

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, December 19, 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
2. Current Projects list dated December 5, 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 November 28, 2006 regularly scheduled meeting of the Planning Commission.

VI DISCUSSION ITEMS:

1. Public Hearing and consideration of Site Plan application (2006-07-SP) submitted by Fran Oremus for the installation of a new single-story, single-family 1,979 square foot manufactured residence with three bedrooms and two bathrooms at 437 Main Street (APN 003-182-71).
2. 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.

VII COMMISSION/STAFF COMMENTS

VIII 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, DECEMBER 5, 2006.



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 December 5, 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) 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.	City Council on November 21, 2006 in response to a request from the applicant directed that the project be sent back to the Planning Commission in order to allow the applicant to redesign the project.	Applicant submittal of redesigned project.

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(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.	Planned Commission recommended approval of Tentative Subdivision Map on November 28, 2006.	City Council public hearing tentatively scheduled for January 16, 2007.
(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.	November 28, 2006 Planning Commission public hearing.	Planning Commission continued public hearing scheduled for December 19, 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.

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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:** Not known at this time.
- 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, NOVEMBER 28, 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; City Engineer, Nick Ponticello

Commissioner Graf led in the Pledge of Allegiance.

CITIZEN INPUT

None.

CONSENT ITEMS:

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

Commissioner Graf moved to approve of the October 30, 2006 special meeting and October 24, 2006 regularly scheduled meeting of the Planning Commission. Seconded by Commissioner Tramontana.

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

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

DISCUSSION ITEMS:

1. Appointment of Planning Commission liaison for the Putah Creek Committee.

Commissioner Neu volunteered to be the liaison. Commissioners concurred.

2. Scheduling of Planning Commission meeting for December.

Commissioners concurred that there will be a meeting on Tuesday, December 19th at 7:30PM. This will be the only Planning Commission meeting for December.

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.

Community Development Director Sokolow said the recommended condition of approval for the affordable housing units has been modified to permit all the affordable units to be located in a

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single building. Sokolow also recommended two additional conditions for the project.

1. OFFICE SUITES – A deed restriction shall be recorded against the nine lots containing office suites to preclude their use as and conversion to livable space. A gas or electric cooking appliance shall not be allowed in the office suites. The deed restriction shall be recorded concurrently with the Final Map.
2. HOMEOWNERS ASSOCIATION – The applicant shall form a homeowners association for the project. A draft of the conditions, covenants, and restrictions (CC&Rs) necessary for the association shall be provided to City staff for review and approval. The CC&Rs shall be recorded concurrently with the Final Map.

City Engineer Ponticello said staff would reconsider the recommended condition of approval for construction of a sidewalk on the west side of Railroad Avenue and potentially rewrite the condition. He discussed the future library project at the High School and the potential of the sidewalk being constructed as part of the library project. Ponticello said the utilities above the future sidewalk could be undergrounded with Rule 20A funds. However, he noted both aspects (construction of sidewalk through the library project and use of Rule 20A funds for undergrounding overhead utilities) were not done deals. Ponticello said staff still has a concern about pedestrian access. Perhaps the interim solution is to have the area asphalted. Staff is trying to make sure that the City receives things that benefit the community. A requirement for the construction of a sidewalk on the west side of Railroad Avenue does not have to be in the conditions of approval; it can be moved to the development agreement and language can be crafted to benefit everyone.

Ponticello said he has been working with the City's traffic consultants on the roadway improvements for Railroad Avenue. A two-lane arterial will work for Railroad, but certain requirements have to be met. He explained that a general plan amendment will be needed to change Railroad from four to two lanes since the Circulation Master Plan for the 1992 General Plan served as the mitigation measure for traffic; Railroad would need to be designated as a two-lane arterial with a center median dividing the lanes; Moody Slough Road from Railroad to the East Main Street Loop would need to be re-designated from a two-lane collector to a two-lane arterial with a center median dividing the lanes; Anderson Avenue would have to extended to Dutton Street; and the roadways would have to constructed by the time that the 450th residential unit is constructed north of Niemann Street, otherwise Railroad from Moody Slough south to Grant Avenue would have to be widened to four lanes.

Ponticello said it was possible for the Planning Commission to move forward with the project and also make a recommendation to the City Council on the Railroad Avenue cross section.

Commissioner Tramontana asked if the Moody Slough Road project would be difficult. Ponticello said yes.

Ponticello noted that an update of the Circulation Master Plan is a project on the table and would be looked at in the future.

Tramontana asked if the City has the right-of-way south of the project to widen Railroad Avenue to four lanes. Ponticello said yes, but there wasn't enough right-of-way for a pedestrian corridor.

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Commissioner Vallecillo noted that the East Main Street Loop is in a flood zone and asked when it would be constructed. Ponticello said this would occur when there is a large enough project to pay for the roadway.

In response to a question from Vallecillo, Ponticello confirmed that the project applicant would be required to reserve right-of-way for a potential four-lane roadway on Railroad Avenue.

Commissioner Graf asked about the future lane configuration of West Grant Avenue. Ponticello responded that this was a situation similar to Railroad Avenue in that right-of-way would be reserved for a future four-lane roadway. However, for the time being, Grant would be a two-lane roadway with an enhanced landscaped corridor.

Graf expressed concerns about the sound walls proposed for the project and the compatibility of the project and the adjacent Double M Trucking, Inc. facility. Sokolow discussed the noise mitigation measures required for the project and noted that the burden is on the project to mitigate for the noise generated by the Double M and Mariani Nut Company facilities.

Commissioner Guelden asked if the project would have CC&Rs and expressed concern that CC&Rs are not enforced by the City. Sokolow said a homeowners association would be formed for the project and CC&Rs would be used for the association. He confirmed that the City does not enforce CC&Rs; however, he noted that the association formed for the project would be responsible for the maintenance of the commonly owned areas such as the green space area, private roads, and utilities in the private roads.

Chairman Jordan discussed the off-street parking shortage for the project and expressed a concern that visitors to the project would be using the on-street parking on Anderson Avenue west of Railroad Avenue. Vallecillo stated that the Planning Commission should have received a complete plan for the project with the accessible parking spaces shown on the plan.

Graf said that the Commission had made favorable comments about the project and there is a problem with the parking that should be resolved.

In response to various concerns expressed by Commissioners about off-street parking, Sokolow explained how staff calculated the parking space requirements. He said that multi-family housing is a conditional use in the Office and Central Business District Zones. As a result, staff applied the guest parking provision from the Winters Municipal Code (Title 17 – Zoning) that requires 0.25 spaces for each residential unit. There may be a need to re-look this since the project will be constructing mostly ownership units rather than rentals. Sokolow said there is the potential for the office suites to have other commercial uses other than offices. However, given the project's distance from the downtown business district, it may be difficult to support retail uses at the project site.

Graf said he was concerned about the off-street parking situation and said the Commission Chairman's concerns are strong on this subject.

Guelden raised the possibility of higher volume of foot-traffic business using the retail space, he said certainly there were not enough parking spaces for a barbershop type of business or

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something similar.

Bob Lindley, project architect from YHLA Architects, explained that the circulation of the internal roadway south of Anderson Avenue was designed so that a driver wouldn't have to make a three-point turn at the east end of Anderson. He said each of the residences would have two off-street parking spaces and off-street parking would be provided for the users of and visitors to the office suites. However, Lindley said that he couldn't say with certainty that there won't be a parking problem.

Lindley did not envision having a 13-foot sound wall, but he added that the project has the potential to result in other projects in the area. In response to question from Graf he said that hadn't spoke to John Martin (of Double M) about the sound walls. Graf said he didn't think that Martin would like a 13-foot sound wall and suggested that the applicant talk to Martin.

Graf stated that the High School parking lot would be used when people can't park at the Anderson Place project.

Lindley spoke about the flexible nature and use of the office suites.

Jordan opened the Public Hearing at 9:00 p.m.

Joe Castro, 104 Third Street, voiced concern about parking, noting that someone might rent out the office portion to help with the mortgage. As a result, this might create a need for another parking space or two.

Jordan closed the Public Hearing at 9:02 p.m.

Graf stated that parking and noise are major issues. He suggested that the developer take a look at the parking situation and meet with the owners of the Mariani's and Double M facilities to discuss the sound walls.

Tramontana stated that he talked with John Martin of Double M today. Martin told Tramontana that the wall won't hurt him, but he's concerned that the residents of the project will start complaining about noise from his trucking business.

Mark Rutheiser, project representative, explained the noise mitigation requirements for the project address both the exterior and interior noise levels. Exterior treatments to the buildings will address the interior noise levels while the sound walls will address exterior noise levels.

