the Final Map is approved, the Applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
93. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the Applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and

Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.

94. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the Applicant's expense. Required location, service size and flow-rate for the fire protection system must be submitted. Actual location is subject to the review and approval of the Public Works Department, Fire Department, and Community Development Department.
95. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
96. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. The Applicant shall install one or more fire hydrants on the project's West Grant Avenue frontage and one or more fire hydrants along the project's internal roadway. The number and location of the fire hydrants shall be determined by the Fire Chief. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
97. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District. The minimum residual pressure shall be 20 PSI.
98. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Winters Fire Department for replacement purposes.
99. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.
100. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
101. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
102. When the fire protection facilities are in the City of Winters, the Developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
103. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.
104. Submit four sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to the issuance of each building permit.
105. All residences shall have fire suppression sprinkler systems meeting or exceeding NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems. Each residence shall have its own horn and strobe unit.

General Public Works and Engineering Conditions

106. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.

107. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
108. A subdivision map shall be processed and shall be recorded prior to issuance of a building permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the Final Map from the County, prior to issuance of the first building permit.
109. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
110. A registered landscape architect shall design public landscape and privacy wall improvements and improvements shall be per City Standards, as applicable.
111. Applicant shall make every attempt to submit joint trench/utility/composite plans for review, prior to approval of the Final Map and improvement plans. Construction will not be allowed to proceed prior to submittal of the joint trench/utility/composite plans for City review.
112. All existing and proposed utilities (electric, phone/data, and cable) shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
113. Street lighting location plan shall be submitted and approved by the City Engineer, prior to approval of improvement plans and final recordation of Map.
114. Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City Engineer and Fire Department.
115. Occupancy of residential units shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings, unless otherwise approved by the City Engineer and Community Development Director. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
116. If relocation of existing facilities is deemed necessary, the Applicant shall perform the relocation, at the Applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
117. A Subdivision Improvement Agreement shall be entered into and recorded prior construction of improvements, issuance of any building permits, or recordation of a Final Map.
118. At the time of making the survey for the Final Map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the Final Map.

Easements and Right of Way

119. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
120. The Applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the City.

121. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City. Additional easements shall be dedicated as requested by the utility companies and approved by the City.

Reimbursements for Applicant Installed Improvements

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

123. Project proponents shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.

124. Prepare, and submit for approval, a utility site plan prior to preparation of full improvement plans.

125. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works Department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer.

126. Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.

127. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.

128. The area of each lot, in square feet, shall be calculated and shown on the Final Map.

129. Encroachment permits if necessary shall be acquired from Yolo County, Caltrans, and PG&E.

130. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.

131. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.

132. If improvements are constructed and/or installed by a party or parties other than the Applicant, which improvements benefit Applicant's property, prior to issuance of a building permit (approval of the final map) on Applicant's property, Applicant shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) (approval of the Final Map) to Applicant.

MRG/TM COAs PC 28Nov06

