



PLANNING COMMISSION STAFF REPORT
January 27, 2009

TO: Chairman and Planning Commissioners

FROM: Nelia Dyer – Community Development Director

SUBJECT: **Public Hearing to Adopt the Proposed Mitigated Negative Declaration and Mitigation Monitoring Program and Take Action on a Design Review application (2008-05-SP/DR) for the Orchard Village Project**

SUMMARY OF PROJECT: The project is a proposed development of 74 multi-family units in a total of 11 2-story buildings and a one-story community center on approximately 5 acres. The proposed project also includes landscaping, walkways, swimming pool and hot tub, playground area, trellised picnic area, and parking. On the remaining 5 acres, a total of 1.6 acres will be developed as active parkland while the remaining land will not be developed due to the seasonal wetland(s) on the property. The project site totals 10.6 acres.

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

- Site Plan/Design Review for the design of the residential buildings, roadway dedications for Railroad Avenue and Dutton street, common area (including landscaping, parking, internal roads, community center, pool, playground and bike path), and the active park (including the detention pond).
- Owner Participation Agreement (OPA) (Community Development Agency Approval – Scheduled for February 3, 2009 CDA Meeting)

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

BACKGROUND: The Central Valley Coalition for Affordable Housing, a California non-profit corporation, currently owns the property. Previously, Village on the Park, a California Limited Liability Company, owned the parcel briefly. For the most part, the Ruiz family has owned the property since 1937. The property was formerly a walnut grove.

The orchard was removed by 1982. Farming has ceased and the land is vacant.

The application for this project was received and filed on June 11, 2008. Two neighborhood workshops held by applicant and a project website was established in June 2008. A conceptual Design Review and CEQA scoping session were conducted at the Planning Commission meeting on June 24, 2008. The planning application was found to be complete on July 11, 2008. On July 30, 2008, City staff determined that a Mitigated Negative Declaration would be an appropriate environmental document for the project. The Mitigated Negative Declaration was released on December 18, 2008 for a 30-day comment period that ended on January 16, 2009. No comments were received from any Responsible Agencies. Four comment letters and comments from concerned citizen at the building counter on January 16, 2009 were received (see Attachment D) and are discussed further below.

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

DETAILED PROJECT DESCRIPTION: Based on the architectural site plan received on October 9, 2008 (see Attachment A), the project involves the proposed development of 10.6 acres to create:

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

There are a total of 12 buildings proposed for the residentially-zoned parcel. The units would be housed in 11 2-story buildings. The remaining building is a one-story community center. A total of 155 off-street parking spaces are proposed to be provided, which meets the parking requirement established by the Winters Municipal Code. Of the 155 spaces, 6 spaces are proposed to be reserved for accessible parking. The proposed common area would include a one-story community center (approx. 2,500 square feet),

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

landscaping (approx. 71,000 square feet), walkways (approx. 12,000 square feet), swimming pool and hot tub (approx. 2,500 square feet), playground area (approx. 1,840 square feet), trellised picnic area (approx. 380 square feet) and on-site pond landscaped with wetland type plantings (approx. 1,300 square feet).

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

The proposal provides a 1.6-acre site for active parkland. The applicant is proposing to use a portion of this area (0.21 ac) for a detention pond to accept run-off from the residential portion in times of heavy rainfall; however, the detention facilities are proposed to be designed as a park amenity and include picnic tables, benches, bike racks, trails and landscaping, which will also be found in the remaining portion (1.4 ac) of the park.

The project proposes a 40-foot right-of-way dedication along Railroad Avenue to accommodate expansion of the roadway to a four-lane arterial. The expansion of Railroad Avenue to a four-lane arterial is consistent with the Winters General Plan Circulation Element (1992). The widening of Railroad Avenue will result in the removal of most of the existing trees on the site.

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

Dutton Street will be constructed from the south property boundary to the north property boundary to meet Secondary Collector Standards with a 66-foot right-of-way, which is consistent with the Winters General Plan Circulation Element (1992). The Circulation Element shows a future extension of Dutton Street from the south property boundary to County Road 33.

The site plan depicts a 10-foot Class I bike path within a 24-foot wide access-way, which will be dedicated to the City of Winters from Railroad Street to Dutton Street along the south side of the development.

LAND USE AND ZONING CONSISTENCY: The western five acres of the site are designated High Density Residential (HR) in the General Plan. The subject property has been designated for high density residential since at least 1992 when the last major update of the General Plan was adopted. The HR designation provides for "single-family attached homes and multi-family residential units, group quarters and quasi-public uses, and similar and compatible uses." Residential densities are required to be in the range of 10.1 to 20.0 units per gross acre. The applicant is proposing a multi-family residential

type of unit at a density of 15.51 du/ac (74 ÷ 4.77 ac²), which is consistent with the land use designation.

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

The proposed detention facilities include multiple uses including pedestrian paths, benches and trash cans with the intent of providing a tiered open space for community members to walk their dogs or ride their bikes and enjoy a picnic. At the same time, it will be designed to provide the appropriate storm water volume requirements for various storm intensities. The first tier of the pond is the deepest (3+/- feet) and will have water in it more often and it will be detaining the 10-year, 24 hour storm event and the 50-year, 24 hour storm event. It will be landscaped with plants that flourish in wet environments and has an asphalt walking path adjacent to it. The walking path will also be used as a maintenance path. The second tier is the outlet of the pond and is also designed for water detention for higher intensity storms. It is slightly sloped (1.8% grade) and includes park benches and picnic tables. With unusually high intensity storms, the park amenities may not be usable as the ground may be too wet but the majority of the time the tier of the pond will feel and look more like a park than a pond. The covered picnic area is not within the detention pond but using grading and landscaping the areas will be incorporated as one.

ARCHITECTURE AND LANDSCAPING: The applicant has provided building elevations of the 12 structures (See Attachment B). The applicant is proposing craftsman style architecture for the project including low-pitched gabled roofs with broad eaves, porches and patios, and board and batten siding. The color board depicts earth-toned exterior materials including weathered shingles, copper brown accent metal roofing, colonial ivory shakes, and coastal sage lap insulated siding. In reviewing the proposal, staff has believes the colors, materials, and architecture are complementary of the surrounding residential structures.

The applicant has also provided preliminary landscaping plans showing proposed plantings and shading (See Attachment A). Approximately 1.64 acres of the residentially-zoned property is planned for landscaping. The proposed landscaping includes trees (accent and shade), shrubs, vines, and native perennials and is consistent with the proposed architectural style.

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

POLICY ANALYSIS

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

Flood Overlay Area: General Plan Policies 1.A.9 and IV.D.4 preclude new development in the flood overlay area until a design solution and fee program are in place. The flood overlay area affects 5 acres of the site in the northwest corner. On Sept. 2, 2008, the City Council adopted new General Plan Policies for the Flood Overlay Area. These policies include I.A.12, I.A.13, I.A.14, I.A.15, IV.D.6, and IV.D.7, which would allow for development of the project. Recommended Condition of Approval 70 requires that the developer fund and construct all drainage improvements necessary to develop the Project within Flood Overlay Area. In addition, Recommended Condition of Approval 71 requires that the Developer agrees to pay any drainage Impact Fee adopted or enacted by the City to fund drainage improvements for the General Plan Flood Overlay Area, at the applicable rate and at the time established by ordinance or resolution, with respect only to development within the General Plan Flood Overlay Area.

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

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

The City has 1,901 existing single-family units and 327 existing multi-family units for a current mix of 82.8 percent single family and 17.2 percent multi-family. The City has 122 vacant acres on which single-family units could be built as compared to 26 vacant acres available for multi-family units (including these five acres). This project would provide for 74 multi-family units on nearly 5 acres which would bring the ratio to 78.5% single-family units and 21.5% multi-family.

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

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

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

Bikeway System Master Plan: Railroad Avenue is slated for future bike lanes or routes under the Master Plan. The applicant shall be required to construct a 10-foot wide bicycle/pedestrian pathway along the project's Railroad frontage (See Recommended Condition of Approval 54). In addition, the project applicant will be required to construct

permanent and temporary pedestrian and bicycle improvements. Specifically, on the west side of Railroad, the applicant shall be required to construct a crosswalk and associated ADA ramp improvements as determined by the City Engineer, across Railroad Avenue from the southwestern corner of the project property to the northwestern corner of Carrion Circle and Railroad Avenue (See Recommended Condition of Approval 59). On the east side of Railroad, the applicant shall be required to construct a temporary off-street Class I pedestrian asphalt concrete (AC) path with a width of 8-feet from the project site's north boundary to the project's south boundary, which will connect to the future path required for the approved project known as Anderson Place south of the subject project (See Recommended Condition of Approval 58). As a result of these bicycle/pedestrian improvements, the project is consistent with the Bikeway System Master Plan.

The site plan depicts a 10-foot Class I bike path within a 24-foot wide access-way, which will be dedicated to the City of Winters from Railroad Street to Dutton Street along the south side of the development (See Recommended Condition of Approval 60). On a number of visits to the site, staff observed people walking across the property to travel to and from Railroad Avenue. To provide a connection to the future park as well as the destinations along Railroad Avenue and beyond, staff recommends that an 8-foot Class I bike path be constructed along the south boundary of the project site between Dutton Street and Walnut Lane (See Recommended Condition of Approval 61).

INFRASTRUCTURE

Sewer Conveyance: Sanitary sewer service is proposed to be provided by the construction of a 6-inch sewer main in the right-of-way of the driveway constructed on the project site. The new 8-inch sewer main will connect to the north with the existing 8-inch sewer main located in Railroad Avenue.

Sewer Treatment: The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals dating back to Spring 2005 exceed this amount and efforts are underway to expand the plant. The Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd. The timing of this expansion is not set. The Phase 2 expansion is not needed to serve this project.

Water Conveyance

Water Service: Water service is proposed to be provided by the construction of an 8-inch water main in the right-of-way of the driveway constructed on the project site. The new 8-inch water main will connect to the west with the existing 8-inch water main located in Railroad Avenue. The Draft Water Master Plan identifies that the City currently requires a new well to serve the existing City and future development. The City is in the process of drilling a test well near the intersection of West Grant Avenue and West Main Street. The new well will need to be in service before building permits can be issued for this project. This requirement is reflected in Recommended Conditions of Approval #30 (Mitigation Measure #11) and 101.

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

Off-Site Infrastructure: The project would be required to fund and construct off-site improvements necessary to support the development (See Recommended Condition of Approval 29). Such improvements would include, but not be limited to water lines, sewer lines and storm drainage lines. To the extent that acquisition or subsequent CEQA clearance is necessary for such work that would be the responsibility of the developer. As noted earlier, the project would be required to construct off-site pedestrian improvements on the east and west side of Railroad Avenue.

Flooding: The project site is not located in a 100-year flood hazard area on the Flood Insurance Rate Map, Community Panel Number 060425-0001-C. There is a portion of the project site that falls within the City's General Plan Flood Overlay Area and is subject to localized flooding. The project is required to pay into the Flood Overlay Area Storm Drainage Fee Program (See Recommended Condition of Approval 71).