Vallecillo asked if an early site plan for the project showed on-street parking on Railroad Avenue. Sokolow responded that he didn't remember. Lindley said he was told that on-street parking wouldn't be allowed for Railroad. Ponticello said City Standards do not allow on-street parking on arterials.

Guelden said the planned development overlay for the project allows the developer to "throw out" the development standards. Based on this, he asked whether the Planning Commission should be able to address the parking situation. Sokolow detailed how a guest parking requirement of 0.25 spaces per each residential unit was applied to the project since multi-family

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residential uses are conditional uses in the Office and Central Business District Zones. He noted that the guest parking requirement may need to be re-looked since the residential units constructed for the project would be sold to home owners.

Graf made a motion to continue the public hearing and consideration of the Anderson Place project to the December 19, 2006 Planning Commission meeting in order to have staff and the applicant develop a criteria for the number of off-street parking spaces and look for additional spaces and to have staff meet with the owner of Double M Trucking to see if the method for mitigating the noise is acceptable to the owner. Seconded by Vallecillo.

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

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

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.

Community Development Director Sokolow provided an overview of the staff report. He discussed the two letters received during the circulation of the Negative Declaration. The letter from the Yolo County Transportation District makes a number of recommendations. One of the recommendations has been incorporated into the recommended conditions of approval (COA) by requiring a bus turnout on the project's frontage with Grant Avenue. Sokolow reviewed the comments made at the March 28, 2006 Planning Commission workshop held for the project. A representative from the Winters Cemetery District expressed concerns about gates being installed for residences to access Cemetery Lane and the lack of lighting on Cemetery. One of the COAs would prohibit the installation of gates to access Cemetery. Greg Drummond, near the project site, provided a letter for the March 28 workshop. He expressed concerns with the existing flood overland release/emergency vehicle access just north of the project site. He suggested that this access be relocated to the project.

Sokolow said the project would connect the existing segments of Ivy Loop; however, the street constructed for the project probably wouldn't be named Ivy Loop because this potentially undermines the street addressing for the project. He briefly reviewed the three green space/park area options for the project and indicated that the Planning Commission should recommend one of the options. Sokolow noted that the green space/park area would provide pedestrian/bicycle access for the project to Grant as well as provide access for the existing Carter Ranch development.

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City Engineer Ponticello discussed the infrastructure improvements that will be constructed with the project. The pedestrian and landscape improvements on the north side of Grant Avenue will extend beyond the project site to the west. He detailed a pedestrian/enhanced landscape corridor that will be created on the north and side sides of Grant and will be funded by the Mary Rose Gardens, Creekside Estates, and Hudson-Ogando projects. Ponticello noted improvements would also occur on the south side of Grant along the frontage of the St. Anthony's Parish Hall property since the St. Anthony's plans to construct a church at the property. Staff has been working with the architect for the church project on the roadway frontage improvements. One of the development agreement items for the project includes pedestrian/landscape improvements on the north side (south side of Grant) of the Waggoner Elementary School. As part of the pedestrian/enhanced landscape corridor on Grant, the Grant Avenue/Main Street intersection will be narrowed and will have a significant pedestrian haven to assist pedestrians crossing at the intersection.

Ponticello said the City has taken the lead in facilitating the improvements along Grant since Caltrans doesn't want to piecemeal the improvements. The improvements along Grant will occur from the westerly boundary of the Creekside Estates project to the easterly boundary of the Mary Rose Gardens project. The focus of the improvements will be reduced pavement and significant landscaping. The City has asked the Laugenour and Meikle engineering firm from Woodland to prepare a cost allocation report for the Grant improvements.

Sokolow said the new well under construction near the Grant/Main intersection has to be in service before building permits can be issued for the Anderson Place and Mary Rose Gardens projects.

Commissioner Neu asked if the walnut trees on the south side of Grant near the project could be preserved. Mary Rose Gardens project engineer Bryan Bonino of Laugenour and Meikle said some of the trees, approximately three, would need to be removed. Ponticello added that an effort is being made to save most of the trees.

Project Applicant Dave Snow introduced his project team, which consists of himself, Bonino, and Sam Biasi.

Biasi described the project as infill since existing residential areas on three sides border it. He said the project would bridge the gap in the Ivy Loop roadway and provide a pedestrian/bicycle pathway through the mini park proposed for the project. Biasi characterized the planned development (PD) overlay as minimum in nature because it addresses only two lots (12A and 12B) in the project and only one lot will fall below the minimum lot size for the R-2 Zone. If the minimum lot size was met for all lots then lots 12A and 12B would have to be combined and the residential units would need to be rentals.

Bonino also described the project as infill in nature, said the distance between the sidewalk and the roadway along the project's Grant Avenue frontage would be as great as 25-feet, and discussed how he tried to relocate the existing flood overland release to the southeast corner of the project site. However, the flood overland release couldn't be relocated because there is a high spot at the project's southeast corner. Bonino said the significant amount of landscaped areas along the project's Grant frontage could be used for a four-lane roadway if needed.

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Snow gave an overview of all home models and architecture and noted the locations of the affordable units. The garages for the homes have been staggered and some have been setback significant from the front porch areas. He said the duplex affordable units have been designed with different street elevations so the two units don't look like a duplex. Snow stated that the rear yard setbacks on the north block are much more than one would expect in a typical subdivision. Regarding Recommended Condition of Approval #46, which requires a small number of oak trees to be preserved, Snow said the lot in question would have to be reverse graded and an arborist's report would be needed on whether the trees can be preserved. He tried to keep a minimum rear yard setback of 30-feet for the homes on the south side of the street that will be constructed with the project.

Snow said the noise study indicated that masonry wall could be used on Grant Avenue and a solid block wall wasn't required. He reviewed the 8 models and 18 elevations proposed for the project's homes. The stucco used will be acrylics with paint. On the green space/park area, he said visibility is a big issue with community members and the green space/park area will provide good visibility because of its location. Snow reviewed a number of options for the sound wall along Grant. For the green space/park area, a short masonry wall with wrought iron on top is proposed. When he reviewed the green space/park area with community members, people who had children wanted features for children while people without children wanted adult features.

Commissioner Guelden discussed the proposed sound wall on Grant Avenue expressed concerns about have two-story homes close to the wall because of what occurred at the adjacent Carter Ranch project.

Commissioner Cowan described the project as "nice-looking" and complimented Snow on the architectural features incorporated into the residential units. He didn't think that two-story homes in close proximity to the sound wall would be a problem for the project and noted that the sound wall would be setback a significant distance from Grant.

Chairman Jordan opened the Public Hearing at 11:03 p.m.

Greg Drummond, 411 Luis Place, expressed his concerns about the current location of the flood overland release and said the City told him that it would be removed. He asked whether the sewer could be connected directly to Grant Avenue. Drummond said the location of the green space/park area on Grant could result in children playing in the roadway. Bonino explained that the highpoint at the southeast corner of the project prevents the flood overland release from being relocated and prevents the sewer from being directly connected to Grant.

Joe Castro, 104 Third Street, thinks the green space/park area should have a wrought iron fence for safety and made comments in support of the project.

Jordan closed the Public Hearing at 11:07 p.m.

Cowan asked about having a gate entrance to Cemetery Lane. Sokolow replied that he would ask the Cemetery District.

Graf made a motion to recommend approval of the Mary Rose Gardens Subdivision. The project is a proposed subdivision of 5.69 acres to create 28 single-family lots including two half-plex

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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. Graf added that option #2 is preferred for the park layout, and that his motion allows the applicant to enlarge the minipark to a one-half acre if necessary. Seconded by Cowan.

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

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously. Jordan noted the 10-day appeal period.

COMMISSION COMMENTS

Commissioner Tramontana asked Ponticello about the traffic signal at Grant Avenue and Railroad Avenue not changing for cyclists. Ponticello said he would look into this.

The meeting was adjourned at 11:22 p.m.

ATTEST:

DON JORDAN, CHAIRPERSON

DAN SOKOLOW, COMMUNITY DEVELOPMENT DIRECTOR



PLANNING COMMISSION STAFF REPORT
December 19, 2006

TO: Chairman and Planning Commissioners 

BY: Dan Sokolow – Community Development Director

SUBJECT: Public Hearing and consideration of Site Plan (2006-07-SP) request submitted by Fran Oremus for the installation of a 1,979 square foot single-story, single-family American-style manufactured home at 437 Russell Street (APN 003-182-71).

