

CITY OF WINTERS PLANNING COMMISSION AGENDA  
-SPECIAL MEETING-

**Tuesday, August 10, 2010 @ 6:30 PM**

City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 795-4910 #113  
Email: [jenna.moser@cityofwinters.org](mailto:jenna.moser@cityofwinters.org)

Chairman: Pierre Neu  
Vice Chairman: Glenn DeVries  
Commissioners: Wade Cowan, Bruce Guelden, Corinne  
Martinez, Phillip Meisch, Joe Tramontana  
Administrative Assistant: Jenna Moser  
Community Development Director: Nelia Dyer

**I CALL TO ORDER 6:30 PM**

**II ROLL CALL & PLEDGE OF ALLEGIANCE**

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

**IV CONSENT ITEM**  
Approval of Minutes from the July 13, 2010 special meeting of the Winters Planning Commission

**V. STAFF/COMMISSION REPORTS**

**VI DISCUSSION ITEMS:**

*A. Public Hearing and Consideration of a planning application for a Conditional Use Permit, Site Plan/Design Review, Sign Permit for a freeway information sign, Variance for the freeway information sign, and CEQA Clearance for a proposed Burger King Restaurant, Arco gas station, AM/PM convenience mart, and truck fueling facility.*

The proposed project involves the construction of a proposed Burger King Restaurant, Arco gas station, AM/PM convenience market, and truck fueling facility on a 2.3 acre property located at the northwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) in Winters. The proposed restaurant and convenience mart will be located in a 5,000 square foot, one-story building. The proposed gas station operation will provide 5 gas dispensers/10 fueling pumps underneath a canopy. On-site parking, an enclosed refuse and recycling facility, and a drive-through for the proposed restaurant are proposed as part of the overall plan. In addition, a truck fueling facility with 2 gas dispensers/4 fueling pumps and enclosed, above-ground fuel tanks are proposed for the northern half of the property.

**VII COMMISSION/STAFF COMMENTS**

**VIII ADJOURNMENT**

**POSTING OF AGENDA:** PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON AUGUST 5, 2010.



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JENNA MOSER - ADMINISTRATIVE ASSISTANT

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

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

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

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

**COPIES OF AGENDA, AGENDA REPORTS AND OTHER MATERIALS:** PRIOR TO EACH MEETING, COPIES OF THE AGENDA ARE AVAILABLE, AT NO CHARGE, AT CITY HALL DURING NORMAL WORKING HOURS. IN ADDITION, A LIMITED SUPPLY WILL BE AVAILABLE ON A FIRST COME, FIRST SERVED BASIS, AT THE PLANNING COMMISSION MEETINGS. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST

SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. STAFF REPORTS FOR THE PUBLIC HEARING ARE GENERALLY AVAILABLE FIVE (5) DAYS PRIOR TO THE HEARING DATE. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

**THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE**

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING  
HELD ON TUESDAY, JULY 13, 2010**

Chairman Neu called the meeting to order at 5:00 p.m.

**PRESENT:** Commissioners Cowan, Guelden, Meisch, Tramontana, and  
Chairman Neu

**ABSENT:** Commissioner DeVries, Commissioner Martinez

**STAFF:** Community Development Director Nelia Dyer, Contract City  
Attorney Laura Hollender, Administrative Assistant Jenna Moser

Commissioner Tramontana led the Pledge of Allegiance.

**CITIZEN INPUT:** None

**COMMUNICATIONS:**

**Staff Reports:** Community Development Director Dyer reminded commissioners that the Current Projects List is updated for each meeting, and items in bold/italics have recent updates.

**Commission Reports:** None

**CONSENT ITEM**

Approve minutes of the June 22, 2010 regular meeting of the Planning Commission.

**Motion by Commissioner Cowan, Second by Commissioner Guelden to approve the minutes for the June 22, 2010 regular Meeting of the Planning Commission with amendments. Motion carried with the following roll call vote:**

**AYES:** Commissioners Cowan, Guelden, Meisch, Tramontana, and  
Chairman Neu

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner DeVries, Commissioner Martinez

**DISCUSSION ITEM**

**A. PUBLIC HEARING AND CONSIDERATION OF A PARCEL MAP APPLICATION FOR THE DEDICATION OF RIGHT-OF-WAY FOR THE WALNUT LANE RE-ALIGNMENT PROJECT AND SPLITTING ONE LOT INTO TWO NEW LOTS AT 101 EAST GRANT AVENUE (APN 003-350-06)**

This item has been continued to the July 13, 2010 special Planning Commission meeting.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING  
HELD ON TUESDAY, JULY 13, 2010**

**B. PUBLIC HEARING AND CONSIDERATION OF THE ADOPTION OF AN  
ORDINANCE AMENDING CHAPTER 17.96 (ALCOHOL BEVERAGE  
ESTABLISHMENTS) OF THE WINTERS MUNICIPAL CODE**

Community Development Director Dyer provided an overview of the staff report. Commissioner Guelden asked for clarification on if existing businesses would be exempt. Ms Dyer responded that existing businesses would not be exempt, but that restaurants are not included, just on sale establishments. Chairman Neu opened the Public Hearing at 5:07PM. Hearing no comments, Neu closed the Public Hearing at 5:07PM.

**Motion by Commissioner Cowan, Second by Commissioner Tramontana to recommend approval of an Ordinance amending Chapter 17.96 of the Winters Municipal Code. Motion carried with the following roll call vote:**

**AYES:** Commissioners Cowan, Guelden, Meisch, Tramontana, and  
Chairman Neu  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Commissioner DeVries, Commissioner Martinez

**COMMISSION/STAFF COMMENTS:**

Chairman Neu provided information on a program about planning communities for aging populations. Commissioner Tramontana reminded citizens to obey bicycle safety rules. Commissioner Neu also asked staff to look into installing signs near the exit of the pedestrian bridge over Putah Creek to warn motorists and pedestrians that bikes are entering the roadway.

The meeting was adjourned at 5:15 p.m.

**ATTEST:**

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Jenna Moser, CDD Admin

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Pierre Neu, Chairman



PLANNING COMMISSION  
STAFF REPORT

**TO:** Chairman and Planning Commissioners

**DATE:** August 10, 2010

**FROM:** Nelia C. Dyer, Community Development Director  
Nick Ponticello, City Engineer  
Heidi Tschudin, Contract Planner

**SUBJECT:** Public Hearing and Consideration by the Winters Planning Commission of the Planning Application for the proposed Burger King, AMPMC/Arco Gas Station Convenience Store, and Truck Fueling Facility

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**SUMMARY OF PROJECT**

The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco/AM PM), and truck fueling station co-located on one 2.3-acre site. Required approvals include:

- Conditional Use Permit (CUP)
- Approval of Site Plan/Design Review
- Approval of Sign Permit for the Freeway Information Sign
- Variance to Sign Ordinance for the Freeway Information Sign
- CEQA Clearance (see Attachment B)

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends approval of the project with conditions (see Attachment A). A detailed recommendation for the Planning Commission's action is provided at the end of this report.

**LOCATION**

Northwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) in Winters, California, 95694 (see Initial Study Exhibit 1, Vicinity Map). APN: 038-050-063 totaling 2.3 acres.

**BACKGROUND**

The application was submitted November 20, 2009 and determined by the City to be incomplete on January 4, 2010. Staff and the applicant provided project information to Caltrans in December 2009 and received a comment letter dated January 7, 2010 (see Attachment C). An informational presentation was given on the

project at the January 26, 2010 Planning Commission meeting. The minutes of that meeting are provided in Attachment D. It should be noted that, between the revised design and the proposed conditions of approval, most of the issues of concern raised at the January meeting have been addressed.

The project concept plan was circulated to City Departments on June 19, 2010. No comments were received. A supplemental submittal was received by the applicant on June 28, 2010 and found to be complete on July 16, 2010.

## **DETAILED PROJECT DESCRIPTION**

The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (Arco/AM PM), and truck fueling station co-located on one site (Initial Study Exhibit 4, Site Plan dated 6/29/10).

One 5,000 square foot one-story multi-tenant building is proposed. The building footprint is 150' by 33' 6". A parapet roof style is proposed. The mechanical equipment located on the roof will be shielded on all sides behind the proposed parapet. Building height is generally 23' (to top of parapet); however, the silo feature will be 33' in height.

The proposed architecture for the building has agriculturally-themed elements including horizontal siding, metal roofing, and a silo feature (see Initial Study Exhibit 5, Building Elevations). Materials are metal panels, stucco, concrete siding, clear glass, and brick. The color palette is muted with off-whites, beiges, tans, and soft browns. An illuminated red band is proposed around the structure. Navy blue metal awnings are proposed over each window.

The project includes five fuel pumps serving ten cars, two fuel pumps serving four trucks, parking for 27 vehicles, two underground fuel tanks, and one above ground fuel tank. Both fueling areas would be covered by a proposed corporate canopy (see Initial Study Exhibit 6, Canopy Elevations).

The proposed fueling station canopies would be 20' 6" in height. An illuminated blue band is proposed around the vehicle fueling canopy. An illuminated and yellow LED striped band is proposed around the truck fueling facility canopy. The canopy columns would have a brick base. The brick matches the building.

The above-ground fuel tank would have a capacity of 12,000 gallons and would be 8' 7" in height, 8' in width, and 32' 7" in length. It would be located at the northerly end of the property. It is proposed to be partially enclosed by a 8' high concrete brick (CMU) wall topped with 2' 4" black painted metal railing (see Initial Study Exhibit 7, Tank Enclosure). The dimensions for the walled enclosure are 33' 4" by 48'.

The two proposed underground fueling tanks would have a capacity of 20,000 gallons and would be 10' in width, and 34' 5' in length. They would be located just west of the second entrance to the north.

Proposed landscaping consists of 15-gallon London plane and Chinese flame trees primarily along the project perimeter, with some also proposed in the interior where needed to meet shade requirements (see Initial Study Exhibit 8, Conceptual Landscaping Plan). A variety of native shrubs and ground covers are proposed in the interior of the site. The drainage areas will be planted with native grasses.

A small detention pond (1,200 cubic feet, cf) is proposed in the landscaped area at the corner of CR 90 and SR 128. A larger retention pond (9,400 cf) is proposed along CR 90 adjoining the proposed truck fuel pump area. (See Initial Study Exhibit 9, Drainage Plan)

A 12' by 24' 8" refuse/recycling enclosure is proposed to the north of the building. This enclosure would be comprised of a concrete brick (CMU) wall with metal gates (see Initial Study Exhibit 10, Refuse and Recycling Enclosure).

A retaining wall is proposed for the entire length of the easterly border (adjoining the freeway off-ramp). This wall would be 5' high with a 3'6" railing, composed of the same brick and metal materials as the tank enclosure.

Based on the site plan, approximately 61,348 square feet (or 60 percent) of the 2.3 acres site (101,563 square feet) is proposed to be covered with impervious surface. This includes the building, parking lot, driveways, sidewalks, and other hardscape. The remaining 40,215 square feet or 40 percent of the site would be pervious and generally in landscaping.

Proposed lighting includes 27' high cutoff flood lights, recessed canopy lights, and perimeter cutoff wallpacks (see Initial Study Exhibit 11, Photometric Study).

Two interior-lighted cabinet signs are proposed (see Initial Study Exhibit 12, Signage). The project monument sign would be located near the proposed detention swale. It would have a brick base that matches the building. Dimensions are 9'3" tall and 8' 1" wide. The freeway monument sign would be located along the easterly boundary opposite the third proposed entrance. It would be located on twin aluminum poles with a brick base that matches the other brick features. Proposed height is 65' tall. Width at the ground would be 18' 11". Width at the elevated sign would be 23' 4". In addition, the project proposes signage on the building and canopies, and various directory signs for the drive-through.

Four driveways are proposed off CR 90: two that would be 30-feet wide to facilitate access to the vehicle fuel pumps, and two that would be 50-feet wide that would provide access to the truck fuel pumps.

Curb, gutter, and sidewalk (8') to City standards will be constructed along the project frontage of CR 90 where the applicant proposes to build the required half-street section of the frontage road. No street improvements are proposed along SR 128/Grant Avenue.

## **LAND USE ANALYSIS**

The General Plan and zoning ordinance both designate the front 1.4 acres of the project site for highway commercial use (HSC) and the back 0.9 acres for light industrial (LI) use. The proposed drive-through fast-food restaurant and service station on the front acreage are consistent with the highway service commercial designation and both uses are identified in Section 17.52.020 Land Use/Zone Matrix as principally permitted uses meaning they are allowed "by-right" in the zone.

It should be noted that the proposed fast-food use is controversial among some residents; however, because this use is allowed by right, the issue is not within the purview of the Planning Commission as a part of this project application.

The proposed truck fueling facility and above-ground fuel storage tank are not specifically listed as contemplated uses in the LI zone. However, pursuant to Section 17.52.010(E) of the City Zoning Ordinance, the Community Development Director may find uses not specifically listed but similar in nature (based on activity characteristics) to a listed activity, to be a consistent use in the zone.

The activity characteristics of the proposed uses on the rear of the parcel include the following: large service/commercial trucks accessing and leaving the site for short durations throughout the hours of operation of the facility. These characteristics are similar in nature to other uses allowed in the light industrial zone such as recycling collection center and minor utility services which are permitted uses, and less intense than Automobile Repair which is conditionally allowed. The application includes a request for a Conditional Use permit.

Furthermore, the proposed uses are similar in nature to a “service station” which would also be considered allowable in the adjoining HSC zone which is predominant on the site. Typically, less intense uses are allowed in more intense zones unless compatibility conflicts would occur. Compatibility conflicts are not anticipated to result from the subject project as the site is proposed to be organized complementary to the spilt zoning, by directing the more intense truck fueling activities to the rear light industrial acreage and the less intense vehicle fueling activities to the front HSC acreage.

As conditioned, the project would be consistent with the land uses and applicable policies of General Plan, and the land uses and applicable development regulations of the zoning ordinance.

## **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 finds the project to be consistent. Conditions have been added to ensure that these requirements are implemented as appropriate as a part of the project.

### **ADA Accessibility**

The proposed project includes a fast food restaurant with drive-through facilities. This would be the City’s first such facility. State law (Government Code 65091(d)) recognizes that accessibility to various commercial establishments is “a critical statewide problem” affecting the disabled population. As such, special noticing is required in order to facilitate and encourage the disabled population to participate in deliberations regarding such facilities. The importance of this facility to the disabled community is a policy factor to be considered by the Planning Commission.

## **CONSISTENCY WITH CITY REGULATIONS**

The project has been reviewed for consistency with the requirements of the City Code. Conditions have been identified to ensure consistency. For all requirements of the Zoning Code, the project appears to be consistent.

### Conditional Use Permit

Pursuant to Section 17.20.010 of the Zoning Ordinance, the purpose of a conditional use permit (CUP) is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if the uses are designated or arranged on a site in a particular manner. A CUP was determined to be necessary for the proposed truck fueling station and above-ground storage tank in the Light Industrial zone. The project has been reviewed and conditioned to address issues relevant to the Use Permit determination.

### Lot Development Standards

The project is consistent with all lot development standards applicable to the HSC and LI zones. The proposed building height of 23 feet (to top of parapet) falls below the 30 foot maximum. The silo feature at 33 feet would exceed the 30-foot maximum by 3 feet; however, this is allowable under the exceptions provided for in Section 17.56.020(A)(1).

### Site Plan/Design Review

Pursuant to Section 17.36.020 of the Zoning Code, design review is required of this project. The purpose of design review to ensure that the location and configuration of structures and corollary site improvements are visually harmonious with their site and that of surrounding sites and structures. The Winters Design Guidelines are to be used as a basis for this review. The project has been reviewed and conditioned to address design review requirements.

Section 17.36.030(A) requires that site plan applications for design review involving commercial development must first be considered by the economic development commission, who may make a recommendation on the project and any conditions of approval to the planning commission. Section 17.36.030(C) mandates that the Planning Commission consider the recommendations of the economic development commission prior to taking action on a site plan for design review. The City no longer has an operating economic development commission; however, the City's Design Guidelines (referenced later in this report) were co-authored by the Economic Development Commission in effect at that time. Currently, the City Manager fulfills this function on a project-by-project basis. The City Manager has recommended support of this project based on the anticipated economic development and tax revenue benefits to the City.

Section 17.36.040 establishes the criteria for review. Each requirement of this section is addressed briefly below. Any relevant issues of note are disclosed.

*(A) The overall visible mass of the structure(s). This analysis may include review of visible building mass as it relates to property line setbacks, building height, roofline profiles, lot coverage and the overall size and scale of a building, and the orientation of the proposed building(s) to the street and adjoining properties.*

The project site is long, narrow, irregular, and fairly small. The building is oriented to the east and west to maximize exposure to the freeway and to best utilize available space. General Plan Policy III.F.1 encourages parking fields to be located behind buildings and out of view of the street, where possible. However, in this case given the planned highway commercial use and the challenges of the site, the applicant has indicated that such a reorientation would not be feasible for the economic success of the project. Staff supports the current site layout with the added condition to increase proposed landscaping along Grant Avenue as a way of further screening the view of the site from the roadway.

*(B) The proposed use and quality of exterior construction materials striving for long-term compatibility with the general setting of the subject property and visual character of the general neighborhood. Exterior building colors, on new construction only, may also be considered, but only to the extent that they may detract from the desired design theme for a neighborhood.*

The final revised design generally satisfies these criteria. The applicant has modified the original design submittal to include agricultural elements in the form of the silo feature, roof materials, and horizontal siding. The revised design also incorporates the same brick materials into the building, canopies, enclosures, and signage thus providing a common and unifying design element. Proposed exterior illuminated bands on the building and canopy, and corporate branded color schemes reflected in the signage, have been controversial with residents but staff finds them to be acceptable in light of significant design changes already agreed to by the applicant and the highway commercial location.

*(C) Avoidance of buildings which are characterized by large, blank or unbroken wall planes, as well as buildings which exhibit a general lack of architectural detailing, shadow lines, etc., which collectively lack general visual interest. Uniform treatment of all building elevations shall be required unless such treatment is found unnecessary, on a case-by-case basis.*

The elevations looking north and south do not satisfy these criteria, particularly the “north elevation” which represents the view from SR 128. Pursuant to prior comments of the Planning Commission and community, a condition has been added to require the addition of a steel trellis with attractive climbing vegetation to screen and adorn the middle siding panel on both ends of the proposed building.

*(D) Effective screening of ground- and roof-mounted mechanical equipment.*

A parapet roof style is proposed. The mechanical equipment located on the roof will be shielded on all sides behind the proposed parapet. A condition has been added to ensure this. A condition is also included to require all ground equipment to be screened by enclosures and/or landscaping.

*(E) The use of landscaping, decorative site paving, etc. which provides effective visual screening or softening of the development, as necessary. The planning commission shall consider the appropriate mix of plant materials, plant sizes, etc. pursuant to landscaping criteria contained in Chapter 17.76.*

Proposed landscaping consists of 15-gallon London plane and Chinese flame trees primarily along the project perimeter, with some also proposed in the interior where needed to meet shade requirements (see Initial Study Exhibit 8, Conceptual Landscaping Plan). A variety of native shrubs and ground covers are proposed in the interior of the site. The drainage areas will be planted in native grasses.

The proposal has been reviewed for consistency with Chapter 17.76 of the Zoning Code and found to be consistent. The shade analysis for the project shows that the tree canopy at 15 years will provide more than 50 percent (52%) coverage or shading of the entire parking lot, which exceeds the standard noted in Section 17.76.040 of the Winters Municipal Code. The ends of each row of parking stalls depicted on the landscape plan are separated from an aisle or driveway by a landscape planter or sidewalk. Also, the plan shows concrete curbs that separate the landscaped areas from the parking area, which is consistent with Section 17.76.040. Moreover, consistent with Section 17.76.040, a minimum of one tree for each six required spaces has been distributed throughout the parking lot.

