

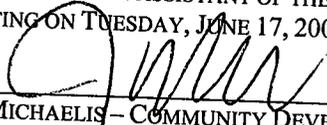
CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, June 24th, 2008 @ 7:30 PM  
City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 795-4910 #112  
Email: [jen.michaelis@cityofwinters.org](mailto:jen.michaelis@cityofwinters.org)

Chairman: Albert Vallecillo  
Vice Chairman: Pierre Neu  
Commissioners: Joe Tramontana, Wade Cowan,  
Bruce Guelden, Corinne Martinez, Glenn DeVries  
Administrative Assistant: Jen Michaelis  
Community Development Director: Vacant

- I CALL TO ORDER 7:30 PM
- II ROLL CALL & PLEDGE OF ALLEGIANCE
- III COMMUNICATIONS:
  - 1. Staff Reports  
Current Projects List
  - 2. Commission Reports
- IV CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. NOTICE TO SPEAKERS: Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.
- V CONSENT ITEM  
Approve minutes of the May 27, 2008 regular meeting of the Planning Commission.
- VI DISCUSSION ITEMS:
  - 1. Central Valley Coalition for Affordable Housing Multifamily project- Preliminary Site Plan Review & Project Density - Orchard Village
  - 2. Valadez General Plan Amendment/Rezone
  - 3. Food Mart Conditional Use Permit
- 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 TUESDAY, JUNE 17, 2008.

  
JEN MICHAELIS - COMMUNITY DEVELOPMENT 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".

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

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

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE



**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of June 18, 2008**  
**(530) 795-4910, extension 112, [www.cityofwinters.org](http://www.cityofwinters.org)**

<b>PROJECT</b>	<b>DESCRIPTION &amp; PROCESS</b>	<b>LAST ACTION</b>	<b>NEXT ACTION</b>
(1) Winters Highlands, Granite Bay Holdings, LLC, Larry John (916) 960-1656	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	Planning Commission approved Design Review for Phase I residences on June 26, 2007.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(4) Creekside Estates, Lynda Fletcher (530) 902-4288	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	Planning Commission approved Tentative Subdivision Map on November 23, 2004.	Applicant submittal of Final Map and Improvement Plans.
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council at its January 15, 2008 meeting took final action by approving the Rezone Ordinance.	Applicant submittal of Final Map and Improvement Plans.

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(8) Winters II, Community Housing Opportunities Corporation, Ben Rosen (530) 757-4444	Proposal to develop 34-unit apartment complex for low- and very low-income households at 110 East Baker Street.	City issued certificate of occupancy for units and community center on December 18, 2007.	Project complete for City.
(9) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506	Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.	Applicant declined option to purchase project property.	Project not active.
(10) Anderson Place, Eva Brzeski (415) 887-9300	Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.	City Council at its June 19, 2007 meeting took final action on the project by approving the project development agreement. Planning Commission recommended amendment of Development Agreement to City Council on 4/22/08. City Council first reading on Development Agreement amendment on 5/20/08. CUP for boat & RV storage, sale & repair approved by Planning Commission on 5/27/08	Amend Development Agreement – City Council hearing 6/3/08. 10 day appeal period for CUP. Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.
(11) Pearse Parcel Map, Thomas Pearse (530) 795-5901	Proposal for 4-unit parcel map at the south end of Third Street.	Planning Commission on October 9, 2007 approved project.	Applicant submittal of Final Map and Improvement Plans.
(12) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855	Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.	City Council on December 18, 2007 approved East Street closure at Grant Avenue and Encroachment Permit for diagonal parking and landscaping on East Baker	Applicant submittal of Final Map, Improvement Plans, and building plans.

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		Street.	
(13) Valadez, Frank Valadez, Trustee, 530-674-5102	Proposal to change General Plan and Zoning designations for the 1.421-acre parcel (APN 003-391-05) located east of the Winters Cemetery from public-quasi-public to residential use.	Circulation of Initial Study.	PC hearing scheduled for 6/24/08.
(14) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000	Proposal to annex 80 acres (APNs 030-210-05 & 08) adjacent to County Road 88 and within the City's General Plan Area.	City issuance of incomplete application letter on February 1, 2008.	Applicant response to City's February 1, 2008 incomplete application letter.
Good Buzz Brewing	Use Permit for a micro-brewery in the Main Street Village retail center.	PC approved use permit 5/27/08	10-day appeal period.
Safe Routes to School	Installation of sidewalks at Winters HS and Waggoner Elementary School	Notice of Exemption filed 5/7/08	City Council hearing on Hemenway St tree removal
Rotary Park Zoning Code Amendment	Amend Zoning Code to allow on-sale liquor establishments within 200-feet of Rotary Park	City Council first reading of ordinance 5/20/08	City Council second reading and adoption of ordinance 6/3/08
Abbey Street Partial Abandonment	Partial abandonment of East Abbey St to allow for Monticello development	PC accepted GP consistency report and recommended to Council 4/22/08	Council hearing tbd once Development Agreement is approved.
Monticello	Mixed use development	Preliminary design review by PC 5/27/08.	Process application
Public Safety Facility	Fire/Police facility		Site/Design review by PC 6/24/08
Winters Putah Creek Nature Park Master Plan	Update to 1995 Master Plan	IS/MND circulated 4/4 to 5/5/08. Planning Commission approved/adopted IS/MND and recommended approval of Master Plan to City Council on 5/27/08	10 day appeal period for Planning Commission actions. City Council hearing on 6/17/08.

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
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**AFFORDABLE HOUSING UNITS**

- Project #1:** 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households.
- Project #2:** 2 units for low-income households.
- Project #3:** 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households.
- Project #4:** 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households.
- Project #5:** 11 units for very low-income households.
- Project #6:** 6 units for moderate-income households.
- Project #7:** Not known whether residential units will be constructed.
- Project #8:** 34 units for very low-income and low-income households.
- Project #9:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.
- Project #10:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.
- Project #11:** Not applicable.
- Project #12:** Not applicable.
- Project #13:** Not known at this time.
- Project #14:** Not known at this time.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, MAY 27, 2008**

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

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

**ABSENT:** None

**STAFF:** City Manager John Donlevy, Administrative Assistant Jen Michaelis, Redevelopment & Economic Development Director/Assistant Executive Director Community Development Agency Cas Ellena, Contract Planning Manager Kate Kelly

Commissioner Guelden led the Pledge of Allegiance.

**COMMUNICATIONS:**

**Staff Report:** City Manager Donlevy noted the Current Projects List, and that staff would request that item number three, the Brezski item, be moved ahead of the Monticello item due to commission conflicts. Commissioners concurred.

**Commission Report:** None

**CONSENT ITEM**

Approve minutes of the April 22nd, 2008 regular meeting of the Planning Commission. Commissioner Neu made a motion to approve the minutes for the April 22nd, 2008 meeting of the Planning Commission. Seconded by Commissioner Tramontana.

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried unanimously.

**DISCUSSION ITEM**

1. Public Hearing To Take Action of Proposed Conditional Use Permit for 9 East Main Street, Suite H for Good Buzz Brewing, LLC

City Manager Donlevy provided an overview of the staff report and wastewater solutions.

Applicant Joe DeAngelo was available via phone and addressed questions about the types of beer that will be available.

Vallecillo opened the public hearing at 7:40PM.

Hearing no comments, the public hearing was closed at 7:40PM.

Commissioners concurred that they really liked the project and looked forward to opening of the business.

Guelden moved to approve Conditional Use Permit for 9 East Main Street, Suite H for Good Buzz Brewing, LLC.

Seconded by Cowan.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, MAY 27, 2008**

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

Motion carried unanimously.

2. Public Hearing and consideration of Conditional Use Permit application (2008-CUP-01) submitted by Eva Brzeski for boat and recreational vehicle storage facility with repair and sales facility located at 723 Railroad Avenue (APN 003-322-20).

Contract Planning Manager Kelly provided an overview of her Staff Report.

Martinez asked if it was 70 or 72 boats.

Kelly replied that it was 72.

DeVries asked if the building would be demolished prior to the use of the parking lot.

Kelly asked the applicant to respond.

Jan Brzeski, project applicant, responded that yes, the building would be demolished.

Vallecillo opened the public hearing at 7:55PM.

Brzeski gave an overview of the landscape plan features and possible boat repair.

Vallecillo closed the public hearing at 8PM.

Neu asked about the timing of construction and landscaping.

Brzeski replied that the construction would occur at the same time as the landscaping.

Neu asked about the tree species and if he would be keeping and pruning the trees.

Brzeski replied that he would keep as many trees as possible, no plans to remove trees.

Cowan moved to approve Conditional Use Permit application (2008-CUP-01) submitted by Eva Brzeski for boat and recreational vehicle storage facility with repair and sales facility located at 723 Railroad Avenue (APN 003-322-20).

Seconded by Martinez.

**AYES:** Tramontana, Martinez, DeVries, Neu, Guelden, Cowan, Vallecillo

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried unanimously.

At this time Martinez recused for the remainder of the meeting. Vallecillo recused himself for the Monticello item.

3. Conceptual (preliminary) Design Review for the Monticello Mixed-Use Development Project

Vice Chairman Neu took the gavel.

Donlevy provided an overview of the Staff Report.

Applicant Karen Ogando presented her slideshow.

Guelden asked if the streetscape is depicted without trees.

Ogando responded that it is depicted without trees so that commissioners can get a better view of the architecture at this time.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
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Tramontana asked if the project would incorporate some solar elements, and voiced concerns about meeting energy code due to the very high ceilings.

Ogando responded that they are looking into it.

John Siracusa, 206 Russell Street, asked if the rear of the building was to be all brick. Ogando responded that the front façade would carry over to the back, so the same on the back as the front.

Guelden stated that this was a bold project.

4. Conceptual Design Review Workshop on Proposed New St. Anthony's Church and Rectory Building (Pastor's Residence) Located at 511 Main Street ( APN 003-120-03). Applicant: St. Anthony's Parish/McCandless & Associates Architecture, Inc

Tramontana recused himself at this time.

Vallecillo returned to the dias.

Kelly gave an overview of her staff report.

Chuck Kelly, pastor, introduced his architect Bill McCandless.

McCandless gave an overview of the project and presented his exhibits.

Guelden asked about the need for a variance with the project.

Kelly stated that it is an option, but they are looking into a Planned Development Overlay to address the problem.

Discussion continued about parking and timing of parking needs throughout the day and week.

Vallecillo added that he liked the scale of the project and that it looked good.

DeVries asked about the number of parking spaces.