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report, 2) Conduct the public hearing, and 3) Approve the Site Plan (2006-07-SP) request submitted by Fran Oremus for the installation of a 1,979 square foot single-story, single-family American-style manufactured home at 437 Russell Street (Assessor's Parcel Number 003-182-71).

BACKGROUND: The project applicant, Fran Oremus, proposes to install a 1,979 square foot single-story, single-family American-style manufactured home with three bedrooms and two bathrooms at her property located at 437 Russell Street. The existing residence, approximately 650 square feet in size, will be demolished in order to accommodate the new home. Exterior features of the new home, which is manufactured by Fleetwood Homes, include a front porch that extends the full width of the house, composition roofing, and vertical siding. While the elevations submitted for the project do not show the front door on the Russell elevation, the front door will be located on the Russell elevation and this requirement is contained in Recommended Condition of Approval #4.

The off-street parking requirement for the residence will be addressed through the construction of a carport approximately 10-feet by 20-feet in size in the rear yard of the property. The carport will be attached to the residence and a second off-street parking space will be provided with an asphalt concrete pad constructed parallel to the carport. The carport will be setback at least 10 feet from the rear property line. The off-street parking will be accessed via a driveway strip on the west side of the property. The property (APN 003-182-71) is approximately 5,050 square feet in size, has a General Plan land use designation of Low Density Residential (LR), and is zoned Single Family, 7,000 Square Foot Average Minimum (R-1 Zone).

DISCUSSION: While the applicant's property does not meet the minimum lot size of

6,000 square feet for the R-1 Zone, the Winters Municipal Code (Title 17, Zoning) allows the development of non-conforming lots as long as setback and other land development requirements are satisfied.

Legally created non-conforming lots (lots which are non-conforming due to either their size and/or shape) may be developed in accord with current development standards, provided minimum required setback and open space requirements, as applicable, can be met. Development of non-conforming lots should be designed to provide consistency with the character and style of development in the surrounding neighborhood.

METHODOLOGY:

Two actions are required to process the proposed project:

1. Confirmation of CEQA exemption finding – Class 3(a), New Construction or Conversion of Small Structures.
2. Approval of Site Plan (Design Review) and the attached conditions.

APPLICABLE REGULATIONS:

This project is subject to several regulations:

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, December 7, 2006, and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Tuesday, December 7, 2006. Please find attached copies of the published and mailed public hearing notices.

ENVIRONMENTAL ASSESSMENT: The Site Plan application has been reviewed in accordance with the California Environmental Quality Act (CEQA) is considered categorically exempt under Section 15303.

RECCOMENDED FINDINGS FOR 437 RUSSELL STREET (SITE PLAN)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 3(a) – New Construction or Conversion of Small Structures.
2. The Planning Commission has considered comments received on the project during

the public review process.

3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 3(a) New Construction or Conversion of Small Structures exemption for the 437 Russell Street Project.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential and this designation provides for single-family detached homes. The project will result in the installation of a single-family residence.
2. The project is consistent with the provisions of the Zoning Ordinance. The principal uses of the R-1 Zone are single-family homes and duplexes. The project will result in the installation of a single-family residence.

RECOMMENDATION

Staff recommends approval of the project by making an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 437 RUSSELL STREET PROJECT (SITE PLAN) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Approval of the Site Plan (Design Review) of the project as depicted on the plans submitted and subject to the conditions of approval attached hereto.

ALTERNATIVES:

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

CONDITIONS OF APPROVAL FOR THE 437 RUSSELL STREET (SITE PLAN) LOCATED ON ASSESSOR PARCEL NUMBER 003-182-71, WINTERS, CA 95694.

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action or proceeding to attach set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, or any advisory agency to the City and local district, or the Winters City Council. Project

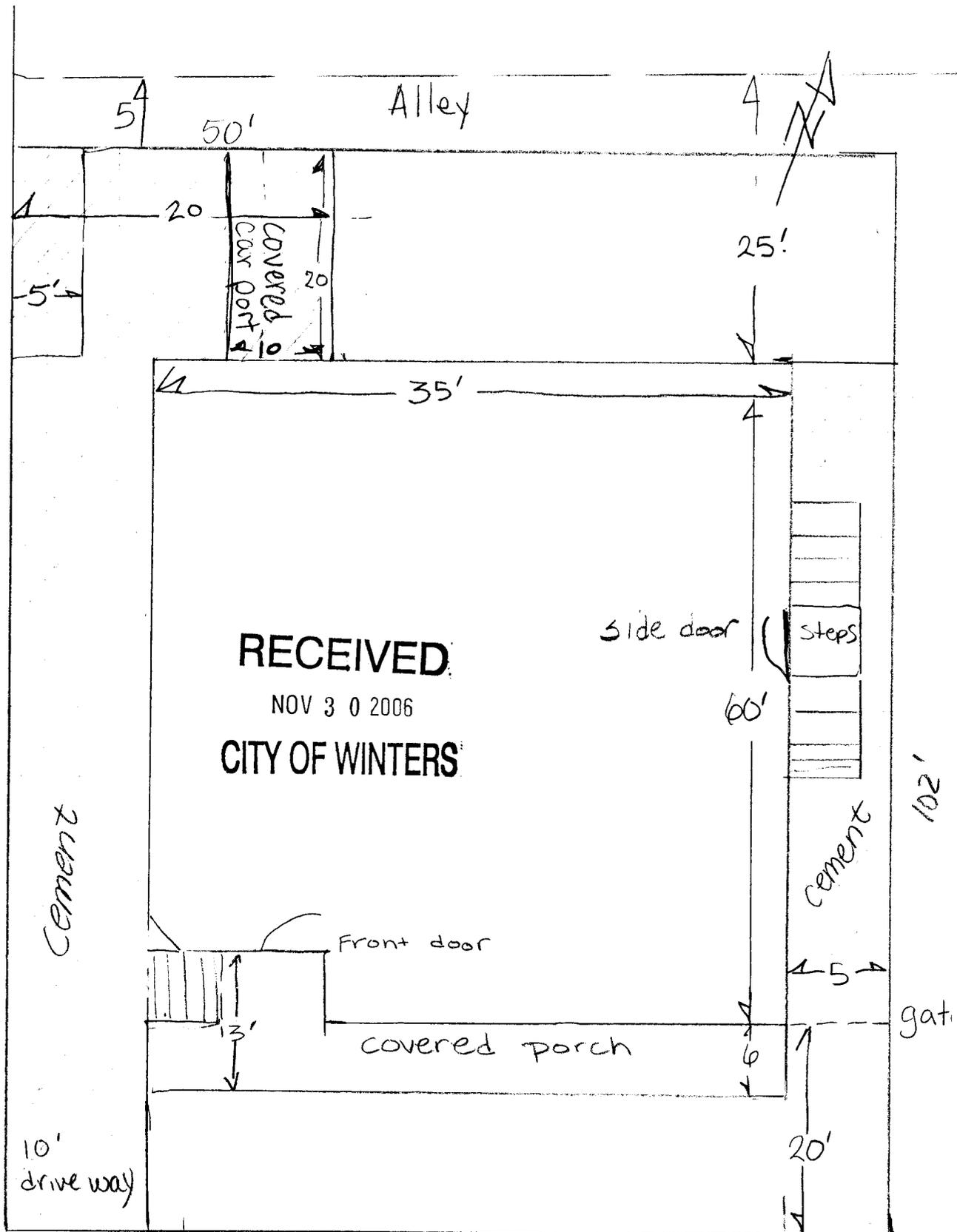
applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit 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 Applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.

2. Approval of the applicant's project shall be null and void if the applicant fails to submit a building permit for the project within one year of Planning Commission approval.
3. The manufactured home shall be placed on a permanent foundation.
4. A front door shall be located on the Russell Street frontage of the property.
5. The address number for the property shall be clearly visible from the street fronting the property. The address numbering shall be either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting colors.
6. The applicant shall obtain an encroachment permit for all work within the public right-of-way (water lateral, sewer lateral, sidewalk, etc.).
7. If not already installed, the applicant shall install a sewer lateral and cleanout that comply with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations acceptable to the Public Works Director.
8. If not already installed, the applicant shall install a water lateral and meter that comply with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations acceptable to the Public Works Director.
9. The applicant shall obtain all required City permits (building, encroachment, etc.) and pay all applicable fees (building, impact, encroachment, etc.).
10. The applicant shall report to the City building materials diverted from landfilling during the course of their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.
11. The applicant shall provide the City with a proof of payment receipt or exemption documentation for Winters Joint Unified School District facility fees at building permit issuance.