The planting legend lists and the landscape plan depicts an overall landscaping theme for the project with drought tolerant plants, including yarrow, California poppy, and purple sage, which is consistent with both Section 17.76.050 of the Winters Municipal Code and the Winters Design Guidelines. As mentioned above, a condition has been added to require the addition of steel trellis with attractive climbing vegetation to screen the middle siding panel on both ends of the proposed building. This condition will not only provide visual interest to the proposed building. It will also help tie the landscaping to the proposed structures and overall development.

Section 17.76.040 requires that the planting areas be permanently maintained. Pursuant to this standard, a condition has been added to require that landscape and irrigation plans shall be reviewed and approved by the Community Development Director prior to issuance of building permit for the project. A condition is also included to require that the applicant comply with the requirements of California's Model Water Efficient Landscape Ordinance that went into effect January 1, 2010.

*(F) Achieve conformity with the Winters design guidelines, as applicable.*

The Winters Design Guidelines were adopted November 23, 1999 (Resolution No. PC 99-05). The Guidelines incorporate the Winters Commercial Design Guidelines (previously adopted in July of 1993). The Commercial Guidelines have a section on the I-505 Corridor and the Grant Avenue Corridor, both of which are applicable to the subject project.

The project has been reviewed and found to be consistent with the items addressed in the I-505 Corridor guidelines with the following comments. The orientation of the proposed building is north/south, however the guidelines recommend an east/west orientation. For the reasons identified earlier in this report, staff supports the proposed layout. Related to landscaping, a condition has been added to require increased tree screening of the proposed drive-through lane from the freeway and Grant Avenue.

The project has been reviewed and found to be consistent with the items addressed in the Grant Avenue Corridor guidelines with the following comments. A condition has been added to require the applicant to construct appropriate improvements along Grant Avenue including landscaping and intersection ADA sidewalk and ramp improvements. The site plan exceeds the minimum building setbacks listed for the Highway Commercial zone in Table 4 of Section 17.56.020 of the Winters Municipal Code. A condition has been added to increase proposed landscaping, provide pedestrian improvements, and incorporate outdoor seating area (including a possible water feature within a courtyard or plaza design) along Grant Avenue to reinforce the street as a focus of pedestrian-oriented activity, which is consistent with the Winters Design Guidelines specific to the Grant Avenue Corridor.

Signage, parking, and lighting are addressed below.

### **Signage**

Two interior-lighted cabinet signs are proposed (see Initial Study Exhibit 12, Signage). The project monument sign would be located near the proposed detention swale. It would have a brick base that matches the building. Dimensions are 9'3" tall and 8' 1" wide. The freeway monument sign would be located along the easterly boundary opposite the third proposed entrance. It would be located on twin aluminum poles with a brick base that matches the other brick features. Proposed height is 65' tall. Width

at the ground would be 18' 11". Width at the elevated sign would be 23' 4".

In addition, the project proposes internally-illuminated signage on the commercial building. Wall signs are depicted on north, east, and west elevations of the building. The north elevation shows one wall sign advertising the restaurant that would be approximately 32 square feet in area. The east elevation (or the main building frontage) depicts three wall signs advertising the convenience store and the restaurant totaling approximately 99 square feet in area. The west elevation shows two wall signs advertising the restaurant that totaling approximately 68 square feet in area. The thickness of the wall signs are not noted on the plans.

Signs are governed by Chapter 17.80 of the Zoning Code which addresses illumination, installation, and design. The project has been reviewed and conditioned to address City signage requirements. Issues of note are discussed below.

#### *Freeway Information Sign*

Section 17.80.030(R) requires freeway information signs to obtain a sign permit from the planning commission prior to issuance of building permit. However, freeway information signs are not counted in the sign area of the business.

The language in Section 17.80.030 (R)(1) indicates that only one multi-business freeway informational sign is allowed on the north and on the south side of State Route 128. As such the freeway sign proposed as a part of this project is allowed but there would be no further opportunity for other such signage in the future as land further north along the freeway develops under the General Plan. Section 17.80.030(R)(2) states that the sign shall contain space for identification of at least four businesses or centers directly served by the off-ramp. Presently, the proposed sign advertises only the three proposed businesses in the Highway Commercial zone, which does not satisfy this requirement. Therefore, a condition has been added to require that the applicant provide additional sign area for future businesses on the north side of State Route 128.

At the January 26, 2010 Planning Commission meeting, the project was presented to the Commission as an informational item. One of the Planning Commissioners mentioned that he would prefer that the City's logo not be included on the sign. A condition has been added requiring the logo be removed from the plan for the proposed sign. The Winters Design Guidelines state that "the City of Winters will work with Caltrans to procure signage on both north and south-bound I-505 identifying "Winters" as well as a combined listing of the community's service." Presently, City Associate Elliot Landes is working with Caltrans on plans to place signage on I-505 identifying "Winters."

#### *Project Monument Sign*

Section 17.80.040 allows one free-standing identification sign per site allowing one-quarter foot of sign area per lot frontage on which the sign is to be located, not to exceed 40 square feet in sign area and height to 10 feet when the subject property exceeds one acre in size. The proposed project monument sign is located on County Road 90, where the site frontage is over 500 feet in length. The total sign area for the proposed monument sign is approximately 23 square feet in area and the sign is 9 feet 3 inches, which is consistent with the Winters Zoning Code.

The sign is proposed to be internally-illuminated. Section 17.80.020 states that installation of any new sign illumination shall be subject to securing a sign permit. A condition has been added to require that the applicant apply for a sign permit for the wall signs and free standing sign prior to installation.

### *Wall Signs*

Section 17.80.040 permits one wall sign per building frontage and the maximum wall sign area must not exceed 100 square feet. As mentioned previously, the applicant is proposing wall signs on three sides of the building totaling over 200 square feet in sign area, which conflicts with the Winters Municipal Code. A condition has been added, which iterates Section 17.80.040 regarding wall signs and limits the applicant to wall signs on the north and east elevations. Staff has determined that the east and north elevations are the building frontages.

### *Sign Variance*

Section 17.80.080(E) allows for variances to the sign requirements subject to the procedures described in Chapter 17.24. The purpose of a variance is to allow relief from the strict application of the provisions of the code where special circumstances (such as the physical characteristics or location of a site) are such that literal enforcement of the code would involve practical difficulties or would cause hardship, and therefore not carry out the spirit and purpose of the regulation.

The Winters Zoning Code requires that three (3) specific findings are made in order to approve a variance. The required findings for a variance are listed below.

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated;
2. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of this title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and
3. That the variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation (both general plan and zoning) governing the parcel of property.

The applicant proposes to install the 65 foot tall freeway information sign with sign area for each individual business equaling (at a minimum) approximately 40 to 50 square feet, with the exception being the “Burger King” logo at approximately 100 square feet in sign area. The request exceeds the maximum area permitted by the sign ordinance, requiring approval of a variance.

The applicant requests the variance based on the following:

- Project’s location along I-505
- The sign area for the existing Chevron sign exceeds 25 square feet

The Chevron Station is the only development within the HSC zone in Winters. An individual business pole sign was constructed for the business, which appears to exceed both the height and sign area requirements provided in the Winters Municipal Code for signs in commercial districts. Based on the lack of historical information on this particular project, staff cannot verify whether this sign was formally permitted by the Community Development Department. Regardless, because of its proximity to the I-505 interchange and

that it is primarily a freeway serving business, the sign has attracted many travelers off of I-505, which has contributed to the sustainability of this business in Winters.

Similar to the Chevron, the location of the project site (I-505 visibility and frontage on State Route 128/Grant Avenue) represents extraordinary circumstances that do not generally apply to commercial businesses in Winters. While the Winters Zoning Code allows a 65 foot tall freeway information sign for this business, a traveler's ability to see the sign advertising the businesses is limited by the maximum sign area allowed by the Zoning Code. Granting the variance will help maintain consistency with the Chevron sign and as such would not grant a special privilege.

A condition has been added to ensure that the total sign area for the freeway information sign not exceed 240 square feet (or 60 square feet per individual business).

### **Parking**

The project includes parking for 27 vehicles. Pursuant to Table 6 of Section 17.72.020 of the Zoning Code, the parking requirement is 29 spaces calculated as follows:

- Drive-through restaurant: One space required for every 3 seats. The applicant proposes seating for 60 customers.  $60/3 = 20$  spaces
- Convenience store: One space required for every 250 square feet. The applicant proposes gross building floor area totaling 2,212 square feet.  $2,212/250 = 9$  spaces.

Of the 27 parking spaces provided, two accessible spaces (including one van space) have been proposed for the parking area. Section 17.72.030 of the Zoning Code requires 2 accessible spaces including 1 van space per 26 to 50 spaces; therefore, the 2 accessible spaces shown on the site plan are consistent with the Zoning Code.

To comply with the parking requirements noted in Table 6 of Section 17.72.020, the plan requires 2 additional parking spaces. The two spaces can be accommodated by removing the small landscape median that divides a parking row of 7 spaces and is located north of the vehicle fuel canopy. The removal of this landscape median will not detract from the project meeting the shade requirements for parking lot since no trees are proposed for the small median. A condition has been added that requires the applicant to revise the site plan to include 2 additional parking spaces in order to be consistent with the Winters Municipal Code.

Section 17.72.080 (B) requires that one bicycle parking space be provided for every ten automobile parking spaces required for each particular use. A condition has been added to ensure bicycle parking onsite.

### **Lighting**

Proposed lighting includes 27 foot high cutoff flood lights, recessed canopy lights, and perimeter cutoff wallpacks (see Initial Study Exhibit 11, Photometric Study). Section 17.72.050(F) requires that outdoor lighting in a parking area shall not employ a light source higher than sixteen (16) feet from final grade unless approved by the planning commission and found consistent with the Winters Design Guidelines. The Design Guidelines recommend that night lighting along both I-505 and Grant Avenue should be consistent with the small town character, but should be of adequate level to ensure public safety and create a sense of

security. Moreover, General Plan Policy VIII.D.7 requires that lighting in new development be designed, installed, and maintained to minimize excess spillage, unnecessary brightness and glare, and degradation of night sky clarity. To achieve consistency with the General Plan, Zoning Code and Design Guidelines, staff recommends that the lighting plan be revised to replace the proposed 27'high cutoff flood lights with 16' high (or less) parking lot lights. A condition has been added to ensure this recommendation.

The photometric study measures lighting under the vehicle fuel canopy at 14.4 foot candles at its lowest and 44.5 foot candles at its brightest; averaging 26 foot candles throughout. The truck fuel canopy has an average of 23.2 foot candles. The averages for both canopies are consistent with typical gas canopy illumination. The foot candles average for the entire site is 4.32. Staff finds that the lighting levels for the entire site are fairly low, keeping glare and light spill to a minimum, while providing necessary security and safety for the customers. The Winters Municipal Code does not specifically regulate illumination; however, to achieve consistency with General Plan Policy VIII.D.7 noted above, a condition has been added to reinforce minimized glare and light spill from the proposed use.

### **Infrastructure**

The site will be served adequately by all required services. Sewer is available to the site via an 8-inch lateral at County Road 90 on the south side of State Route 128 (Grant Avenue). Water is available to the site via an 8-inch lateral at County Road 90 on the south side of State Route 128 (Grant Avenue) . Localized storm drainage is proposed to be addressed on site via two holding facilities.

### **FLOODING**

The site lies within both a federal flood hazard zone and also the City's General Plan Flood Overlay Zone (FOZ). With respect to the federal designation, development is allowed provided the applicant satisfies the federal construction requirements for elevation above the 100-year flood elevation. With respect to the local FOZ, non-residential development is allowed provided the applicant's proposed improvements are consistent with and further the purposes of the City's Storm Drainage Master Plan (SDMP), and provided the city's funding plan is in place and that the applicant pays the appropriate fees prior to construction. The project has been conditioned to be consistent with all of these requirements.

The fee program for the SDMP is being processed on a parallel track with this project. Staff will provide an update regarding this effort at the hearing for the subject project.

### **CIRCULATION**

Access to the project site occurs from CR 90 which serves both as the frontage road for I-505 and the current primary access for future and existing land uses to the north of the project site. At this location, however, the proximity of CR 90 to the southbound free-right off-ramp from I-505 onto SR-128 is a potential concern.

The project has been conditioned to require fair-share participation/implementation of all improvements shown in the City's General Plan Circulation Element. These improvements include:

- 1) elimination of the free-right off the southbound I-505 ramp onto SR-128;
- 2) installation of a median and/or intersection control (signal or roundabout) at or near this location in order to meter/control traffic flow;

- 3) elimination of left-turns from CR-90 onto SR-128; and
- 4) realignment of CR 90 to Timber Crest Road to allow for eastbound traffic from the north onto SR 128.

By conditioning the project in this manner, it ensures that all traffic impacts associated with build-out of the City are fully mitigated consistent with the General Plan FEIR.

A location-specific traffic access study is underway to determine the appropriate timing and fair-share funding responsibility for the various improvements. The conditions of approval reflect this and require that the recommendations of that study be implemented by the project. The study will identify the necessary timing of identified permanent improvements (and possible interim improvements) to CR 90, SR 128, and the I-505 ramps at that location in order to ensure full consistency with the General Plan and timely implementation to assure that acceptable traffic service thresholds are maintained.

### **OTHER CITY REQUIREMENTS**

Circulation Master Plan ~ The project has been reviewed and conditioned to be consistent with the Circulation Master Plan.

Master Street Tree List ~ The project has been reviewed and found to be consistent with the Master Street Tree List.

Public Improvements Standards and Construction Standards ~ The project has been reviewed and conditioned to be consistent with the Circulation Master Plan.

### **CEQA CLEARANCE**

For planning and environmental analysis purposes, the General Plan and the General Plan Final Environmental Impact Report (FEIR) (SCH#91073080) assumed about 21,250 square feet of development on the site, comprised of approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses. The General Plan EIR analyzed the potential impacts of development of site in conjunction with build-out of the City pursuant to the General Plan. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which were hereby relied upon for the project analysis.

A CEQA1 Initial Study (Attachment A) was completed in order to determine the potential for significant project-specific and/or site-specific environmental impacts. The Initial Study documented that all potentially significant effects had been analyzed adequately in the earlier General Plan FEIR pursuant to applicable standards, and would be avoided or mitigated pursuant to that earlier EIR through conditions/mitigation measures imposed on the project. Therefore, it was concluded that nothing further was required under CEQA. The project was found to be exempt from further CEQA review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and/or pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines.

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1 California Environmental Quality Act (CEQA)

## PLANNING COMMISSION ACTION

The staff recommends that the Planning Commission take the following actions, subject to the attached conditions of approval:

- Find the project to be exempt from further CEQA review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and/or pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines
- Approve the Conditional Use Permit (CUP)
- Approve the Site Plan/Design Review
- Approve the Sign Permit for the Freeway Information Sign
- Approve the Variance to Sign Ordinance
- Direct staff to file a CEQA Notice of Exemption.

## ATTACHMENTS

- A. Draft Conditions of Approval
- B. CEQA Notice of Exemption and Initial Study
- C. Caltrans Letter
- D. Minutes from January 26, 2010 Planning Commission

# ATTACHMENT A

Burger King Restaurant/Arco Gas Station/AM PM Convenience Store/  
Truck Fueling Facility Conditional Use Permit

CONDITIONS OF APPROVAL

Dated August 5, 2010

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.
2. The applicant shall submit a current title report to the City prior to approval of public improvement plans.
3. The City of Winters Plan Review Fee applies and is due upon submittal of plans for review.
4. All street and other required public improvements shall be constructed concurrently, in a single phase operation.
5. The General Plan Circulation Element and Final EIR identify County Road (CR) 90 from north of the Property (at Road 33) to the intersection of SR 128 to be re-aligned to SR 128 to the west via future CR 33 and Timber Crest Road, with the existing CR 90/SR 128 intersection to be abandoned. The intersection at SR 128 and CR 90 is anticipated to be a right-in, right-out only intersection. While, at this time a four-way intersection at the existing CR 90/SR 128 intersection is not contemplated in the General Plan Circulation Element, in order to permanently maintain and provide full access at the existing intersection, it will require review and approval from Caltrans and the City. If Caltrans ultimately approves a four-way intersection at the existing CR 90/SR 128 location, it is anticipated that some type of traffic control improvement may be needed such as a traffic signal. The full access intersection at SR 128 and CR 90 shall be permitted on a temporary basis unless Caltrans requires other mitigation measures at this intersection. The Applicant shall be responsible

for all costs to construct necessary improvements to allow for a permanent full access intersection if approved by Caltrans.

6. The Applicant shall implement all traffic conditions contained herein prior to issuance of any certificates of occupancy for buildings within the project area. The Applicant shall commission an appropriate traffic access study of SR 128 from the north bound off-ramps of I-505 to the intersection of East Main Street inclusive. This study shall recommend the timing for planned improvements, as well as appropriate and effective interim improvements, which will leave this stretch of roadway and all intersecting streets at LOS "C" or better, as required by the General Plan. Said study shall be completed and approved by the City Engineer and Caltrans prior to approval of public improvement plans. Traffic improvement costs shall be paid in an equitable manner by the end users of the project, as approved by the City.
7. As a minimum, the following traffic conditions shall be implemented on SR 128, unless otherwise modified, changed, or deleted by Caltrans:
  - a. Full access at this intersection shall be eliminated by the City by installing a continuous median island down the center of SR 128 in the event that any intersection between the northbound off-ramps to I-505 and East Main Street drops below level of service "D" in the future or as required by Caltrans due impacts to I-505.
  - b. On SR 128 median islands, if required by Caltrans, will be striped pursuant to City and Caltrans requirements, as part of the improvements. Applicant shall pay the cost of constructing, including landscaping and irrigation, for future median islands in SR 128 along the frontage of the property.
  - c. The I-505 southbound off-ramp free right turn lane on to SR 128 shall be eliminated with this project. Applicant shall construct off-ramp improvements accessing SR 128 per Caltrans requirements. Applicant shall be responsible for all cost associated with these improvements.
8. Applicant shall construct public roadway frontage improvements along CR 90, fronting the property to include curb, gutter, and separated sidewalk per the City of Winters Public Improvements Standards and Construction Standards.
9. Applicant shall install landscape frontage improvements along SR 128/Grant Avenue to include constructing the ADA ramps at the intersection and sidewalk extension to the west side of CR 90 connecting to the existing sidewalk at the Chevron Station.
10. A drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to SR 128 and existing 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 Public 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 and detention and retention basins. The Storm Drainage Plan shall be submitted for approval prior to submittal of the construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan.

11. 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.
12. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
13. Applicant shall meet all FEMA requirements and be required to coordinate with FEMA through the City's Floodplain Administrator to determine if a CLOMR or LOMR is needed for the project as a result of possible impacts to Dry Putah Creek Flood Plain. Applicant shall obtain all necessary permits and CLOMRs/LOMRs as required prior to improvement plan approval.
14. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
15. All projects shall include implementation of post-construction best management practices (BMPs). Post construction BMPs shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
16. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
17. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral required for each parcel, in accordance with City of Winters Public Improvement Standards and Construction Standards.

18. A Sewer Collection System Plan shall be submitted for approval by the City Engineer as part of the submittal of the 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 conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
19. The Applicant shall make all required sewer connections to the City's existing sewer collection system on the south side of SR 128 at CR 90 at the Applicant's sole expense.
20. Applicant shall be required to make all necessary PG&E power connections to provide power to sewer pump station located on the south side of SR 128, approximately 500 feet south along the future extension of Gateway Drive on the Jordan property, unless otherwise installed by others prior to issuance of a certificate of occupancy for project. If applicant installs power to the pump station, applicant shall receive credit against his/her fair share cost for the benefiting use of the existing sewer collection system, pump station, and water system existing on the Jordan and McClish properties that was advance funded and constructed by City.
21. A Water System Plan shall be submitted for approval by the City Engineer as part of the submittal of the construction drawings for checking. A registered civil engineer for project shall prepare the water system plan. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the costs associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
22. All materials and installation of the water system shall be at the applicant's expense per City of Winters Public Improvement Standards and Construction Standards.
23. The Applicant shall be required to make all required water connections to the City's existing water system on the south side of SR 128 at CR 90.
24. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
25. 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.