PARK REQUIREMENT: The City requires the development of public parkland in conjunction with subdivision development at a ratio of 5 acres per 1,000 persons, and has a goal of 7 acres per 1,000 persons. Using the applicable Department of Finance factor (January 1, 2008 estimate) for household size of 3.182 persons per household, and assuming 74 total units, the project triggers the need for between 0.44 and 0.62 acres of developed parkland ($3.182 \times 74 \text{ dus} \div 1,000 \times 5 = 1.2 \text{ acres}$; $3.182 \times 74 \text{ dus} \div 1,000 \times 7 = 1.6 \text{ acres}$). (See Recommended Condition of Approval 148). The proposal provides a 1.6-acre site for active parkland. The applicant is proposing to use a portion of this area (0.21 ac) for a detention pond to accept run-off from the residential portion in times of extreme flooding. The remaining portion (1.4 ac) is proposed to include a public neighborhood park including picnic tables, benches, bike racks, trails and landscaping.

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

developing the 1.6-acre park.

AFFORDABLE HOUSING: Implementation Program II.A of the Housing Element and Zoning Code Section 17.60.030(a) require that at least 15 percent of all new housing units in the City must be affordable to persons of very low, low, or moderate income households. In addition, Zoning Code Section 17.60.030(a) specifically provides that each new housing project in the City must meet the 15 percent affordable housing requirement in order to be approved.

The Orchard Village project satisfies the 15 percent affordability requirement in that 100 percent of the new housing units will be affordable to persons of very low, low, or moderate income. In particular, the project will create a total of 74 new affordable housing units. Of the 74 units, 26 of the units will be designated for persons of very low incomes and 48 of the units will be for persons of low incomes (See Recommended Condition of Approval 52).

UNIT PHASING: The applicant is proposing to create all 74 residential units and have them available for rent at the same time. No unit phasing is proposed.

OWNER PARTICIPATION AGREEMENT: The City will require that an Owner Participation Agreement (OPA) be executed for this project. An Owner Participation Agreement is a legal agreement between the Redevelopment Agency and a property owner within the redevelopment project area for the development of the subject property in accordance with the adopted redevelopment plan. Property owners within the Redevelopment Project Area are not required to enter into OPAs in order to develop their property. However, when any form of Redevelopment Agency assistance is requested for a proposed project, the Agency requires an OPA with the property owner. The applicant has requested financial assistance from the Agency for the project; therefore, an OPA is required.

CEQA CLEARANCE: A Mitigated Negative Declaration (see Attachment C) was circulated on December 18, 2008, for a 30-day comment period extending through January 16, 2009. All comment letters received within the comment period are attached for the Commission's review (see Attachment D). Each letter is discussed briefly below.

Property Owner at 126 Carrion Court- Letter dated January 16, 2009 – The property owner is concerned that there will be too much traffic at the intersection of Grant Avenue and Dutton Street generated by the project. The Traffic Impact Study prepared for the American Communities Townhome project (dated May 2006) was updated by Fehr & Peers for the subject project in December 2008. According to the update, the service level analysis revealed that all study intersections would operate at service level C or better. Even with the added 10 PM peak hour trips generated by the proposed project (See Table 1 on Page 50 of Attachment C), the project would not result in a significant traffic impact on all study intersections.

The property owner is also concerned with the traffic on Dutton Street as a result of the second entrance to the project from Dutton Street. The update to the traffic study also

revealed that the proposed project would not have a significant impact on traffic (specifically, intersection operations) under either of the access scenarios: 1) single access to development from Railroad Avenue; and 2) access to development from both Railroad Avenue and Dutton Street.

The property owner does not want Dutton Street to be constructed to the north boundary line of the property. As noted previously, extending Dutton Street to County Road 33 is consistent with the Circulation Element of the General Plan.

The property owner is unclear as to the number and location of the proposed detention pond(s). According to the applicant, there are two detention ponds. The onsite pond is located in the southern portion of the onsite common area or courtyard. As depicted on the site plan, the 2nd detention pond is located east of the extended Dutton Street in the northwest corner of the eastern five-acre parcel.

The property owner is concerned about the mosquito production as a result of the detention pond. Detention ponds for holding storm water runoffs usually do not produce mosquitoes in sufficient numbers to cause a problem. Regardless, once constructed and dedicated to the City, the City will properly maintain the detention pond to lessen the mosquito production.

Property Owner at 1029 Railroad Avenue - Letter dated January 15, 2009 – The property owner is opposed to the project. As noted previously, the subject property has been designated for high density residential and park uses since at least 1992 when the last major update of the General Plan was adopted.

Property Owner at 2721 Anza Avenue, Davis, CA (visit to City Hall on January 16, 2009) – The property owner questions whether the loss of Prime Farmland is considered a less-than-significant impact as noted on Page 14 of Attachment C. After reviewing the Yolo County Important Farmland Map (2006 - California Department of Conservation), the land is designated as Farmland of Local Potential, which is defined as Prime or Statewide Soils that are presently not irrigated or cultivated. As noted previously, the subject property has been designated for high density residential and park uses since at least 1992 when the last major update of the General Plan was adopted. In addition, development or previously developed parcels of land surround the property. While the soil may be suitable for agricultural use, the current surrounding uses may not lend towards that particular use.

The property owner questions the reason for the absence of fiscal impact analysis of the project. Since this land has been designated for high density residential and park uses since the General Plan was adopted and the applicant is not seeking a rezone and/or General Plan Amendment, the applicant was not required to prepared a fiscal impact analysis.

The property owner commented that the loss of Swainson's hawk foraging habitat acreage should be 10.6 acres (1:1) as opposed to 6.78 acres, which is noted in the Mitigated Negative Declaration. Staff has corrected the acreage in both the Mitigated

Negative Declaration and the Recommended Conditions of Approval. In addition, the property owner recommended that a Swainson's hawk survey be conducted after they have migrated to the area. This has been noted in both the Mitigated Negative Declaration and the Recommended Conditions of Approval.

Property Owner at 107 Almond Drive – Letter dated January 16, 2009

The property owner is concerned that there will be too much traffic at the intersection of Grant Avenue and Dutton Street generated by the project. In addition, the property owner is concerned with the traffic at Dutton Street and Grant Avenue as a result of the second entrance to the project from Dutton Street. Please refer to the discussion in response to the comments provided to the property Owner at 126 Carrion Court.

Property Owner at 105 Almond Drive - Letter dated January 15, 2009

The property owner is concerned that additional traffic congestion will result from the access to the proposed development from Dutton Street. Please refer to the discussion in response to the comments provided to the property Owner at 126 Carrion Court.

The property owner objects to the inclusion of the detention pond in an area that is designated in the General Plan as "Park and Recreation". As stated previously, the detention facilities are proposed to be designed as a park amenity. Please refer to the discussion of the proposed park and, specifically, the design of the detention facilities on Page 4 of this report.

The property owner comments that it is essential that the vernal pool be preserved in its current state to protect the existence of fairy shrimp. Please refer to the Biological Resources section in the Mitigated Negative Declaration (Attachment C).

The property owner believes that the continuation of Dutton Street to a dead end at Carrion Court will result in the dead end area being used as a parking lot. The property owner suggests Dutton Street should be screened from view with landscaping on the east side. In response to these comments, staff has conditioned the applicant to plant trees and shrubs at the northern end of the proposed Dutton Street extension to prevent parking at the dead end (Recommended Condition of Approval 51).

The property owner is concerned about the maintenance of the proposed park. Once the parkland is dedicated to the City, maintenance of the park will be the City's responsibility.

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 Mitigated Negative Declaration and Mitigation Monitoring Plan.
2. Approve the Site Plan/Design Review for the design of the residential buildings, roadway dedications for Railroad Avenue and Dutton street, common area (including landscaping, parking, internal roads, community center, pool, playground and bike path), and the active park (including the detention pond).

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 18, 2008 and notices were mailed to all property owners who own real property within five hundred feet of the project boundaries for a 30-day comment period and to notice 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 Thursday, January 22, 2009.

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

I MOVE THAT THE WINTERS PLANNING COMMISSION ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVE THE ORCHARD VILLAGE (SITE PLAN) SUBJECT TO THE FINDINGS OF FACT AND CONDITIONS OF APPROVAL.

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.

ATTACHMENTS:

- A. Site Plans
- B. Elevation and Floor Plans
- C. Mitigated Negative Declaration
- D. Mitigated Negative Declaration comment letters (4)
- E. Public Hearing Notice (published and mailed copies)

Orchard Village/DR PC Stf Rpt 27Jan09

FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR THE ORCHARD VILLAGE PROJECT

FINDINGS OF FACT

Findings for Adoption of Mitigated Negative Declaration

1. The Planning Commission has considered the proposed Mitigated Negative Declaration before making a decision on the project.
2. The Planning Commission has considered comments received on the Mitigated Negative Declaration during the public review process.
3. The Planning Commission 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 Planning Commission 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 Planning Commission hereby adopts The Orchard Village Mitigated Negative Declaration.

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 Building Permit unless otherwise stated.
3. The project is as described in the January 27, 2009 Planning Commission staff report. The project shall be constructed as depicted on the maps and exhibits included in the January 27, 2009 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require a public hearing and Planning Commission 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 applicant 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.
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 fifteen 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 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.
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** -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of the first building permit the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.
20. **Mitigation Measure #2** – Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. All light fixtures shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the City with certification that adjacent areas will not be adversely affected and that offsite illumination will not exceed 2-foot candles.

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

21. **Mitigation Measure #3** -- Implement the following dust control mitigation measures during all construction phases:
 - Apply nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
 - Reestablish ground cover in disturbed areas quickly.
 - Water active construction sites at least three times daily to avoid visible dust plumes.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
 - Enforce a speed limit of 15 MPH for equipment and vehicles operated on unpaved areas.
 - All vehicles hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard.
 - Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.
22. **Mitigation Measure #4** -- The applicant shall provide a fee payment to the Yolo County Habitat Joint Powers Authority for the loss of 10.6 acres of Swainson's hawk foraging habitat. The payment shall be provided based on the current fee schedule at the time work will begin. Evidence of fee payment shall be provided to the City prior to issuance of a grading permit or other project-related disturbance of the site.
23. **Mitigation Measure #5** -- The following measures shall be implemented to mitigate for potential impacts to nesting birds:
- 1) If possible, all trees, brush, and other potential nesting habitat that shall be impacts by project construction shall be removed during the non-nesting season (September 1 through February 28).
 - 2) If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (March 1 through August 31), all suitable nesting habitat within the limits of work shall be surveyed by a qualified biologist prior to initiating construction-related activities. Surveys shall be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a 100-foot buffer shall be established around the nest and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the nesting season or until the young have fledged, as determined by a qualified biologist.
 - 3) If no nesting is discovered, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.
 - 4) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).
24. **Mitigation Measure #6** -- No more than 30 days prior to the start of ground disturbing activities, the project site shall be surveyed for the presence of burrowing owls. If no burrowing owls or sign are detected, the project can proceed as scheduled. If surveys determine that one or more burrowing owls are occupying the site, mitigation in accordance with the Staff Report on Burrowing Owl Mitigation Guidelines (1995) will be required. The 1995 staff report specifies that 6.5 acres of suitable foraging habitat is required for each pair of burrowing owls or unpaired resident owl. Since the site contains only 9.62 acres of marginally suitable foraging habitat, the site can only support one pair of burrowing owls or one unpaired resident owl. Consequently, if one or more owls are determined to be occupying the site, 6.5 acres of habitat mitigation will be required. Mitigation would also include disturbance buffers around occupied burrows and passive relocation of any owls occupying the site; passive relocation would be implemented during the non-nesting season (September 1 through January 31).
25. **Mitigation Measure #7** -- If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-

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

26. **Mitigation Measure #8** -- Special preparation of subgrades and reinforcement of foundations and floor slabs shall be conducted in full and as described in the Preliminary Geotechnical Study Railroad Avenue Subdivision 10-Acre Parcel Between Railroad Avenue and Walnut Avenue (June 14, 2005, EarthTec, Ltd.) for the Proposed Project.
27. **Mitigation Measure #9** -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.
28. **Mitigation Measure #10** -- The project park site shall be designed and constructed to meet the specifications of the City of Winters. Park phasing and a final date by which the park shall be completed, operational, and accepted by the City shall be established in the project's conditions of approval.
29. **Mitigation Measure #11** -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the applicant.
30. **Mitigation Measure #12** -- The City shall issue building permits only after the new water well is in service.