12. Final inspection for the manufactured home shall not be scheduled nor occupancy authorized until the public improvements (sewer lateral, sewer cleanout, water lateral, water meter, sidewalk, etc.) have been installed, inspected, and accepted by the City.
13. Final inspection for the manufactured home shall not be scheduled nor occupancy authorized until the front yard of the property is landscape and a City-approved shade tree is installed.
14. The applicant shall install a concrete sidewalk in the front of the property.

ATTACHMENTS:

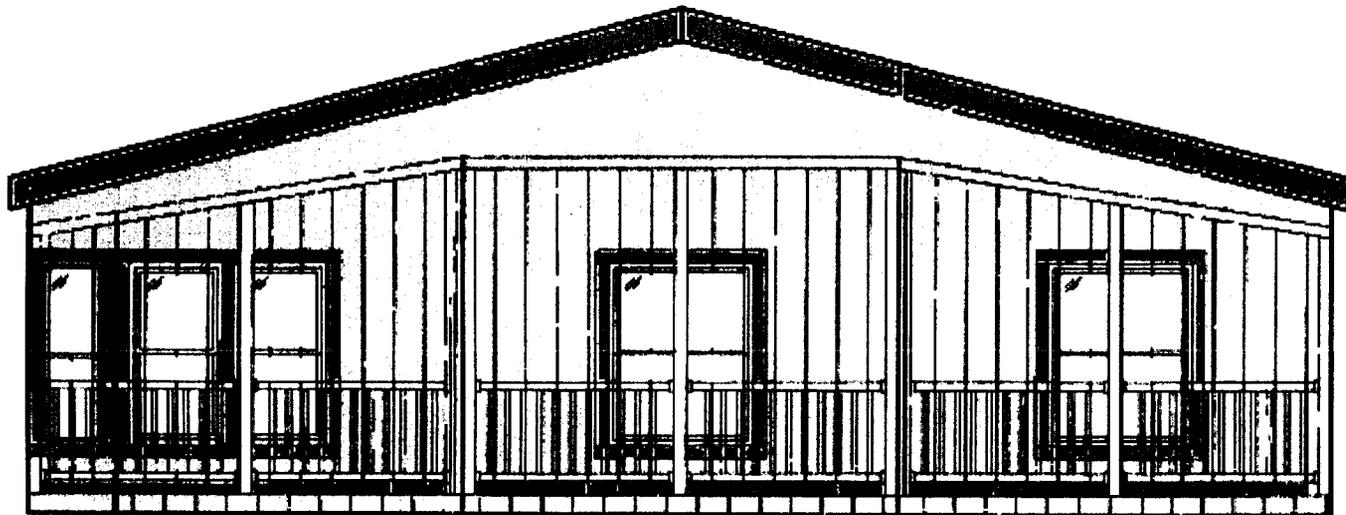
1. Parcel Map for Project Site
2. Site, Floor, and Elevation Plans
3. Public Hearing Notice (published and mailed copies)
4. Photographs of Existing Residence at Project Site
5. California Government Code (Sections 65852.3 – 5) on Manufactured Homes Located on Lots Zoned for Conventional Single-Family Residential Dwellings



Fran Oremus
437 Russell St.
Winters, CA

Lot 71 parcel # 003-182-71

 cement



Fran Oremus
 437 Russell Street
 Winters, California 95994

- Features:
- Trex* decking
 - 3:12 roof pitch
 - 12" eaves
 - architectural shingles
 - Fiber cement siding
 - Covered porch along front of home

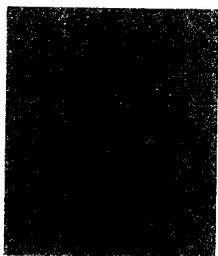
Exterior colors: main



Vogue Series Model 7603L
 3 Bedrooms • 2 Baths

1,979 square feet
 35' x 60'

trim:



King's Canyon Grey
 40YY 33/118

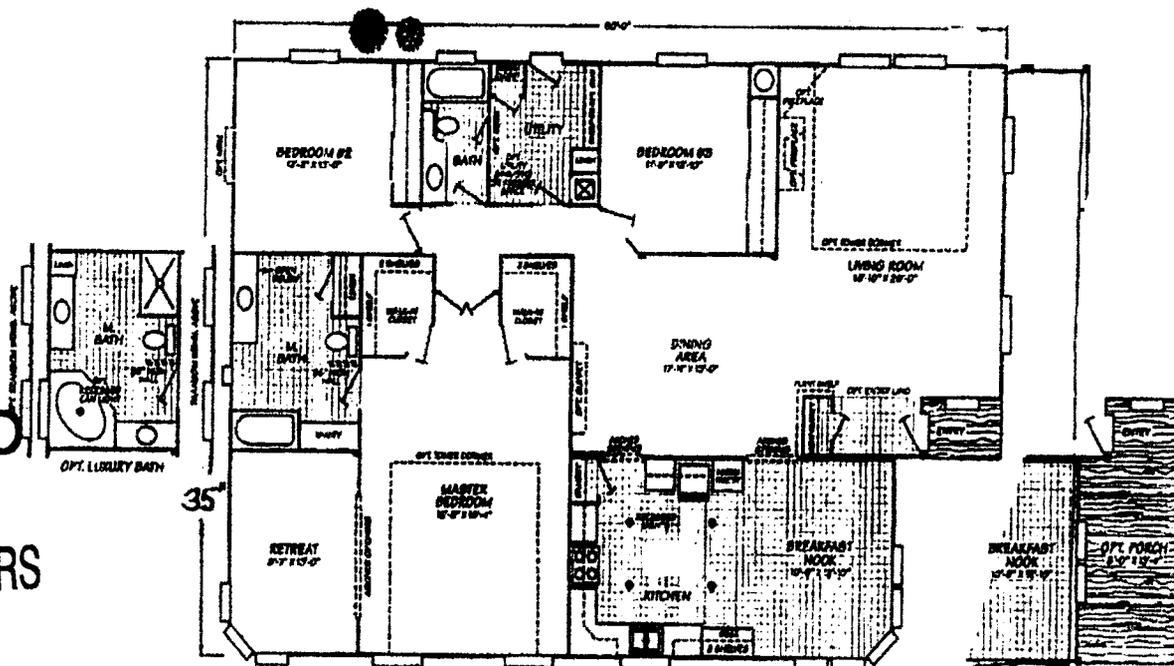
deck rails are white

Statewide Homes
 Sherri Willer
 (888)248-1133

RECEIVED

NOV 20 2006

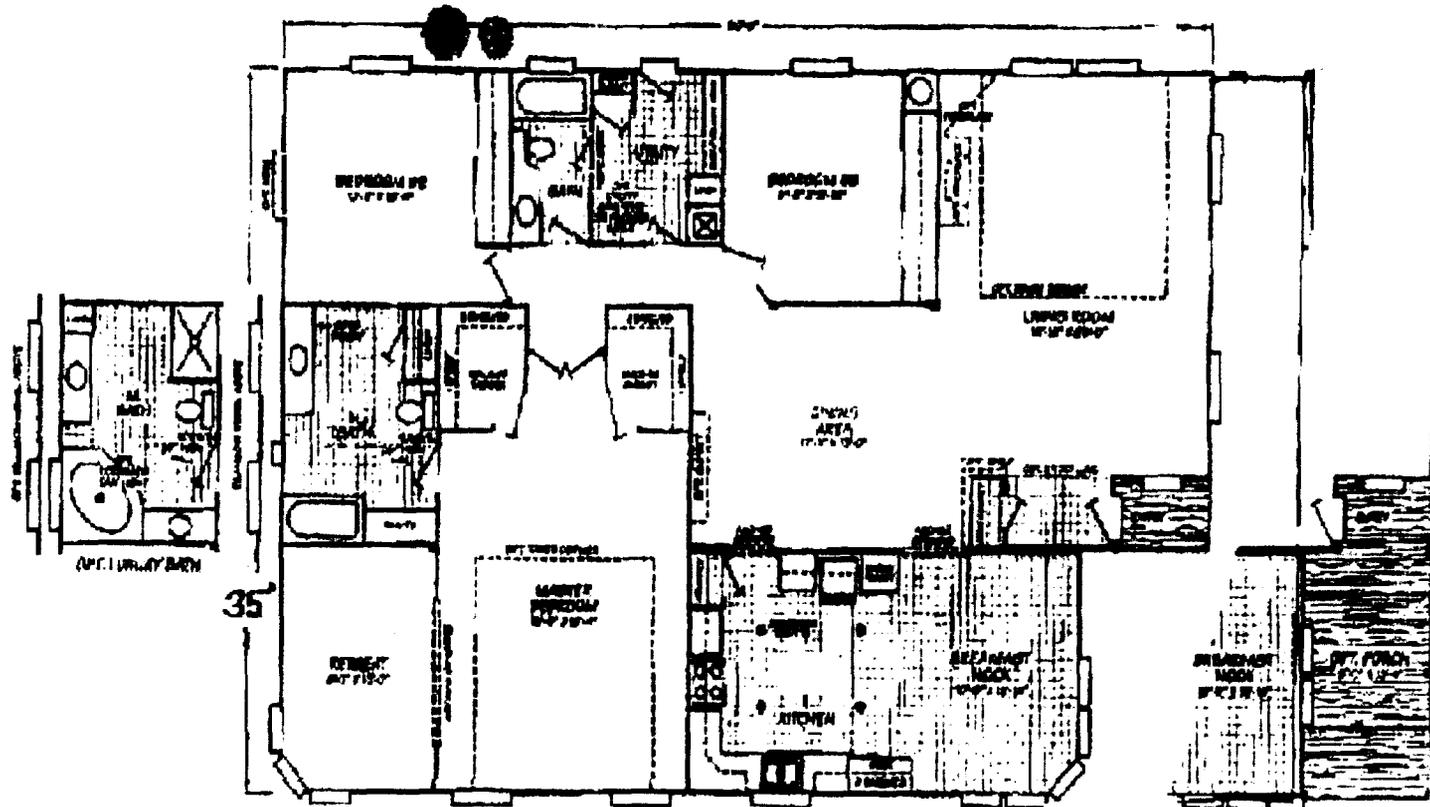
CITY OF WINTERS



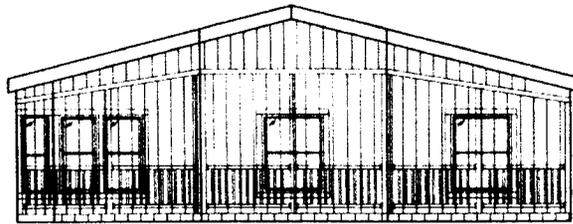
Fran Oremus
437 Russell St.
Winters, CA 95694



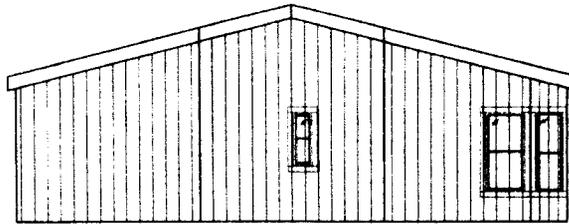
Vogue Series Model 7603L
3 Bedrooms • 2 Baths



Fran Oremus
437 Russell St.
Winters, CA 95691



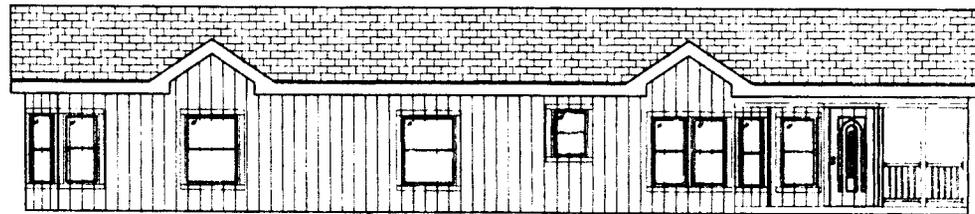
FRONT VIEW



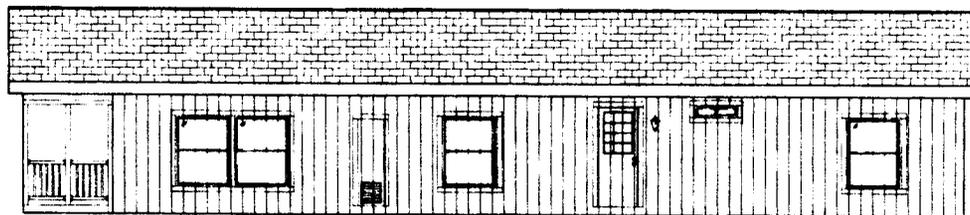
REAR VIEW



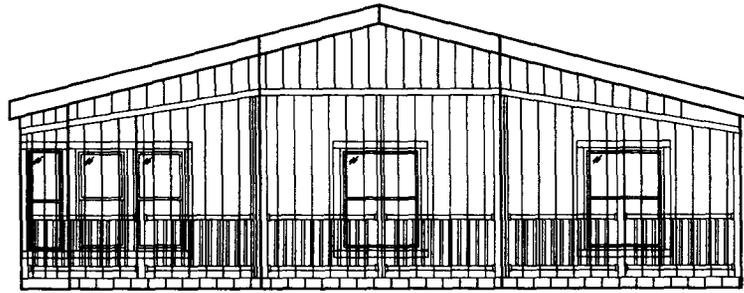
PROJECT NAME
MODE. NO.
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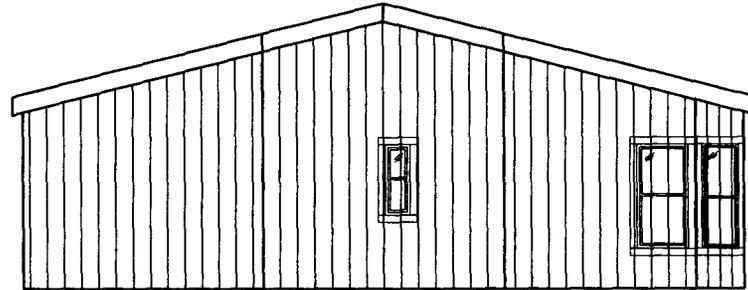
SIDE VIEWS



PROJECT NAME
MODE. NO.
DRAWING TITLE
DRAWN BY
DATE
BHT
REV.



FRONT VIEW



REAR VIEW



FLEETWOOD
121

PRODUCT NAME

REAR

MODEL NO.

121

DRAWING TITLE

REAR
ELEVATION

DRAWN BY:

121

DATE:

11/20/12

SHT	REV
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Winters Express

P. B5 12/7/06

Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, December 19, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 437 RUSSELL STREET,
ASSESSOR PARCEL NUMBER 003-182-71.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Site Plan application submitted for the installation of a 1,979 square foot single-story, single-family American-style manufactured home at 437 Russell Street.

PROJECT DESCRIPTION: The project applicant, Fran Oremus, proposes to install a 1,979 square foot single-story, single-family American-style manufactured home with three bedrooms and two bathrooms at her property located at 437 Russell Street. The existing residence, approximately 650 square feet in size, will be demolished in order to accommodate the new home. Exterior features of the new home, which is manufactured by Fleetwood Homes, include a front porch that extends the full width of the house, composition roofing, and vertical siding. The off-street parking requirement for the residence will be addressed through the construction of a carport approximately 10-feet by 20-feet in size in the rear yard of the property. The carport will be attached to the residence and a second off-street parking space will be provided with an asphalt concrete pad constructed parallel to the carport. The carport will be setback at least 10 feet from the rear property line. The off-street parking will be accessed via a driveway strip on the west side of the property. The property (APN 003-182-71) is approximately 5,050 square feet in size, has a General Plan land use designation of Low Density Residential (LR), and is zoned Single Family, 7,000 Square Foot Average Minimum (R-1 Zone).

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

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".