26. 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.
27. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
28. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District.
29. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Woodland Fire Department for replacement purposes.
30. 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.
31. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
32. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
33. The Applicant shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
34. 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.
35. Submit three sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to the issuance of each building permit.

36. Fire suppression sprinkler systems shall meet or exceed NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems.
37. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
38. Landscaping and irrigation plans shall be prepared by a registered landscape architect, and included as part of the improvement plans and/or site plans. These plans shall be per City Standards and the Water Conservation in Landscaping Act of 2006 (AB 1881) and shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way of SR 128 and CR 90. Drought tolerant native plant species shall be incorporated into landscaping plans to the maximum extent possible and drip irrigation systems shall be used in the landscaping of new public and private open space areas. No substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.
39. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
40. Joint trench/utility/composite plans shall be submitted to the City Engineer for review, prior to approval of improvement plans.
41. All existing and proposed utilities (electric, phone/data, and cable) within 100 feet of the project boundary shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
42. Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans.
43. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.

44. If relocation of existing infrastructure is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
45. A Public Improvement Agreement shall be entered into and recorded prior to construction of improvements and/or issuance of any building permits.
46. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
47. 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.
48. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City.
49. Project proponents shall enter into the Citywide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to issuance of a building permit.
50. Applicant shall provide refuse enclosure detail showing bin locations and recycling facilities to the approval of the Public Works Department and the Community Development Department.
51. Prepare improvement plans for any work within the public right-of-way and submit them to the City Engineer for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Applicant shall provide, to the City Engineer, 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.
52. Conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
53. Existing public and private facilities damaged during the course of construction shall be repaired by the Applicant at his/her sole expense, to the satisfaction of the City Engineer.
54. Encroachment permits if necessary from will be acquired from, Caltrans and PG&E.

55. 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.
56. 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 on Applicants property, Applicant shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) to Applicant. Applicant shall pay fair share costs for the benefiting use of the existing sewer collection system, pump station, and water system existing on the Jordan and McClish properties that was advance funded and constructed by City.
57. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.
58. The project is as described in the July 27, 2010 Initial Study, except as modified by these conditions of approval. Substantive modifications require new analysis, verification of CEQA compliance, public hearing, and Council action.
59. The project shall operate within all applicable requirements of the City Code at all times
60. Pursuant to General Plan Policy I.A.9, no new development may occur within the General Plan Flood Overlay Zone area until a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.
61. Pursuant to General Plan Policy II.C.1 and VI.F.2, energy efficient design shall be used. Energy efficient design shall include but not limited to automated control system for heating and air conditioning system and energy efficiency beyond Title 24 requirements, lighting controls and energy efficient lighting in buildings, and increased insulation beyond Title 24 requirements.
62. Pursuant to General Plan Policy II.D.4 and IV.A.1 necessary public facilities and services shall be available prior to occupancy of each phase of the project.
63. Pursuant to General Plan Policy III.A.1 CR 90 and Grant Avenue frontage shall be dedicated and improved consistent with the General Plan Circulation Element, to the satisfaction of the City Engineer.
64. Pursuant to General Plan Policy III.G.6, the applicant shall be required to provide bicycle parking facilities. As per Winters Municipal Code Section 17.72.080 (B), the applicant shall be required to install one bicycle parking space for every ten automobile parking spaces required for the project.

65. Pursuant to General Plan Policy IV.D.4, as a condition to any development entitlement approval, all development affected by or contributing to the 100-year flooding problem shall be required to contribute to the financing of the comprehensive flood control solution in an amount that reflects that property's relative contribution to the flooding problem or benefit from the program adopted.
66. Pursuant to General Plan 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.

67. Pursuant to General Plan Policy IV.D.7, 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.
68. Pursuant to General Plan Policies V.F.1 and V.F.2, 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.
69. Pursuant to General Plan Policy VIII.D.7 and Winters Municipal Code Section 17.72.050(F), parking lot pole lights shall be a maximum of 16 feet in height (including base pedestal) with full cutoff box fixtures. In addition, lighting under the gas canopies shall be fully recessed metal halide fixtures so there is no light spillage or glare. Wall pack lighting shall be fully shielded and directed downward.

70. The proposed enclosure for the above-ground fuel tank shall be increased in height sufficient to fully screen the tank facility from sight. Modifications to proposed design shall require review and approval of the Community Development Director.
71. Pursuant to Winters Municipal Code Section 17.80.030(R)(2), the sign plan shall be modified to provide sign area for additional businesses on the freeway identification sign, to the satisfaction of the Community Development Director. The total sign area of the freeway identification sign shall not exceed 240 square feet (or 60 square feet per individual business).
72. The sign plan shall be modified to remove the City of Winters' logo from the freeway identification sign, to the satisfaction of the Community Development Director.
73. Pursuant to Winters Municipal Code Section 17.80.080, the applicant shall apply for a sign permit with the Community Development Department prior to installation of the wall signs and the project monument sign. Building permits shall be obtained as necessary for installation.
74. Pursuant to Winters Municipal Code Section 17.80.040, the building elevations showing the wall signs shall be modified to show wall signs on the north and east elevations only and limited to a maximum total sign area of 100 square feet, to the satisfaction of the Community Development Director.
75. Pursuant to the parking requirements listed in Table 6 of Winters Municipal Code Section 17.72.020, the site plan shall be modified to increase the total number of parking spaces from 27 spaces to 29 spaces, to the satisfaction of the Community Development Director.
76. A steel trellis with attractive climbing vegetation to screen and adorn the middle siding panel on both ends of the proposed building shall be added on the north and south elevations, to the satisfaction of the Community Development Director.
77. The site plan and landscaping plans shall be modified to increase proposed landscaping, provide pedestrian improvements, and incorporate outdoor seating area (including a possible water feature within a courtyard or plaza design) along Grant Avenue.
78. The landscape plan shall be modified to increase tree screening of the proposed drive-through lane from I-505 freeway and Grant Avenue, to the satisfaction of the Community Development Director.
79. Roof mounted mechanical equipment must shielded on all sides behind the proposed roof parapet and shall not be visible from the ground level. All ground equipment shall be fully screened by enclosures and/or landscaping.

80. Required planting areas must be permanently maintained. "Maintained" includes watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials for a period at least five years from installation.
81. Landscape material may not be located such that, at maturity it interferes with safe distances for vehicular, bicycle or pedestrian traffic; conflicts with overhead utility lines, overhead lights, or walkway light; or blocks pedestrian or bicycle ways.
82. Applicant shall be responsible for regular trash pick-up on- and off-site as related to customers littering packaging associated with purchases from the fast food and convenience store.
83. Truck parking shall be prohibited and posted on County Road 90 along the project frontage.
84. The entire site shall be brought into compliance with the 1990 American Disabilities Act requirements for site access to and from the buildings from the public right of way, to the satisfaction of the Building Official.

# ATTACHMENT B

**CITY OF WINTERS**  
**CEQA COMPLIANCE AND EXEMPTION DETERMINATION**  
**Burger King/AMPM Gas Station Minimart/Truck Fueling Facility CUP**

**PROJECT INFORMATION**

**Project Title:** Burger King/AMPM Gas Station Minimart/Truck Fueling Facility CUP

**Lead Agency Name and Address:**

City of Winters  
Community Development Department  
318 First Street  
Winters, CA 95694

**Contact Person and Phone Number:**

Nelia Dyer, Director  
Community Development Department  
(530) 795-4910 x114

Heidi Tschudin, Contract Planner  
Community Development Department  
(916) 447-1809

**Project Location:** Northwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) in Winters California, 95694. APN: 038-050-063 totaling 2.3 acres.

**Project Applicant:** Sunny Ghai  
Singh's Foodservice Inc.  
43678 Skye Road  
Fremont, CA 94539  
(530) 333-7502

**Property Owner:** Same as above

**Project Approvals:** The following specific entitlements are necessary for implementation of the project:

- Conditional Use Permit (CUP)
- Approval of Site Plan/Design Review
- Approval of Sign Permit
- Variance to Sign Ordinance
- CEQA Clearance

## CEQA COMPLIANCE

Because this project requires discretionary action on the part of the City in the form of granting the above noted approvals or entitlements for use, the City has determined this falls under the definition of a project subject to CEQA (CEQA Guidelines Section 15378). Once a lead agency has made such a determination, it must then determine whether the project is exempt from CEQA. A project may be statutorily exempt, categorically exempt, or exempt under the "general rule" that CEQA applies only to projects which have the potential for causing a significant effect on the environment (Section 15061).

The City has reviewed the available exemptions, and concluded that the Statutory Exemption provided in Section 15183 and the Categorical Exemption provided in Section 15332 of the CEQA Guidelines are both applicable to the subject project. As documented herein, the City has concluded that the project qualifies for either or both of these exemptions and directs that a Notice of Exemption be filed.

## EXEMPTION VERIFICATION

The City of Winters has concluded that the project qualifies for the Statutory Exemption provided in Section 15183 of the CEQA Guidelines based on the analysis and conclusions provided below.

**Statutory Exemption 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning):** Section 15183(a) establishes that projects that are consistent with the development density established by existing zoning, a community plan, or general plan for which an EIR was certified, do not trigger additional environmental review except to examine whether there are project-specific significant effects peculiar to the project or site.

The City's 1992 General Plan was the subject of a certified Environmental Impact Report (GP EIR) that examined the environmental impacts associated with adoption of the General Plan. On May 19, 1992 the City Council adopted Resolution No. 92-13 certifying the two-volume EIR (SCH#91073080) prepared for the City General Plan and adopting the City General Plan.

Based on the revised General Plan land use map (E&R-54, General Plan FEIR), the Planning Area Boundaries map (page 15, General Plan DEIR), and specified development assumptions (page E&R-55 and E&R-56, General Plan FEIR), the GP EIR examined the environmental impacts associated with about 21,250 square feet of development on the site, comprised of approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses.

The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (AM PM), and truck refueling station, co-located in one 5,000 square foot one-story multi-tenant building with associated parking, fuel storage, signage, and site improvements. As documented in the Initial Study prepared

for the project, the proposed uses fall well within the development (density/intensity) assumptions for the site that are made in the General Plan and General Plan EIR.

Section 15183(b) establishes the limits for subsequent environmental analysis if required. These include examination of: impacts peculiar to the project or parcel; impacts not analyzed as significant effects in the prior EIR; potential off-site and/or cumulative impacts not analyzed in the prior EIR; or significant impacts which are determined based on substantial new information to be more adverse than previously discussed. The Initial Study prepared for the project examined whether any of these thresholds are met. The conclusion of the Initial Study was that no new potentially significant impacts were identified that had not been previously and adequately addressed.

Section 15183(c) establishes that additional EIR analysis is not required if an impact is not peculiar to the parcel or project, has been previously addressed, or can be substantially mitigated by uniformly applied development policies or standards. Since no new potentially significant impacts were identified in the Initial Study, no additional EIR analysis is required.

Section 15183(d)(1) establishes that Section 15183 only applies to projects that are consistent with: a community plan adopted as part of a General Plan, a zoning action designating the parcel for a particular development density, or a general plan. The subject project is consistent with both the zoning and General Plan.

Section 15183(d)(2) establishes that the General Plan or zoning must have been accompanied by a certified EIR. The GP EIR was certified in 1992.

Section 15183(e) establishes limits for the analysis of impacts. However, since no new potentially significant impacts were identified in the Initial Study, these limits are not applicable.

Section 15183(f) establishes parameters for determining if an impact should be considered peculiar to the project or parcel. Since no new potentially significant impacts were identified in the Initial Study, these parameters are not applicable.

Section 15183(g) provides examples of uniformly applied development policies and standards. Based on the conclusions above, this subsection is not applicable.

Section 15183(h) establishes that lack of an applicable uniformly applied development policy or standard can not be used in and of itself to determine that an impact is peculiar to the project or parcel. Since no new potentially significant impacts were identified in the Initial Study, these parameters are not applicable.

Section 15183(i) applies to projects that include a rezone. The subject project does not include a rezone.

Section 15183(i)(1) defines "community plan". This subsection is not applicable.

Section 15183(i)(2) defines the requirement for consistency with the development density as being the same or less than the standard expressed for the parcel in the general plan or zoning. As explained above this is the threshold that was applied in the Initial Study analysis.

Section 15183(j) reiterates that adequately analyzed off-site or cumulative impacts need not be further analyzed.

**Categorical Exemption 15332 (In-Fill Development Projects):** Section 15332(a) specifies that in order to qualify for this exemption, the project must be consistent with the applicable general plan designation and policies, and consistent with the applicable zoning designation and regulations.

The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (AM PM), and truck refueling station, co-located in one 5,000 square foot one-story multi-tenant building with associated parking, fuel storage, signage, and site improvements. The proposed uses fall well within the development (density/intensity) assumptions for the site that are made in the General Plan and General Plan EIR. For planning and environmental analysis purposes, the GP and GP EIR assumed about 21,250 square feet of development on the site, comprised of approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses.

The General Plan and zoning ordinance both designate the front 1.4 acres of the project site for highway commercial use and the back 0.9 acres for light industrial use. As conditioned, the project would be consistent with the land uses and applicable policies of General Plan, and the land uses and applicable development regulations of the zoning ordinance.

Section 15332(b) specifies that in order to qualify for this exemption, the proposed development must occur within the city limits, on a site of no more than five acres, substantially surrounded by urban uses. The project site lies within the incorporated City limits and is 2.3 acres in size. In all directions, the site is adjoined by existing or planned urban uses including the frontage road (CR 90) and planned Light Industrial property to the north, Interstate 505 to the east, SR 128 (Grant Avenue) and planned Highway Commercial property (Gateway Master Plan area) to the south, and planned Highway Commercial property and Chevron gas station/ convenience store to the west.

Section 15332(c) specifies that in order to qualify for this exemption, the site must have no value as habitat for endangered, rare, or threatened species. The property satisfies these criteria. The site has been fallow since the 1970s. There is minimal vegetation on the site. There are several trees on the south end that are around 15-feet-tall. Most of these are black walnuts that appear to be from a former orchard. There is an ornamental tree (hackberry) near the edge of I-505. There are two rose shrubs further north, several small almond trees along the I-505 fence, and one larger almond tree on the north end. The remainder of the site is ruderal/grassland with star thistle and bull thistle.

Section 15332(d) specifies that approval of the project may no result in any significant effects relating to traffic, noise, air quality, or water quality. As demonstrated in the Initial Study, there would be no new significant impacts associated with development as proposed.

Section 15332(e) requires that the site be adequately served by all required utilities and public services. As demonstrated in the Initial Study, all utilities and public services are planned to accommodate the project and available to the site.

### **CEQA DETERMINATION**

Based on an examination of the project, supporting information, and the analysis contained herein, the project is found to be exempt from further CEQA review pursuant to Section 15183 (**Projects Consistent with a Community Plan, General Plan, or Zoning**) and/or pursuant to Section 15332 (**In-Fill Development Projects**) of the CEQA Guidelines.

\_\_\_\_\_  
Signature: Nelia Dyer, Community Development Director

\_\_\_\_\_  
Date

Source Document: Environmental Checklist and Initial Study, July 27, 2010

# ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

(City of Winters, 7-27-10)

**Project Title:** Burger King/AMPM Gas Station Minimart/Truck Fueling Facility CUP

**Lead Agency:** City of Winters  
Community Development Department  
318 First Street  
Winters, CA 95694

**Lead Agency Contact:** Nelia Dyer, Community Development Director  
(530) 795-4910 x114

Heidi Tschudin, Contract Planner  
(916) 447-1809

**Project Location:** Northwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) in Winters California, 95694 (see Exhibit 1, Vicinity Map). APN: 038-050-063 totaling 2.3 acres.

**Project Applicant:** Sunny Ghai  
Singh's Foodservice Inc.  
43678 Skye Road  
Fremont, CA 94539  
(530) 333-7502

**Property Owner:** Same as above

**Land Use Designations:** GENERAL PLAN -- The General Plan land use designation for the property is Highway Service Commercial (HSC) on the front approximately 1.4 acres and Light Industrial (LI) on the back approximately 0.9 acre (see Exhibit 2, General Plan Designations). Both designations are overlaid by the General Plan Flood Overlay Zone (FOZ).

HSC is described as follows in the General Plan (GP, page I-2):

## **Highway Service Commercial (HSC)**

This designation provides for restaurants, service stations, hotels and motels, and retail and amusement uses, which are oriented principally to highway and through traffic, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

LI is described as follows in the General Plan (GP, page I-3):

## **Light Industrial (LI)**

This designation provides for industrial parks, warehouses, light manufacturing, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

Non-residential land in the FOZ is subject to the following General Plan policies:

**Policy I.A.9:** No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.

**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.

**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 IV.D.4:** The City, in cooperation with property owners, developers and the Yolo County Flood Control and Water Conservation District shall undertake a feasibility and design study for a comprehensive solution to the flooding problems associated with Chicahominy and Moody Sloughs. The comprehensive solution may include such features as diversion to Putah Creek, diversion under I-505, detention ponds, changes in land use designations, elevating building pads, and structural flood proofing as deemed effective and cost effective. As a condition to any development entitlement approval, all development affected by or contributing to the 100-year flooding problem shall be required to contribute to the financing of the comprehensive flood control solution in an amount that reflects that property's relative contribution to the flooding problem or benefit from the program adopted.

**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.

**ZONING** - The zoning for the property is Highway Service Commercial (C-H) on the front approximately 1.4 acres and Light Industrial (M-1) on the back approximately 0.9 acre (see Exhibit 3, Zoning Designations). The C-H zone designation is described as follows in the Zoning Code:

**Section 8-1.5109 Highway Service Commercial (C-H) Zone**

*A. Purpose. The purpose of the Highway Service Commercial (C-H) Zone is to provide for commercial services and transient residential uses which are appropriate to highway locations and dependent*

*upon highway travel. Principal permitted uses include minor automobile repair, restaurants including drive-thrus, service station, and minor utility services.*

The M-1 zone designation is described as follows in the Zoning Code:

**Section 8-1.5112 Light Industrial (M-1) Zone**

*A. Purpose. The purpose of the Light Industrial (M-1) zone is to provide areas for light industrial development in a manner which will not result in public nuisances related to the operations. These are typically enclosed within a structure or involve minimal outdoor storage.*

**Description of Project:** The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (AM PM), and truck fueling station co-located on one site (Exhibit 4, Site Plan dated 6/29/10).

One 5,000 square foot one-story multi-tenant building is proposed. The building footprint is 150' by 33' 6". A parapet roof style is proposed. The mechanical equipment located on the roof will be shielded on all sides behind the proposed parapet. Building height is generally 23' (to top of parapet); however, the silo feature will be 33' in height.

The proposed architecture for the building has agriculturally-themed elements including metal roofing and a silo feature (see Exhibit 5, Building Elevations). Materials are metal panels, stucco, concrete siding, clear glass, and brick. The color palette is muted with off-whites, beiges, tans, and soft browns. An illuminated red band is proposed around the structure. Navy blue metal awnings are proposed over each window.

The project includes five fuel pumps serving ten cars, two fuel pumps serving four trucks, parking for 27 vehicles, two underground fuel tanks, and one above ground fuel tank. Both fueling areas would be covered by a proposed corporate canopy (see Exhibit 6, Canopy Elevations).

The proposed fueling station canopies would be 20' 6" in height. An illuminated blue band is proposed around the vehicle fueling canopy. An illuminated and yellow LED striped band is proposed around the truck fueling station canopy. The canopy columns would have a brick base. The brick matches the building.

The proposed above-ground fuel tank would have a capacity of 12,000 gallons and would be 8' 7" in height, 8' in width, and 32' 7' in length. It would be located at the northerly end of the property. It is proposed to be partially enclosed by a 8' high concrete brick (CMU) wall topped with 2' 4" black painted metal railing (see Exhibit 7, Tank Enclosure). The dimensions for the walled enclosure are 33' 4" by 48'.