Kelly responded that there are 144 outside spaces, and that preliminary analysis indicates that 297 spaces would be required per Winters Municipal Code

Father Kelly provided additional information on the use of the facilities.

5. Public Hearing and Consideration of Winters Putah Creek Nature Park Master Plan and Initial Study and Mitigated Negative Declaration for Winters Putah Creek Nature Park Master Plan/Floodplain Restoration and Recreational Access Project.

Donlevy gave an overview of the staff report and complimented the committee for their hard work and dedication.

Kelly provided an overview of the environmental analysis.

Neu commented that he would like to recognize the committee for their hard work on the project.

Vallecillo opened the public hearing at 9:30PM.

Sally Brown, 24 E. Main read comments from her husband, Jeff TenPas.

David Springer, chairman of the committee, added that he would like to revisit the swimming hole, looking into addressing privately held properties, concerns over noise and security.

Mitch Korcyl, 44 Creekside Way, commended the committee and added that his concern is weather the plan is modest or perfect.

Vallecillo closed the public hearing at 9:45PM.

Susan Stackhouse added that the other weir is just as dangerous for slipping.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
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Sally Brown added that who knows if the plan will produce a swimming hole or fishing. DeVries commented that from personal experience, weirs make swimming holes and fishing holes. He voiced concern over security.

Tramontana and Vallecillo also have concerns over security.

Donlevy added that the improvements provide better access, more eyes on the area than are there currently. This greatly improves security.

Discussion continued regarding the number of truckloads of gravel that would be brought in to rechannel the creek.

Guelden addressed Rich Marovich in the audience and asked about his concerns over erosion during heavy rainfall.

Marovich responded that the same type of rechanneling was done on a portion of Dry Creek in Winters in the past and was very successful in rechanneling without erosion problems during heavy rainfall.

Donlevy suggested that the commission give four items that they would like to see incorporated into the approval.

Neu moved to approve the Initial Study/Mitigated Negative Declaration; adopt the Mitigation Monitoring Plan; recommend the adoption of the Winters Putah Creek Master Plan to City Council; and recommend that the City Council direct to the Winters Putah Creek Committee as part of the implementation of the Winters Putah Creek Master Plan to provide input on the establishment of desired phasing of the plan; prioritization of the implementation; evaluation of both fiscal (monetary) costs and services which will be incurred by the Plan; and recreational opportunities which foster access and the many uses throughout the park area.

Seconded by Guelden.

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

NOES: None

ABSTAIN: Martinez

ABSENT: None

Motion carried unanimously with Martinez abstaining.

**COMMISSION/STAFF COMMENTS:**

DeVries asked about the construction of the bus stop on Grant Ave and visibility/safety issues.

The meeting was adjourned at 11:00 p.m.

**ATTEST:**

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Jen Michaelis, CDD Admin

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Albert Vallecillo, Chairman



**PLANNING COMMISSION STAFF REPORT**  
**June 24, 2008**

**TO:** Chairman and Planning Commissioners

**BY:** Dan Maguire – Housing Programs Manager *DM*

**SUBJECT:** **Discussion Regarding the Central Valley Coalition for Affordable Housing Proposed Multi-family Housing project.**

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**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report, and 2) Provide staff with input on the developer's density reduction request for the project.

**BACKGROUND:**

In the 4<sup>th</sup> Quarter of 2007, the City received a funding assistance request from Central Valley Coalition for Affordable Housing (CVC), which purchased the former Village at the Park site. CVC desires to construct an affordable multi-family rental project (the "Project") at the site (APN #s 003-360-05-1 & 003-360-18-1) located on Railroad Avenue, just south of NC Foliage – 1029 Railroad Avenue, (the "Site"). The Site is approximately 5-acres and is zoned R-4.

At the April 1, 2008 City Council meeting, the City Council & Community Development Agency authorized the submittal of a Community Development Block Grant application under the "infrastructure in support of new housing category", in the amount of \$1,000,000 (one million dollars) for public improvements for the Project. The City Council also directed staff to begin negotiations on an Affordable Housing Loan Agreement with CVC.

On January 28, 2008, the Affordable Housing Steering Committee (AHSC) reviewed and discussed the Project. Overall, they were favorable to the Project. The developer expressed concerns about the project density. The current Zoning Ordinance density range for R-4 is 10-20 dwelling units per acre and would require that the Site be developed in the upper one-quarter of this density range, which would result in a project density of 88 units. The developer indicated the density requirement would result in an

intensity of buildings on the site that would be inconsistent with Winters rural character and would necessitate a higher number of one and two bedroom units. Reduced project density would allow the developer to attain a higher number of larger family size three and four bedroom units. The AHSC agreed with those concerns, felt the project could benefit from a quality over quantity approach, and expressed concerns about adequate space for parking, the lot coverage driven by the higher density requirement and having space available on the site for amenities such as a community room. The AHSC asked staff to investigate if the density for the project could be lowered and still be in compliance with the General Plan Housing Element.

Staff reviewed the proposed density reduction with Assistant City Attorney Steven Rudolph of Meyers Nave, who is preparing a draft of the findings that the Planning Commission will need to make in order to approve the project at the lower density based in part on the community benefit of the increase in family units. Under the 2002 Goals and Policy section of the Housing Element, Policy II.A.6 states "To address the needs of low-income large families, the City shall promote the development of multi-family rental units with three or more bedrooms". Staff also solicited and received positive feedback from Paul Penninger (at the time, Policy Director for the Non-Profit Housing Association of Northern California) and a letter of agreement from Mona Tawatao, Regional Counsel for Legal Services of Northern California.

The applicant is requesting the project be approved at 74 dwelling units, with an increase in family units of 6 3-bedroom units and 4 4-bedroom units (yielding approximately the same number of total bedrooms as the 88-unit project) over the original proposal. The reduction in density would also allow the developer to increase the site amenities, including the addition of a swimming pool and an increase in size of the community building.

**ATTACHMENTS:**

Mona Tawatao (Legal Services of Northern California) letter  
Draft 74 Unit Site Plan

LEGAL SERVICES OF  NORTHERN CALIFORNIA

SACRAMENTO COUNTY OFFICE 515 - 12TH STREET SACRAMENTO, CALIFORNIA 95814

VOICE: (916) 551-2150 FAX: (916) 551-2196

E-MAIL: SACTO@LSNC.NET WEB: WWW.LSNC.NET

SENDER'S E-MAIL: MTAWATAO@LSNC.NET

May 6, 2008

*Sent by U.S. mail and e-mail*

Dan Maguire  
Housing Programs Manager  
Community Development  
City of Winters  
318 First Street  
Winters, CA 95694

Dear Mr. Maguire:

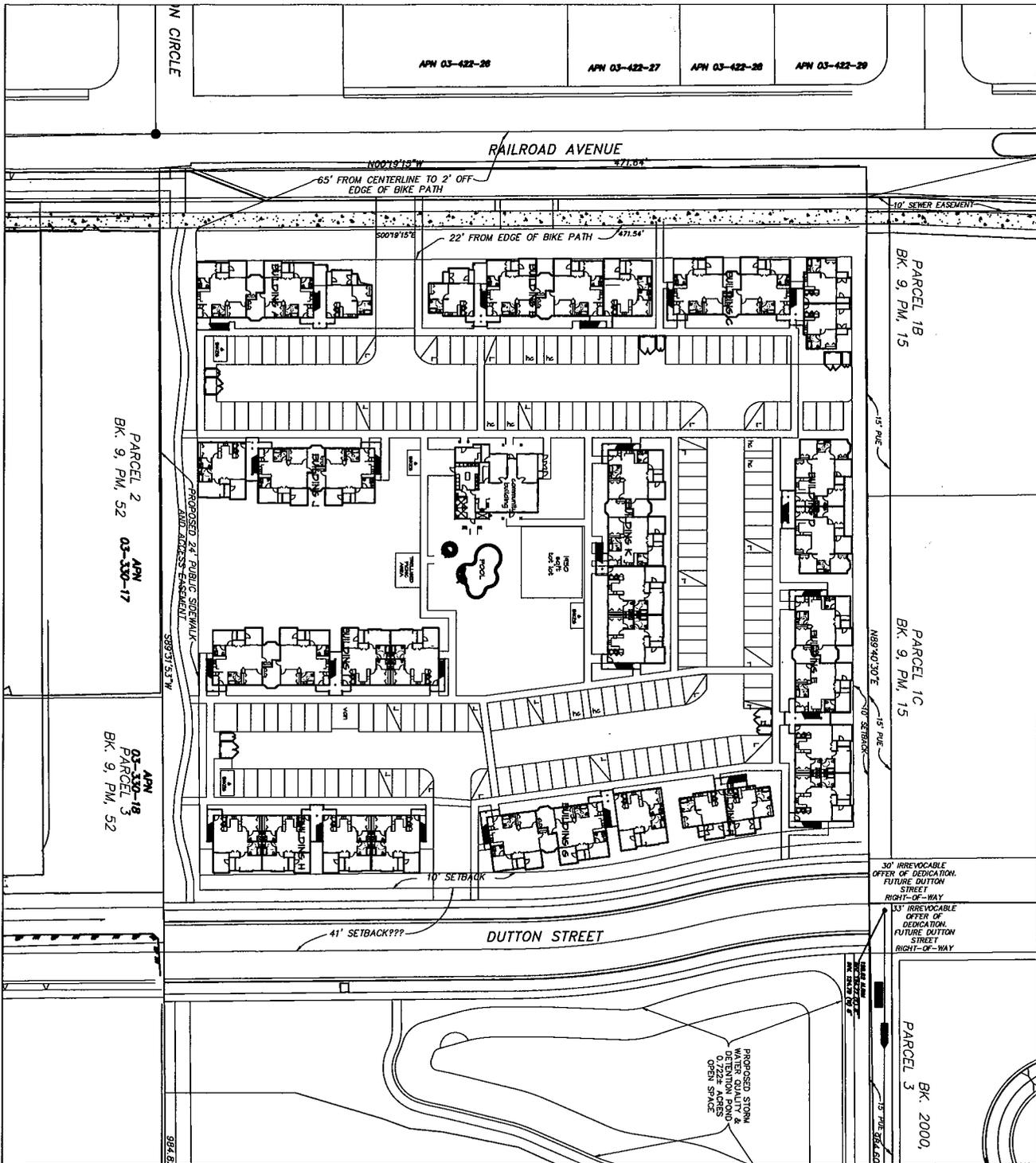
Thank you for informing us of the density reduction proposed by the developer of the Village at the Park proposed development in Winters. Based on the information the City of Winters has provided us thus far, we have no objection to the proposed reduction at this time. We take this position, in part, based on the developer's proposal to include some three and four-bedroom units as part of the development and our assumption that there is a need for such units among Winters' lower-income households, as is the case in many jurisdictions. It would be helpful if you could provide us with any current market studies showing the such a need exists and to any references made to such need in the current housing element.