12/7/06

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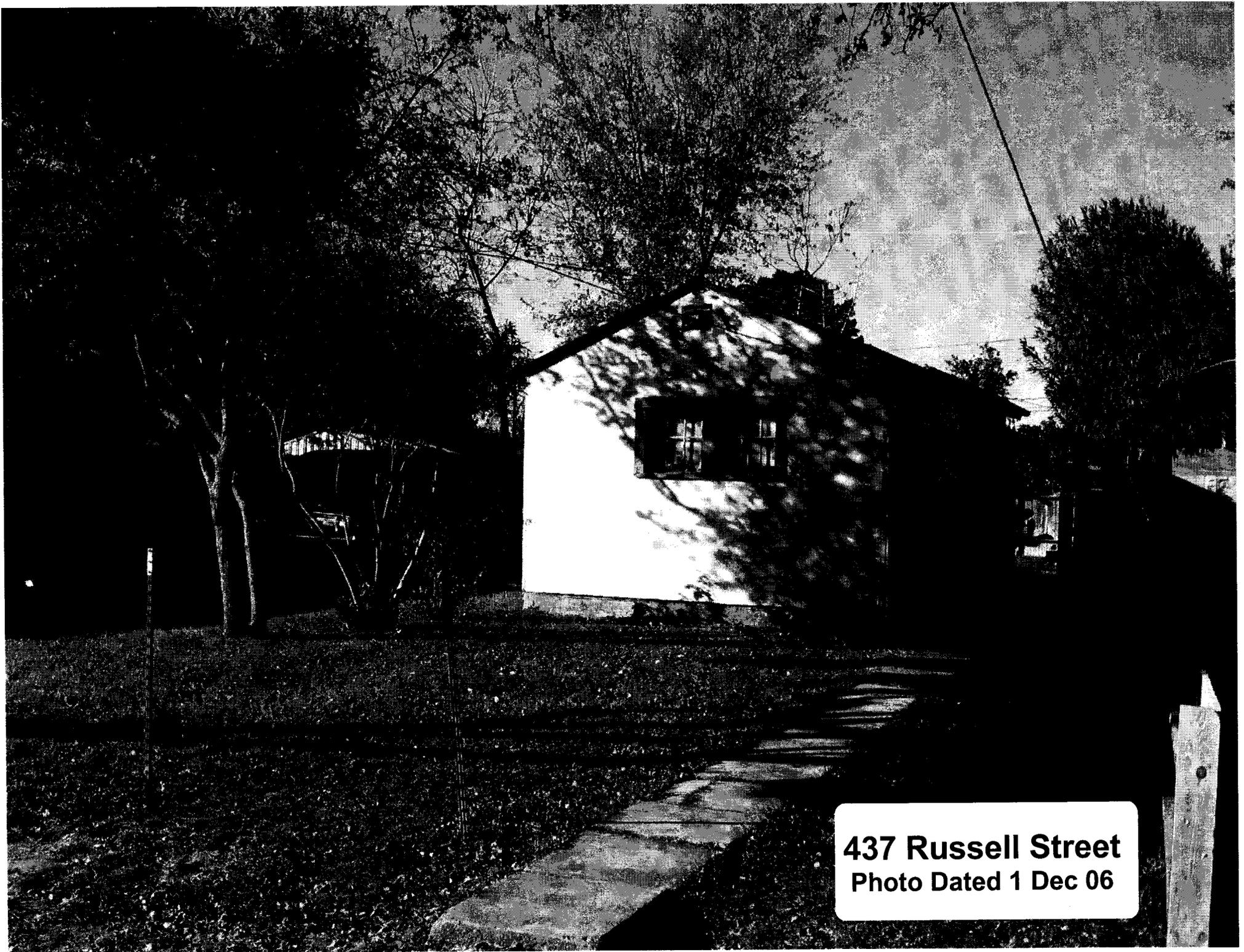
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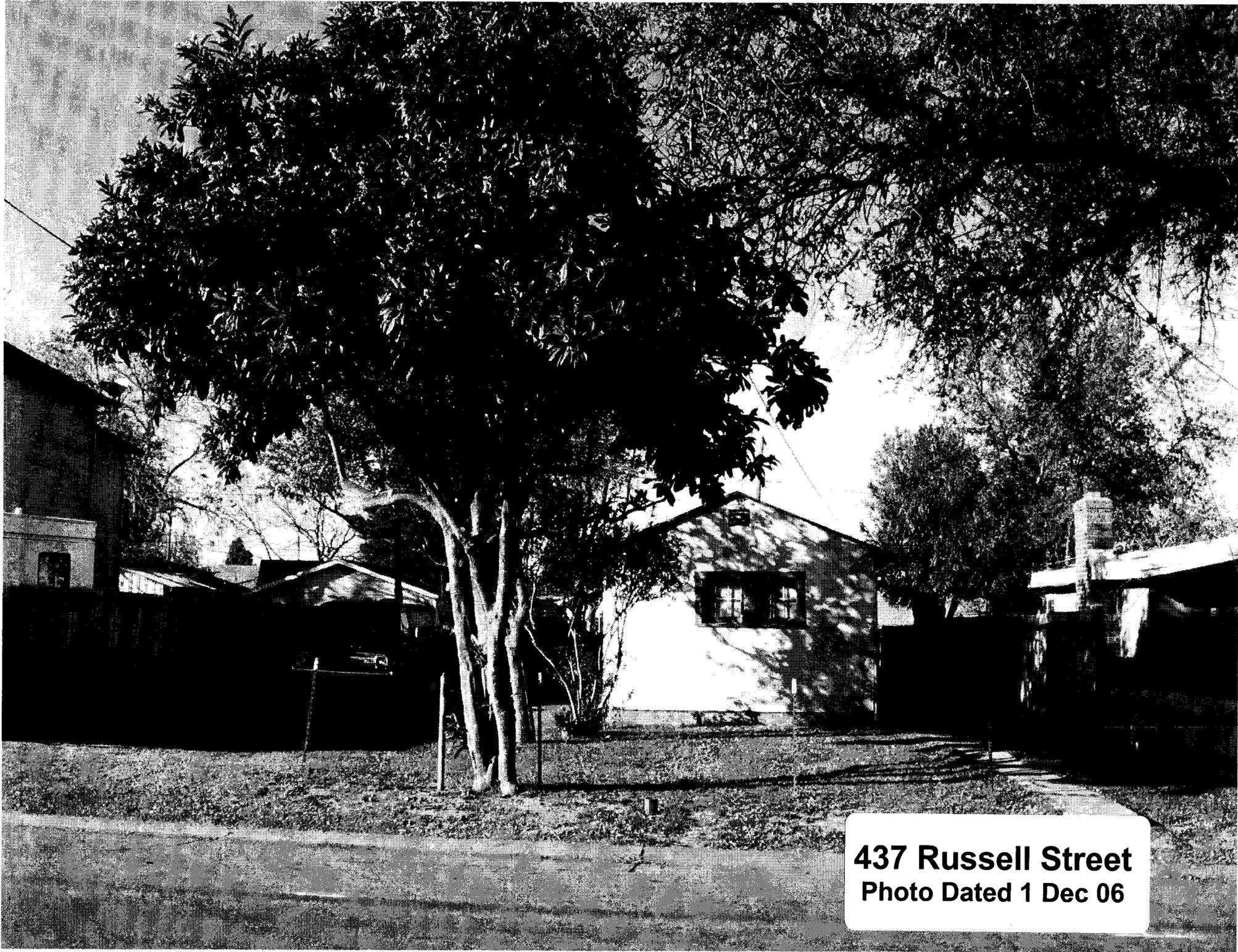
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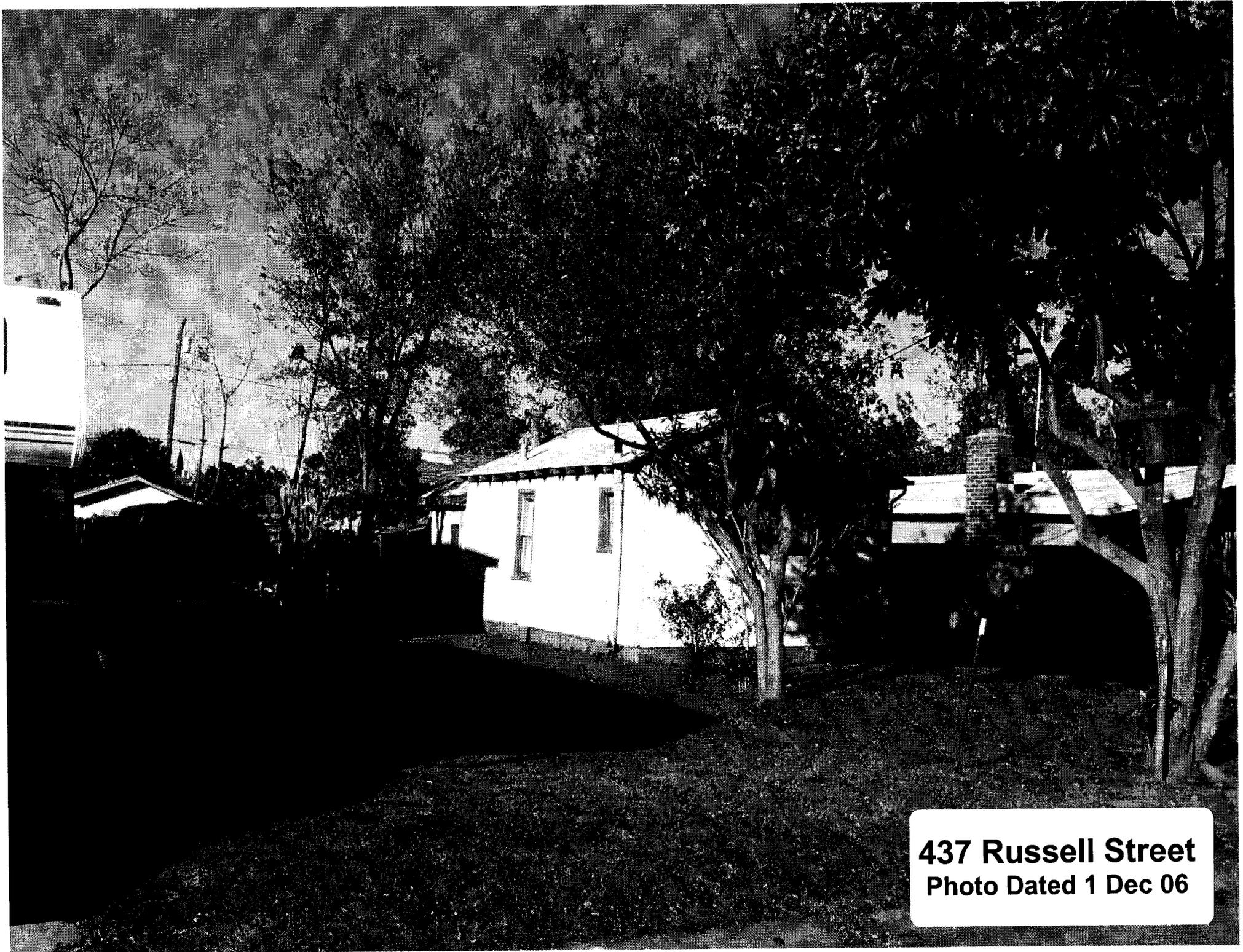
Dan Sokolow – Community Development Director