The two proposed underground fueling tanks would have a capacity of 20,000 gallons and would be 10' in width, and 34' 5' in length. They would be located just west of the second entrance to the north.

Proposed landscaping consists of 15-gallon London plane and Chinese flame trees primarily along the project perimeter, with some also proposed in the interior where needed to meet shade requirements (see Exhibit 8, Conceptual Landscaping Plan). A variety of native shrubs and ground covers are proposed in the interior of the site. The drainage areas will be planted in native grasses.

A small detention pond (1,200 cubic feet (cf)) is proposed in the landscaped area at the corner of CR 90 and SR 128. A larger retention pond (9,400 cf) is proposed along CR 90 adjoining the proposed truck fuel pump area (see Exhibit 9, Drainage Plan).

A 12' by 24' 8" refuse/recycling enclosure is proposed to the north of the building. This enclosure would be comprised of a concrete brick (CMU) wall with metal gates (see Exhibit 10, Refuse and Recycling Enclosure).

A retaining wall is proposed for the entire length of the easterly border (adjoining the freeway off-ramp). This wall would be 5' high with a 3'6" railing, composed of the same brick and metal materials as the tank enclosure.

Based on the site plan, approximately 61,348 square feet (or 60 percent) of the 2.3 acres site (101,563 square feet) is proposed to be covered with impervious surface. This includes the building, parking lot, driveways, sidewalks, and other hardscape. The remaining 40,215 square feet or 40 percent of the site would be pervious and generally in landscaping.

Proposed lighting includes 27" high cutoff flood lights, recessed canopy lights, and perimeter cutoff wallpacks (see Exhibit 11, Photometric Study).

Two interior-lighted cabinet signs are proposed (see Exhibit 12, Signage). The project monument sign would be located near the proposed detention swale. It would have a brick base that matches the building. Dimensions are 9'3" tall and 8' 1" wide. The freeway monument sign would be located along the easterly boundary opposite the third proposed entrance. It would be located on twin aluminum poles with a brick base that matches the other brick features. Proposed height is 65' tall. Width at the ground would be 18' 11". Width at the elevated sign would be 23' 4". In addition, the project proposes signage on the building and canopies, and various directory signs for the drive-through.

Four driveways are proposed off CR 90: two that would be 30-feet wide to facilitate access to the vehicle fuel pumps, and two that would be 50-feet wide that would provide access to the truck fuel pumps.

Curb, gutter, and sidewalk (8') to City standards will be constructed along the project frontage of CR 90 where the applicant proposes to build the required half-street section of the frontage road. No street improvements are proposed along SR 128/Grant Avenue.

**Project Approvals:** The following specific entitlements are necessary for implementation of the project:

- Conditional Use Permit (CUP)
- Approval of Site Plan/Design Review
- Approval of Sign Permit
- Variance to Sign Ordinance
- CEQA Clearance

**Surrounding Land Uses and Setting:** Surrounding land uses are as follows:

North	CR 90 (frontage road); vacant Light Industrial property
East	Interstate 505
South	SR 128 (Grant Avenue) and undeveloped Highway Commercial property (Gateway Master Plan area)
West	Vacant Highway Commercial property and Chevron gas station/ convenience store

Historically, until approximately the 1970s, the site was used for agriculture (almond orchard). It is currently vacant and undeveloped. The site is located at an elevation of approximately 125 feet above mean sea level (MSL) and is generally flat. There is minimal vegetation on the site. There are several trees on the south end that are around 15-feet-tall. Most of these are black walnuts that appear to be from a former orchard. There is an ornamental tree (hackberry) near the edge of I-505. There are two rose shrubs further north, several small almond trees along the I-505 fence, and one larger almond tree on the north end. The remainder of the site is ruderal/grassland with star thistle and bull thistle.

Soils are Yolo-Brentwood Association which consists of silty loams to silty clay loams derived from alluvium from sedimentary rocks extending to a depth of more than 60 inches. Groundwater in the area lies between 34 and 38 feet below the surface with a southerly flow direction.

**Background:** The application was submitted November 20, 2009 and determined by the City to be incomplete on January 4, 2010. An informational presentation was given on the project at the January 26, 2010 Planning Commission. Concept plan were circulated to City Departments on June 19, 2010. No comments were received. A supplemental submittal was received by the applicant on June 28, 2010 and found to be complete on July 16, 2010.

**Previous Relevant Environmental Analysis:** The City's 1992 General Plan was the subject of a certified Environmental Impact Report (GP EIR) that examined the environmental impacts associated with adoption of the General Plan. On May 19, 1992 the City Council adopted Resolution No. 92-13 certifying the two-volume EIR (SCH#91073080) prepared for the City General Plan and adopting the City General Plan.

Based on the revised General Plan land use map (E&R-54, General Plan FEIR), the Planning Area Boundaries map (page 15, General Plan DEIR), and specified development assumptions (page E&R-55 and E&R-56, General Plan FEIR), the GP EIR examined the environmental impacts associated with approximately 9,200 square feet of HSC use per acre (47,000 ÷ 5.1) in this planning area. For the subject site this equates to about 12,900 square feet, sf (9,200 x 1.4 ac) on the front portion of the property designated for these uses.

The GP EIR also examined the environmental impacts associated with approximately 9,270 square feet of LI use per acre (101,000 ÷ 10.9) in this planning area. For the subject site this equates to about 8,350 sf (9,270 x 0.9 ac) on the rear portion of the property designated for these uses.

**Other public agencies whose approval may be required:**

An Authority to Construct permit was issued December 16, 2009 by the Yolo-Solano Air Quality Management District for the fueling station and the proposed above-ground fuel storage tank.

The State Water Quality Control Board has jurisdiction over the proposed underground petroleum storage tanks. Also a discharge permits and/or various NPDES approvals may be needed.

Caltrans has jurisdiction over the state highway system. An encroachment permit is needed for any work within the I-505 or SR-128 right-of-way.

**Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, federal, and local codes and regulations.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below potentially would be significantly affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |
|--|---|
| <input type="checkbox"/> Aesthetics                        | <input type="checkbox"/> Land Use and Planning              |
| <input type="checkbox"/> Agricultural and Forest Resources | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Air Quality                       | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Biological Resources              | <input type="checkbox"/> Population and Housing             |
| <input type="checkbox"/> Cultural Resources                | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Geology and Soils                 | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Greenhouse Gas Emissions          | <input type="checkbox"/> Transportation and Traffic         |
| <input type="checkbox"/> Hazards and Hazardous Materials   | <input type="checkbox"/> Utilities and Service Systems      |
| <input type="checkbox"/> Hydrology and Water Quality       | <input type="checkbox"/> Mandatory Findings of Significance |
|  | <input checked="" 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 as 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 that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

  
\_\_\_\_\_  
Signature

Nelia Dyer, Director  
Printed Name

7-30-10  
\_\_\_\_\_  
Date

Winters Community Development Dept  
Lead Agency

## EVALUATION OF ENVIRONMENTAL IMPACTS:

### Introduction

Following is the environmental checklist form (also known as an “Initial Study”) presented in Appendix G of the State 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.

**Less Than Significant With 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. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the 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,” as described in (5) below, 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 “Less Than Significant with Mitigation Incorporated,” describe the mitigation measures which 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 measure identified, if any, to reduce the impact to less than significant.

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

**Discussion**

The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (AM PM), and truck refueling station, with associated parking, fuel storage, signage, and site improvements on a 2.3 acre site within the City. The Burger King and convenience store are proposed to be co-located in one 5,000 square foot, one-story multi-tenant building.

This development would change the visual characteristics of the site; however, this site has been planned for these land uses for 18 years. For planning and environmental analysis purposes, the GP and GP EIR assumed about 21,250 square feet of development on the site, comprised of approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses. The potential for aesthetic/visual impacts was found to be less than significant assuming compliance with the General Plan policies and applicable regulations.

The General Plan FEIR is hereby relied upon for this analysis.

- a. There are no General Plan designated scenic vistas that would be adversely affected by implementation of this project. The 1992 General Plan EIR discusses view corridors to the Vaca Mountains, and concludes that development consistent with the General Plan would have no unmitigated impacts. 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 City has not designated any scenic resources on the project site. There are no historic buildings or rock outcroppings on the site. There are several small trees on the site. These trees would be removed in order to develop the site. Removal of these trees triggers no special requirements under City ordinance. The trees have no biological or historic value, nor are they aesthetically significant. For these reasons, the potential for impact would be less than significant.

- c. The proposed project would not result in significant degradation of the visual surroundings of the site or surrounding area. The General Plan designates this area for future development and the General Plan EIR concluded that there would be no unmitigated aesthetic or visual impacts. In fact, sometime in the 1960s with the construction of I-505, a former gas station was located northeast of the site, between the existing southbound off-ramp and northbound loop off-ramp

Yolo County has designated Grant Avenue/Highway 128, between I-505 and Lake Berryessa, as a local "scenic highway corridor". City General Plan Policy VIII.A.7 requires the City to establish Design Guidelines for new development along Grant Avenue. This development would be subject to those requirements which are contained in the adopted Winters Design Guidelines (November 1999). These guidelines address the I-505 Corridor and the Grant Avenue Corridor, and the project will be analyzed for consistency with these City requirements. Therefore, this impact would be less-than-significant.

- d. The proposed project would result in no new sources of light and/or glare in the area beyond what was anticipated/analyzed in the General Plan EIR. City General Plan Policy VIII.D.7 requires controls on new lighting to minimize spill-over, glare, and impacts to the night sky. The proposed lighting and photometric plan will be analyzed for consistency with City requirements. Potential light and glare impacts are, therefore, considered less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
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**2. AGRICULTURE AND FOREST RESOURCES.**

*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.*

*In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.*

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion**

The proposed project would change the existing land use on the site, however, this site has been planned for these land uses for 18 years. The 1992 General Plan EIR assumed conversion of the site to a mix of highway commercial uses in the front portion and light industrial uses in the back portion. The potential impacts of development of 21,250 square feet of highway commercial development on the subject property was assumed. The 1992 General Plan EIR found impacts to agriculture citywide to be significant and unavoidable due to loss of then active agricultural land in other areas of the City planned for later conversion to urban uses. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for

this analysis. It should be noted that at the time of the 1992 General Plan this property has been out of agricultural use since at least the 1970s, primarily as a result of the construction of the I-505 freeway. This site is an isolated remnant from the construction of I-505. Notwithstanding the fact that it has been removed from agricultural use since the 1970s and that it has been planned for urban uses since at least 1992, the size and location of this property, as well as surrounding uses, effectively prohibit any reasonable likelihood of agricultural use.

- a. The subject property is mapped as "Other Land" in the State Department of Conservation's Farmland Mapping and Monitoring Program and therefore no project-specific impacts to protected farmland would occur as a result of this project. As indicated above, impacts to agricultural land in general that could occur as a result of implementation of the City's General Plan have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR.
- b. None of the project acreage is under a Williamson Act contract or zoned by the City for agricultural uses.
- c,d. None of the project acreage contains forest resources.
- e. There is no aspect of the project that would result in other known impacts to agricultural or loss of agricultural land.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY.</b> <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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

Development on this property would release air emissions; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 193 through 205 of the Draft EIR and pages E&R 30 through 32 of the Final EIR) and found air quality impacts to be significant and unavoidable. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

- a. The proposed project would not conflict with or obstruct implementation of applicable air quality plans, because the development that would result from implementation of this 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. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR, and in fact the proposed development would result in less development intensity on the site than was assumed. The proposed 5,000 sf building with fast food, fueling stations, and convenience store tenants is less intense than the 21,250 sf of land uses (approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses) assumed in the General Plan EIR. Therefore, the impact in this category is considered less-than-significant as allowed under CEQA including

Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- b, c, d. Yolo County is designated as non-attainment for ozone under both State and federal standards and non-attainment for PM<sub>10</sub> under State standards (see table below).

POLLUTANT	ATTAINMENT FOR FEDERAL STANDARD	ATTAINMENT FOR STATE STANDARD
Ozone	No/Severe	No/Serious
NO <sub>x</sub>	Yes	Yes
PM <sub>10</sub>	Yes	No
SO <sub>x</sub>	Yes	Yes
CO	Yes	Yes

However, the potential for air quality impacts from the construction and development that may result from the proposed project is unchanged from the original analysis in the prior 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

- e. The potential for impacts due to objectionable odors is unlikely to be significant at this specific location as no residential uses are proposed. Odors are typically an issue where agricultural and residential uses interface and where industrial and residential uses interface. This is typically addressed through reliance on buffers between uses or operational controls applied on a case-by-case basis through the design review process. There may be cases where the impact remains unavoidable, which is consistent with the determination reached in the 1992 General Plan EIR.

The prior adopted Statement of Overriding Consideration is relied upon in this determination regarding regional air quality emissions. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

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

### Discussion

This development would change the existing land use on the site; however, this site has been planned for these land uses for 18 years. The 1992 General Plan EIR assumed development of the site in highway commercial and industrial uses, including the potential impacts of development of approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses. The project as proposed is less intense. The 1992 General Plan EIR found impacts to biological resources to be significant and unavoidable. The City Council adopted a Statement of Overriding Considerations accepting these unavoidable impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

a-d. The potential for impacts to biological resources on a regional or cumulative level as a result of implementation of the project is unchanged from the original analysis in the prior 1992 General Plan EIR. These impacts have already been analyzed under the 1992 General Plan EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR. Additionally on a site-specific basis, the property has no significant biological value. Therefore, there is no impact identified in any of these categories.

- e. General Plan Policies VI.C.1 through VI.C.10, and VI.D.1 through VI.D.9, establish various requirements to protect and preserve the City's biological resources. Notwithstanding these policies, the City in 1992 concluded that impacts to biological resources resulting from implementation of the General Plan would be significant and unavoidable. The potential for impacts to biological resources on a regional or cumulative level as a result of implementation of the proposed project is unchanged from the original analysis in the prior 1992 General Plan EIR, which included the development the subject site. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIR. Additionally on a site-specific basis, the property has no significant biological value. Therefore, there is no impact identified in this category.
  
- f. No Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved regional or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide HCP/NCCP plan, but it is not complete. The City of Winters has an adopted local Habitat Mitigation Program that provides the relevant legal/regulatory framework, policy framework, guiding values, mitigation strategy, and mitigation requirements for implementation of habitat mitigation requirements. However, the potential for impact in this category is less than significant because the project site does not contain any important or significant biological resources.

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

**Discussion**

This development could adversely affect unknown cultural resources; however, the General Plan contains required measures to minimize the potential adverse effects of this impact. The 1992 General Plan EIR analyzed the potential impacts of development including 21,250 sf of highway commercial and industrial uses at this site and found impacts to cultural resources to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

a-d. General Plan Policies V.F.1 and V.F.2 address archeological resources and require that construction stop and appropriate mitigation through the State Archaeological Inventory occur if potential sub-surface resources are uncovered. These have been added as conditions of approval for the project.

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 these requirements will ensure that impacts on unknown cultural resources are less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. GEOLOGY AND SOILS.</b>				
<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.	☐	☐	■	☐
ii. Strong seismic ground shaking?	☐	☐	■	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
iv. Landslides?	☐	☐	■	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
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?	☐	☐	■	☐
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?	☐	☐	■	☐
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?	☐	☐	☐	■

**Discussion**

The proposed development could result in impacts related to soils and geology; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR) and found impacts to geological resources to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

a-d. 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. There are no parts of the City located within an Alquist-Priolo Special Studies Zone.

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 within the City 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.

General Plan Policies VII.A.1 through VII.A.3 address geological hazards and require compliance with applicable State codes and requirements.

The proposed project would not result in new geological impacts or exposure to new hazards beyond what was analyzed in the General Plan EIR. Impacts in these areas are considered less-than-significant.

- e. The City does not allow septic systems. All projects are required to connect to wastewater treatment facilities. Therefore, there is no potential for impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>7. GREENHOUSE GAS EMISSIONS.</b> <i>Would the project:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

Assembly Bill 32 adopted in 2006 established the Global Warming Solutions Act of 2006 which requires the State to reduce greenhouse gases (GHGs) to 1990 levels by 2020. GHGs contribute to global warming/climate change and associated environmental impacts. The major GHGs that are released from human activity include carbon dioxide, methane, and nitrous oxide. The primary sources of GHGs are vehicles (including planes and trains), energy plants, and industrial and agricultural activities (such as dairies and hog farms). New development results in the direct and indirect release of GHGs.

“Climate change” as a specific or distinct topic was not mentioned in the 1992 General Plan; however, the related topics of pedestrian-friendly land use and design features, transportation and circulation, energy efficiency, air quality, and waste management were addressed and are prominent in the General Plan. The existing General Plan includes the following policies relevant to this topic:

- Urban limit line (Policy I.A.2)
- Jobs housing balance (Policy I.A.6, I.E.2)
- Pedestrian and bicycle orientation (I.A.8, III.G.1 – III.G.6, VIII.A.4, VIII.B.1 – VIII.B.3, VIII.C.3)
- Infill and reuse (Policy I.B.2, I.B.5, II.B.1 – II.B.6)
- Interconnected grid streets and alleys (Policy III.A.9, VIII.C.2)
- Transit (Policy III.B.1, III.B.2, III.B.3)
- Trip reduction (Policy III.C.1, III.C.2, III.C.3, III.C.4)
- Protection of habitat (Policy VI.C.1 – VI.C.10, VI.D.1 – VI-D.9)
- Protection of air quality (VI-E.1 – VI.E.11)
- Energy conservation (II.C.1, II.C.2, VI-F.2 – VI.F.5)

- Emergency response (VII.D.1 – VII.D.4)
- Open space (VIII.A.6)
- Tree canopy (VIII.D.1 – VIII.D.6)

These policies are effective in reducing GHGs and minimizing impacts from climate change. The subject project is consistent with the goals or land use designations of the General Plan and would result in no development beyond that already approved in 1992. Compliance with these policies will be effective in minimizing GHG emissions and climate change impacts from this already planned new development.

- a,b. Given the relevant policies already built into the General Plan (see discussion above), the small scale of the project (less than 3 acres), and the fact that it is consistent with (and less intense than) established zoning and General Plan land use, the proposed project would not result in a conflict with the State's AB 32 goals. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>8. HAZARDS AND HAZARDOUS MATERIALS.</b> <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 a significant 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**

This development could result in impacts related to hazards and hazardous materials; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the site (see pages 117 through 122 of the Draft EIR and page E&R 21 of the Final EIR) and found impacts to emergency facilities and services to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

A Phase I Environmental Site Assessment was prepared for this property (Geocon Consultants, Inc, September 2009). This report concluded that the site was not listed on any databases of facilities with known environmental conditions or impairment.

- a-c. The project includes two fueling facilities, one for passenger vehicles and one for multi-axle trucks. Two underground and one above ground fuel storage tanks are proposed to support these facilities. These facilities are subject to regulation by a number of federal and state agencies and regulations addressing water quality, safety, and air emissions. Based on compliance with these existing requirements, the potential for impact is considered less than significant.

During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used. Similarly, paints, solvents, and various architectural finishes would also be used.

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 the routine transport, use, and disposal of hazardous materials is regulated by federal, State, and local regulations, this impact is considered less than significant.

- d. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. The proposed project would not result in new hazards or exposure to new hazards beyond what was analyzed in the General Plan EIR. Impacts in this area are considered less-than-significant.
- e,f. The City is not within two miles of any public or private airports or air strips, 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.
- g. The proposed project would have no known effect on adopted emergency response plans or emergency evacuation plans. This would be considered less-than-significant under CEQA.
- h. The project area does not qualify as "wildlands" where wildland fires are a risk; therefore, no adverse impact would occur in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>9. HYDROLOGY AND WATER QUALITY</b>				
<i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 169 through 178 of the Draft EIR and page E&R 29 of the Final EIR; see also pages 105 through 113 of the Draft EIR and pages E&R 19 through 21) and found hydrology impacts to be less-than-significant, with the exception of water quality impacts from increased runoff into Putah Creek and Dry Creek which were found to be significant and unavoidable. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis. Included in those Findings was a Statement of Overriding Considerations accepting the unavoidable water quality impacts (Resolution 92-13, Exhibit C, adopted May 19, 1992) which is hereby relied upon for this analysis.