Community Development

31. 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 the first Building Permit. 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.
32. Foundations shall be poured in place, onsite. No pre-cast foundations will be permitted. This shall be stipulated in all construction contracts.
33. 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 background. Addressing shall be approved by a committee comprised of the Community Development Department, the Fire Department, the Police Department, and the Postal Service.
34. Project applicant shall pay all development impact fees adopted by the City Council at the rate in effect at the time of building permit issuance and shall pay fees required by other entities.
35. The applicant shall satisfy all agencies of jurisdiction and all City of Winters requirements for development.
36. The applicant shall enter into a guarantee improvement agreement with the City of Winters to address the public improvements and pay all fees associated therewith.
37. Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The City Engineer shall review the design of all

improvements, during the plan check process and shall be revised, as needed, at the discretion of the City Engineer.

38. The applicant shall, on a monthly basis, reimburse the City for all costs which are not otherwise provided for in the approval of this project including permit fees, inspections for work in public right-of-way, materials testing, construction monitoring, plan checks and reviews, and other hard costs incurred by the project.
39. 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.
40. The applicant 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) Dewatering Permit under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit.
41. 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 the community center/club house unless waived by the Fire and Community Development Departments.
42. Fire separations shall be reviewed and approved by the Fire Chief and Community Development Department. The location and construction of the fire separations shall be reviewed and approved by the Fire Chief.
43. All wall assemblies separating dwelling units shall comply with Sound Transmission Control per 2007 California Building Code Section 1207.
44. New development shall be constructed in accordance to the requirements of the current California Building Code in order to ensure that new structures are able to withstand the effects of seismic activity, including liquefaction, and underground utilities shall be designed to withstand seismic forces in accordance with State requirements.
45. Applicant of multi-family residential, commercial and industrial project shall provide refuse enclosure detail showing bin locations and recycling facilities to the approval of the Public Works Department.

Design Review

46. 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.
47. Exterior colors and materials of the buildings shall be consistent with the color board presented to the Planning Commission on January 27, 2009.
48. 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.
49. The applicant shall offer universal design features in residential units pursuant to State Law and shall provide prospective buyers with a copy of the State's most current "New Home Universal Design Option Checklist". A copy of the checklist shall be provided to the Winters Community Development Department prior to its use.

50. Details for a fence around the perimeter of the project shall be provided for City review and approval during a subsequent Site Plan (Design Review) for the project.
51. The applicant shall plant trees and shrubs at the northern end of the Dutton Street extension. The applicant shall submit a landscaping plan for that area for review and approval by the City prior to acceptance of the first Building Permit.

Affordable Housing

52. The project shall create a total of 74 new affordable housing units. Of the 74 units, 26 of the units will be designated for persons of very low incomes and 48 of the units will be for persons of low incomes.

Street Improvements

53. Applicant shall construct streets per the City of Winters Public Works Improvement Standards and Construction Specifications. The City Engineer has the final approval for the pavement structural section, if the Geotechnical Report recommends a pavement structural section different from that required in the City of Winters Public Works Improvement Standards and Construction Specifications. Other than Dutton Street and Railroad Avenue, all other streets shall be privately owned streets.
54. Railroad Ave.- The Applicant shall construct an 8-foot planter, a 10-foot Class I bike path, and a 2-foot control on the east side of Railroad Avenue fronting the project development. The applicant shall be responsible for all Railroad Avenue frontage improvements (street widening, sidewalk, curb, gutter, landscaping, driveway returns, and under grounding overhead utilities).
55. No parking shall be allowed on Railroad Avenue.
56. Dutton Street- The Applicant shall construct full collector street improvements per City of Winters Street Standards, from the northern terminus of existing Dutton Street to the northern terminus of the Project boundaries. A temporary cul-de-sac bulb shall be constructed at the northern terminus of the Project boundary to the satisfaction of the City Engineer and Fire Chief. The applicant shall be responsible for all frontage improvements (landscaping, sidewalk, curb, gutter, and driveway returns, and under grounding overhead utilities).
57. The primary access to the project site is proposed via a driveway on Railroad Avenue. A second driveway access shall be constructed on Dutton Street.
58. The Applicant shall construct temporary pedestrian and bicycle improvements on the east side of Railroad Avenue from the project site to Grant Avenue (SR128) consisting of an off-street Class 1 pedestrian/bicycle asphalt concrete (AC) path within the existing City right-of-way. The path will be 8 feet wide to the extent that the right-of-way and existing trees permit.
59. Provide pedestrian crossing improvements from the bikeway/ped path at the south end of project across Railroad to Carrion Circle as required by the City Engineer approval.
60. The Applicant shall construct a 10-foot wide off-street Class 1 pedestrian/bicycle concrete (PCC) path along the south boundary of project site between the Railroad Avenue and Dutton Street.
61. The Applicant shall construct an 8-foot wide off-street Class 1 pedestrian/bicycle asphalt concrete (AC) path along the south boundary of project site between the Dutton Street and Walnut Lane.
62. A signage and striping plan is required and shall be approved by the City Engineer and the Fire Chief. All striping shall be thermoplastic.
63. New streets shall be installed and paved prior to any building construction taking place on those streets. Temporary roads may be allowed, but must be approved by the Winters Fire Chief and the City Engineer.

64. The internal roadway shall have a minimum clear width of 25-feet, free of any obstructions, and signed/stripped for "FIRE LANE, NO PARKING". The internal roadway shall also have a vertical clearance of at least 14-feet.
65. The internal roadway and vehicle parking areas shall be designed and constructed to support vehicles with 40,000-pound loads.
66. Turning radiuses within the development shall be of a standard in effect at the time of improvement plans submittal, jointly agreed to by the City Engineer and Fire Chief.
67. 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).

Storm Drainage and Site Grading

68. 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.
69. 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.
70. To accommodate the development within the Flood Overlay Area, the drainage from this portion of the Property will be directed to a detention pond to be constructed with the project. Applicant shall fund and construct all drainage improvements necessary to develop the Project within Flood Overlay Area. Applicant understands and acknowledges that all costs for the drainage improvements relating to the Project shall be paid for by Applicant, and Applicant shall not be entitled to reimbursement from the City or other property owners.
71. Applicant agrees to pay, with respect only to development within the General Plan Flood Overlay Area, any drainage Impact Fee adopted or enacted by the City to fund drainage improvements for the General Plan Flood Overlay Area, at the applicable rate and at the time established by ordinance or resolution. The drainage Impact Fee shall not exceed \$40,000 per acre. Applicant will not be required to pay the drainage Impact Fee within the General Plan Flood Overlay east of the east right-of-way of Dutton Street. The drainage Impact Fee is required to be paid prior to the issuance of the first building permit for the development. If a Building Permit has been issued for the development prior to the Impact Fee being adopted, then the Impact Fee shall be paid by Applicant to the City within ninety (90) days from the adoption or enactment of the drainage Impact Fee.
72. Applicant waives any and all rights to challenge or protest the imposition or payment of a drainage Impact Fee for the General Plan Flood Overlay Area.

73. The applicant shall submit to the City Engineer for review and approval a storm drainage plan for the project area, prior to the approval of the improvement plans. The applicant shall be responsible for acquisition of all storm drain or other easements from adjacent property owners, if applicable, which are required for the construction and maintenance of perimeter and off-site improvements.
74. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
75. On-site utilities within the private streets shall be privately owned.
76. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
77. 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.
78. All projects shall include implementation of post-construction best management practices (BMPs). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.
79. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
80. Applicants for projects draining into water bodies shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board prior to commencement of grading.
81. 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.
82. 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.
83. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. 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.
84. 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.
85. The applicant shall minimize the dust generated by construction of the project. Dust generated from construction shall not exceed standards established by the Yolo-Solano Air Quality Management District and the Community Development Department.
86. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.

87. Tarpaulins or other effective covers should be used for haul trucks.
88. Grading shall not occur when wind speeds exceeds 15 MPH over a one hour period.
89. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
90. Construction equipment and engines shall be properly maintained.
91. 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.
92. Construction practices will minimize vehicle idling.
93. Potentially windblown materials will be watered or covered.
94. Construction areas and streets will be wet swept on a daily basis.

Wastewater and Sewer Collection System

95. The Applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
96. 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.
97. On site sewer utilities within the private streets shall be privately owned.
98. A 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.
99. The 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.
100. 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

101. Water Well #7- Based on City water modeling, a new well is needed to serve the development. Applicant shall advance fund \$700,000 to the City with issuance of the first building permit for the development. The funds will be used to fund the construction of the Water Well Phase 2 pumping and site improvements. Applicant. No Certificates of Occupancies will be issued prior to construction and operation of the new well. The amount and timing of reimbursement under this section shall be subject to a separate reimbursement agreement between the City and the Applicant.
102. The applicant shall install one or more fire hydrants pursuant to City of Winters Public Works Department Improvement Standards. The number and location of the fire hydrants shall be determined by the Fire Chief. The installation of the fire hydrants shall comply with the specifications of the City of Winters Public Works Improvement Standards and Construction Specifications. Prior to hydrant approval, the water system shall be flushed to remove foreign matter in the system. All unfinished installation water mains or their appendages or openings shall be covered in such a manner that foreign matter does not enter the water system.

103. All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any combustibles being placed on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Fire Chief. The following minimum water flows, with 20-PSI residual pressure, shall be acceptable unless otherwise determined due to the type of construction material used.