437 Russell Street
Photo Dated 1 Dec 06



437 Russell Street
Photo Dated 1 Dec 06



437 Russell Street
Photo Dated 1 Dec 06

CALIFORNIA CODES, GOVERNMENT CODE

65852.3. (a) A city, including a charter city, county, or city and county, shall allow the installation of **manufactured** homes certified under the National **Manufactured** Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety **Code**, on lots zoned for conventional **single-family** residential dwellings. Except with respect to architectural requirements, a city, including a charter city, county, or city and county, shall only subject the **manufactured home** and the lot on which it is placed to the same development standards to which a conventional **single-family** residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the **manufactured home** structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on **manufactured** homes even if similar requirements are not imposed on conventional **single-family** residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional **single-family** dwellings constructed on the same lot. At the discretion of the local legislative body, the city or county may preclude installation of a **manufactured home** in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the **manufactured home** and the date of the application for the issuance of a permit to install the **manufactured home** in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards that will have the effect of precluding **manufactured** homes from being installed as permanent residences.

(b) At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, and which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section, provided the place, building, structure, or other object is listed on the National Register of Historic Places.

65852.4. A city, including a charter city, a county, or a city and county, shall not subject an application to locate or install a **manufactured home** certified under the National **Manufactured** Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety **Code**, on a lot zoned for a **single-family** residential dwelling, to any administrative permit, planning, or development process or requirement, which is not identical to the administrative permit, planning, or development process or requirement which would be imposed on a conventional **single-family** residential dwelling on the same lot. However, a city, including a charter city, county, or city and county, may require the application to comply with the city's, county's, or city and county's architectural requirements permitted by Section 65852.3 even if the architectural requirements are not required of conventional **single-family** residential dwellings.

65852.5. Notwithstanding the provisions of Section 65852.3, no city, including a charter city, county, or city and county, may impose size requirements for a roof overhang of a **manufactured home** subject to the provisions of Section 65852. 3, unless the same size requirements also would be imposed on a conventional **single-family** residential dwelling constructed on the same lot. However, when there are no size requirements for roof overhangs for both **manufactured** homes and conventional **single-family** residential dwellings, a city, including a charter city, county, city and county, may impose a roof overhang on **manufactured** homes not to exceed 16 inches.



PLANNING COMMISSION STAFF REPORT

December 19, 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.

BACKGROUND: The Planning Commission at its November 28, 2006 meeting voted 7-0 to continue the public hearing and consideration of the Anderson Place subdivision project to December 19, 2006 and directed staff to contact John Martin, the owner of Double “M” Trucking, Inc., and re-assess the off-street parking for the project. Planning Commissioners discussed the project’s compatibility with the operations of the Double M facility and whether Martin had concerns about the sound walls proposed for the project site. Commissioners asked staff to take a second look at the assumptions used for calculating the off-street parking requirements for the project and work with the project applicant to augment the number of spaces.

While not related to noise and off-street parking issues, staff discussed with the Commission on November 28 the addition of the following two recommended conditions of approval (COAs) to address the occupancy of the office suites and the formation of a homeowners association for the project. Both conditions have been incorporated into the COAs.

#43 A deed restriction shall be recorded against the nine lots containing office suites to preclude their use as and conversion to livable space. A gas or electric cooking appliance and a bathtub or shower shall not be allowed in the office suites. The deed restriction shall be recorded concurrently with the Final Map.

#44 The applicant shall form a homeowners association for the project. A draft of the conditions, covenants, and restrictions (CC&Rs) necessary for the association shall be provided to City staff for review and approval. The CC&Rs shall be recorded concurrently with the Final Map.

On November 29, the project applicant met with John Martin, the owner of Double M Trucking, Inc., in order to discuss the noise mitigation requirements for the applicant's project. The applicant provided Martin with information from the recommended conditions of approval. Tonight, the applicant will further discuss the meeting held with Martin.

On December 4, City staff had a phone conversation with Martin. He acknowledged his meeting with the project applicant and receiving information from the applicant on the noise mitigation requirements for the project. Martin was familiar with the sound wall improvements based on his meeting with the applicant. (On a somewhat related item, the applicant's architect will present a conceptual landscaping plan for the sound walls at tonight's meeting.) Staff emphasized that the burden is on the project to mitigate for off-site noise and noted that special exterior building treatments are required in order to address interior noise levels. Staff also noted the disclosure requirement (for notifying prospective homeowners of the potential of noise being generated from the adjacent Double M and Mariani Nut Company facilities). Martin did not raise objections to the project or the sound walls, but he did reiterate his concern that residents of the project may complain that they did not know there was a truck yard next to their residences and complain about the noise that the truck yard generates (from its typical operations). He also discussed with staff his interest in keeping his business in Winters since many of his employees and contract drivers reside in the City and the business generates income for the City.

The project applicant met also with Matt Mariani from the Mariani Nut Company on November 29 to discuss the Anderson Place project. On December 6, City staff had a phone conversation with Mariani. Staff described the mitigation measures that were required to mitigate for the off-site noise. The following day, staff mailed Mariani copies of the site plan, tentative subdivision map, and the November 28, 2006 Planning Commission staff report (which included the recommended conditions of approval) for the project.

City staff met with the applicant and her project team on November 29. As a result of that meeting, the applicant has added four off-street parking spaces to the project to raise the total number of off-street parking spaces provided to 67. The plaza area for the project has been reduced in size in order to accommodate two additional tandem off-street parking spaces. The other two off-street parking spaces have been added as parallel spaces along an internal roadway near the southwest corner of the project. The attached off-street parking plan details the additional parking spaces and also identifies two van

accessible parking spaces for the offices. Staff has reviewed the location of the van accessible parking spaces with the City's Building Official. The van accessible space to address the seven southerly office suites (south of Anderson Avenue) should be more centrally located. For example, the distance from the van accessible space to the northerly most of the southerly office suites is at least 192-feet.

City staff reviewed the guest parking provision (of 0.25 off-street parking space per each residential unit in a multi-family project) per the Winters Municipal Code (Title 17 – Zoning) with the applicant's project team at the November 29 meeting. It was agreed that the guest parking provision should not apply to the residential units except for the two one-bedroom apartment units. As a result, the off-street parking requirement is reduced from 77 to 71 spaces.

DISCUSSION: As noted by John Martin, there is the potential that residents of the Anderson Place project may raise objections to being located next to a truck yard and having to experience noise generated from the typical operations of the truck yard. However, this scenario may be lessened in that a number of the residential units are somewhat distant from the Double M facility, such as the ones located on the Railroad Avenue frontage. Given the 10- and 13-foot sound walls required for the project, there is a strong possibility that prospective residents of the project will inquire about the purpose of the walls and the uses of the property on the other side of the walls.