We reserve the right to review any staff reports prepared for this project in the future and submit subsequent and final comments and/or opinions related to the project accordingly.

Very truly yours,



Mona Tawatao  
Regional Counsel



**DRAFT T4 UNIT SITE PLAN**

- 74 - UNITS, 2 STORY BUILDINGS INCLUDING:
- 4 - 4 BEDROOM/2 BATH UNITS (1850 SQFT)
  - 32 - 3 BEDROOM/2 BATH UNITS (1240 SQFT)
  - 26 - 2 BEDROOM/2 BATH UNITS (1050 SQFT)
  - 12 - 1 BEDROOM/1 BATH UNITS (640 SQFT)
- 154 PARKING SPACES INCLUDING:
- 147 STANDARD SPACES
  - 6 HC PARKING SPACES
  - 1 HC VAN PARKING SPACE
- SITE AMENITIES PROPOSED:
- 1 SWIMMING POOL/SPA
  - 1 COMMUNITY BUILDING
  - 1550 SQFT TOT LOT
  - 1 PICNIC AREA

**Orchard Village**  
ARCHITECTURAL DRAWINGS

WATERS, CALIFORNIA

**PacWest Architecture**

450 E STATE ST., STE. 100  
EAGLE, CO 80915

(303) 491-0229  
(303) 441-0101 FAX

DOUGLAS GIBSON - CALIFORNIA ARCHITECT LICENSE NO. C-28792

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Montana    Nevada    Oregon    Utah    Washington    Wisconsin

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DATE: 08/15/17

PROJECT: ORCHARD VILLAGE

COMMENTS: SEE PACWEST ARCHITECTURE

PROJECT	ORCHARD VILLAGE
DATE	08/15/17
PROJECT NO.	170428-1103
DATE	
PROJECT	





**PLANNING COMMISSION STAFF REPORT**  
**May 20, 2008**

**TO:** Chairman and Planning Commissioners  
**FROM:** Jeff Fisher, Contract Planner  
**SUBJECT:** Conceptual (preliminary) Design Review for the Orchard Village Multi-Family Housing Development Project

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**RECOMMENDATION:** Staff recommends that the Planning Commission: (1) receive the staff report; (2) receive the presentation from the applicant; (3) receive comment from the public on the conceptual design of the project; (4) review and provide feedback on the conceptual design of the project in accordance with the city's Design Review Guidelines. The applicant's project description is attached.

**BACKGROUND:** It is the policy of the city to preserve and enhance the small-town qualities of Winters, to improve property values and to conserve the overall visual character of the community. Further, the design review process is intended 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. To implement these policies, the city requires design review for certain types of development or when development occurs in certain locations. The design review process may include an analysis of proposed architectural styles, construction materials, colors, site landscaping and similar development criteria. The Winters design guidelines shall be used as a basis for this review.

As stated in Zoning Code Section 17.36.070, applicants have the option of filing conceptual (preliminary) site plans for design review in advance of formal site plan review. Conceptual design review allows for submittal of more basic site plan information (such as building elevation sketches) for an initial review by the Planning Commission. Conceptual design review shall be considered only as an informational item and is intended to provide informal feedback to an applicant, who could consider any comments received when preparing the formal site plans. Conceptual design review may, but is not required to, include informal review by the economic development commission, as may be requested by the applicant. Planning Commission review and comments stemming from conceptual design review would be only advisory in nature. As such, and as no action would be taken by the Planning Commission at this stage, comments offered in conceptual design review would not affect or otherwise be binding upon a Planning Commissioner's vote on a subsequent application for formal design review.

**CRITERIA FOR REVIEW:** The Planning Commission may consider the following aspects for design review of a proposed development project, as applicable:

1. 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;
2. 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;
3. 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;
4. Effective screening of ground- and roof-mounted mechanical equipment;
5. 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.
6. Achieve conformity with the Winters design guidelines, as applicable.
7. To the extent possible, designs should also encourage pedestrian activity while reducing emphasis on vehicular access as the focal point of a residential lot.

**PROJECT NOTIFICATION:** Public notice advertising for the conceptual design review on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, June 12, 2008, and notices were mailed to all property owners who own real property within 300 feet of the project boundaries at least 10 days prior to the June 24, 2008 Planning Commission hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Wednesday, June 18, 2008.

**REQUIRED ACTIONS:** None

**ENVIRONMENTAL ASSESSMENT:** None

**STAFF RECOMMENDATION:** None

## Orchard Village Project Description

### 2. Project Description

#### **Applicant Contact Information:**

Central Valley Coalition for Affordable Housing  
C/O Pacific West Communities, Inc.  
Shellan Miller, Project Manager  
430 E State St., Suite 100  
Eagle, ID 83616  
(208) 461-0022

#### **WHO WE ARE:**

Central Valley Coalition for Affordable Housing (CVC), a California non-profit public benefit corporation, has a strong reputation throughout the Central Valley as a leader in providing high quality affordable housing in the state. CVC will be the long term owners of the proposed development known as Orchard Village. The organization was established in 1989 and has successfully completed over 11,337 units of low income housing and has expanded its supportive services for those residents. The Coalition provides services to residents which enhance their quality of life and assists them in reaching self sufficiency. Services include computer training, life skills training and homeownership assistance. CVC is a qualified provider of affordable housing and is committed to providing stable workforce housing for low income families in the Winters community.

The Pacific Companies (TPC) are partnering with CVC to provide high quality new residential development in Winters, California. The Pacific Companies are a group of development firms specializing in the development, design and construction of affordable workforce housing throughout the western United States. They are recognized nationally and have vast experience working in rural areas of California. CVC and TPC have a longstanding relationship and have successfully partnered in over 28 affordable and workforce housing developments throughout the State of California. Additional information on The Pacific Companies can be found on their website, [www.tpchousing.com](http://www.tpchousing.com).

**THE PROJECT:**

**Existing Use:**

The rectangular 10-acre parcel is currently undeveloped. It is zoned R-4, high density multifamily residential (10.1 – 20 dwelling units per acre) and is within the Urban Limit Line in the City of Winters General Plan. The surrounding properties are developed as residential and industrial uses with various types of zoning, including R-1 and R-2 (Single Family Residential), O-F (Office), PR (Parks and Recreation), and R-4 (High Density Multi-Family). It is located on the east side of a main arterial, Railroad Avenue, and North of East Grant Ave. Dutton Street, a secondary collector currently ends at the southerly border of the parcel.

There is a dirt access road along the southerly and northeasterly portions of the subject property. Power lines trended in a north-south direction along the easterly portion. The topography of the site is flay-lying with a gentle slope towards the easterly portion of the property. There is a lower lying area along the easterly portion of the property that is a seasonal wetland. There are almond trees along the easterly and westerly areas of the parcel.

**Proposed Use:**

The proposed Orchard Village development is an infill development of 74-units of multi-family workforce housing serving low and very low income families of all sizes. This project includes the extension of Dutton Street and associated public right of way, improvements on Railroad Avenue and public access easements and a trail connecting Railroad Ave. to Dutton Street. Streets and sidewalk connectivity will be enhanced in the project area. The development is slated to be built on less than five acres of the larger, 10-acre site with the remaining land being dedicated to the City of Winters as parkland and to be used as a storm water detention area. The Orchard Village community will include a mix of unit sizes; 12 one bedroom units (690 s.f.), 26 two bedroom units (1030 s.f.), 32 three bedroom units (1240 s.f.) and 4 four bedroom units (1380 s.f.). These units will serve families with incomes under 60% of the area median income (\$42,600 annual income for a family of four.)

**Site Design & Project Amenities:**

The project site layout will be oriented with the intent to create a community concept with ample indoor and outdoor common space for families to enjoy. The design allows the residents of Orchard Village to look within the interior of the proposed community, ultimately instilling a sense of community where families feel safe in an open courtyard like environment, as well as proud of their community.

The site design also meets connectivity goals and promotes alternative transportation use. As desired in Goal III.G of the General Plan, “To promote pedestrian and bicycle travel as alternatives to automobile use,” Public sidewalks and public access easements will connect Dutton Street to Railroad Avenue enabling easier access to the site using

## Orchard Village Project Description

alternative transportation methods. These improvements will increase pedestrian and bicycle access to the site and throughout the area.

A 2,500 square foot community center will be an added amenity to the Orchard Village development. The community center includes office space, common laundry, computer room, accessible bathrooms and changing area, and a meeting room. An outdoor swimming pool and spa, a playground area and a covered picnic area are all in the center courtyard of the community, essentially the focal point of the development's design. The outside of the site has more density of units so as to alleviate the "sea of parking effect" that is often times an unsightly by-product of multifamily housing design.

The individual apartments are also thoughtfully designed to meet or exceed area market needs. Amenities such as washer dryer hook ups in each unit, indoor and secure storage areas, private outdoor spaces for each unit, cable and telephone hook ups and open floor plans will ensure long term marketability and success of Orchard Village.

Each unit will be hooked up to City sewer and water. The included preliminary drainage plan details the sewer and water improvements that are included in the development.

Orchard Village apartments will include energy efficient appliances, water heaters and furnaces. Water flow restrictors will be used in kitchens and bathrooms throughout Orchard Village to conserve water. Indoor air quality will be increased by using low VOC paints, stains and adhesives. Durable and renewable finish products will be used where applicable. Most importantly the construction branch of The Pacific Companies, Pacific West Builders, understands the importance of smart and efficient building as a way of ultimately, conserving energy and assisting resident's goals of achieving financial independence. Providing effective air sealing in all trades of construction as well as using only high quality durable materials that withstand the test of time and provide greater insulation are standard in The Pacific Companies developments and will be incorporated at Orchard Village.

### General Plan, Zoning, Community Development Plan:

The Orchard Village site is designated in the City of Winters General Plan as within the Urban Limit Line. According to Policy I.A.2 of the Land Use section of the General Plan, the Urban Limit Line delineates the area to be urbanized within the time frame of the General plan.