<u>a. Development Category</u>	<u>Gallons Per Min (gpm)</u>
Single-Family Residential	1,500
Multi-Family Residential	1,500
Central Business District	2,000
Industrial and Other Business Districts	3,000

- b. Other habitable buildings can require up to 3,500 gpm maximum, and will be reviewed on a case-by-case basis by the Fire Chief.
- c. In other areas where there are existing water system deficiencies, new development will be required to install all on-site water system improvements necessary to achieve the above fire-flow rate.

104. The Fire Chief shall be supplied with three sets of plans for any installation of any fire hydrant system in the City of Winters. Plans are to reflect all aspects of the installation, including but not limited to the size of the City of Winters water main and the type and elevation of the fire hydrant.

105. All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the Fire Chief for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the Fire Chief.

106. 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 Winters Fire Department for replacement purposes.

107. The water used in the course of construction shall be metered and the applicant shall pay for the water at a cost adopted annually by the Winters City Council.

108. The City Engineer and Fire Chief shall review and approve the location, number, and specifications of the backflow devices.

109. Water meters shall be installed on all water services to the satisfaction of the City Engineer.

110. On site water utilities within private streets shall be privately owned.

111. 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.

112. 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.

113. 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.

114. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
115. 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.
116. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
117. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
118. The applicant shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
119. 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.
120. Submit four sets of plans for each fire suppression sprinkler system to the Community Development Department for review and approval prior to the issuance of each building permit.
121. 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

122. 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.
123. Closure calculations shall be provided at the time of initial plan check submittal. All calculated points within the plan shall be based upon one common set of coordinates. All information shown on the plan 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.
124. A subdivision map shall be processed and shall be recorded prior to issuance of a building permit. The Applicant 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.
125. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.

126. A registered landscape architect shall design public landscape improvements and improvements shall be per City Standards, as applicable.
127. Final Joint Trench utility plans shall be included with the improvement plans, prior to approval by the City Engineer.
128. All utilities within 100 feet of the project boundary shall be installed underground per the Ordinance No. 95-03, "An Ordinance Amending Article 6, Chapter 3, Title VII, Underground Utility Lines, of the Winters Municipal Code", and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers. All utility services extended into the project site shall be underground.
129. Street lighting location plan shall be submitted and approved by the City Engineer, prior to approval of improvement plans.
130. 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.
131. Occupancy of residential units shall not occur until off-site improvements (water, sewer, streets, etc.) have been constructed and approved by the City Engineer, and the City has approved as-built drawings, and the unit has been issued a Certificate of Occupancy by the Building Official. Applicants, contractors, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of particular units to be occupied.
132. 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.
133. Existing public and private facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's sole expense, to the satisfaction of the City Engineer.
134. At the time of making the survey for the development, 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.
135. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.

Easements and Right of Way

136. Appropriate easements and rights of way shall be required for City maintained facilities located outside of City-owned property or the public right-of-way. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
137. All work within public right-of-way or easement shall comply with the City of Winters Public Works Improvement Standards and Construction Specifications, subject to the approval of the City Engineer.
138. The applicant shall provide a 10-foot public utility easement (PUE) along the frontage of the parcels.
139. The applicant/property owner shall agree to grant all public easements as determined by the City for public purposes.

140. The applicant shall abandon any well, septic tank, and leach field located on the property. The applicant shall provide a letter from the Yolo County Environmental Health Department giving location and filling specifications for all water wells or septic tanks within the project boundaries. If there are no wells or septic tanks, the applicant shall provide a letter so station from the Yolo County Environmental Health Department.

Parks, Landscaping and Lighting

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

142. The owner of the property shall annex into the City-Wide Maintenance Assessment District in order to maintain and provide for the future needs of parks, open spaces, street lighting, landscaping and other related aspects and impacts from new development. The applicant shall fulfill this condition prior to or concurrent with the approval of the improvement plans.

143. The applicant shall submit a landscape, lighting, fencing, and irrigation plan to City Staff for review and approval prior to approval of the improvement plans. The applicant shall install a three-course block wall with a double-sided wood fence section on top of the block wall to an overall height of six-feet for the project site. If relocation of existing lighting facilities is deemed necessary, it shall be performed by the applicant who will also be responsible to bear all expenses associated with this condition.

144. Applicant shall dedicate 1.6 acres of parkland as a separate parcel to the City east of the proposed Dutton Street. Applicant shall be responsible for all costs associated with establishing the new parcel for the park.

145. Applicant shall submit a neighborhood park development plan for review and approval by the City, base on input received by the City. The elements of the plan shall consist of turf, irrigation systems, recreational pathways, picnic benches. The plan shall include covered picnic/barbeque structure and an alternative playground structure. The City will determine which alternative structure to be constructed.

146. Applicant shall construct the neighborhood park. Park construction shall commence prior to issuance of the first Certificate of Occupancy. To the extent that the applicant provides park development in excess of payment of Park Impact Fees that is required by the development the applicant shall be entitled to reimbursement from park impact fees collected by the City from other applicants by the City for park purposes.

147. Occupancy of residential units may occur prior to completion of the neighborhood park provided the City and Applicant have entered into a formal written agreement that defines the terms and conditions for funding and construction of the park. Under no circumstances shall occupancy of residential units be allowed prior to the park being under construction.

Reimbursements for Applicant Installed Improvements

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

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

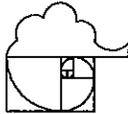
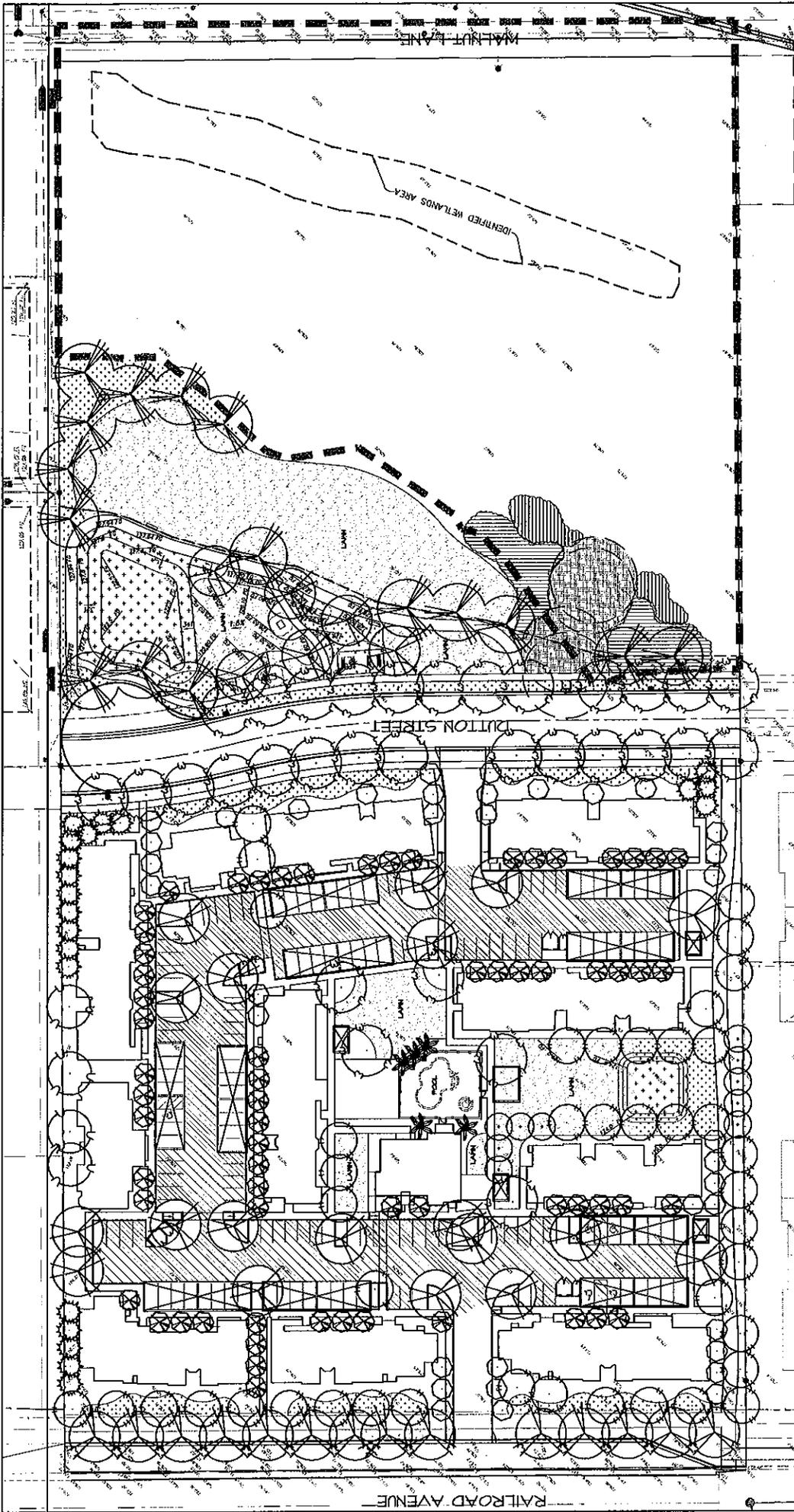
150. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works Department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Applicant 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.

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

152. 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.

153. 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.

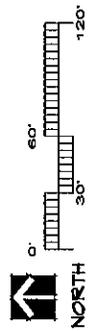
ATTACHMENT A

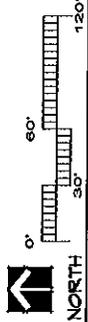


THOMAS H. PHELPS
LANDSCAPE ARCHITECTURE
LLA

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ORCHARD VILLAGE APARTMENTS & COMMUNITY PARK WINTERS, CA





PLANT LEGEND: potential varieties to use:

TREES	Symbol	Notes
Redwood	(Symbol)	California Redwood
Redwood	(Symbol)	California Redwood
Quercus laevis	(Symbol)	Valley Oak
Zelkova serrata	(Symbol)	Southern Zelkova



PICNIC TABLES
 Model: 100001
 1. Redwood Table - 18'x30'
 2. Redwood Table - 18'x30'
 3. Redwood Table - 18'x30'
 4. Redwood Table - 18'x30'