- 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 and/or Dry 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.

Compliance with these required permits would ensure that runoff during construction and occupation of the project site would ensure that runoff does not substantially degrade water quality. Therefore, this is a less-than-significant impact.

- b. There are no facilities specifically proposed for recharge as a part of the project. The site is not identified for recharge and has been planned for development since at least 1992. While both a retention and detention facility are planned to address drainage from the site, these would be designed to ensure acceptable water quality by implementing storm water quality post-construction best management practices (BMPS). Therefore, it can be concluded that development of the project site would not substantially affect the aquifer.

The project would receive potable water from the City's municipal well system. As discussed in more detail in Item 17(d), while the proposed project would contribute to an increase in municipal groundwater use, service to the site is assumed as a part of the City's water system. Furthermore, the project as proposed is less intense than what was assumed for the subject location under the General Plan FEIR. Therefore, impacts on groundwater would be less than significant.

- c,d. Drainage improvements proposed as a part of 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. As indicated, drainage and run-off is proposed to be addressed on site through the proposed retention and detention facility which will, at a minimum, maintain run-off flows at pre-development levels. Drainage could also be addressed through connections to the City's storm drainage system. Run-off from development of the site is already planned for within the City's drainage system. Therefore any increase in runoff is considered less than significant.

- e. Drainage and run-off from the proposed project is required to be addressed in a manner consistent with the City's recently updated Storm Drainage Master Plan (2008). General Plan Policy IV.D.6 allows projects to construct and utilize interim drainage improvements so long as they 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 or that would be otherwise inconsistent with implementation of the Plan, can only be approved if they are found to be consistent with the water quality treatment/design criteria and standards criteria of the updated Storm Drainage Master Plan. The policy specifies that under that circumstance, the City provides no reimbursement or credit. The proposed conditions of approval for the project address this issue.

The General Plan includes a designated Flood Overlay Zone (FOZ) totaling approximately 964 acres that includes ±614 acres within the City's boundaries. The FOZ is defined as the area affected by or contributing to the City's flood problem. The subject project site falls within the FOZ. The purpose of identifying the FOZ was to ensure the inclusion of those properties in the funding mechanism for improvements to reduce or eliminate the 100-year flood hazard. On September 2, 2008 the City adopted the 2008 Winters City Storm Drainage Master Plan (City Council Resolution 2008-38) which provided a comprehensive solution for storm drainage. However to date the fee program/financing mechanism for the adopted drainage improvements has not yet been adopted.

General Plan Policy I.A.9 precludes all development in the FOZ until "a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution". The staff has proposed a condition of approval that would preclude issuance of a building permit or any other development permit for the project until the fee program is adopted. Additionally General Plan Policy IV.D.7 requires that the fees be paid prior to issuance of a building permit. The proposed condition of approval addresses this requirement as well. The proposed condition would also satisfy General Plan Policy IV.D.4 requiring all affected properties to contribute to the financing. Assuming adoption of the proposed condition, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, and the potential for impact in this category would be less than significant.

- g. There is no housing proposed as a part of the project.
- h. The site is located within a federally designated Special Flood Hazard Area (Flood Insurance Rate Map Community-Panels 06113C0562G and 06113C0564G, Revised June 18, 2010) that would be inundated should a "100-year" flood occur. Specifically it is designated Zone AO (Depth 2) which is defined as areas having flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); with average depth at 2 feet. As such, the proposed commercial building will be required to comply with flood elevation requirements applicable in the AO zone. All new construction or substantial improvement must have the lowest floor (including basement) elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM.

Consistency with the applicable flood hazard requirements related to the federal floodplain designation will ensure that impacts in this category are less than significant.

- i. The City 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 bodies of water that would pose a seiche or tsunami hazard. In addition, there are no physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>10. LAND USE AND PLANNING.</b> <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 plan, policy, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The application is for a proposed fast food restaurant (Burger King) with drive-through, gas station and convenience store (AM PM), and truck refueling station, with associated parking, fuel storage, signage, and site improvements on a 2.3 acre site within the City. The Burger King and convenience store are proposed to be co-located in one 5,000 square foot, one-story multi-tenant building.

This site has been planned for these land uses since at least 1992. For planning and environmental analysis purposes, the GP and GP EIR assumed about 21,250 square feet of development on the site, comprised of approximately 12,900 sf of highway commercial uses and about 8,350 sf of light industrial uses. The General Plan EIR analyzed the potential impacts of development of site and found land use impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. Construction of the project is consistent with the 1992 General Plan and would not divide an established community. Therefore, no impact would occur.
- b. The General Plan and zoning ordinance both designate the front 1.4 acres of the project site for highway commercial use and the back 0.9 acres for light industrial use. The proposed drive-through fast-food restaurant and service station on the front acreage are consistent with the highway service commercial designation and both uses are identified in Section 17.52.020 Land Use/Zone Matrix of the Zoning Code as principally permitted uses meaning they are allowed “by-right” in the zone.

The proposed truck fueling facility and above-ground fuel storage tank are not specifically listed as contemplated uses in the LI zone. However, pursuant to Section 17.52.010(E) of the City Zoning Ordinance, the Community Development Director may find uses not specifically listed but similar in nature (based on activity characteristics) to a listed activity, to be a consistent use in the zone.

The activity characteristics of the proposed uses on the rear of the parcel include the following: large service/commercial trucks accessing and leaving the site for short durations throughout the hours of operation of the facility. These characteristics are similar in nature to other uses allowed in the light industrial zone such as recycling collection center and minor utility services which are permitted uses, and less intense than Automobile Repair which is conditionally allowed. The application includes a request for a Conditional Use permit.

The proposed uses are similar in nature to a "service station" which would also be considered allowable in the adjoining HSC zone which is predominant on the site. Typically less intense uses are allowed in more intense zones unless compatibility conflicts would occur. Compatibility conflicts are not anticipated to result from the subject project as the site is proposed to be organized complementary to the spilt zoning, by directing the more intense truck fueling activities to the rear light industrial acreage and the less intense vehicle fueling activities to the front HSC acreage. Furthermore, the proposed uses are consistent with the intent and purpose of the LI zone and will serve the trucks that deliver goods and services to the existing industrial uses further north on CR 90.

As conditioned, the project would be consistent with the land uses and applicable policies of General Plan, and the land uses and applicable development regulations of the zoning ordinance. Therefore the potential for impact in this category is less-than-significant.

- c. See response to Item 4(f).

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>11. MINERAL RESOURCES.</b>				
<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. Implementation of the project, and resultant development that may occur would not result in the loss of any known mineral resources. Impacts would be less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>12. NOISE.</b> <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**

This development will add noise during construction and will permanently add to ambient noise levels during operation; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 179 through 192 of the Draft EIR and pages E&R 29 through 31 of the Final EIR) and found noise impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

a-d. The Noise Element of the City of Winters General Plan establishes standards for the evaluation of noise compatibility (including land use compatibility standards, exterior noise levels limits, and interior noise level limits) and requirements for noise studies. The City has both a Noise Ordinance and Standard Specifications that regulate construction noise. These regulations restrict construction activities to 7:00am to 7:00 pm Monday through Friday only (holidays excluded). Implementation of the project would be subject to these policies and regulations.

The General Plan EIR examined the potential for impact from full development of the General Plan and determined that this impact was less-than-significant. There are no new noise impacts that would result from the proposed project. Impacts in these categories remain less-than-significant. The project site is

located at the northwest quadrant of I-505 and SR 128. Traffic noise from these two highways is dominant at this location and it is unlikely that temporary noise from project construction or permanent noise from the future planned land uses would be noticeable against the future expected ambient condition.

- e. The nearest public airport is over two miles from the City and no part of the City falls within an airport land use plan. There is no potential for exposure to excessive air traffic noise, so no impact would occur.
- f. The project area 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	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>13. POPULATION AND HOUSING.</b> <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)?	□	□	■	□
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	□	□	■	□
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	□	□	□	■

**Discussion**

The 1992 General Plan EIR analyzed the potential impacts of build-out of the General Plan (see pages 43 through 70 of the Draft EIR and pages E&R 9 through 14 of the Final EIR) and found housing and population impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. This development could not result in additional dwelling units or population. It would result in the development of commercial/industrial uses that would produce jobs and revenue generating opportunities for the City. Infrastructure, services, and utilities proposed to serve this project are master planned to accommodate the proposed level of growth. Because all aspects of the project are consistent with the planning assumptions of the General Plan, the project would not be considered growth inducing. This impact is less-than-significant.
- b,c. The project involves no displacement of housing or people. There would be no impacts in these categories.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>14. PUBLIC SERVICES.</b> <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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The proposed project could result in impacts to public services; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 117 through 134 of the Draft EIR and pages E&R 21 through 24 of the Final EIR) and found public services to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a,b. The City of Winters Fire Department provides fire protection services to the City. The City of Winters Police Department provides police protection services. The proposed project could increase demand for these fire and police protection services by increasing the amount of development, and number of employees and visitors within the City's service areas. This increase in development is consistent with the General Plan and therefore, would result in no new impacts beyond those examined in the 1992 General Plan EIR.
- c. The City 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.

Funding for schools and impacts for school facilities impacts is preempted by State law. Policies I.F.2, I.F.3, IV.H.5, and IV.H.6 of the General Plan related to funding and timing of school facilities have been superseded by State law (Proposition 1A/SB 50, 1998, Government Code Section 65996) which governs

the amount of fees that can be levied against new development. Payment of fees authorized by the statute is deemed "full and complete mitigation." These fees are used to construct new schools.

The proposed project includes no residential uses and therefore would not directly result in the generation of students. Nevertheless, under State law, the development will be required to pay applicable school fees. Because the amount of these fees is pre-empted by the State, the potential for impacts to schools is considered by law to be a less-than-significant impact.

- 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). However, there is no residential development proposed as apart of this project. Therefore, impacts in this category would be less-than-significant.
- e. Development that could result from the proposed project would create incremental increases in demand for other services and facilities in the City of Winters. However, because this growth would be consistent with the General Plan, there would be no new impacts beyond what was already analyzed in the General Plan EIR. This impact is less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>15. RECREATION.</b>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 123 through 126 of the Draft EIR and pages E&R 21 through 23 of the Final EIR) and found recreation impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

a,b. The project includes no residential uses or facilities. Therefore, there would be no impact in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>16. TRANSPORTATION/CIRCULATION.</b>				
<i>Would the project:</i>				
a. Conflict with as applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	□	□	■	□
b. Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	□	□	■	□
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?	□	□	□	■
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	□	□	■	□
e. Result in inadequate emergency access?	□	□	■	□
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	□	□	■	□

**Discussion**

This development could result in transportation and circulation impacts; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 71 through 96 of the Draft EIR and pages E&R 15 through 17 of the Final EIR) and found traffic impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

The site is located at the northwest corner of two Caltrans highways (I-505 and SR 128). A Caltrans encroachment permit would be required for any work within the Caltrans controlled right-of-way.

Caltrans has requested a more detailed access analysis in order to ascertain the timing for various improvements already anticipated in the City's General Plan Circulation Element. Specifically the access study will determine various levels of controlled access required at the intersection of CR 90 and SR 128, in order to preserve the operational efficiency of the I-505 interchange ramps near that location. The project

has been conditioned to be consistent with and implement as appropriate the recommendations of that study, as may be required by Caltrans; however, it is relevant to note that Caltrans has separate authority in this regard through the encroachment permit requirement.

- a,b. The General Plan Transportation and Circulation Element contains policies that address circulation using various modes, and parking. The project is required to be consistent with these requirements as well as with all other applicable development requirements of the City including street improvements, driveway specifications, and on-site circulation. Therefore the proposed project would not result in new traffic impacts beyond what was analyzed in the General Plan EIR. Impacts in these areas are considered less-than-significant.
- c. The project area 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. All new roadway construction would be built according to adopted City standards and specifications and would satisfy requirements for emergency access. For this reason, the potential for design hazards would be less-than-significant.
- f. Development that results from the proposed project would be required to satisfy policies, plans, and programs supporting alternative transportation, including appropriate pedestrian and bicycle route connections. Therefore, this impact would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>17. UTILITIES AND SERVICE SYSTEMS.</b>				
<i>Would the project:</i>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Discussion**

This development could result in impacts to utility and service systems; however, this area has been planned for these land uses since at least 1992. The 1992 General Plan EIR analyzed the potential impacts of development of the entire City (see pages 97 through 116, and 133 through 134 of the Draft EIR and pages E&R 17 through 21, and 24 of the Final EIR) and found utility and service impacts to be less-than-significant. The City Council adopted Findings of Fact documenting these conclusions (Resolution 92-13, adopted May 19, 1992) which are hereby relied upon for this analysis.

- a. The proposed project would be required to connect to the City's sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. Land uses allowed on the site were analyzed in the previous General Plan EIR and not anticipated to generate wastewater that contains unusual types or levels of contaminants. Therefore, the project is not expected to 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. All development within the City would receive sewer and water service from the City of Winters. The City of Winters Wastewater Treatment Plant (WWTP) currently has a capacity of 0.92 million gallons per day (mgd). The estimated

number of new dwelling unit equivalents (DUEs) that could be served under current capacity is approximately 700 to 800 DUEs. Service to development on the front parcels of this site is assumed within that remaining capacity. Under City code, no project is allowed to build without available sewer and water service. Therefore, these impacts are considered less-than-significant.

- c. Please refer to the discussion of Items 9.c,d, and e. The City's recently updated Storm Drainage Master Plan and accompanying CEQA clearance address this issue. This is a less-than-significant impact.
- d. Development resulting from the proposed project would be served by the City's municipal water supply. This development would result in no new impacts to water supply and availability beyond those already anticipated under the General Plan and therefore there are no new impacts in this category. As development occurs, the City's water system is regularly re-examined to determine what, if any, new facilities are needed for adequate service. Pursuant to City code, no project is allowed to build without available water service. This is a less-than-significant impact.
- 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 City's General Plan build-out is part of the planned growth for which the landfill has been sized and therefore solid waste generated as a result of this project would not have unanticipated impacts on the life of the landfill. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>

**Discussion**

a-c. The full range of impacts from this project were anticipated and examined in the 1992 General Plan EIR upon which this analysis relies. Impacts to biological resources, cumulative air quality, loss of agricultural land, and water quality were identified as significant and unavoidable and a Statement of Overriding Considerations was adopted by the City Council. There are no new impacts associated with the project that were not previously analyzed and mitigated. Impacts in these categories are therefore considered less-than-significant.

Cumulative greenhouse gas emissions and associated climate change impacts for the entire County were examined in the County's certified General Plan Final EIR (SCH# 2008102034 certified November 10, 2010) (pages 805-817, DEIR and pages 438-441, FEIR). Build-out of the Winters General Plan is clearly included in that cumulative analysis. To the extent necessary, pursuant to CEQA Guidelines 15152 (see also Section 15130(b)(1)(B)) this analysis tiers from the analysis of cumulative climate change impacts contained in the Yolo County Certified General Plan FEIR. This document can be viewed online at:

<http://www.yolocounty.org/Index.aspx?page=1683>

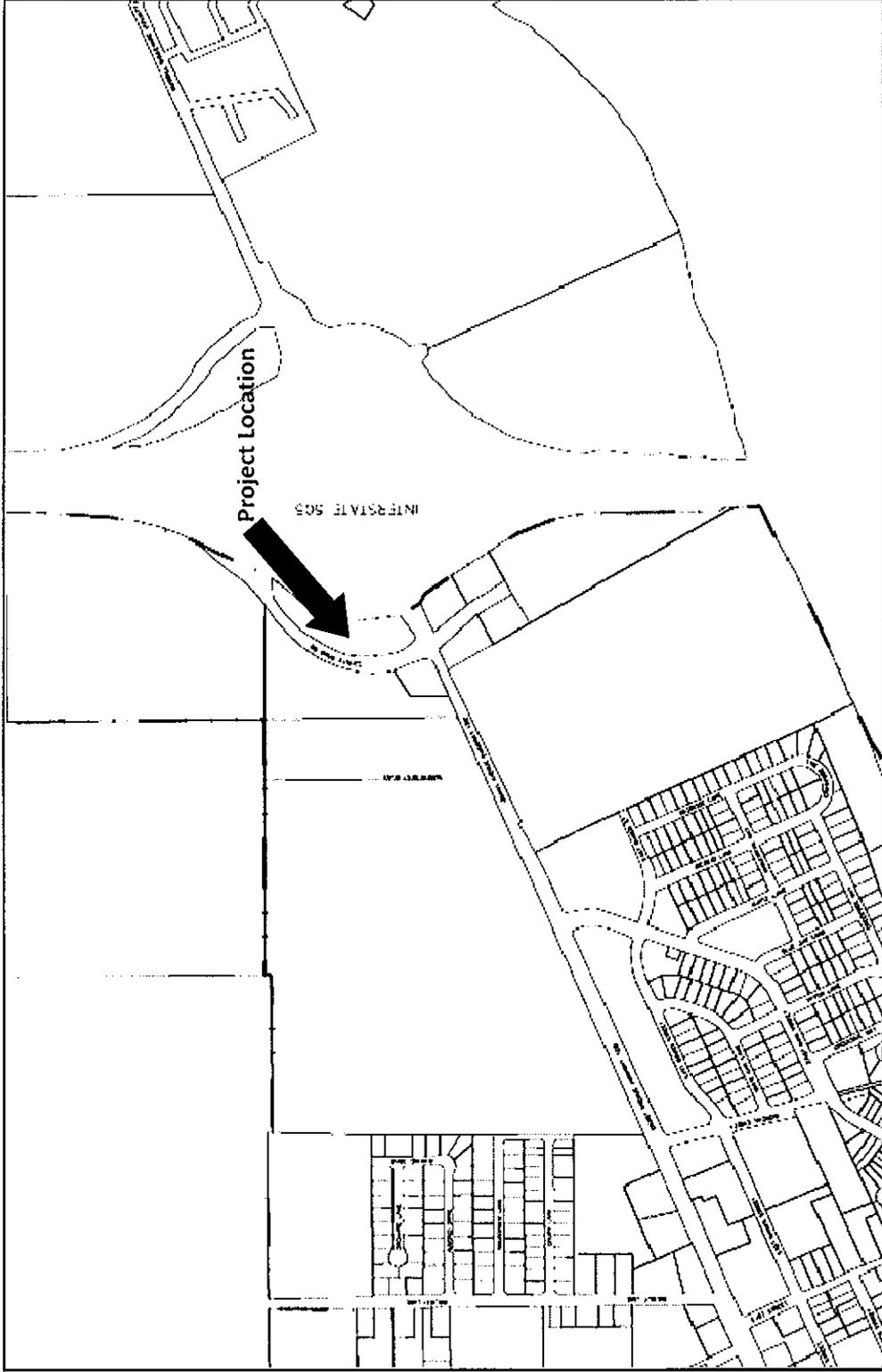
**ATTACHMENTS:**

- Exhibit 1, Vicinity Map
- Exhibit 2, General Plan Designations
- Exhibit 3, Zoning Designations
- Exhibit 4, Site Plan (June 29, 2010)