The Orchard Village site is within the City of Winters Flood Overlay Zone (FOZ) according to the General Plan. The City is currently considering a General Plan policy that would allow infill and prioritize affordable new residential uses in the FOZ. This revised policy was authorized unanimously by the Winters City Council on April 29, 2008. The proposed policy language is included in the Project Approvals Section of this description.

The proposed project, at 18.3 units/ buildable acre (buildable area not including required setbacks, rights of way, access easements), meets zoning requirements and meets the

## Orchard Village Project Description

stated goals and policies of the 2002 Housing Element regarding the provision of affordable housing.

The General Plan II.A.6 states,

“To address the needs of low-income large families, the City shall promote the development of multi-family rental units with three or more bedrooms.”

Zoning ordinance section 17.60.030(C) states,

“Density Range: Pursuant to the general plan, residential subdivisions of sites which are classified medium height and high density residential in the general plan which promote development of affordable housing shall be approved in the upper one-half of the density range, unless site constraints effectively prohibit such intensity of development. (A residential subdivision shall be considered as promoting development of affordable housing if at least twenty (20) percent of the total units to be developed are designated for low income households, or ten (10) percent of the total units to be developed are designated for very low income households...)”

Orchard Village would provide affordable housing for large families with 36 three and four bedroom units, such that nearly 50% of the development will serve low income large families. In order to meet the goal of serving large low income families the proposed density is in the upper 50% of the density range (greater than 15 dwelling units per acre) and in the upper 25% of the density range (greater than 17.5 dwelling units per acre) if you remove all land that is constrained from development including public right of way, public access easements, and setbacks. If setbacks are included in developable area the proposed density remains in the upper 50% of the density range and 16.4 units per acre. Please refer to the attached General Plan and Zoning Ordinance Consistency Review for a detailed listing of how the proposed Orchard Village development meets and exceeds General Plan and Zoning Ordinances.

The Orchard Village development meets Objectives to the Winters Community Development Project Implementation Plan, 2003-2008 which

### **PROJECT APPROVALS:**

The project is consistent with the existing General Plan designation and High Density zoning district. The project requires Design Review and Site Plan Review.

The parcel is located within a portion of the General Plan's Flood Overlay Zone. The City is currently considering the adoption and implementation of comprehensive solutions to the flooding problems associated with the Moody and Chichominy Sloughs along with alternative General Plan policies. Orchard Village will meet the characteristics described in the proposed General Plan policy I.A.14 and, therefore, would be in a developable area of the Flood Overlay. The proposed General Plan Policy I.A.14 states,

## Orchard Village Project Description

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

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

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

The Orchard Village development is considered “infill” as it meets each of the outlined characteristics. The parcel is surrounded by commercial/ industrial and residential development. It is consistent with the General Plan and zoning land use (see attached General Plan and Zoning Ordinance Consistency Review for a detailed description). It provides the extension of Dutton Street, a secondary roadway, using CDBG funds which are only eligible to projects serving low income households such as this project proposes. Lastly, 100% of the Orchard Village development will be affordable, thus receiving development priority.

If the alternative General Plan policies are reviewed and approved by City Council before or simultaneously with this General Application a General Plan Amendment is not necessary. **If the Alternative General Plan policies are not adopted during this application’s review and approval processes, the applicant hereby includes a General Plan Amendment request as part of this application.**

### PROJECT FUNDING AND SCHEDULE:

This project’s timeline depends on various funding sources including potential low income housing tax credits, Winters Redevelopment Agency Funds, CDBG Funds, USDA Rural Development funding, deferred developer’s fee. If the project is entitled, thus becoming eligible applicants for some of these funds, construction could begin in early 2009 but more likely will begin in the fall of 2009.

## Orchard Village Project Description

### Project Summary

*Items numbered 1 through 7 are completed on the General Information section of the Environmental Information Form included in this packet.*

8. Site Size:

The entire site is approximately 10.6 acres. Dutton Street nearly bisects the site. The area that will be developed with housing consists of 4.5 acres.

9. Square Footage:

The square footage of the apartments including the community center is 82,760. The on-site area to be developed is 197,117.98 square feet or 4.52 acres. This does not include the water detention area east of Dutton Street which is approximately 30,000 square feet, or 0.5 acres.

10. Number of Floors Constructed:

12 buildings, 11 are 2-story residential multifamily buildings. One is a one-story community center.

11. Amount of off-street parking:

154 parking spaces. 147 standard spaces, 6 Handicapped, 1 Handicapped Van parking.

12. Plans Attached

13. Schedule Attached

14. Associated Projects-

**NOT APPLICABLE**

15. Anticipated Incremental Development

**NOT APPLICABLE**

16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.

**74 units**

Orchard Village Project Description

	<b>One-Bedrooms (690 s.f.)</b>	<b>Two Bedrooms (1030 s.f.)</b>	<b>Three Bedrooms (1240 s.f.)</b>	<b>Four Bedrooms (1380 s.f.)</b>
Units	12 units	26 units	32 units	4 units
Rent Range	\$399-\$798	\$479-\$958	\$553-1107	\$618-\$1236
Household size	Average 1.5 persons	Average 3 persons	Average 4.5 persons	Average 6 persons

17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

**NOT APPLICABLE**

18. If industrial, indicate type, estimated employment per shift, and loading facilities.

**NOT APPLICABLE**

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived from the project.

**NOT APPLICABLE**

20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

**NOT APPLICABLE**

21. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.

**NO.** The parcel is flat and is not adjacent to any bays tidelands, beaches, or hills. A small detention pond will be developed on approximately 0.5 acres of the 10-acre site. The current design is intended to balance cut and fill.

22. Change in scenic views or vistas from existing residential areas or public lands or roads.

**NO.** There are no scenic vistas in the area. The site is currently vacant, and the adjacent parcels are all developed as residential or commercial uses.

23. Change in pattern, scale or character of general area of project.

**NO.** The character of the area includes many land uses and the surrounding parcels have various types of zoning, including R-1 and R-2 (Single Family Residential), O-F (Office), PR (Parks and Recreation), and R-4 (High Density

## Orchard Village Project Description

Multi-Family). There are one and two story single family homes and industrial buildings adjacent to the parcel.

### 24. Significant amounts of solid waste or litter.

**NO.** The proposed residential development will generate an increase in solid waste typical of residential uses. The development will discharge to the City of Winters sewer for wastewater disposal and will include weekly trash pick or as needed. The development will include five enclosed recycling centers conveniently located adjacent to trash enclosures, thus decreasing the amount of waste going to the landfill. Each household will receive a list of recyclable materials.

### 25. Change in dust, ash, smoke, fumes or odors in vicinity.

**NO.** The project consists of residential development. Thus, there would be no significant permanent changes in dust, ash, smoke, fumes or odors in the vicinity. According to an updated Air Quality Impact Analysis for the project there is a less than significant impact of odors during construction. There may be emissions from construction activities that would affect local air quality temporarily but standard mitigation measures will be implemented to reduce the impact to less than significant. (Air Quality Impact Analysis for the Orchard Village Residential Project, City of Winters, May 2008 pg.11-12).

### 26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.

**NO.** Drainage studies will be prepared to establish that an on-site storm water detention basin, as designed, will prevent any storm water run-off from the proposed development exacerbating the flooding conditions that have occurred in the areas north and east of the site. The project engineer has determined that an on-site storm water detention basin will actually lessen the sheet flow of the water from the undeveloped site that currently occurs when the ground becomes saturated in periods of heavy rainfall. This solution would be temporary until the City installs a large underground drain through the Dutton Street extension right-of-way that will discharge to a large detention basin and artificial lake that may be constructed some distance north of the site if the Moody Slough drainage improvement plans and developer fee are adopted and implemented. If the City Council decides to abandon that plan and not impose a fee, the interim on-site detention basin would serve as a permanent solution.

The 2002 Housing Element Appendix discussion of the development potential of the site recognized this as a potential means of facilitating development of the site, as part of the housing production inventory. That discussion, on page A-43, states,

## Orchard Village Project Description

"The site is located in the General Plan Flood Overlay Area. As a result, development of the property would likely require the construction of on-site interim flood control facilities and the payment of fees to finance a future flood control project in the north area of the City's General Plan Area. However, development of the R-4 portion of the property may not require the construction of an on-site interim flood control facility since the R-4 portion is not located in a 100-year flood zone."

### 27. Substantial change in existing noise or vibration levels in the vicinity.

**NO.** According to the Environmental Noise Analysis (June 2008) the development is expected to comply with the exterior, interior, and construction noise level requirements of the City of Winters.

### 28. Site on filled land or on slope of 10 percent or more.

**NO.** The site is on a relatively flat lying parcel.

### 29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.

**NO.** The project consists of residential development and there will be no use or disposal of potentially hazardous materials on-site.

### 30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).

**YES.** The change in demand for municipal services for any multifamily residential development may be considered substantial.

The proposed development addresses traffic and alternative transportation needs with the inclusion of 10' Class I Bike paths on the western and southern boundaries along with public access easements. The extension of Dutton Street includes a 66' wide Right of Way to include curb, gutter and sidewalk.

The project's building and site design meets fire truck turning radius requirements and fire code. There are two egresses in the proposed site design for access. In order to assist emergency access personnel front entryways will be clearly marked using building articulation and each apartment will be easily identifiable using appropriately sized address and unit numbers and/or letters.

In addition, the development will be required to pay applicable City of Winters' development impact fees for high density development, including water system fees (\$1,864/ d.u.), waste water system fees (\$3,317/ d.u.), general storm drain fees (\$26/ d.u.), streets fees (\$4,992/ d.u.), parks and

## Orchard Village Project Description

recreation fees (\$2,544/ d.u.), public safety fees (\$2,560/ d.u.), fire protection fees (\$1,028/ d.u.), general capital fees (\$1,511/ d.u.), and monitoring fees (\$1,076/ d.u.) to offset the project's increase in demand for services. The developer has also agreed to pay up to \$700,000 in water well improvements that will be paid back over time. This meets the General Objectives of the Winters Community Development Project Implementation Plan which states, "Upgrade, expand, and rebuild non-existent and/or aging infrastructure systems to support new development, including improvements to storm water collection and drainage systems...and similar public improvements." The site includes a 0.5-acre storm water detention pond that will decrease the demand on the City of Winters storm water drain system.

The development also provides private indoor and outdoor community space which includes a computer learning room, a pool and spa and covered picnic area within the development to decrease the off site demand for some municipal services. The area east of Dutton Street is proposed open space park land that the developer would like to deed to the city to increase the city's parks and recreation space. The City can develop the parkland to meet the needs of the greater Winters community.