TRASH RECEPTACLE



BIKE RACK

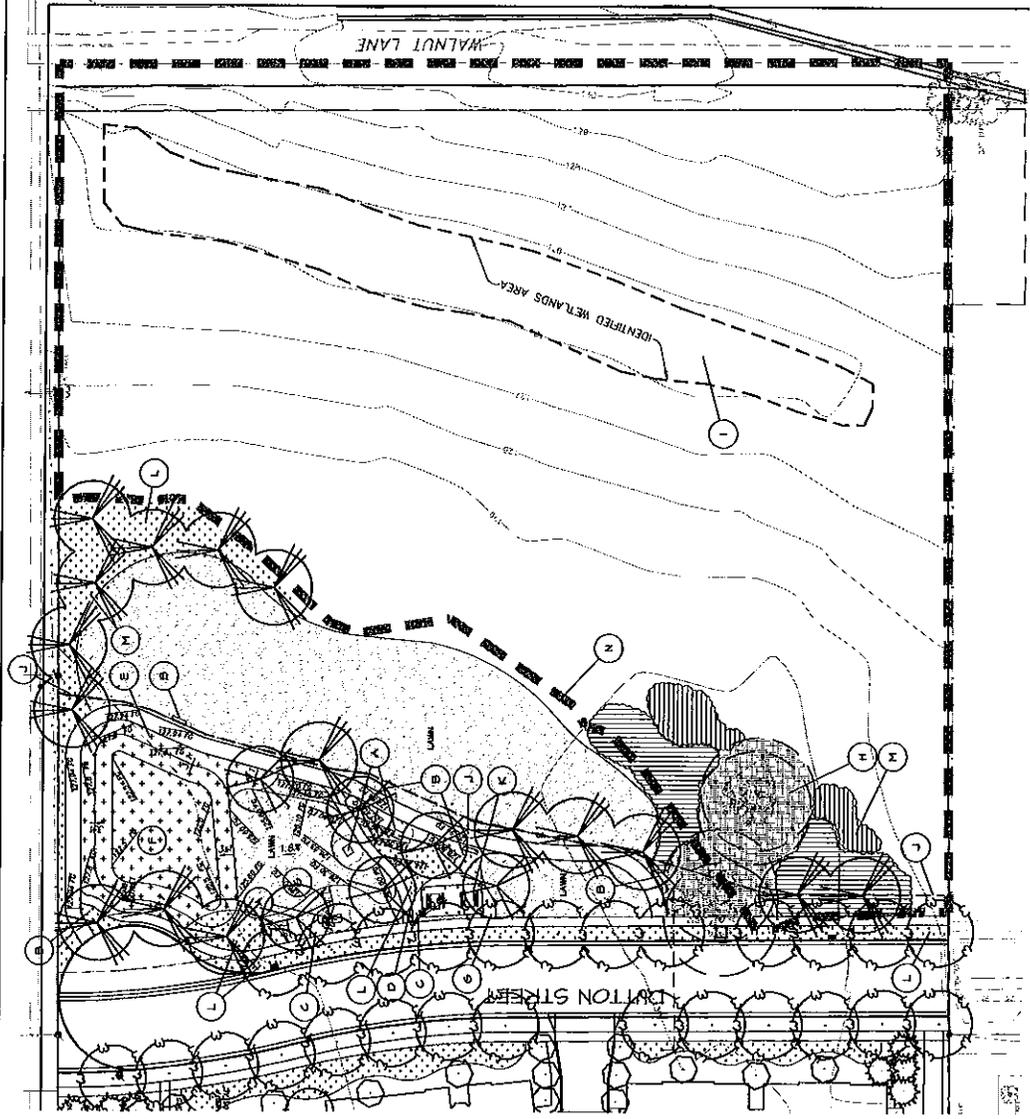


BENCHES



TRELLIS WITH PICNIC TABLES & BARBECUES
 DETAILS FROM PROVIDED BUT ACTUAL WILL INCLUDE FULL PAVING AND SOLID ROOF FOR BOUNTY PROTECTION

- PLAN NOTES**
- PICNIC TABLE LOCATION TYP.
 - BENCH LOCATION TYP.
 - TRASH RECEPTACLE LOCATION
 - BIKE RACK LOCATION
 - SERVICE ROAD / PEDESTRIAN ACCESS
 - NON-IRRIGATED DROUGHT TOLERANT PLANTINGS
 - DROUGHT TOLERANT IRRIGATED TURF GRASS
 - EXISTING TREE LOCATION WITH MUGG TO DRIP LINE OF TREE
 - DESIGNATED WETLAND AREA
 - 25' SETBACK FROM WETLAND AREA
 - COVERED PICNIC AREA WITH TWO TABLES AND BARBECUES
 - LOW MAINTENANCE DROUGHT TOLERANT MEADOW GRASS
 - DROUGHT TOLERANT GROUND COVER PLANTINGS
 - WETLAND WATER SHED AREA

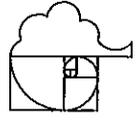


SCALE 1"=30'

PARK AREA PLAN VIEW



THOMAS H. PHELPS
 LANDSCAPE ARCHITECTURE
 1102 Highland Way
 Davis, CA 95618
 (530) 756-0000



ATTACHMENT B

ATTACHMENT C

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

Project Title: Orchard Village

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

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

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

Project Sponsor's Name and Address:

Shellan Miller, Project Manager
Pacific West Communities
430 East State Street, Suite 100
Eagle, ID 83616

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

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

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

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

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

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

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

Surrounding land uses include:

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

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

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

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

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

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

June 11, 1008 – Application filed.

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

July 11, 2008 – Application found to be complete.

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

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

Previous Relevant Environmental Analysis: The subject property has been designated for high density residential and park uses since at least 1992 when the last major update of the General Plan was adopted. The 1992 General Plan was the

subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan. The range of units allowed on the property under the General Plan is 50 to 100 units (5ac x 10.0du/ac; 5ac x 20.0du/ac). The assumed yield for the General Plan EIR analysis was 77 units (5ac x 15.40du/ac). The proposed yield is 74 units ($74 \div 4.77^1 = 15.51\text{du/ac}$) which is slightly less than the EIR assumption and therefore the project falls within the prior build-out analysis.

Project Description:

Summary

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

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

The proposed project will include :

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

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

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

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

Roadways

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

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

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

Parks and Open Space

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

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

Sewer Conveyance

Upgrades to the existing sewer system may be necessary to serve this project. A new 36" sewer main is proposed to be extended northerly within the Dutton Street extension, and a new sewer line is proposed between Railroad Avenue and Dutton Street in a 15' public utilities easement (PUE) along the north boundary to serve the site.

Sewer Treatment

The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals, assuming Winters Highlands, would exceed this amount and efforts are currently underway to expand the plant. The Phase 2

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

Water

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

Storm Drainage

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

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

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

Affordable Units

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

Architecture and Landscaping

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

Land Use Consistency

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

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

Policy Consistency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

- I find that the Proposed Project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the Proposed Project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the Proposed Project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the Proposed Project. Nothing further is required.

Signature

Nelia Dyer, Community Dev. Director
Printed Name

Date

12-17-08
Community Development Department
Lead Agency

ENVIRONMENTAL CHECKLIST

Introduction

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

For this checklist, the following designations are used:

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

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

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

No Impact: The project would not have any impact.

Instructions

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

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

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

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

Discussion

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

agreement to accept and implement the following mitigation measure, this potential impact would be mitigated to a less-than-significant level.

Mitigation Measure #1

All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of the first building permit the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

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

The structures constructed on the western half of the project site would be one or two stories tall, with exterior materials common to residential development, such as vinyl, wood and stucco. Project buildings would not be constructed of large glass walls or highly reflective exteriors. Therefore, the proposed project would not produce substantial glare.

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

Mitigation Measure #2

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

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

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

Discussion

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

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

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

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

Discussion

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

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

- b. Development projects are most likely to violate an air quality standard or contribute substantially to an existing or projects air quality violation through general of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an

odorless, colorless poisonous gas whose primary source is automobiles. Concentrations of this gas are highest near intersections of major roads.

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

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

c. Criteria Pollutants

Project traffic emissions would have an effect on air quality outside the project vicinity. Trips to and from the project and area sources associated with residential uses would result in air pollutant emissions within the air basin. The daily trip generation estimates include regional emissions from auto travel and area sources as shown in Table 1, Project Regional Emissions in pounds per day. These emissions are for Reactive Organic Gases and Nitrogen Oxides (the two precursors of ozone) and PM₁₀. Table 1 shows that project operational emissions would not exceed the YSAQMD thresholds of significance, so project regional air quality impacts would be less than significant.

Table 1: Project Regional Emissions in Pounds Per Day

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

ROG = Reactive Organic Gases

NO_x = Oxides of Nitrogen

PM₁₀ = Particulate Matters, 10 Microns

Greenhouse Gases

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

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

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

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

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

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

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

d. Construction

Construction activities such as clearing, excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matters emissions that would temporarily affect local air quality for adjacent land uses.

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

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

Table 4: Project Maximum Construction Emissions in Pounds Per Day

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

ROG = Reactive Organic Gases

NO_x = Oxides of Nitrogen

PM₁₀ = Particulate Matters, 10 Microns

The majority of the PM₁₀ from construction shown in Table 2 would be soil particles, while a small fraction would be from diesel exhaust. Diesel exhaust particulate is a pollutant that has come under increased scrutiny in recent years. In 1998, the California Air Resources Board (CARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines. High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops) were identified as having the highest associated risk.

Health risks from Toxic Air Contaminants are a function of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction related sources are mobile and transient in nature, and the bulk of the emission occurs within the project site at a substantial distance from nearby receptors. The site is level and would not require substantial grading. The prevailing winds would carry emissions to the northeast and away from the nearest residences located west of the site across Railroad Avenue. Because of its short duration, low number of diesel vehicles and prevailing winds that carry pollutants away from sensitive receptors, health risks from construction emissions of diesel particulate would be a less than significant impact.

Mitigation Measure #3

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

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

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

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

Operation

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

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

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

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

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

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

Discussion

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

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

Plant Communities and Associate Wildlife

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

Wetlands

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

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

Orchard/Street Tree Removal

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

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

Nesting Swainson's Hawk/Other Raptors

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

Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp

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

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

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

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

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

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

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

Swainson's Hawk Foraging Habitat

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

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

Mitigation Measure #4

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

Nesting Birds (Non-Raptors)

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

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

Mitigation Measure #5

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

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

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

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

Western Burrowing Owl

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

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

Mitigation Measure #6

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

- e, f. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing such a document, but it is not complete. This project would have no effect on this plan and is not subject to it. For this reason, this impact would be less-than-significant.

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

Discussion

a,b. In 2005, Solano Archaeological Services (SAS) was contracted by American Communities (the previous land owner) to conduct a study of the 10.5 acre parcel for a similar project. The land was later sold to the Central Valley Coalition and Pacific West Communities who are the project's applicants.

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

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

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

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

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

Mitigation Measure #7

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

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

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

Discussion

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

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

The City is located in an area of relatively low seismic activity. According to the Seismic Risk Map of the United States, Winters is in Zone 3. Within Zone 3, the potential for earthquakes is low; however, there is the possibility for major

damage (VIII to X on the Modified Mercalli Scale from a nearby earthquake). A rating of VIII to X on the Modified Mercalli Scale generally means the Richter scale magnitude would be between 6.0 to 7.9. Effects associated with this intensity range from difficulty standing to broken tree branches to damage to foundations and frame structures to destruction of most masonry and frame structures.

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

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

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

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

Mitigation Measure #8

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

- a.iv. The project site consists of gently rolling topography, ranging from approximately 126 to 131 feet mean sea level. There are no steep slopes within the project site. There are no drainages with steep slopes running through or adjacent to the project site. Because the site conditions would not result in landslides, no impact would occur.
- b. The project site is relatively flat, and does not contain drainages with steep slopes, so the erosion hazard is slight. Site soils are no longer productive for

agriculture uses, so the proposed project would not result in the loss of productive topsoil. For these reasons, impacts related to erosion and topsoil would be less than significant.