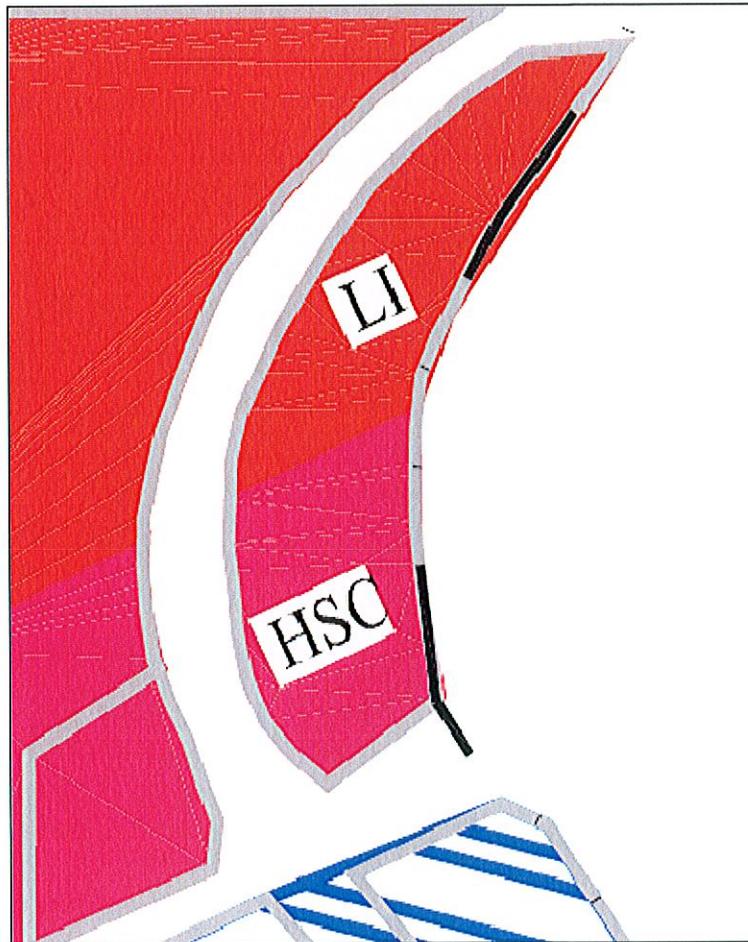
Exhibit 5, Building Elevations  
Exhibit 6, Canopy Elevations  
Exhibit 7, Tank Enclosure  
Exhibit 8, Conceptual Landscaping Plan  
Exhibit 9, Drainage Plan  
Exhibit 10, Refuse and Recycle Enclosure  
Exhibit 11, Photometric Study  
Exhibit 12, Signage

# EXHIBIT 1

# Vicinity Map

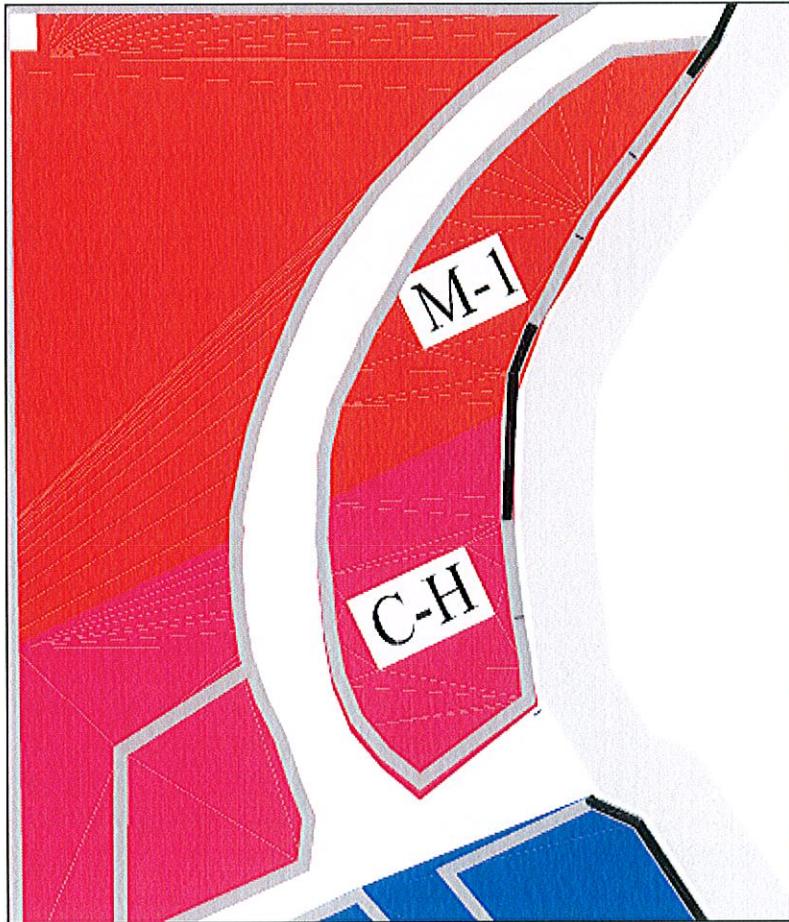


# EXHIBIT 2



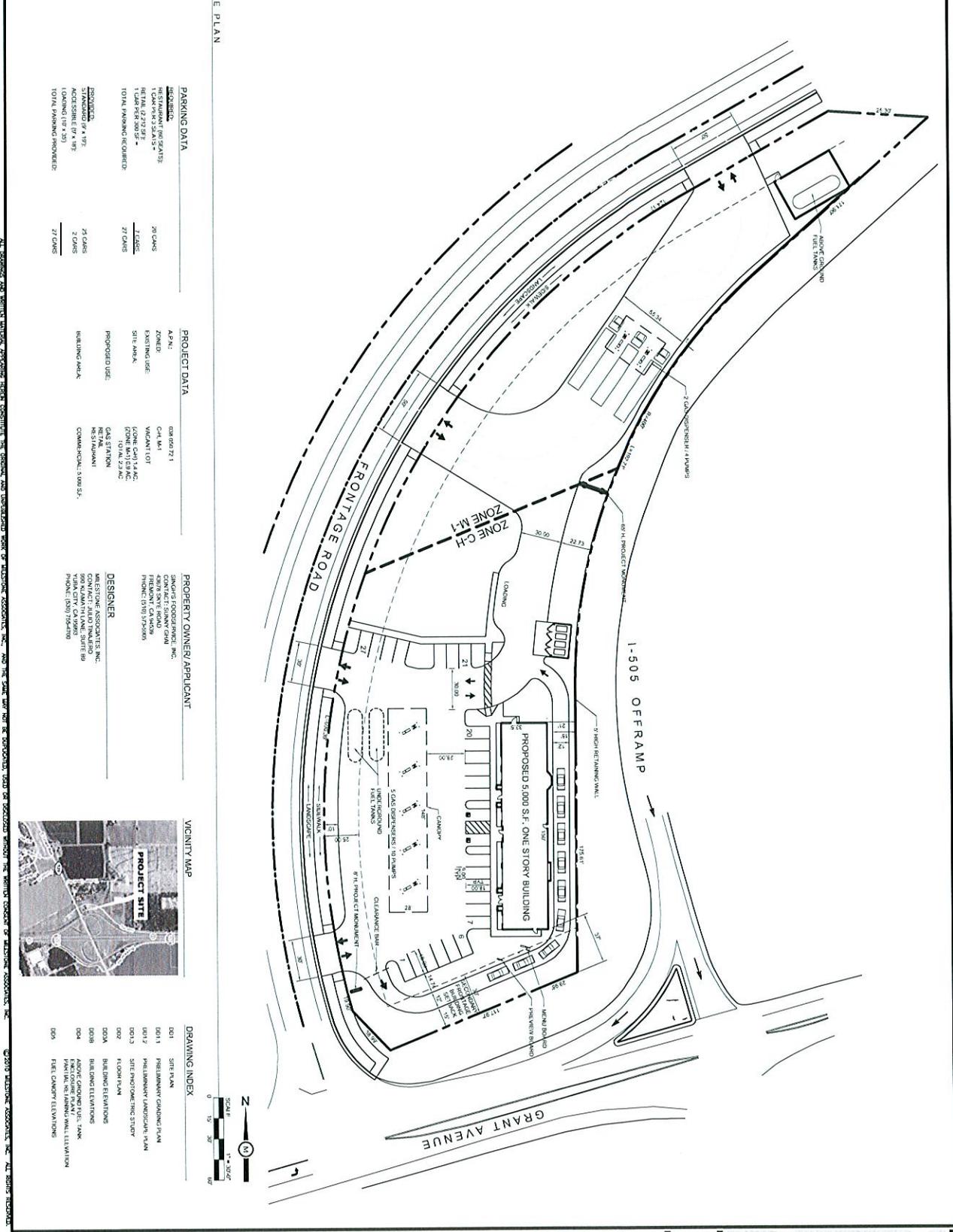
General Plan Designations

# EXHIBIT 3



Zoning Designations

# EXHIBIT 4



**REVISIONS**

No.	Description	Date

**ADD A. TRAKER**  
**REMOVE**  
**DATE A. TRAKER, P.E.**  
**DESIGNER**

**300 KAMAR LANE, SUITE 88**  
**1000 S.W. 34TH AVENUE**  
**MIAMI, FL 33135**  
**TEL: 305-755-1100**  
**FAX: 305-755-0087**

**2010 MILESTONE ASSOCIATES, INC. ALL RIGHTS RESERVED.**

**DD1**

**WINTERS RETAIL CENTER**  
**LOT 63**  
**FRONTAGE ROAD 90V**  
**WINTERS, CALIFORNIA**  
**SINGH'S FOODSERVICE, INC.**

**DATE: 06-29-10**  
**SCALE: 1" = 30'**  
**DESIGNED BY: MLI**  
**JOB NUMBER: 08-719**

**SHEET: DD1**

**PARKING DATA**

**REQUIRED:**  
 RESIDENTIAL: 10 SEATS  
 RETAIL: 27 CARS  
 TOTAL PARKING REQUIRED: 37 CARS

**PROVIDED:**  
 25 CARS  
 2 CARS  
 TOTAL PARKING PROVIDED: 27 CARS

**PROJECT DATA**

**A.P.N.:** 038 006 72 1  
**ZONE:** C-1, M-1  
**EXISTING USE:** VACANT LOT  
**SITE AREA:** 2.01 AC.  
**PROPOSED USE:** GAS STATION  
**BUILDING AREA:** COMMERCIAL, 5,000 S.F.

**PROPERTY OWNER/APPLICANT**

**SINGH'S FOODSERVICE, INC.**  
**1000 S.W. 34TH AVENUE**  
**MIAMI, FL 33135**  
**PHONE: (305) 755-0087**

**DESIGNER**

**MILESTONE ASSOCIATES, INC.**  
**CONTACT: A. TRAKER, P.E.**  
**300 KAMAR LANE, SUITE 88**  
**1000 S.W. 34TH AVENUE**  
**MIAMI, FL 33135**  
**PHONE: (305) 755-1100**

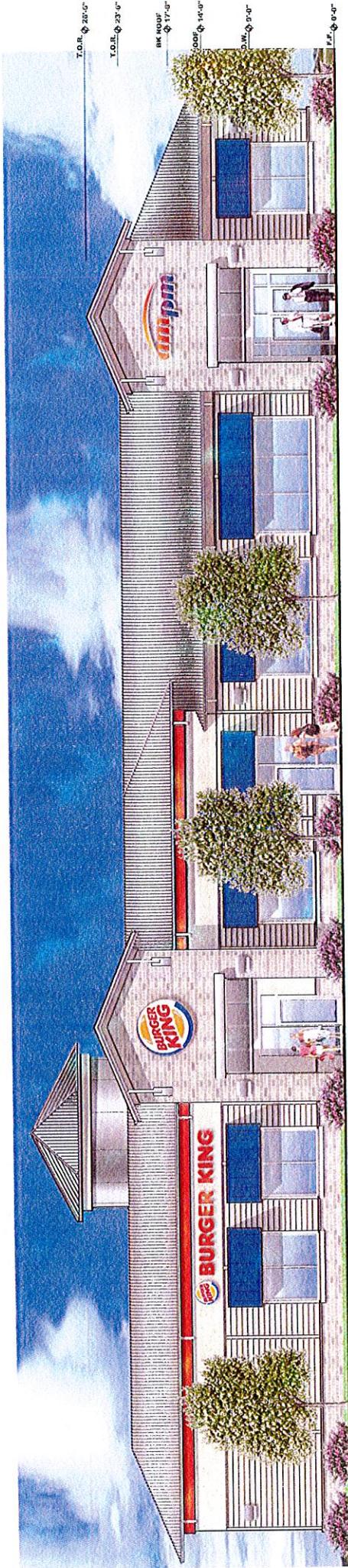
**DRAWING INDEX**

- 001 SITE PLAN
- 002 PRELIMINARY GRADING PLAN
- 003 PRELIMINARY LANDSCAPE PLAN
- 004 SITE PHOTOGRAPHIC STUDY
- 005 FLOOD PLAN
- 006 BUILDING ELEVATIONS
- 007 ADJACENT CONCRETED TANK
- 008 ADJACENT CONCRETED TANK
- 009 FUEL CANTY ELEVATIONS
- 010 FUEL CANTY ELEVATIONS

**VICINITY MAP**

**SITE PLAN**

# EXHIBIT 5

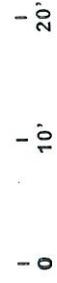


P R O P O S E D W E S T E L E V A T I O N

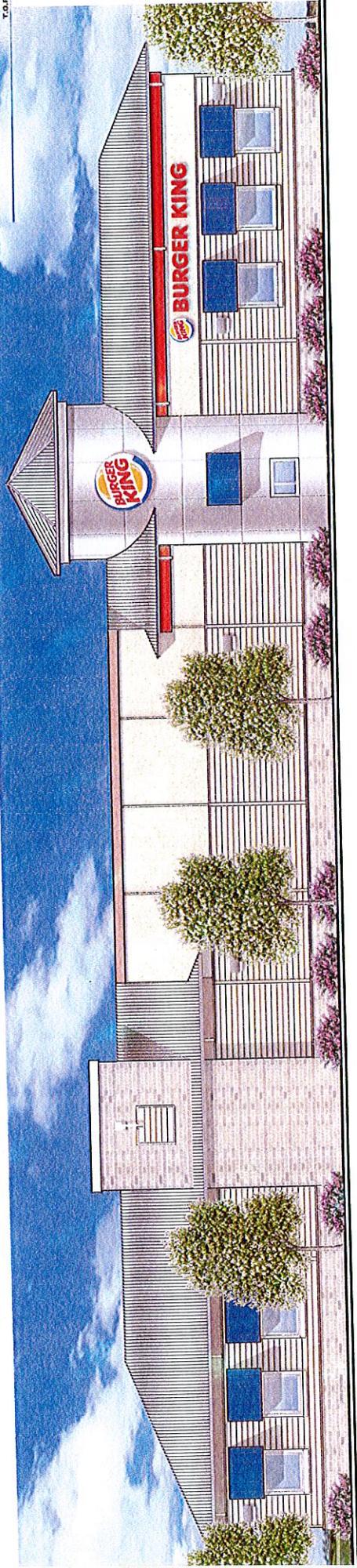
- STANDING SEAM METAL ROOF
- ILLUMINATED RED PARAPET BAND
- PAINTED FASCIA ICI 'PADRE ISLAND'
- CLEAR VISION GLASS CLEAR ALUMINUM MULLIONS
- METAL PANELS
- WINDOW TRIM ICI 'SHELL CREEK'
- PAINTED STUCCO ICI 'JUST PEACHY'
- PAINTED CONCRETE SIDING ICI 'JUST PEACHY'
- NICHIHA CANYON BRICK 'SHALE BROWN'

SINGH'S FOODSERVICE, INC.

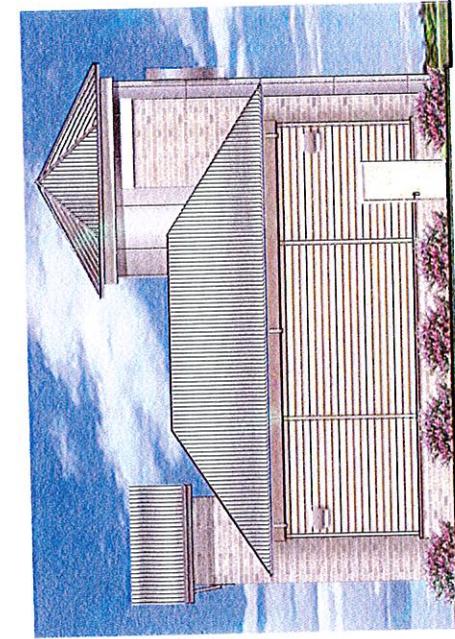
PROPOSED  
BUILDING ELEVATIONS  
LOT 63  
FRONTAGE RD. AT GRANT AVE  
WINTERS, CALIFORNIA



Designers • Engineers • Surveyors



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION

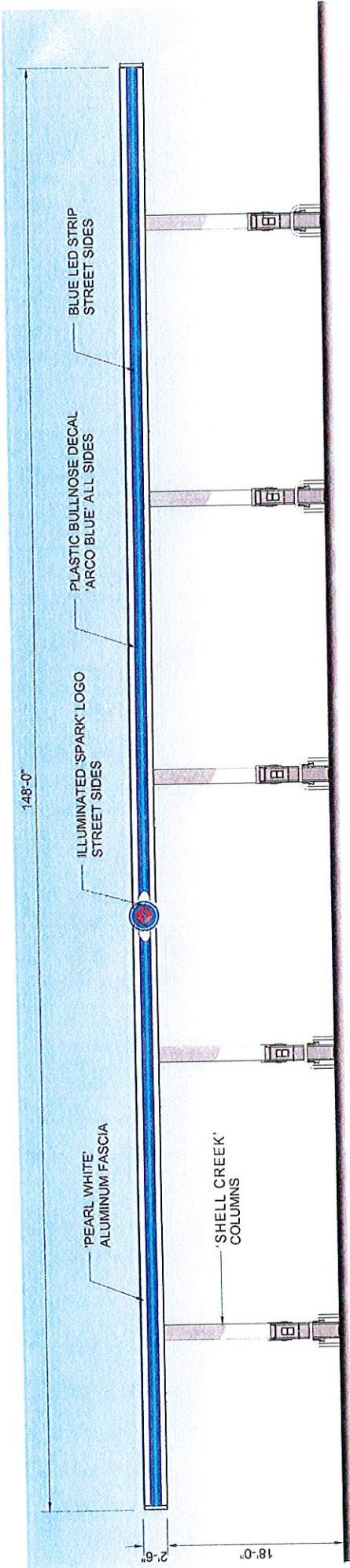
-  STANDING SEAM METAL ROOF
-  ILLUMINATED RED PARAPET BAND
-  PAINTED FASCIA ICI 'PADRE ISLAND'
-  CLEAR VISION GLASS CLEAR ALUMINUM MULLIONS
-  METAL PANELS
-  WINDOW TRIM ICI 'SHELL CREEK'
-  PAINTED STUCCO ICI 'JUST PEACHY'
-  PAINTED CONCRETE SIDING ICI 'JUST PEACHY'
-  NICHIIHA CANYON BRICK 'SHALE BROWN'

**SINGH'S FOODSERVICE, INC.**

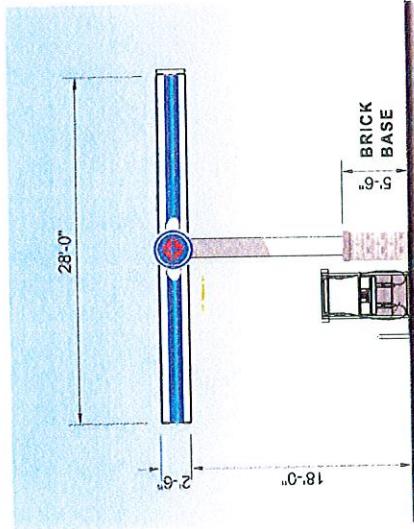
**PROPOSED BUILDING ELEVATIONS**  
**LOT 63**  
**FRONTAGE RD. AT GRANT AVE**  
**WINTERS, CALIFORNIA**

 **Milestone Associates**  
 INCORPORATED  
 Designers • Engineers • Surveyors

# EXHIBIT 6



FRONTAGE ROAD ELEVATION



GRANT AVE. ELEVATION

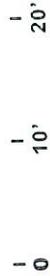
PROPOSED GAS CANOPY

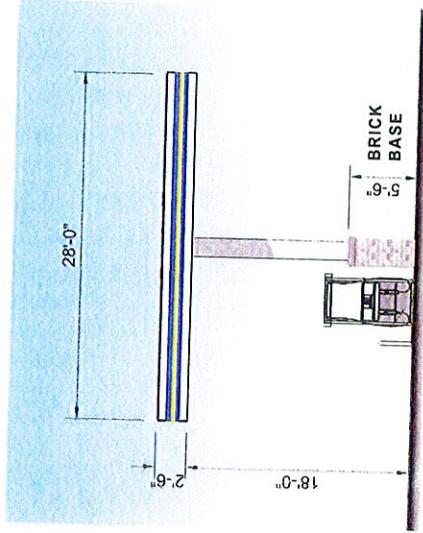
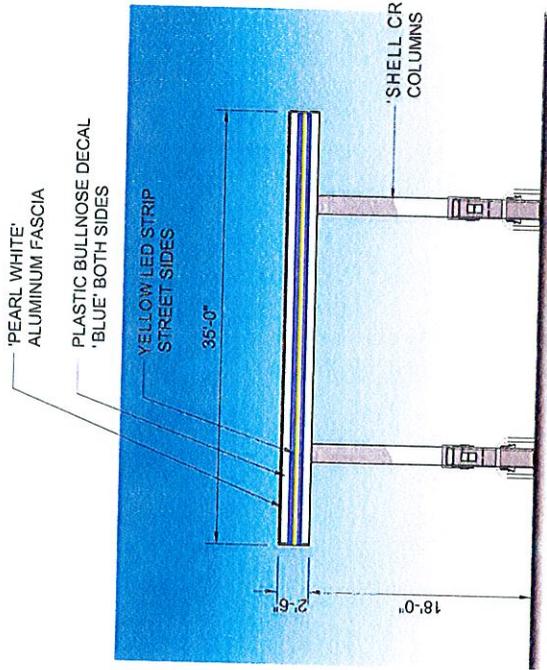
LOT 63  
 FRONTAGE RD. AT GRANT AVE  
 WINTERS, CALIFORNIA

SINGH'S FOODSERVICE, INC.