### 31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).

**NO.** The additional 74 units of housing will not substantially increase fossil fuel consumption because the project would consist of residential construction designed to meet Title 24 requirements. The development would include energy efficient appliances, water heaters and furnaces, water flow restrictors in kitchens and bathrooms. Indoor air quality will be increased by using low VOC paints, stains and adhesives. Durable and renewable finish products will be used where applicable. Efficient building techniques will be specified and incorporated to conserve energy. Effective air sealing in all trades of construction and the use of high quality durable materials that provide greater insulation would be incorporated into the proposed project.

### 32. Relationship to a larger project or series of projects.

**NO.** There is no relationship to a larger project or a series of projects although a city dedicated park of nearly 4-acres will result as well as a 0.5-acre storm water detention pond.

## Environmental Setting

### 33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. See attached photographs, Project Site.

## Orchard Village Project Description

The rectangular 10-acre parcel is currently undeveloped. There is a dirt access road along the southerly and northeasterly portions of the subject property. Power lines trended in a north-south direction along the easterly portion. A transformer was observed on the northernmost pole adjacent to the property. The topography of the site is flat with a gentle slope towards the easterly portion of the property. There is a lower lying area along the easterly portion of the property that is a seasonal wetland. Almond trees border the easterly and westerly areas of the parcel. According to the Geotechnical Study completed on June 2005, the soil boring consisted of loose to semi compact, brown, dry to slightly moist, fine-grained sandy, silty CLAY soils. According to the Cultural and Paleontological Resources Survey Report (May 2008) no archaeological sites, prehistoric or historic, have been identified in the site or within a half mile radius of the project site.

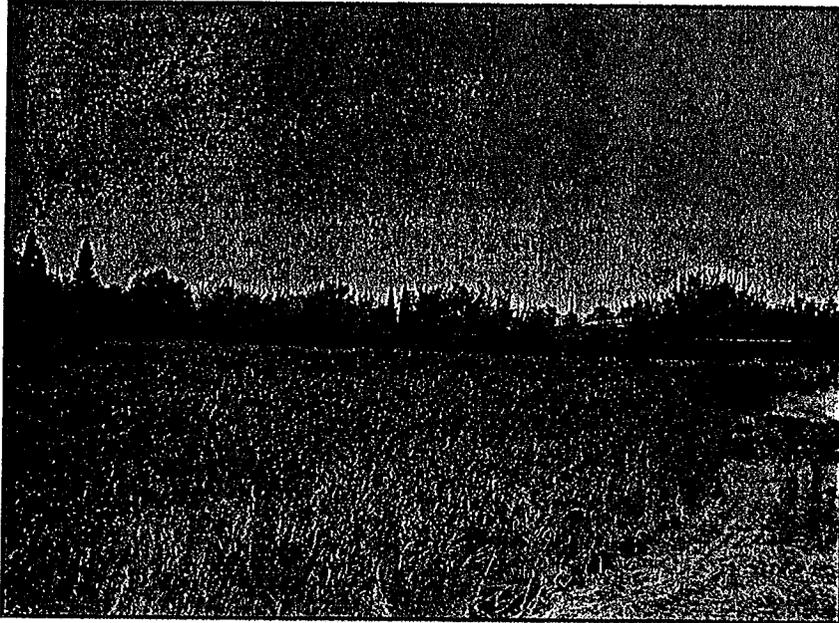
34. Describe the surrounding properties including information on plant and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc. See **attached photographs, Surrounding Properties.**

The surrounding properties are developed as residential and industrial uses. Railroad Ave. adjacent to the eastern boundary of the parcel is an arterial road and Dutton Street which will be extended through the center of the property from the south where it currently ends is considered a secondary street.

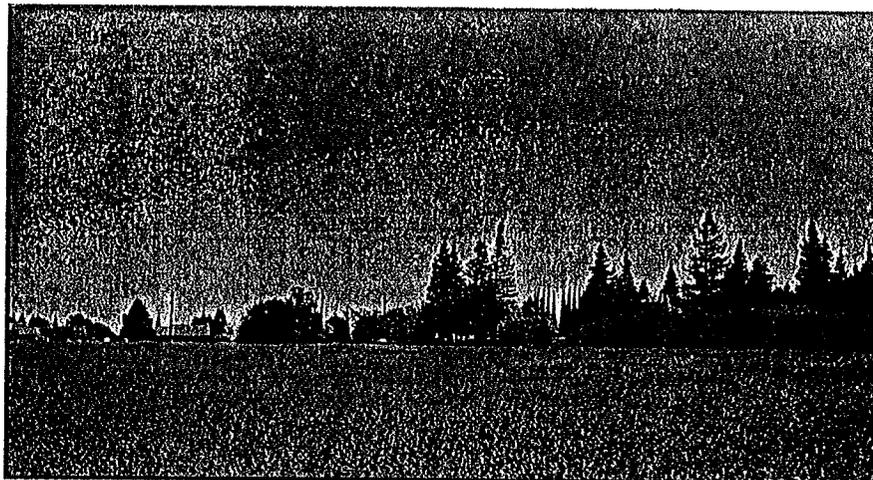
# Project Site

## Orchard Village Workforce Housing

### Winters, California

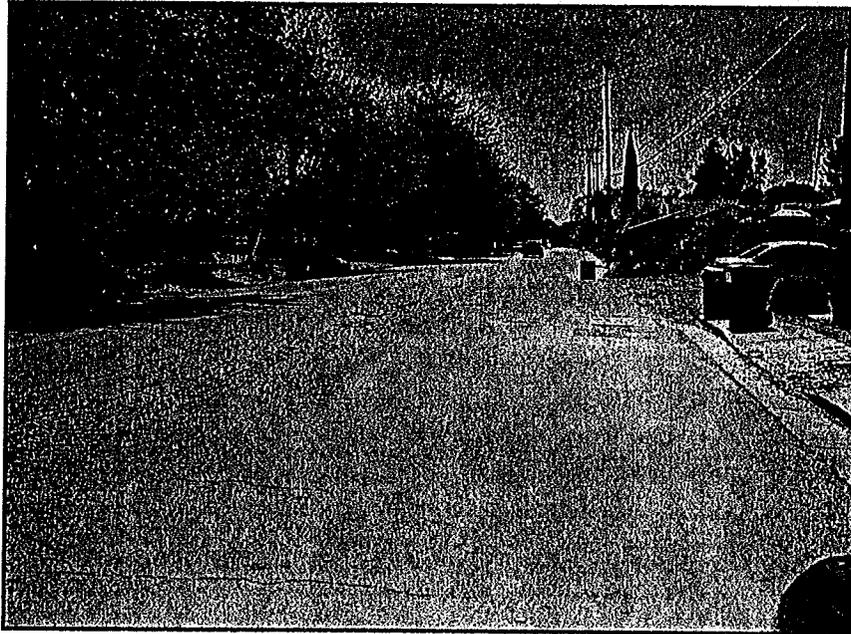


Project Site



Project Site

Attachment 1-Orchard Village Multifamily Workforce Housing

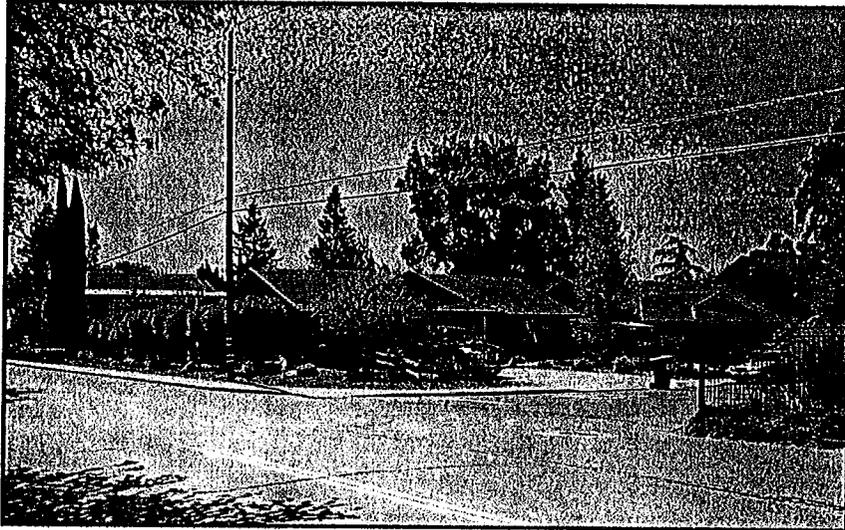


Railroad Avenue, arterial, along the West side of the parcel.

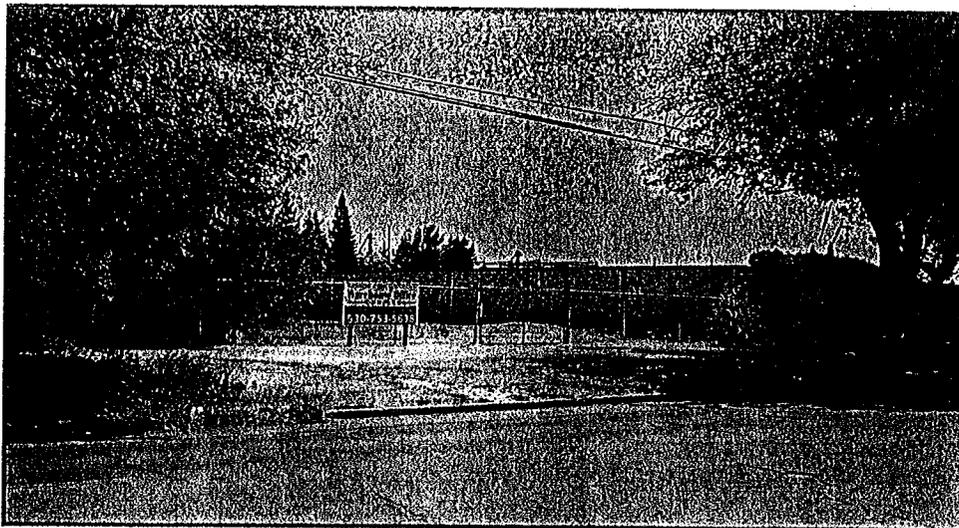
# Surrounding Properties

## Orchard Village Workforce Housing

### Winters, California

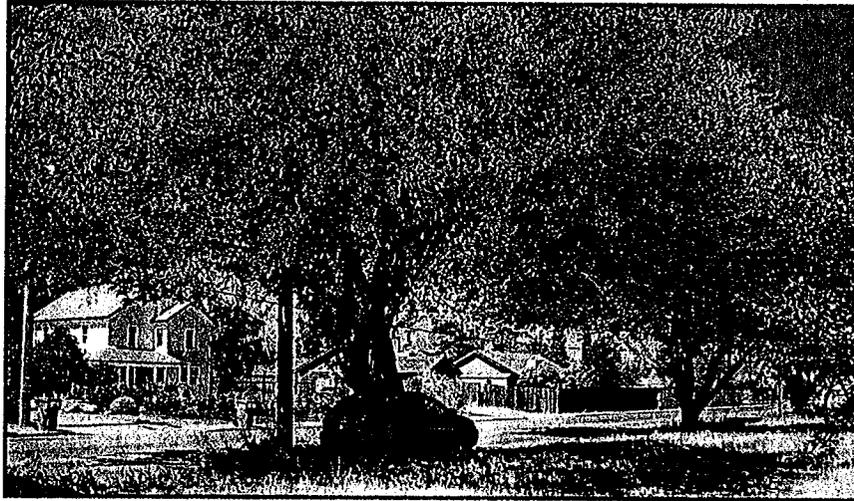


Single family homes near the southwest corner of the property, across Railroad Ave.