With the increase of four spaces and the use of the guest parking provision for just the one-bedroom rental units, the project is only four spaces short of the off-street parking requirement. In its deliberations on the project, the Planning Commission may want to weigh the benefits of obtaining exact compliance with off-street parking versus the value of re-using an infill, warehouse/light industrial-type property in the manner presented by the applicant. A basic question is whether the planned development overlay proposed for the project and in particular for the reduction in the off-street parking requirement is justified to achieve an exceptional design.

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.

The requirement to construct a sidewalk improvement on the west side of Railroad Avenue from Anderson Avenue to the existing sidewalk north of Grant Avenue has been pulled from the recommended conditions of approval and included as a DA draft deal point. This was done to provide the applicant with some flexibility in the event that

construction of the sidewalk becomes the responsibility of another project.

- 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.
- Sidewalk – Construct an interim asphalt-concrete sidewalk on the west side of Railroad Avenue from Anderson Avenue to the existing sidewalk north of Grant Avenue.

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.

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)
- F. Off-Street Parking Plan

Anderson Place/TM PC Stf Rpt 19Dec06

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.
43. A deed restriction shall be recorded against the nine lots containing office suites to preclude their use as and conversion to livable space. The deed restriction shall also preclude the installation of a gas or electric cooking appliance and a bathtub or shower in the office suites. The deed restriction shall be recorded concurrently with the Final Map.
44. The applicant shall form a homeowners association for the project. A draft of the conditions, covenants, and restrictions (CC&Rs) necessary for the association shall be provided to City staff for review and approval. The CC&Rs shall be recorded concurrently with the Final Map.

Design Review

45. 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.
46. Units on opposing sides of a street shall be compatible in terms of design and color.
47. 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.
48. Exterior colors on residential units shall not be restricted.
49. 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.
50. 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.
51. 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

52. 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.
53. The construction of the affordable units shall keep pace or exceed the construction of the market rate units.

54. Pursuant to Policy II.A.13 of the Housing Element, the affordable units shall be visually indistinguishable from the market-rate units.

Street Improvements

55. 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.
56. 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.
57. 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.
58. 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 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.
59. 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).
60. 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.
61. 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

62. 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.
63. 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.
64. 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.
65. On-site Drainage utilities within the private streets shall be privately owned.
66. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
67. 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.
68. Drainage fees shall be paid prior to issuance of a building permit.
69. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
70. 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.
71. 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.
72. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.

73. 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.
74. 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.
75. 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.
76. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
77. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
78. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
79. Construction equipment and engines shall be properly maintained.
80. 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.
81. Construction practices will minimize vehicle idling.
82. Potentially windblown materials will be watered or covered.
83. Construction areas and streets will be wet swept.

Wastewater and Sewer Collection System

84. The Applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
85. 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.
86. On site sewer utilities within the private streets shall be privately owned.
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 #15, 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. 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.
93. On site water utilities within private streets shall be privately owned.
94. 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.
95. 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.
96. 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.
97. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
98. 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.
99. 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.
100. 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.

101. 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.
102. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
103. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
104. 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.
105. 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.
106. 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.
107. 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

108. 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.
109. 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.
110. 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.
111. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
112. A registered landscape architect shall design public landscape and privacy wall improvements and improvements shall be per City Standards, as applicable.

113. 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.
114. 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.
115. Street lighting location plan shall be submitted and approved by the City Engineer, prior to approval of improvement plans and final recordation of Map.
116. 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.
117. 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.
118. 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.
119. 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.
120. 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

121. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
122. 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.
123. 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.

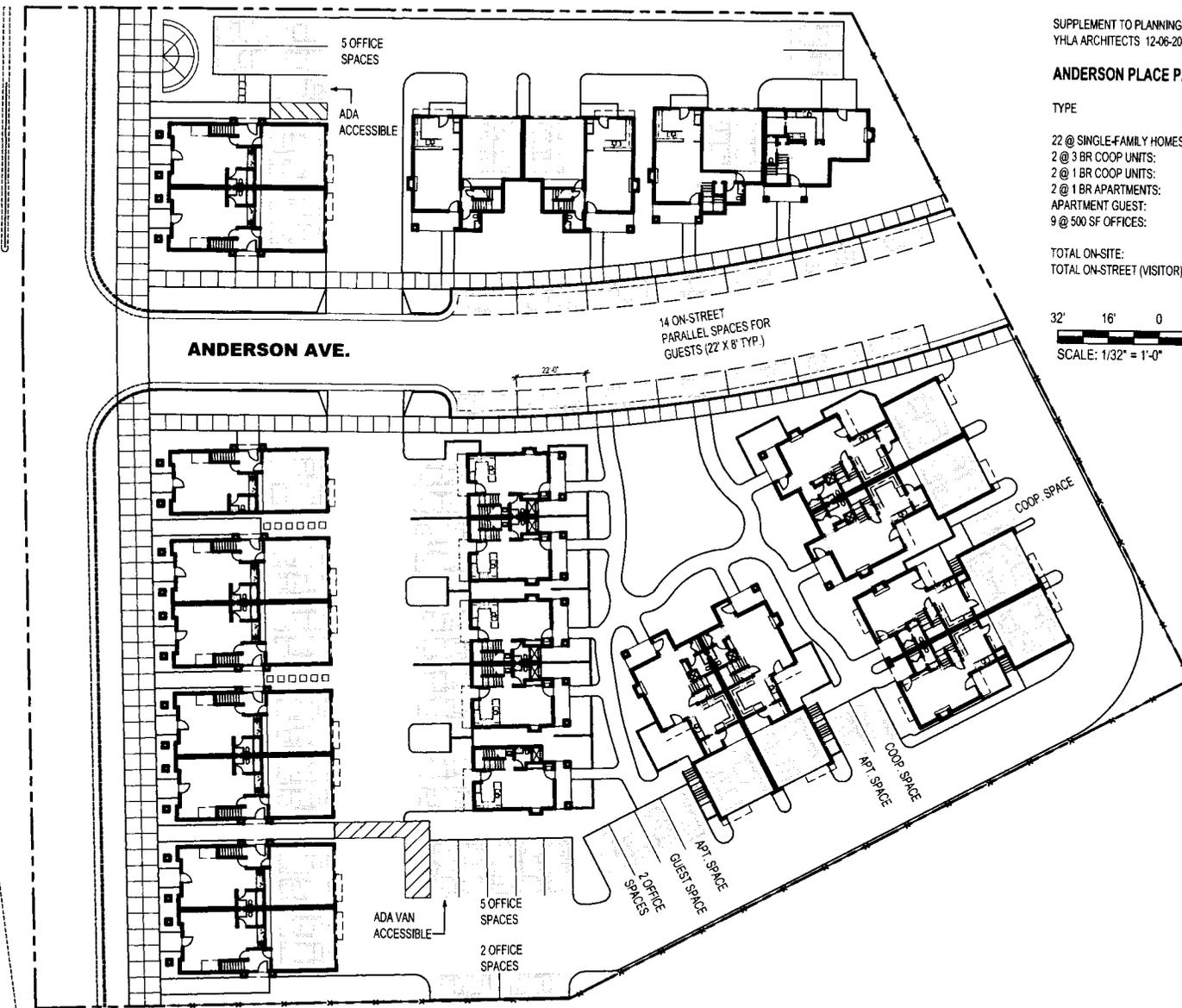
Reimbursements for Applicant Installed Improvements

124. Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.
125. 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.
126. Prepare, and submit for approval, a utility site plan prior to preparation of full improvement plans.

127. 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.
128. Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.
129. 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.
130. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
131. Encroachment permits if necessary shall be acquired from Yolo County, Caltrans, and PG&E.
132. 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.
133. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
134. 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 19Dec06

RAILROAD AVE. CO. RD. 89



SUPPLEMENT TO PLANNING APPLICATION
YHLA ARCHITECTS 12-06-2006

ANDERSON PLACE PARKING SUMMARY

TYPE	STANDARD	REQUIRED	PROVIDED
22 @ SINGLE-FAMILY HOMES:	2 CARS EA	44	44
2 @ 3 BR COOP UNITS:	2 CARS EA	4	4
2 @ 1 BR COOP UNITS:	1 CAR EA	2	2
2 @ 1 BR APARTMENTS:	1 CAR EA	2	2
APARTMENT GUEST:	.25 CAR EA	1	1
9 @ 500 SF OFFICES:	2 CARS EA	18 (1 PER 250 SF)	14 (1 PER 325 SF)
TOTAL ON-SITE:		71	67
TOTAL ON-STREET (VISITOR):		N.A.	14