6/22/10





I - 5 0 5 ELEVATION

SINGH'S FOODSERVICE, INC.

PROPOSED TRUCK FUELING CANOPY

LOT 63  
FRONTAGE RD. AT GRANT AVE  
WINTERS, CALIFORNIA

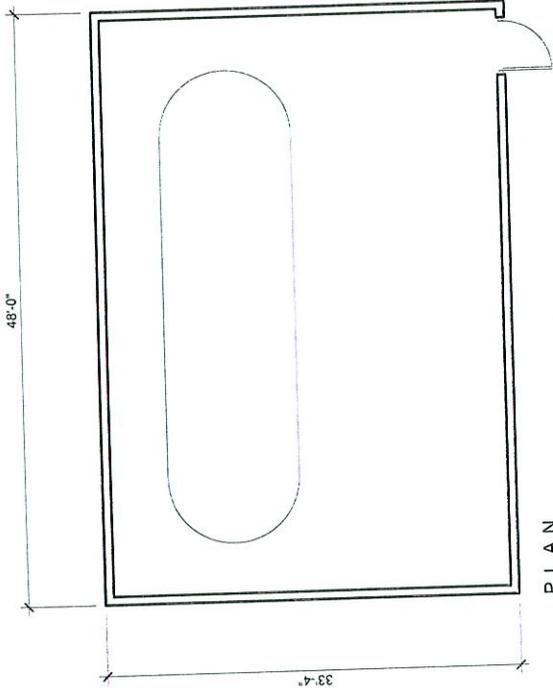
6/22/10

0 10' 20'

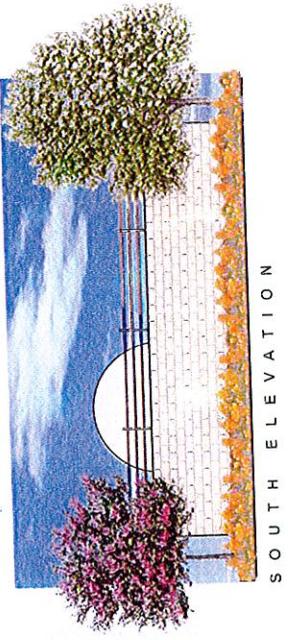


Milestone  
Associates  
INCORPORATED  
*Designers • Engineers • Constructors*

# EXHIBIT 7

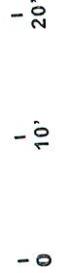


PLAN  
1/8" = 1'-0"



-  METAL RAILING  
PAINTED BLACK
-  INTEGRAL COLOR CMU  
'EARTHSTONE'  
COMPLIMENTARY TO  
BUILDING
-  PAINTED METAL DECKING  
GATES AND POSTS  
'EARTHSTONE'  
COMPLIMENTARY TO  
BUILDING

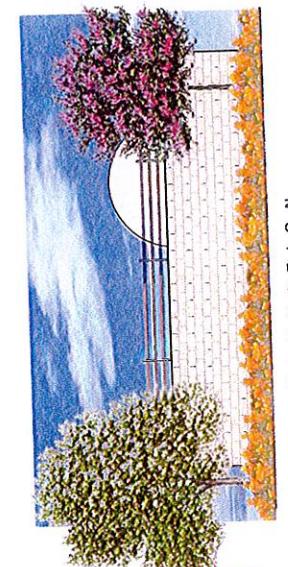
SINGH'S FOODSERVICE, INC.



PROPOSED  
FUEL TANK ENCLOSURE

PARTIAL RETAINING WALL ELEVATION

LOT 63  
FRONTAGE RD. AT GRANT AVE  
WINTERS, CALIFORNIA  
6/27/10

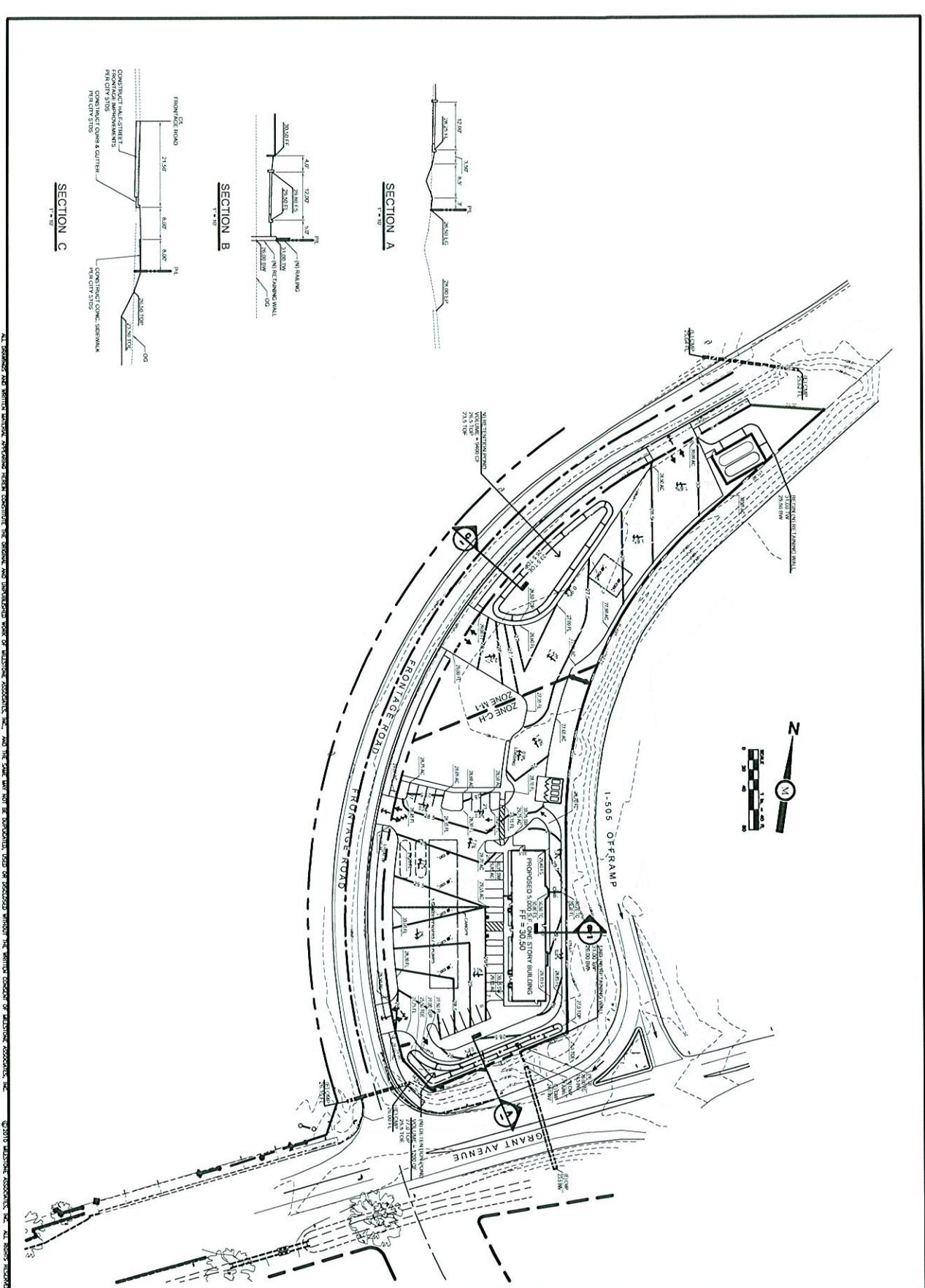


# EXHIBIT 8





# EXHIBIT 9



**PRELIMINARY GRADING PLAN**

**WINTERS RETAIL CENTER**

LOT 63  
FRONTAGE ROAD 90V  
WINTERS, CALIFORNIA  
SINGH'S FOODSERVICE, INC.

**Milestone Associates Incorporated**

Development • Architecture

300 KUMON LANE, SUITE 20  
1004 1ST, OAKLAND, CALIF. 94612  
TEL: 508-725-1100  
FAX: 508-725-0557

DAVID A. WARDEN, P.E.  
DICKENSHEIM WARDEN

STAMP: [Professional Engineer Seal]

**REVISIONS**

No.	Description	Date

DATE: 06-26-10

SCALE: 1" = 40'

DRAWN BY: MAI

JOB NUMBER: 09-759

SHEET: DD1.1

ALL DIMENSIONS AND VERTICAL ALIGNMENT SPECIFIED HEREIN CONSTITUTE THE DESIGN AND UNDERSTANDING WORK OF MILESTONE ASSOCIATES, INC. AND THE SAME MAY NOT BE SUPERSEDED, USED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF MILESTONE ASSOCIATES, INC.

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DATE: 06-26-10

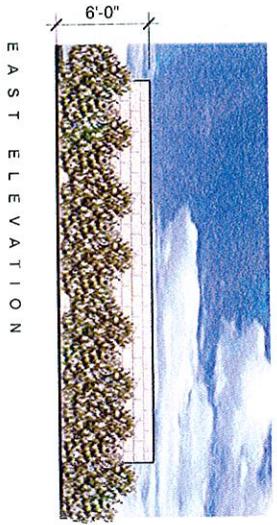
SCALE: 1" = 40'

DRAWN BY: MAI

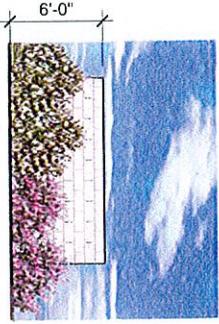
JOB NUMBER: 09-759

SHEET: DD1.1

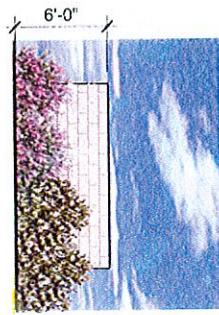
# EXHIBIT 10



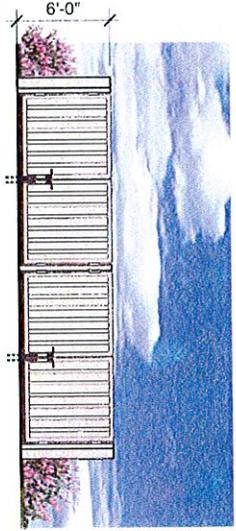
EAST ELEVATION



NORTH ELEVATION

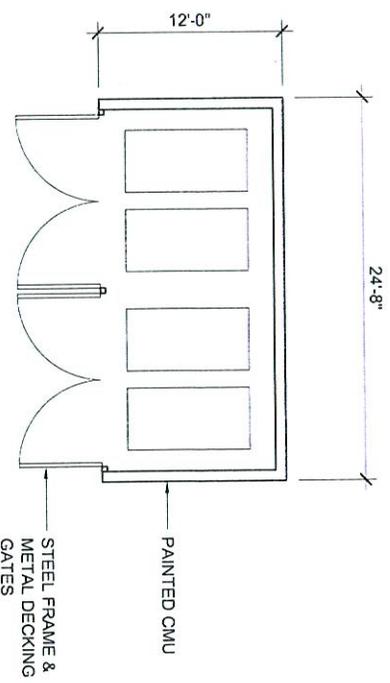


SOUTH ELEVATION



WEST ELEVATION  
1/8" = 1'-0"

- INTEGRAL COLOR CMU COMPLIMENTARY TO BUILDING
- PAINTED METAL DECKING GATES AND POSTS
- 'EARTH-TONE' COMPLIMENTARY TO BUILDING



PLAN  
1/8" = 1'-0"

**REFUSE AND RECYCLING ENCLOSURE  
PLAN AND ELEVATIONS**

**LOT 63  
FRONTAGE RD. AT GRANT AVE  
WINTERS, CALIFORNIA**

6/27/10

**SINGH'S FOODSERVICE, INC.**



# EXHIBIT 11



Symbol	Qty	Label	Arrangement	Lumens	LLF	Description
□	16	SE	SINGLE	12600	0.750	SE3615-M-150W PSMH
●	1	CF2B	2 @ 90 DEGREES	99000	0.650	CF3499-M-1000W MH
◆	8	CF2A	2 @ 90 DEGREES	99000	0.650	CF3499-M-1000W MH

EQUIPMENT LIST	CATALOG NUMBER	DESCRIPTION
LABEL	9	P34S25STBZ
POLE	9	PB-244
TENON	9	25 X 4" SQ. STEEL POLE TWIN IN-LINE TENON

Luminaire Schedule - GAS CANOPY - ISI INDUSTRIES	Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	Total Watts
□	10	D	SINGLE	2400	0.950	CR0-F0-LED-30-CW-UE	50	
◆	12	E	SINGLE	9242	0.950	CR02-S-LED-100-CW-UE	115	

POLES & FIXTURES MEET OR EXCEED IESNA RECOMMENDED MOUNTING HEIGHTS FOR SPECIFIED EQUIPMENT

**"CF3499-M"**

20 DIAMETER  
TYPICAL  
MIN. 21.00" DIA.

ADJUSTABLE  
FITTING

POLE HEIGHT - 25'

MIN. HEIGHT - 2'

Buyer/Job	Scale	Revision #	Revision Date	Layer/By/Date
DW-1010	1/8" = 1'-0"	1	02/08/09	
Drawn by	Checked by	Designed by		

Source: BENTON & BOWLES

Foundations calculated at grade unless noted otherwise.

Parameter	Area	Perim	Min	Max	Average	Height
GRABCE	4.32	38.6	0.1	4.320	386.00	

Model: RLUDD  
Height: 25.00 ft  
Area: 4.32 sq ft  
Perim: 38.6 ft  
Min: 0.1 ft  
Max: 4.32 ft  
Avg: 386.00 ft

USA Patent # 6,022,700  
CAN PAT # 2,668,111  
CAN PAT # 2,668,112

**BURGER KING** **ARCO** **AMPM**

**WINTERS RETAIL CENTER**

LOT 83  
FRONTAGE ROAD 90V  
WINTERS, CALIFORNIA  
SINGH'S FOODSERVICE, INC.

DATE: 4/5/10  
SCALE: 1" = 30'-0"  
DRAWN BY: RUDD  
JOB NUMBER: 09-759

REVISIONS	No.	Description	Date

STAMP

REGISTERED PROFESSIONAL ENGINEER  
JULIO J. MALABO  
No. C 4254  
Civil  
State of California

JULIO J. MALABO  
Professional Engineer  
No. C 4254  
Civil  
State of California

**Milestone Associates INCORPORATED**

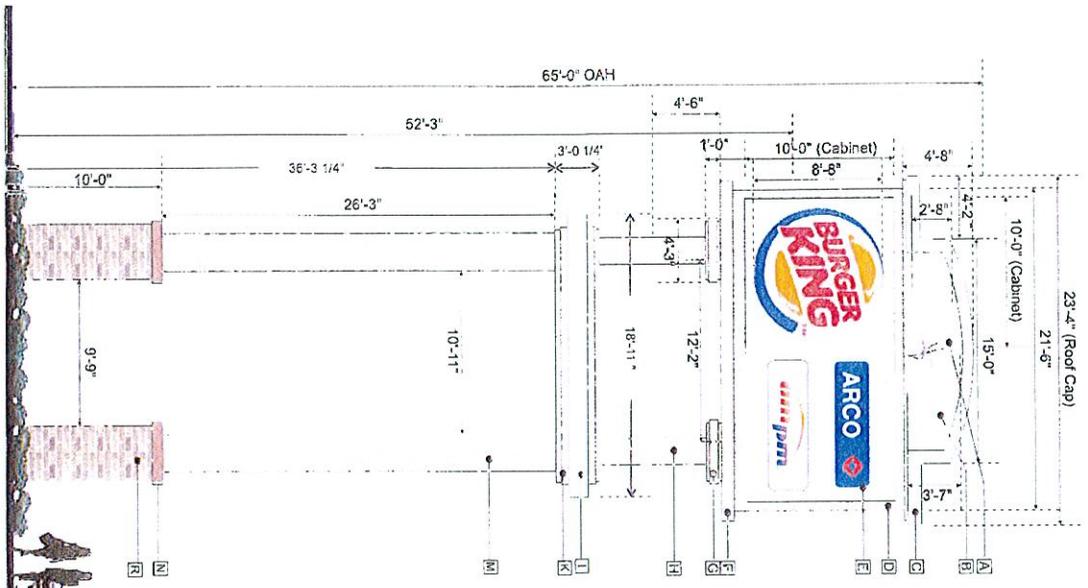
Designers • Engineers • Surveyors

900 KUMAR LANE, SUITE 85  
VISTA DEL CERRILLO, CALIFORNIA 92083  
TEL: 520-725-4100  
FAX: 520-725-4050

DD1.3

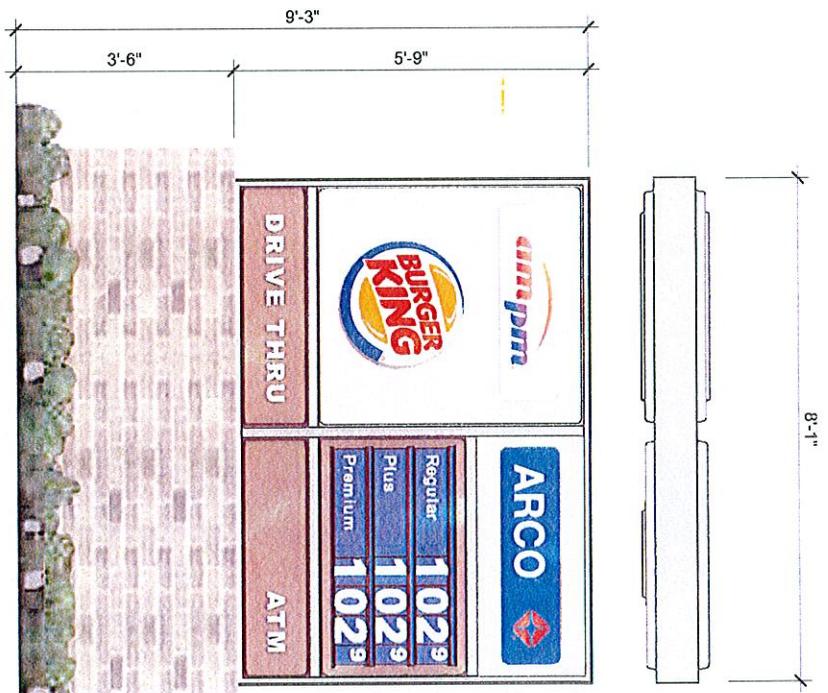
ALL DIMENSIONS AND WEIGHTS UNLESS OTHERWISE SPECIFIED ARE IN METRIC UNITS. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