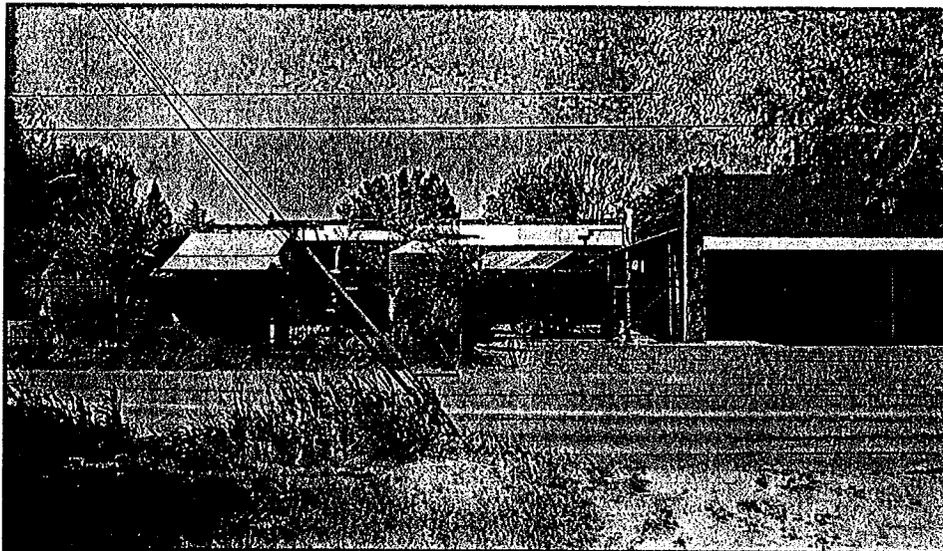


Warehouse property along the southern boundary.

Attachment 2- Orchard Village Multifamily Workforce Housing

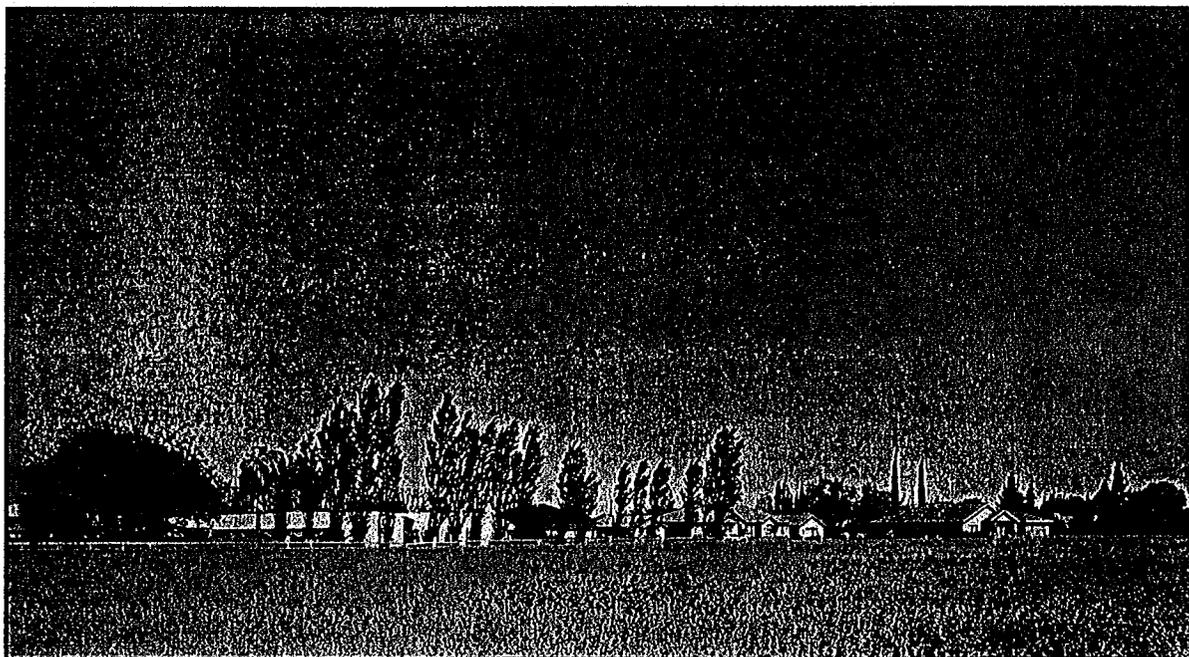


Single family homes to the West/ Northwest of the property across Railroad Avenue.

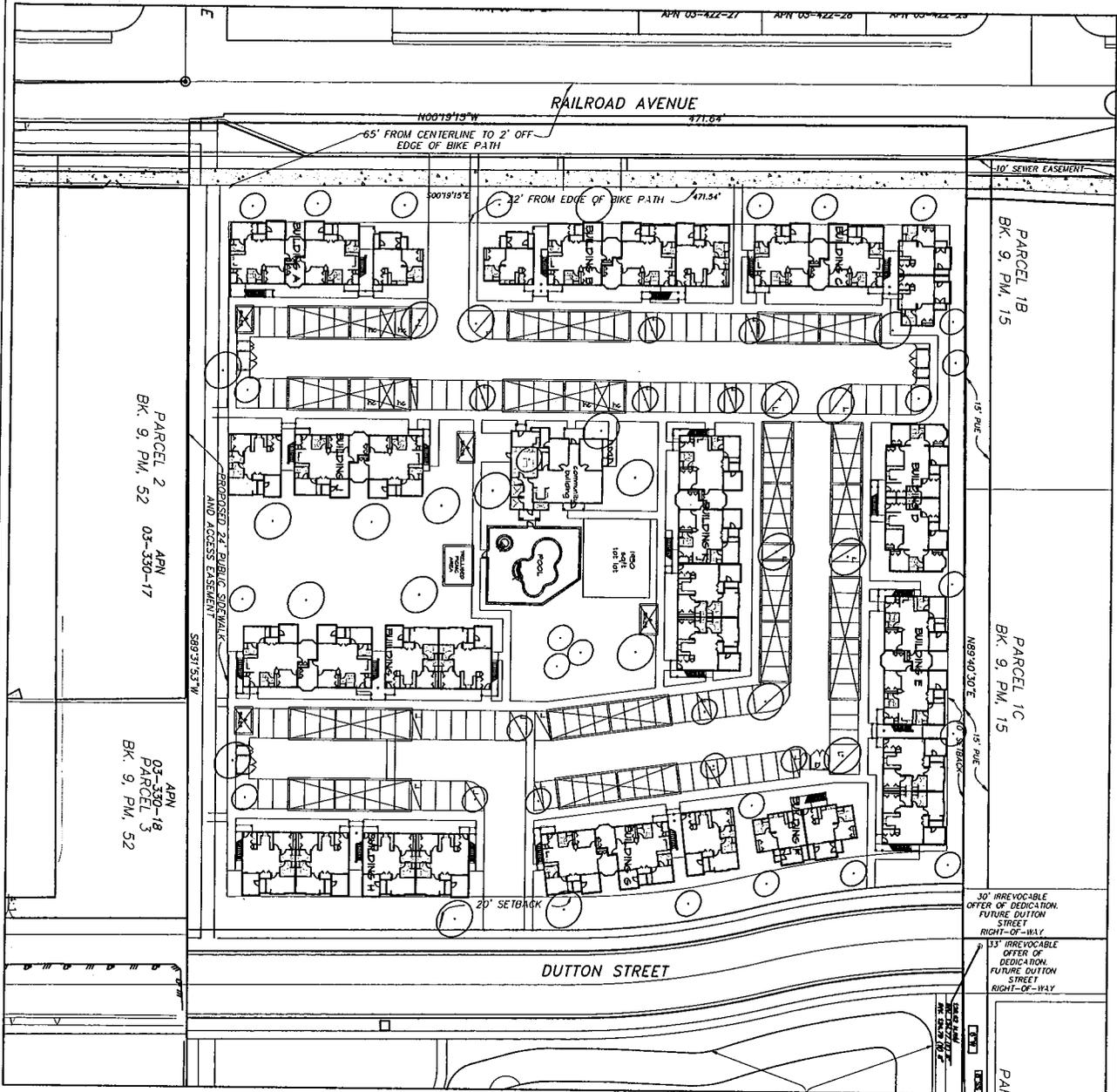


Commercial/ Industrial uses to the West of the property across Railroad Avenue.

Attachment 2- Orchard Village Multifamily Workforce Housing



Single family homes to the North of the parcel.