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

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

Discussion

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

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

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

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

- b. A Modified Phase One Environmental Site Assessments (ESA) was prepared for the project site by EarthTec, Ltd., Inc (June 2008).

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

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

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

- 1) *Barbosa Tire Center (0.36 mi towards the SE) 400 Railroad Avenue, Winters, CA*

A leaking underground storage tank caused a local drinking water aquifer to become contaminated with gasoline. At the time of the report in 2005, the site was undergoing a regulatory review by the Regional Water Quality Control Board, Central Valley Region. According to a recent review of the agencies' lists, the site was undergoing remediation.

- 2) *Winters Fire Department (0.42 mi. towards the SE), 10 Abbey Street, Winters, CA*

A leaking underground storage tank caused a local drinking water aquifer to become contaminated with gasoline. At the time of this report, the site case was closed indicating remediation has been completed or deemed unnecessary.

- 3) *Lowrie Truck Maintenance (0.48 mi towards the SE), 9 Main Street E, Winters, CA*

A leaking underground storage tank caused a surrounding soil media to become contaminated with diesel. At the time of this report, the site is case closed indicating remediation has been completed or deemed unnecessary.

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

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

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

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

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

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

- c. The project site is located near one school (Winters High School). However, as discussed in Item 7(a,b), above, construction and occupancy of the proposed project would not generate substantial amounts of, or particularly dangerous, hazardous materials. Therefore, the impact on the school would be less than significant.
- d. The project is not located on a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Department-Hazardous Waste Site Files pursuant to Government Code 65962.5. Therefore, no impact would occur.
- e. The project site is not within two miles of a public airport, and is not within the runway clearance zones established to protect the adjoining land uses in the vicinity from noise and safety hazards associated with aviation accidents. Therefore, there would be no impact.

- f. There are no private airstrips in proximity of the project site, so there would be no impact.

- g,h. The proposed project would have no effect on any emergency plan, because it would not alter the existing street system, and would provide connections to the project site. The project area does not qualify as "wildlands" where wildland fires are a risk. For these reasons, no impact would occur in these categories.

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

Discussion

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

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

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

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

The City of Winters would supply groundwater to the Proposed Project. While the Proposed Project would contribute to an increase in municipal groundwater use, total groundwater use within the City would exceed historic water use levels only slightly in wet years, and would be lower than historic pumping levels in wet years. Groundwater levels have been fairly stable in the City of Winters, even with the highest historic pumping levels. Increasing groundwater pumping to serve project demand would not substantially deplete aquifer volume or lower the groundwater table. Therefore, impacts on groundwater would be less than significant.

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

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

The proposed detention ponds and storm water quality unit is designed to store stormwater runoff from the land area encompassing Orchard Village Apartments. Conditions of Approval will require that the applicant prepare a drainage study that confirms the drainage facilities (e.g., the detention ponds and storm water quality unit included in the project) needed for handling the capacity requirements of the project. Additionally, the drainage study will identify the construction and post construction Best Management Practices (BMPs) included in the SWPPP for the project site. The project is not in a FEMA Special Flood Hazard Zone. Because the Proposed Project can be accommodated within the City's planned stormdrain system, the increase in runoff is considered less than significant.

- g,h. The project site is not located in a 100-year flood hazard area on the Flood Insurance Rate Map, Community Panel Number 060425-0001-C. There is a portion of the project site that falls within the City's General Plan Flood Overlay Area and is subject to localized flooding. The project is required to pay into the Flood Overlay Area Storm Drainage Fee Program. This will be modified and drainage improvements, including two detention ponds, will be installed as a part of the project. For these reasons, there would be no impact as related to 100-year floodplain and less-than significant impact as related to localized flooding.
- i. The project site is located approximately 10 miles east of the Monticello Dam on Lake Berryessa. Failure or overtopping of the dam could result in severe flooding of the Winters' area and loss of life. However, this occurrence, which is addressed in the Yolo County Emergency Plan, is not considered a likely or substantial risk. Therefore, the Proposed Project would not expose individuals to a substantial risk from flooding as a result of the failure, and the impact would be less than significant.
- j. The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

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

Discussion

a. The project site is currently vacant. Development of the project site in residential uses is consistent with the City General Plan and has been the long-term plan for the property. The project would fill in and connect the established residential community of the City, not divide it because the site is surrounded by mixed use development. An existing commercial business and a residence is located on high density residential designated land to the north along with existing rural residential (3 residences) on low density residential designated land. Railroad Avenue and existing medium density residential (North Point Village) is to the west and Walnut Lane and existing medium density residential (Almond Orchard I and III) is to the east. To the south of the project an existing commercial use is an office designated land use along with another multifamily development. Therefore, no impact would occur.

b. The western five acres of the site are designated High Density Residential (HR) in the General Plan. The HR designation provides for "single-family attached homes and multi-family residential units, group quarters and quasi-public uses, and similar and compatible uses." Residential densities are required to be in the range of 10.1 to 20.0 units per gross acre. The applicant is proposing a multi-family residential type of unit at a density of 15.51 du/ac (74 ÷ 4.77 ac⁴), which is consistent with the land use designation.

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

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

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

Design Review will be required to demonstrate that the proposed residential development will be compatible with existing development in Winters and satisfy the Community Design Guidelines.

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

Mitigation Measure #9

All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

- c. The project site is not in an area currently subject of a habitat conservation plan or natural community conservation plan. As discussed under Item 4(f), no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing such a document, but it is not complete. This project would have no effect on this plan and is not subject to it. For this reason, this impact would be less-than-significant.

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

Discussion

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

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

Discussion

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

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

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

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

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

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

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

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

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

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

- b. Some groundborne vibration could occur during construction of the proposed project. However, the activities that typically generate excessive vibration, such as pile driving, would not be necessary and are not proposed for one and two story residential construction. Furthermore, the City's Zoning Ordinance prohibits operations that habitually or consistently produce noticeable vibration beyond the property line. The project does not include any such operations. Therefore, adjacent and nearby residents should not be disturbed by ground vibration during project construction. This impact would be less than significant.
- c. Traffic associated with the proposed project would contribute to existing noise levels in the project vicinity. However, the increase would not be higher than levels assumed under General Plan build-out because this project was assumed to develop in residential uses. Under the General Plan, noise levels on roadways in the project vicinity were estimated to be 60 dB Ldn or less. The proposed project requests fewer units than the General Plan EIR assumed for this property. Since roadways in the project vicinity would have acceptable noise levels with the proposed project and the project includes less traffic and lower associated noise levels than that assumed in the General Plan, this impact is considered less than significant.
- d. Construction activities associated with the project could generate noise levels in the range of 80-90 dBA at a distance of 50 feet. Noise levels at the nearest residence could approach these levels during construction activities along the project boundary. However, construction noise would be for a short duration, and limited to the construction hours (typically daylight hours). The City has both a Noise Ordinance and Standards Specifications that regulate construction noise. These regulations restrict construction activities to 7:00am to 7:00 pm Monday through Friday only (holidays excluded). These regulations will be incorporated into the construction contract. Therefore, the project would have a less than significant impact related to temporary or periodic increase in ambient noise levels.

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

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

Discussion

a. The residential uses proposed for the project site are consistent with General Plan assumptions for the area. The number of units would be fifteen percent fewer than assumed in the General Plan EIR for the site (88 – 74 = 14; 14 ÷ 467 = 15%). The 1992 General Plan EIR assumed a yield of approximately 88 units from the project site, which would yield a population of approximately 286 persons (using the applicable Department of Finance factor for household size of 3.248 persons per household). The proposed project would generate approximately 240 persons at build-out. Therefore, the proposed project would result in a decreased population within the project site by about 46 persons. Infrastructure, services, and utilities are master planned to accommodate this growth.

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

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

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

Discussion

a,b,e. The City of Winters Fire Department provides primary fire protection service to the project site. The City of Winters Police Department provides primary police protection service. The proposed project could increase demand for these fire and police protection services by increasing the amount of apartments in Winters by 74 units and number of residents within the Departments' service areas by less than 240 as there may be some influx of residents due to this development but it is unlikely that 100% of the future residents of the proposed residents will come from communities outside of Winters. However, this increase in development is consistent with City plans for the project site, as reflected in the General Plan.

Development within the project site would contribute taxes toward the City's General Fund, which would be used, in part, to fund fire and police protection services and other services and public facilities needed by the project. In addition, because the project site is already in the City, the proposed project would not increase the size of the service area of the Fire or Police Department. Therefore, this impact is less than significant.

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

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

ORCHARD VILLAGE STUDENT GENERATION			
Grade Level	Number of Units (MF)	Students/Unit Rate (MF)	Number of Students (SF/MF/Total)
K-6	74	0.2500	18.5
7-8	74	0.0400	2.96
9-12	74	0.0800	5.92
Total	74	0.3700	27.38

¹School Facility Needs Analysis, November 2008.

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

Funding for new school construction is provided through State and local revenue sources. Senate Bill (SB) 50 (Chapter 407, Statutes of 1998) governs the amount of fees that can be levied against new development. Payment of fees authorized by the statute is deemed "full and complete mitigation." These fees would be used in combination with State and other funds to construct new schools.

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

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

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

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

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

Mitigation Measure #10

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

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

Discussion

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

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

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

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

Discussion

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

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

Table 1 – Trip Generation Comparison

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

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

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

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

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

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

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

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

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

Discussion

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

Water service is proposed to be provided by the construction of an 8-inch water main in the right-of-way of the driveway constructed on the project site. The new 8-inch water main will connect to the west with the existing 8-inch water main located in Railroad Avenue.

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

The City's Wastewater Treatment Plant (WWTP) has a capacity of 0.92 million gallons per day (mgd). Space remains for approximately 600 additional residential hook-ups. The City's recent project approvals dating back to Spring 2005 exceed this amount and efforts are underway to expand the plant. The Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd. The timing of this expansion is not set. The Phase 2 expansion is not needed to serve this project.