# EXHIBIT 12



**FREEWAY MONUMENT SIGN**  
SCALE: 1/8" = 1'-0"

- A 1/4" FCO (Plastic) Logo
- B 1/4" Decorative FCO Plastic Panels
- C Aluminum Painted Cap Color (TBD) (Med Tex Coat)
- D Aluminum Painted Pole Cover (TBD) (Med Tex Coat)
- E Para Flex Sign Face Cabinet with 2-1/2" Retainers Customer to Provide Proper Arwork
- F Aluminum Painted Cap Color (TBD) (Med Tex Coat)
- G Decorative Aluminum Painted Caps Color (TBD) (Med Tex Coat)
- H Aluminum Pole Covers Painted Color (TBD) (Med Tex Coat)
- I Decorative Aluminum Painted Caps Color (TBD) (Med Tex Coat)
- J Aluminum Pole Covers Painted Color (TBD) (Med Tex Coat)
- K Aluminum Pole Covers Painted Color (TBD) (Med Tex Coat)
- L Aluminum Pole Covers Painted Color (TBD) (Med Tex Coat)
- M Aluminum Pole Covers Painted Color (TBD) (Med Tex Coat)
- N Decorative Aluminum Painted Caps Color (TBD) (Med Tex Coat)
- O Brick Cad Base



**PROJECT MONUMENT SIGN**  
SCALE: 1/2" = 1'-0"

**PROPOSED SIGNAGE**

LOT 63  
FRONTAGE RD. AT GRANT AVE  
WINTERS, CALIFORNIA

REV 6/22/10



**Milestone  
Associates**  
INCORPORATED  
Designers • Engineers • Surveyors

# ATTACHMENT C

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – Sacramento Area Office  
2800 GATEWAY OAKS DRIVE, MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 263-1796  
TTY (530) 741-4501



*Flex your power!  
Be energy efficient!*

January 7, 2010

09YOL0030  
03-YOL-505 PM 9.718  
Burger King/Union 76 Station  
Application

Ms. Nelia Dyer, AICP  
City of Winters  
318 Winters Street  
Winters, CA 95694

Dear Ms. Dyer:

Thank you for the opportunity to review and comment on the Burger King/Union 76 Station. The proposed project consists of a co-brand fuel station (convenience store and fast food restaurant) inside a 5,000 square foot building, five (5) gas pumps to serve 10 vehicles, a carwash, and parking to serve up to 39 automobiles and 4 recreational vehicles. The project is located near Interstate 505 (I-505) and immediately north of State Route (SR) 128 (aka Grant Avenue). Our comments are as follows:

- A Traffic Impact Study (TIS) should be completed and include an analysis of impacts to the State Highway System (SHS). The TIS should include I-505, and SR 128 at a minimum. The TIS should consider all possible traffic impacts to all ramps, ramp intersections, and mainline segments. The "Guide for Preparation of Traffic Impact Studies" can be found on our website at: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/>. The TIS should use a Select Zone Analysis to identify trip distribution of the proposed project on the SHS. We would appreciate the opportunity to review and comment on the scope of the TIS before the Study begins.
- If the TIS identifies impacts, mitigation should be provided. Potential mitigation measures could include fair share funding for previously identified SR 128 improvements, and off-highway projects that reduce the impact to less-than-significant.

- The City has previously recognized the need to realign County Road (CR) 90. The State Route (SR) 128/CR 90 intersection is less than 300 feet from the southbound I-505 off-ramp. The potential increase in traffic, due to the project, will trigger the need for improvements at the ramp intersection. The need to restrict movements at CR 90 will be necessary if CR 90 is not realigned further away from the I-505 off-ramp.
- An Encroachment Permit will be required for any work conducted in the State's right of way such as sign placement, traffic control, light installation, culvert maintenance, drainage pattern changes, or sidewalk installation. For more information on Encroachment Permit requirements or to secure an application contact the Encroachment Permits Central Office at (530) 741-4403.

Please provide our office with copies of any further actions regarding this development. If you have any questions regarding these comments, contact Arthur Murray at (916) 274-0616.

Sincerely,



ALYSSA BEGLEY, Chief  
Office of Transportation Planning – South

# ATTACHMENT D

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, JANURARY 26, 2010**

Chairman Neu called the meeting to order at 6:30 p.m.

**PRESENT:** Commissioners Cowan, DeVries, Guelden, Martinez, Meisch,  
Tramontana, and Chairman Neu

**ABSENT:** None

**STAFF:** City Manager John Donlevy, Community Development Director  
Nelia Dyer, Contract City Attorney Laura Hollander, Housing  
Programs Manager Dan Maguire, Administrative Assistant Jenna  
Moser

Commissioner Cowan led the Pledge of Allegiance.

**CITIZEN INPUT:**

Albert Vallecillo, 210 Main Street, spoke about the uniqueness of Winters and voiced that he would like to see the Commission re-examine the zoning of the Gateway area.

Eric Doud, 15 Main Street, added that he would like to see the Commission re-examine the zoning of the Gateway area, and suggested a possible agricultural buffer area there.

Janice Koch, 26378 County Road 34, read a letter from Mike McCoy concerning the cumulative impacts of developing the Gateway area.

Don Hutchins, 26778 County Road 34, requested the Commission to consider bike/pedestrian access to the Gateway area.

**COMMUNICATIONS:**

**Staff Reports:**

Community Development Director Dyer noted that the Code Enforcement Ordinance as well as a public hearing regarding the Public Improvement and Maintenance Agreement for Orchard Village would be on the February 2, 2010 City Council Agenda. On February 3<sup>rd</sup>, the next Winters Community Roundtable meeting will be held at the Library. On February 4<sup>th</sup>, the first community meeting for the Grant Avenue Corridor Complete Streets project will be held at the Community Center.

**Commission Reports:** None

**CONSENT ITEM**

Approve minutes of the November 24, 2009 regular meeting of the Planning Commission.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, JANUARY 26, 2010**

**Motion by Commissioner Guelden, Second by Commissioner Meisch to approve the minutes for the November 24, 2009 meeting of the Planning Commission. Motion carried with the following roll call vote:**

**AYES:** Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DISCUSSION ITEM**

**A. PUBLIC HEARING AND CONSIDERATION OF A DESIGN REVIEW APPLICATION SUBMITTED BY THE WINTERS CHAMBER OF COMMERCE FOR THE PROPOSED TILE MOSAIC ON THE PUBLIC RESTROOM FACILITY AT ROTARY PARK (Continued from the November 24, 2009 meeting)**

A Public Hearing to consider a Design Review application for the proposed tile mosaic on the public restroom facility at Rotary Park. This project is exempt from environmental review under State CEQA Guidelines Section 15301 that applies to minor alterations to existing structures.

Community Development Director Dyer provided an overview of the staff report, background, and conditions of approval. Ms. Dyer also briefly described the requirements under the Public Art Policy & Procedures.

Howard Hupe, representing the Chamber of Commerce, explained the minimum maintenance for the artwork. Commissioner Martinez asked whether maintenance included the removal of graffiti from the artwork. Mr. Hupe responded that no, it does not, but the Chamber is willing to work with the City.

Commissioner Martinez asked about the flow of the artwork from side to side, around the corner of the building. Rebecca Bresnick-Holmes, owner of the Clayground, added that what is shown in the drawings presented at the meeting is not what is going to be on the building; it is just a representation of colors and basic design.

Commissioner Cowan asked about condition #7, which states that the Planning Commission will review the mosaic after 5 years. Commissioner Cowan stated that according to the description of the mosaic application to the restroom facility, the exterior of the facility needs to be ground down. If the mosaic were removed after 5 years, it would expose an altered surface.

Chairman Neu opened the Public Hearing at 7:05PM.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, JANUARY 26, 2010**

Eric Doud, 15 Main Street, asked why the design wasn't continued around the entire building. Ms. Bresnick-Holmes stated that they did not have the money to create a mural for the entire facility.

Lanette McClure, 26002 Venado Drive, added that she likes the idea of local artists and would like to see more public art.

Mr. Hupe echoed Ms. McClure's comments, stating that the Chamber would like to see more public involvement in art, and he likes the work that staff has done on the draft public art policy and procedures.

Chairman Neu closed the Public Hearing at 7:09PM.

Commissioner Martinez suggested the amendment of the condition regarding deviation from the drawings to approval by the Community Development Director, not the Planning Commission. The Commissioners concurred.

**Motion by Commissioner Cowan, Second by Commissioner Tramontana to approve the Design Review application with an amendment submitted by the Winters Chamber of Commerce for the proposed tile mosaic on the public restroom facility at Rotary Park.**

**AYES:** Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**B. PUBLIC HEARING AND CONSIDERATION OF A DESIGN REVIEW/SITE PLAN APPLICATION SUBMITTED BY PACIFIC WEST COMMUNITIES FOR A PERIMETER FENCE FOR THE ORCHARD VILLAGE PROJECT ON RAILROAD AVENUE NORTH OF GRANT AVENUE (APNs 003-360-051 and 003-360-181)**

This item continued to the February 23, 2010 meeting of the Planning Commission.

**C. PUBLIC HEARING AND INFORMATION ITEM – PROPOSED BURGER KING RESTAURANT AND UNION 76 FUEL STATION AT EAST GRANT AVENUE (SR 128) AND COUNTY ROAD 90 (APN 038-050-063)**

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, JANUARY 26, 2010**

A Public Hearing and Information Item to receive feedback from the Planning Commission and the Public on proposed Burger King Restaurant and Union 76 Fuel Station at East Grant Avenue (SR 128) and County Road 90.

Ms. Dyer provided an overview of the staff report, reminding those in attendance that this is an informational item, and that no decisions would be made on the project tonight. The purpose of the item is to receive feedback from the Commission and community members. Ms. Dyer also outlined what the Commission can consider at Design Review.

Mr. Julio Tinajero of Milestone & Associates, representing the applicant, moved to the podium. Chairman Neu asked if the applicant had reviewed other recent Winters business designs. Mr. Tinajero responded that he had reviewed the designs and had revised the concept of the co-brand incorporating Winters Design Guidelines and designs of recently approved or constructed buildings in Winters.

Commissioner Tramontana suggested the project incorporate more trees and landscaping to screen the eastern elevation, downplay the signage, and consider locating the retention pond to a more natural drainage area of the site. Mr. Tinajero responded that in talks with the City staff, they are considering moving the retention pond to the southern area of the site. Commissioner Tramontana also suggested using alternative sign types, perhaps a waterwheel or water tower type design, and encouraged the businesses in the building to display Winters brochures and merchandise as well as a video showing images of Winters and promoting the Downtown (similar to the Chamber of Commerce storefront on Main Street).

Commissioner DeVries asked if the red band on the building would be illuminated. Mr. Tinajero responded yes, it is proposed to be illuminated. The red band and the blue awnings are strong identity features of a Burger King restaurant, and the applicant would like to incorporate those key identity features. Commissioner Neu asked if Burger King had ever built a restaurant without those features. Mr. Tinajero responded yes, but the applicant is not willing to give those up immediately, but will work with the City.

Commissioner Guelden asked if the hours of operation had been established. Mr. Tinajero responded that hours had not been determined.

Commissioner Martinez asked if there are examples of this co-brand in Yolo County that the applicant had worked on. Mr. Tinajero responded that there are examples in Esparto, Yuba City, Stockton, and Dunnigan. He added that a list would be forthcoming.

Commissioner Martinez suggested that the signage and the building be more consistent and complementary with one another. Commissioner Martinez also

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asked how many gas pumps would be at the station. Mr. Tinajero responded that there would be 5 islands.

Commissioner DeVries asked about the height of the monument and site signs. Mr. Tinajero responded that the monument sign is 65 feet high. Commissioner DeVries also asked about the flatness of the east elevation. Mr. Tinajero replied that the east elevation has the drive-thru, and that they added some architectural elements to try to break up that side.

Chairman Neu stated that the building needs to better represent the agricultural nature of our community.

Commissioner Guelden added that the addition of the City logo on the monument sign did little to help it and does not work.

Commissioner Cowan likes the idea of planters alongside the exterior walls, some metal trellises with vines could soften the walls. Commissioner Cowan is not in support of the illuminated red band.

Commissioner Martinez asked about the lighting on the monument and exterior signs. Mr. Tinajero responded that they are internally lit signs, similar to the Chevron sign. Commissioner Martinez stated that she does not think the design of the monument sign adheres to the Design Guidelines, but complimented the applicant on the site design and traffic access. Commissioner Cowan echoed the statement and liked the site layout on the frontage road.

Commissioner Tramontana asked about what kind of fuel tanks the station would use. Mr. Tinajero responded that they plan to install above ground tanks on the North side of the site with attractive screening.

Commissioner DeVries asked about the elevations of the car wash and fueling canopy. Mr. Tinajero replied that the applicant does not have drawings for that yet, but would be forthcoming.

Commissioner Neu opened the Public Hearing at 7:54PM.

Eric Doud, 15 Main Street, stated that there is no specific plan for commercial zoning in Winters and would like to see that, he does not like seeing this area developed in a piecemeal fashion, does not like the pollution this kind of development causes, and expressed concern over the cumulative impact of more than one project. Ms. Dyer responded that staff is looking at this area as a whole. Mr. Doud added that he would prefer using new guidelines, not the Design Guidelines, and asked if a re-zone would be required. Ms. Dyer responded that upon receiving the rest of the application and determining its completeness, other entitlements may be required. Mr. Doud is not in favor of pre-packaged designs, added that the site needs more pedestrian access, would

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like to see a street cross section, mitigation for trash created by this business, and a limit to the number of fast food restaurants in town.

Shaunie Briggs, 822 Railroad Avenue, is most concerned about visitors' "first view" of Winters as they enter town, and would like to see reflections of Winters' agricultural nature. Ms. Briggs stated that she thinks the sign looks "bad". Ms. Briggs added that while we vote with our dollars, the mass of packaging of the food served creates waste and a higher cost of this kind of eating. Ms. Briggs spoke against confined animal raising, the emissions created by confined animal raising, and stated that Burger King does not have sustainable business practices. Ms. Briggs would like to encourage business in town. Ms. Briggs spoke against the food mart, stating that food marts typically do not sell healthy food, and would like to see healthy food there along with Winters brochures and promotion materials as suggested by Commissioner Tramontana.

Kevin Jackson, 806 Carrion, asked if the developers were going to pay flood control fees. Ms. Dyer responded that the project is located in the flood overlay zone, and the project would be required to pay fees. Mr. Jackson stated that he has seen the same monument sign elsewhere. Mr. Jackson also expressed his concerns regarding traffic in and out of the site, the traffic controls there, and would like to see signage for downtown business there as well.

Lisa Gaynes, 25928 Venada Drive, thanked the community for going to the first Winters Roundtable meeting. Ms. Gaynes is concerned about the impacts of this development on the whole community, and with the infrastructure out there, she expressed that it means there is more to come. Ms. Gaynes does not think that the City has relevant information regarding environmental issues that did not exist in 1992 and suggests more studies be conducted.

Kate Laddish, 400 Morgan #6, stated that she wants to see elevations of both the fueling canopy and the car wash, does see a disconnect between this proposal and the work downtown, supports alternative materials and more native looking stone, supports an alternative monument sign type such as a waterwheel or water tower, and voiced concern about the project's effect on the night sky and light pollution.

Jeff Hessemeyer, 9 Anderson, stated that he came and settled in Winters because it is diverse and tolerant – images of fast food and gasoline are not something he is proud of. Mr. Hessemeyer added that Commissioners need to hang onto Winters values; the Gateway area of town is a symbol of our values, and would support a non-corporate development.

Lanette McClure, 26002 Venado Drive, stated that the building should reflect the cultural and agricultural landscape, and the current design does not do that. Ms. McClure stated that Winters is not like other towns and does not want to be like other towns; Winters can do better.

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Mitch Korcyl, 404 Creekside Way, stated that he does not believe the applicant is prepared tonight. Mr. Korcyl stated he is not in favor of the amount of traffic this is going to create and the impact of two monument signs. Mr. Korcyl would like to see the addition of alternative energy elements and the removal of the car wash. He added that Burger King is not sustainable and creates litter. Debra DeAngelo, 220 White Oak, does not support the City logo or 'welcome to winters' on any Burger King monument signs.

Jeff TenPas, 24 E Main, does not like the monument sign plans, the amount of impervious surfaces, the lack of outdoor eating, and feels the plan is too much for the lot size.

Brannon Gillespie, 216 E Baker, would like the Commission to consider the future implications of residences on that side of town or nearby, and does not support a drive-thru.

Ana Kormos stated she is opposed to the project because of the public health implications of fast food.

Cathy Cowan, 106 Third Street, stated she is not really fond of fast food, but she likes plan #B with a few modifications. Mrs. Cowan stated that construction employment and the operating employment generated by this project would be great for the community. There are not many places for the youth of Winters to work, and this business would keep more kids in town.

Shaunie Briggs, 822 Railroad, provided a list she compiled of healthy living websites, books, and movies and provided it to the Commissioners, and also mentioned the new community website [www.winters.ca.ning.com](http://www.winters.ca.ning.com).

David Flory, 1627 Inverness, stated that other communities recognize Winters as a gem in the area, encouraging Commissioners to not lose their identity, considering all that has been said by the public, "Make it your way."

Paul Underhill stated the project simply will not happen if you go by the General Plan and Design Guidelines.

At 8:48, Chairman Neu closed the Public Hearing.

Commissioner Cowan asked if the parcel had 2 different zoning designations. Ms. Dyer responded yes.

Commissioner Meisch asked about an EIR timeline. Ms. Dyer responded that the need for an EIR has not been determined, the application is not complete.

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Commissioner Tramontana asked in what case can the Commission deny the application. Ms. Dyer responded that in the case that the Commission denies the project, findings would need to support the denial and would need to be based on the subject entitlements.

Commissioner Guelden stated he liked the sign, without the logo or the "Welcome to Winters", but the design had no appeal at all.

Commissioner Cowan stated that adding solar would be a good idea; the public wouldn't see it and it would be hidden on the flat portion of the roof. He added that CalTrans grant is handling traffic on Grant Avenue, plus the City Engineer has to provide input on the matter of traffic. He also mentioned that the City has no money to update the General Plan, and that we need to be careful to not duplicate what is in downtown; it needs to stand on its own. He added that car washes recycle water, so water waste is not an issue. He concluded by stating that this town needs the money or this town will go bankrupt and die.

**COMMISSION/STAFF COMMENTS:**

Commissioner Martinez asked for direction from staff as to how to address the concerns of citizens tonight who spoke on items not listed on the agenda. City Manager Donlevy stated that traffic studies had been updated with the residential developments a couple of years back, that cumulative effects were addressed with the Winters Highlands development, circulation was included in the Grant Access Study. He also mentioned that the CalTrans workshops coming up will talk about impacts to this area specifically, and that traffic numbers are available in the Grant Ave Access Study. City Manager Donlevy stated that there are many opportunities for community involvement on the Caltrans Complete Streets Planning Process.

Community Development Director Dyer responded that she will look into the issues and bring back to a future meeting.

The meeting was adjourned at 9:20 p.m.

**ATTEST:**

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Jenna Michaelis, CDD Admin

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Pierre Neu, Chairman