**DRAFT 74 UNIT SITE PLAN**

74 - UNITS, 2 STORY BUILDINGS INCLUDING:

- 4 - 4 BEDROOM/2 BATH UNITS (1840 SQFT)
- 32 - 3 BEDROOM/2 BATH UNITS (1340 SQFT)
- 26 - 2 BEDROOM/2 BATH UNITS (1030 SQFT)
- 12 - 1 BEDROOM/1 BATH UNITS (640 SQFT)

156 PARKING SPACES INCLUDING:

- 150 STANDARD SPACES
- 6 HC PARKING SPACES

SITE AMENITIES PROPOSED:

- 1 SWIMMING POOL/SPA
- COMMUNITY BUILDING
- 1850 SQFT TOT LOT
- PICNIC AREA

30' IRREVOCABLE OFFER OF DEDICATION, FUTURE DUTTON STREET RIGHT-OF-WAY

133' IRREVOCABLE OFFER OF DEDICATION, FUTURE DUTTON STREET RIGHT-OF-WAY

PROJECT

**Orchard Village**  
ARCHITECTURAL DRAWINGS

WINTERS, CALIFORNIA

SHEET # **A1.1**

**PacWest Architecture**

430 E. STATE ST., STE. 100  
EAGLE, ID 83616

(208) 461-0022  
(208) 461-0033 FAX

DOUGLAS GIBSON - CALIFORNIA ARCHITECT LICENSE NO. C-29792

Alaska    Arizona    California    Colorado    Hawaii    Idaho    Louisiana    Montana    Nevada    Oregon    Utah    Washington    Wyoming

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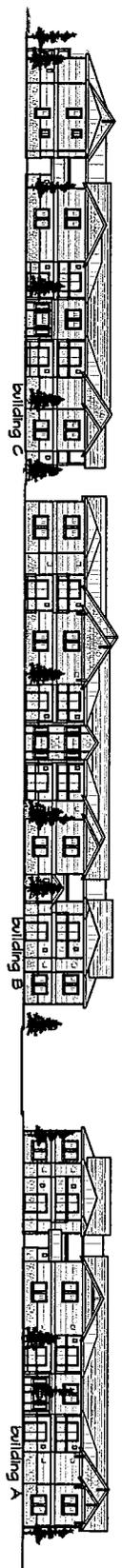
PROPOSED

DATE: 05/20/08

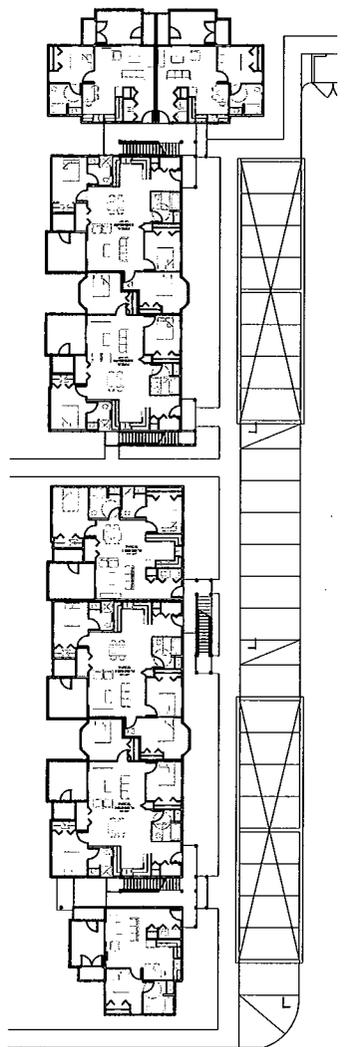
PROJECT: 080707 - 01000-120

SCALE: AS SHOWN

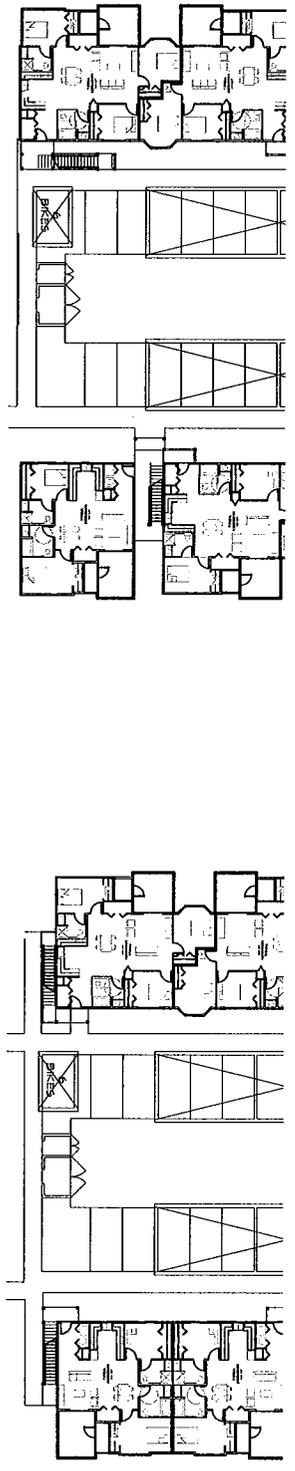
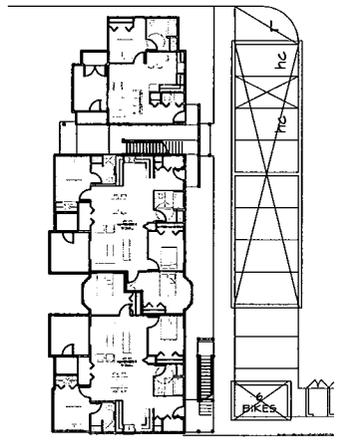




RAILROAD AVENUE ELEVATION  
1/8" = 1'-0"



SOUTH EDGE OF SITE ELEVATION  
1/8" = 1'-0"



PROJECT  
**Orchard Village**  
ARCHITECTURAL DRAWINGS

WINTERS, CALIF. 95694

**A1.3**

**PacWest Architecture**

4314 STATE ST., STE. 100  
EAGLE, CO 80601

2281 437-4527  
(303) 441-0214 FAX

DOUGLAS GIBSON - CALIFORNIA ARCHITECT LICENSE NO. C-29792

Architect    Landscape Architect    Engineer    Surveyor    Planner    Designer    Environmental    Interior Designer

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PROJECT NO. 02-001

DATE: 10/20/02

SCALE: 1/8" = 1'-0"

PROJECT: ORCHARD VILLAGE

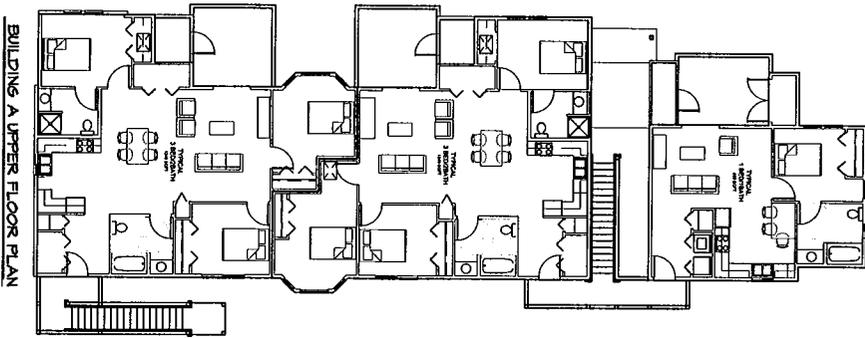
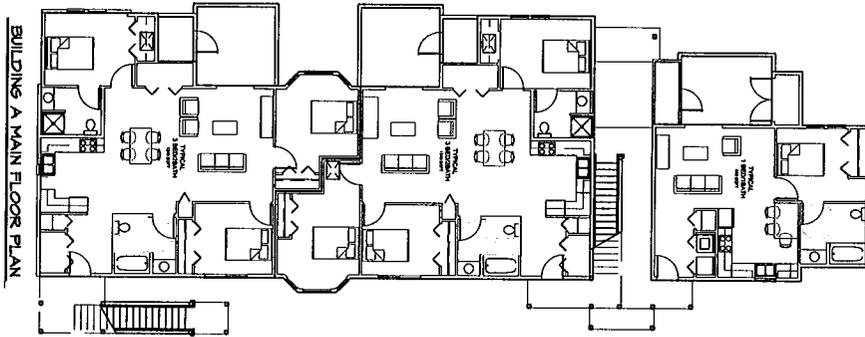
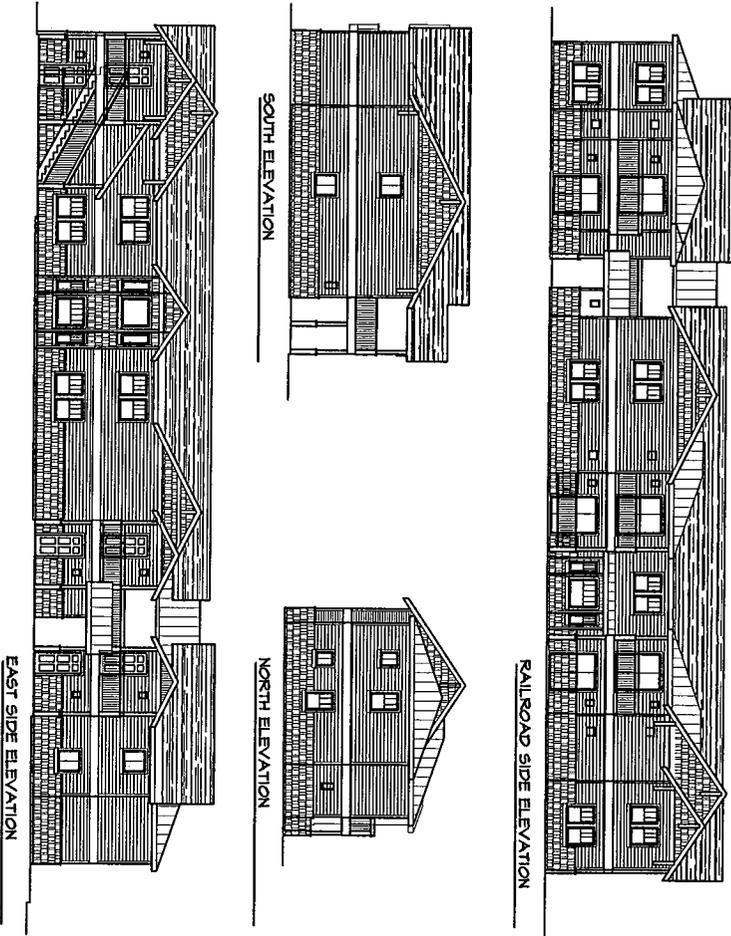
ARCHITECT: DOUGLAS GIBSON

DATE: 10/20/02

SCALE: 1/8" = 1'-0"