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

***Mitigation Measure #11** – The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.*

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

Storm drainage is proposed to be provided through the construction of a series of interconnected storm drain lines within the project boundaries. Specifically, two 10-inch storm drain lines in the common area near the project's southern boundary will connect to one 10-inch storm drain line that will connect to a 15-inch storm drain line within the right-of-way of the proposed drive aisle on the east side of the proposed development. This 15-inch storm drain line then connects to a 24-inch storm drain, which connects to the proposed detention pond as well as the existing 36-inch storm drain line in the right-of-way of Dutton Street. A 12-inch storm drain line in the right-of-way of the drive aisle on the west side of the proposed development will connect to a 15-inch storm drain line in the same drive aisle. This 15-inch storm drain line will connect to an 18-inch storm drain line in the right-of-way of the northern drive aisle that connects to the 24-inch storm drain line. As noted previously, the 24-inch storm drain line connects to both the existing 36-inch storm drain in Dutton Street and the proposed detention pond. While the proposed project would result in the construction of additional stormwater facilities, it would not result in additional environmental effects beyond those analyzed in this document. As a result, the impact would be less-than-significant.

d. The proposed project would be served by the City of Winters, which uses groundwater for the municipal water supply. The City of Winters currently operates five groundwater wells to meet urban demand for water. During the period of 1995 – 2003, the City's pumping has ranged from a low of 1,540 acre-feet to a high of 1,830 acre-feet. In 2003, production of 1,565 acre-feet was generated from the five wells. In addition to the City's pumping, local agriculture, three local industries, one commercial enterprise, and several rural residences also pump water from the aquifer underlying the General Plan boundary. For the period of 2002 – 2003, this additional pumping totaled approximately 90 acre-feet/year on top of the City's pumping. In summary, currently between 1,655 and 1,920 acre-feet per year of groundwater is pumped to serve uses within the General Plan boundary. This compares to pumping in 1990 of about 2,660 acre-feet. The difference is due to whether or not surface water was available for agriculture. When less surface water is available, as was the case in 1990, there is greater groundwater pumping by agriculture.

By 2020, demand for groundwater within the City is estimated to increase to 3,620 acre-feet per year unrestricted and 3,250 acre-feet per year assuming a conservation scenario of six percent. The Proposed Project is estimated to generate a demand for municipal water of 17.22 acre-feet of water annually without a conservation factor as shown in the table below.

Orchard Village Estimated Water Demand			
Land Use	Size (acres)	Production Factor (acre-feet/year)	Estimated Volume (acre-feet/year)
High Density Residential	4.77	3.61	17.22
Source: Revised 2004 Water Supply Assessment for water use rates.			

The increment of pumping needed to serve the proposed project would be available and would not adversely affect groundwater levels or storage underlying the City. This impact is less-than-significant. However, analysis for the City's Water Master Plan Update recommends that a new well will be required for any future development in the City. The City is in the process of bidding out the construction of a new that will be located near the intersection of West Grant Avenue and West Main Street. The new well will need to be in service before building permits can be issued for this project.

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

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

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

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

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

Discussion

- a. No important examples of major periods of California history or prehistory in California were identified, and mitigation identified in Section 5 would ensure that subsurface resources, if present, would be protected.

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

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

15065(a)(1) The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

The impacts to biological resources resulting from the proposed project do not meet the conditions in Section 15065(1). The project is located in an urban setting, thus development of the site will not degrade the quality of the environment. Impacts to 6.78 acres of nonnative grassland are relatively small

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

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

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

- b. As discussed throughout this Initial Study, the proposed project is consistent with the Winters General Plan and assumptions made in the Winters General Plan EIR. The proposed project would result in fewer units than assumed in the 1992 General Plan EIR. Therefore, cumulative impacts as analyzed in the 1992 General Plan EIR remain valid, and this project would not result in significant new or increased cumulative effects.
- c. As discussed in Sections 3 (Air Quality), 6 (Geology and Soils), 7 (Hazards and Hazardous Materials), and 8 (Hydrology and Water Quality) the potential for impacts on human beings would be reduced to less-than-significant levels by mitigation identified in these sections.

Summary of Mitigation Measures

Mitigation Measure #1 -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of the first building permit the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

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

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

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

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

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

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

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

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

Mitigation Measure #7 -- If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

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

Mitigation Measure #9 -- All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

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

Mitigation Measure #11 -- The proposed systems for conveying project sewage, water, and drainage shall be finalized and approved by the City Engineer prior to final map. The project is required to fund and construct off-site improvements necessary to support the development. Such improvements could include, but not be limited to a water well, water lines, sewer lines and storm drainage lines. Should property acquisition or additional CEQA clearance be required for off-site improvements, this will be the responsibility of the developer.

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

Supporting Information Sources

The following information sources can be accessed through this website:

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

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

The following information sources can be accessed through this website:

<http://www.cityofwinters.org>

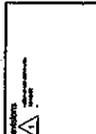
- 1) City of Winters General Plan Policy Document (Adopted May 19, 1992)

PacWest Architecture
430 E. STATE ST., STE. 100
EAGLE, ID 83618
PHONE: (208) 661-0022 FAX: (208) 661-0033

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ARCHITECTS
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PROJECT: ORCHARD VILLAGE
DATE: 08/01/97
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS



PLANT LEGEND - potential varieties to use.

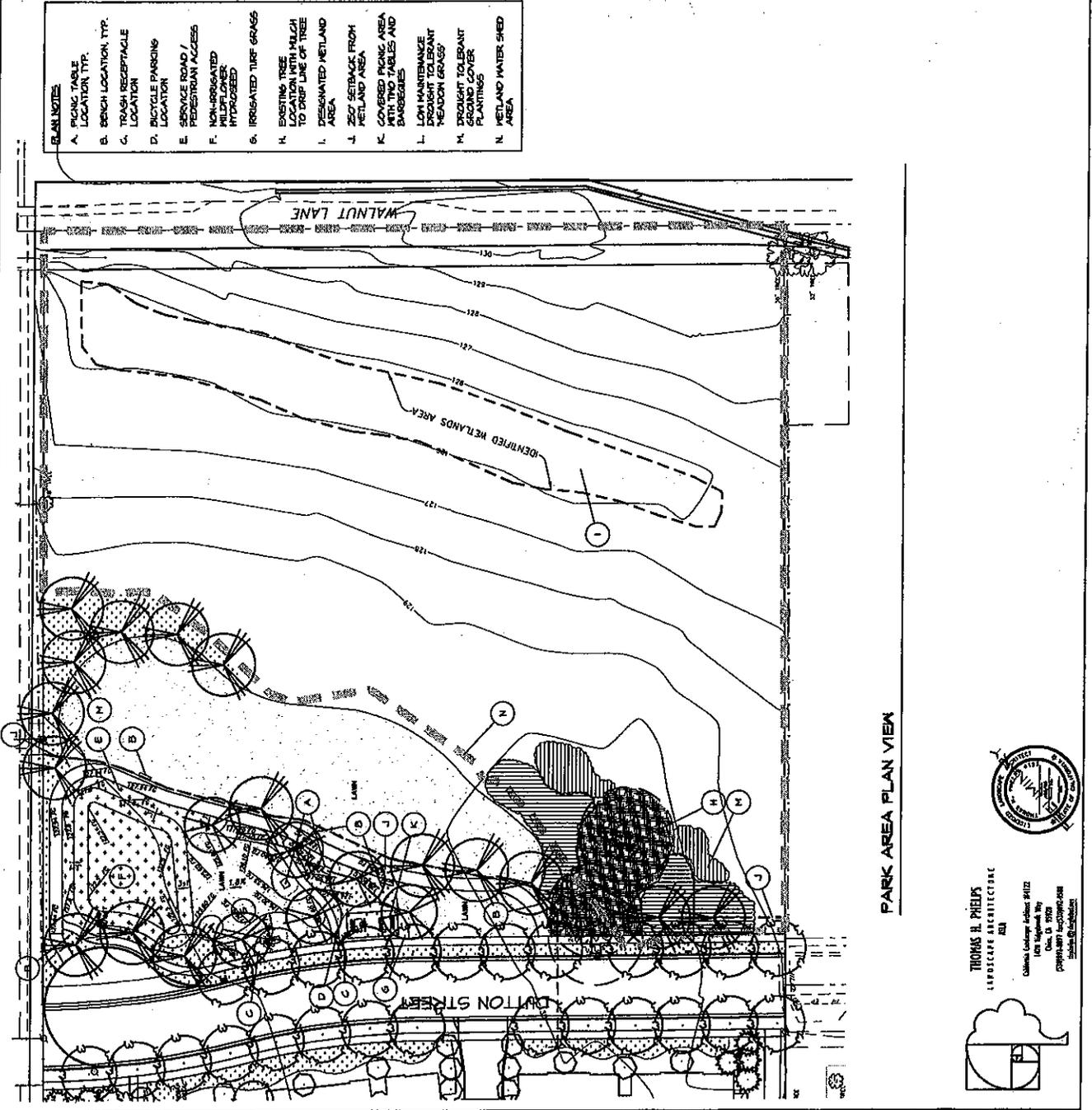
Symbol	Species Name	Common Name
Circle with cross	Pinus monophylla	California Sycamore
Circle with dot	Quercus laevis	Valking oak
Circle with horizontal lines	Zelkova serrata	Spreading Zelkova

PICTURE LEGEND

- BIKE RACK**: [Image of bike rack]
- PICNIC TABLES**: [Image of picnic table]
- BENCHES**: [Image of bench]
- TRASH RECEPTACLE**: [Image of trash can]
- TRELLIS WITH PICNIC TABLES & BARBECUES**: [Image of trellis structure]

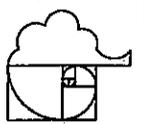
PLAN NOTES:

- PICNIC TABLE LOCATION TYP.
- BENCH LOCATION TYP.
- TRASH RECEPTACLE LOCATION
- BICYCLE PARKING LOCATION
- SERVICE ROAD / PEDESTRIAN ACCESS
- NON-IRRIGATED MILDFLOWER HYDRANGEA
- IRRIGATED TURF GRASS
- EXISTING TREE LOCATION WITH MULCH TO DRIP LINE OF TREE
- DEGRADED WETLAND AREA
- 25' SETBACK FROM WETLAND AREA
- COVERED PICNIC AREA WITH TWO TABLES AND BARBECUES
- LOW MAINTENANCE DROUGHT TOLERANT PERENNIAL GRASS
- DROUGHT TOLERANT GROUND COVER PLANTINGS
- WETLAND WATER SHED AREA



THOMAS H. PHELPS
LANDSCAPE ARCHITECTURE
ARCHITECT

California Landscape Architect #4132
1201 Highland Ave.
Chico, CA 95926
PHONE: (530) 891-0001
FAX: (530) 891-0002



ATTACHMENT D

To: Winters Community Development Project

From: Chuck Carrion, Property owner at 126 Carrion Court

Re: Mitigated Negative Declaration for the Orchard Village Project

One of my concerns is that there will be too much traffic on Dutton St at the intersection with Grant. There is already a lot of traffic on Dutton St, with one apt. complex and 2 major companies using this roadway. Any more traffic there would cause too much congestion at that intersection. There have been numerous accidents at the Walnut St and Grant intersection, as you know. This is the same situation. I would hate to see anymore accidents in that area.

I believe entrance to this project should be exclusively from Railroad Ave where there is much less traffic. Maybe using Dutton St. as an emergency access only.

Dutton St---We've been saying that Dutton St. is going to be extended for many years. In my view, Dutton St will never be extended past this point. No need. If Dutton St is constructed, I would not like to see it extend all the way to the North property line. That would not benefit anyone. Our property on Carrion Ct has a rot iron perimeter fencing idea and Dutton St could be right at the fence. Not a good idea.

Detention Ponds--It is unclear in the Mitigated Negative Declaration where the 2nd detention pond is to be located. Pg. 35 cde states that pond 2 is on the West side of Dutton St. -- Pg. 5 Storm Drain states that pond 2 is on the East side of Dutton St. Which is correct? If it is on the East side, once again, it is right against the South boundary of Carrion Ct. Could that detention pond be somewhere else on the property, away from all residences? Mosquitoes could become an issue to anyone who lives close to the pond.. Maybe closer to the center or side of the project would be better. Dutton St could be shortened, if that was the case, and not go all the way to the North property line.

Thanks for your time
Chuck Carrion

Nicolas Jimenez
Catherine Jimenez
1029 Railroad Ave. / 003-360-151 and 003-360-161
Winters, Ca. 95694

January 15, 2009

To the City of Winters Community Department,

We oppose the development of having low income apartments or housing right next door to us.

We have live on our property for about 25 years, twenty-five years. We purchased the property 22 years ago, twenty-two years ago.

During that time we had no notification, no knowledge, and no documentation that the City had changed our zones.

About a year and half ago a Developer requested to build town houses on that same adjacent property. Due to the density, that was O.K. with us, but the City rejected it???

We work intensively & constantly, seven days a week for our home – our lives. We care and have very great concern – who will be our neighbor...

If low income apartments are build adjacent to our property. Our property will have lesser value and people will be constantly moving in and then out, etc. etc. etc.

- Do not we already have five new low income apartments already build and or in the process of being build.

- Did not the City plan to have at least 10% or 15% of low income housing mix with new Development.

We ask if you would take into consideration and fairness to listen to what we have said. If you were to put yourself into our shoes – would you like living next door to low income apartments...? Your property – your home that you have live and build for over 25 twenty-five years.

The City needs to grow and at the same time attract more family's to live in our community. If we want to increase business for the City, than we will need higher income housing. I do not think, that low income housing will help pay for the new construction that the City just did downtown. What ever the price bracket will be to that particular development – will be the future for the City of Winters. Please do not take me wrong, but all these years I keep hearing low income homes, what about medium or higher income homes, is there something wrong with that?

We are in favor for the style of the homes that are being built behind us at Carrion Court.

Sincerely Nicolas & Catherine Jimenez

Nicolas Jimenez



Catherine Jimenez

Enclose are a few signature's that agrees with us: Which is, opposing the development of having low income apartments or housing right next door to us.

Due to the very limit

time, during the holidays,
I only got a chance to obtain
a couple of signatures. (both names)

<u>name</u>	<u>address</u>	<u>Phone</u>
Lorenzo	Rodriguez Escobar, 1 Betty Ct.	530-795-076
Sergio Jarama	Rail Road Ave	570-979 290

January 15, 2008

Nelia Dyer, Community Development Director
City Of Winters

COMMENTS CONCERNING THE ORCHARD VILLAGE DEVELOPMENT

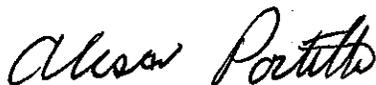
- 1) I am concerned about the additional traffic congestion that will result from the establishment of Dutton as a secondary access to the Orchard Village Development.

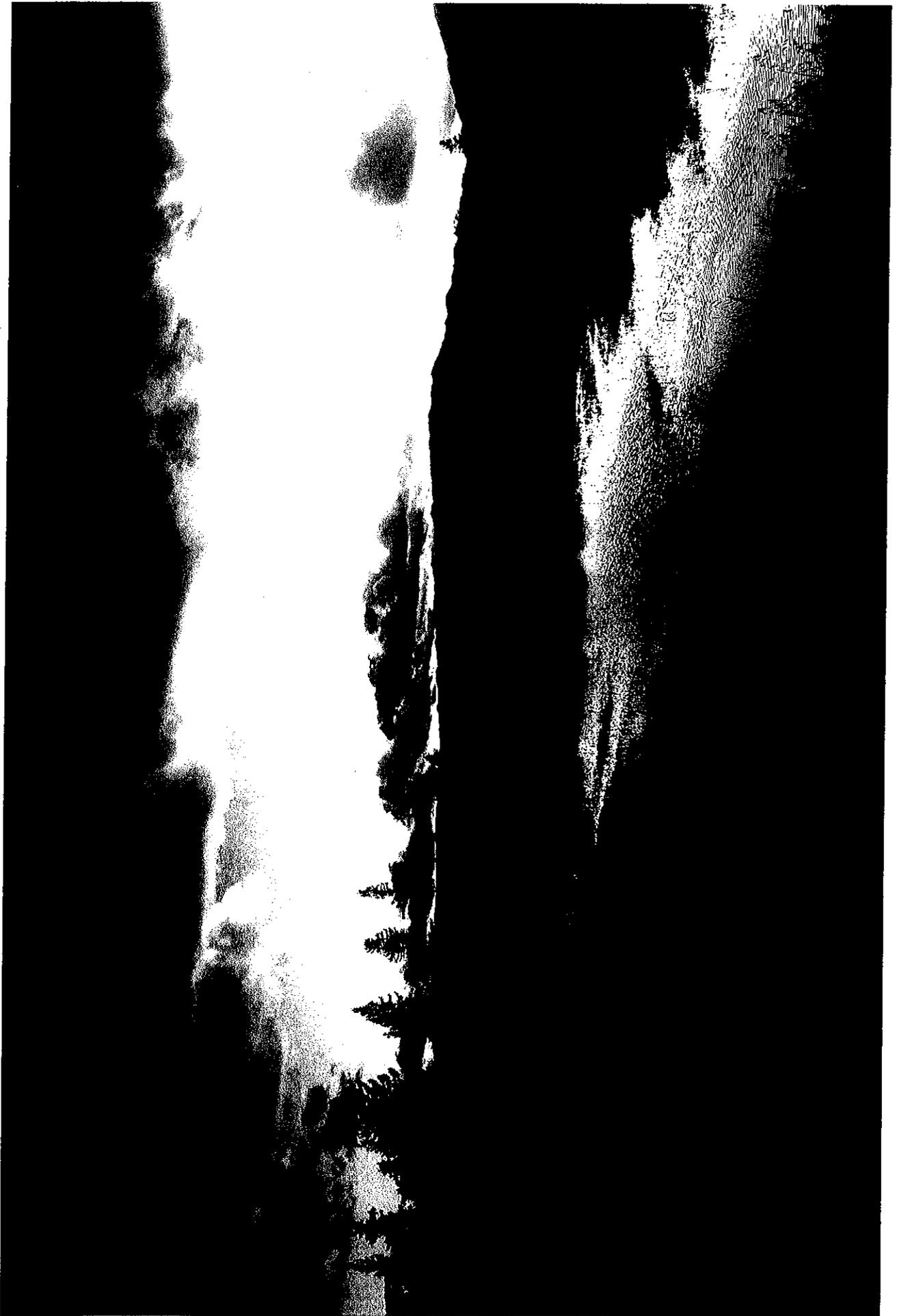
The traffic congestion that exists between 6:00 AM and 9:00 AM and between 4:00 PM and 7:00 PM along Grant makes it dangerous to enter or exit Walnut Lane. To add the traffic from Dutton would exacerbate the problem. The traffic flowing from the Almond Tree Subdivision and the Orchard Village Development would combine to create a more dangerous problem on Grant. It is already very difficult and dangerous to exit Walnut at peak times.

No construction should begin on Orchard Village until the traffic problems that exist at Walnut and Grant are resolved.

- 2) I object to the inclusion of a retention pond in an area that is designated as "Park and Recreation"
- 3) It is essential that the vernal pool is preserved in its current state to protect the existence of fairy shrimp.
- 4) The continuation of Dutton to a dead end at Carrion Court will result in the dead end area being used as a parking lot. Dutton should be screened from view with landscaping on the east side.
- 5) The matter of the responsibility of maintenance of this park needs to be addressed. Debris has been allowed to collect in the area adjacent to Dutton St. The park will have to be maintained. This is an area of natural beauty as witnessed by the photo I am submitting. The photo is taken looking west across the vernal pool from Walnut. The view is of the mountains undisturbed by development.

Alison Portello





To: Nelia Dyer, Community Development Director
Winters Community Development Department



From: Marion Miller and Michael Sears, 107 Almond Drive, Winters

Re: Comments on the mitigated negative declaration – Orchard Village Project

Date: January 16, 2008

This project represents a significant increase in the number of homes located in the area between Railroad Avenue and Dutton Street. It is proposed that 74 multi-family units will be constructed. The increase in traffic associated with this development needs to be considered particularly with respect to accessing Grant Avenue from Dutton Street. The intersection between Grant Avenue and Walnut Lane has long been a hot spot for traffic collisions. Additional traffic entering and leaving Grant Avenue from Dutton Street which is in close proximity to Walnut Lane, will further exacerbate this already problematic traffic situation. While it is recognized that the occupants of the Orchard Village Project can exit the area via Railroad Avenue the more direct route would be via Dutton Street and therefore would be used more frequently. If there is to be additional traffic at the Grant Avenue and Dutton Street intersection the city needs to consider mechanisms to alleviate this threat to public safety

ATTACHMENT E

MAYOR:
Dan Martinez
MAYOR PRO TEM:
Woody Fridas
COUNCIL:
Tom Stone
Harold Anderson
Steven C. Godden



MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Margaret Dozier
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Donlevy, Jr.

PROOF OF SERVICE BY MAIL

I am Jen Michaelis, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On December 18th, 2008 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows: See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on December 18th, 2008 at Winters, California.



Jen Michaelis, Community Development Administrative Assistant



NOTICE OF INTENT AND NOTICE OF PUBLIC HEARING

TO: Interested Parties

FROM: Winters Community Development Department

DATE: December 18, 2008

SUBJECT: **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING TO TAKE ACTION ON THE ORCHARD VILLAGE PROJECT (APNs 003-360-05 and 003-360-18)**

Applicant: Central Valley Coalition for Affordable Housing

Description of the Project: The project proposes to include the following improvements on 10.6 acres:

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

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

Environmental Determination: Mitigated Negative Declaration

Comments on the Mitigated Negative Declaration: The City requests your written comments on the Mitigated Negative Declaration during a **30-day review period** which begins **Thursday, December 18, 2008** and ends **Friday, January 16, 2009**. All comments must be received no later than 4:00 p.m., January 16, 2009. Postmarks are not accepted. Comments should be directed to Nelia Dyer, Community Development Director, Community Development Department, 318 First Street, Winters, CA 95694.

Public Hearing: A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on **Tuesday, January 27, 2009 before the Planning Commission**. This meeting will start at 7:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California.

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

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

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

STATE OF CALIFORNIA
COUNTY OF YOLO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of THE WINTERS EXPRESS, a newspaper of general circulation, printed and published in the City of Winters, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of December 24, 1951, Case Number 12461; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: December 18, 2008. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 18th day of December, 2008.


Signature

Proof of Publication

Notice of Public Hearing

Notice of Public Hearing

**NOTICE OF INTENT TO ADOPT A MITIGATED
NEGATIVE DECLARATION AND NOTICE OF
PUBLIC HEARING TO TAKE ACTION ON THE
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