PROJECT: ORCHARD VILLAGE

ARCHITECT: DOUGLAS GIBSON



PROJECT  
**Orchard Village**  
 ARCHITECTURAL DRAWINGS  
 WINTERS, CALIFORNIA

**A2.1**  
 BUILDING A

SHEET #

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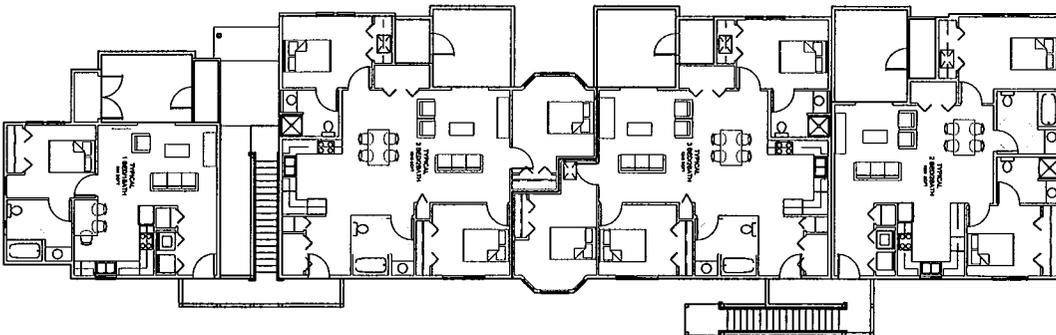
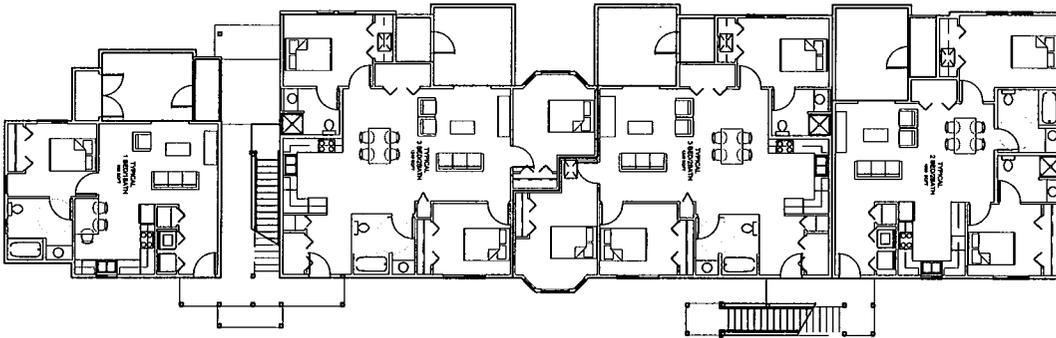
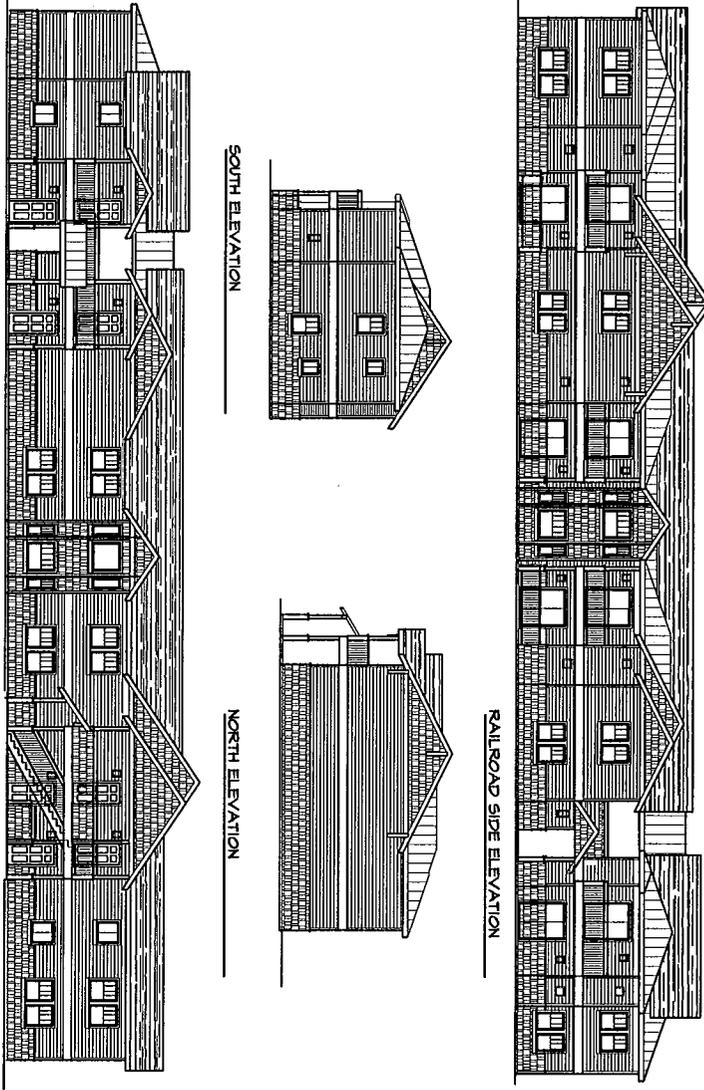
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BUILDING A MAIN FLOOR PLAN

BUILDING A UPPER FLOOR PLAN



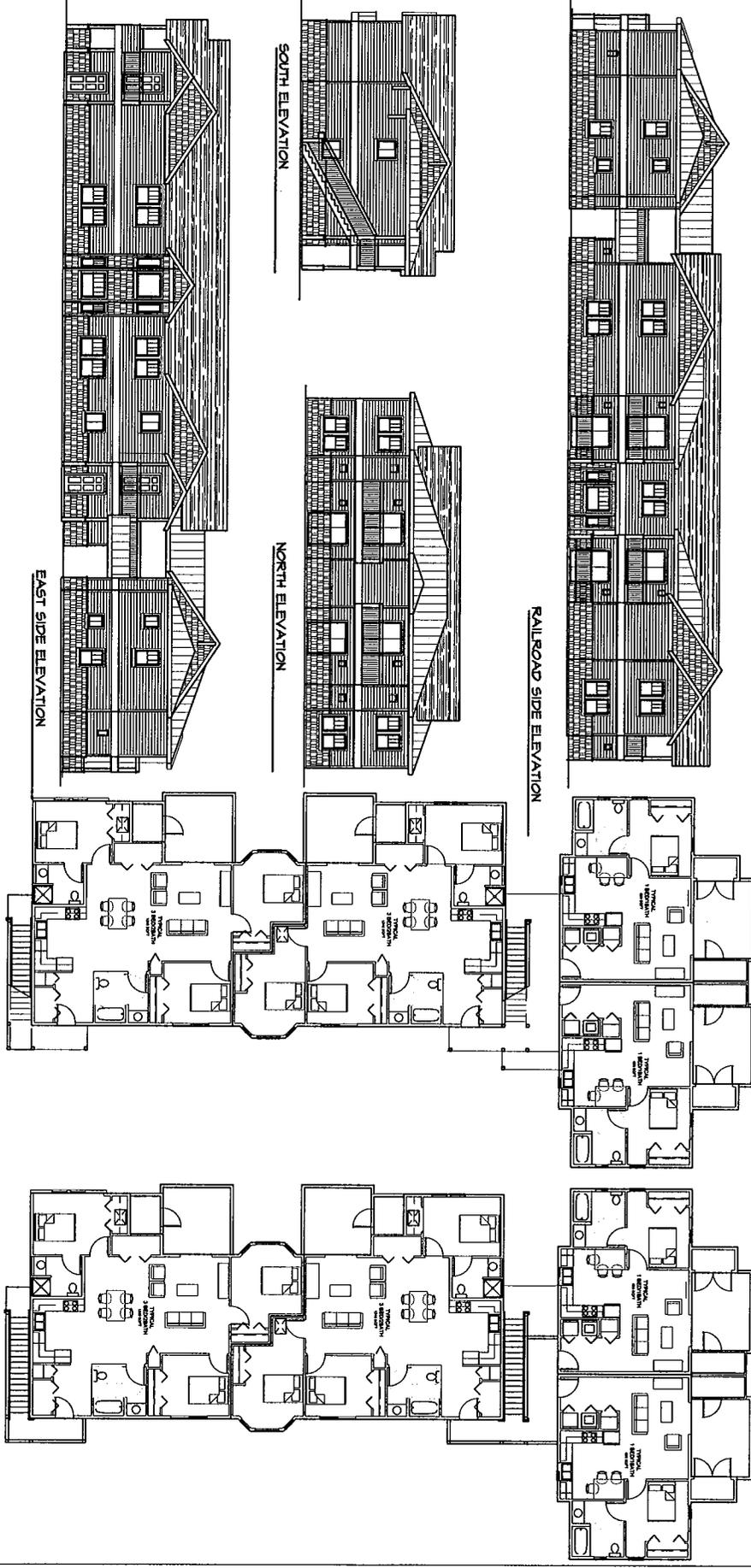
**A2.2**  
BUILDING B

PROJECT  
**Orchard Village**  
ARCHITECTURAL DRAWINGS  
WINTERS, CALIFORNIA

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Architect  
DATE  
PROJECT NO. (DASH-158)



BUILDING C MAIN FLOOR PLAN

BUILDING C UPPER FLOOR PLAN



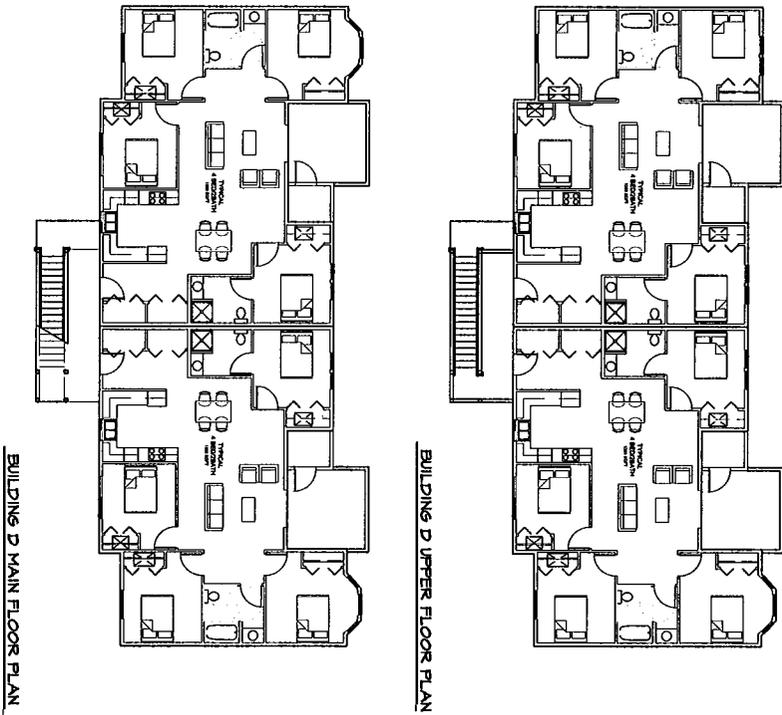
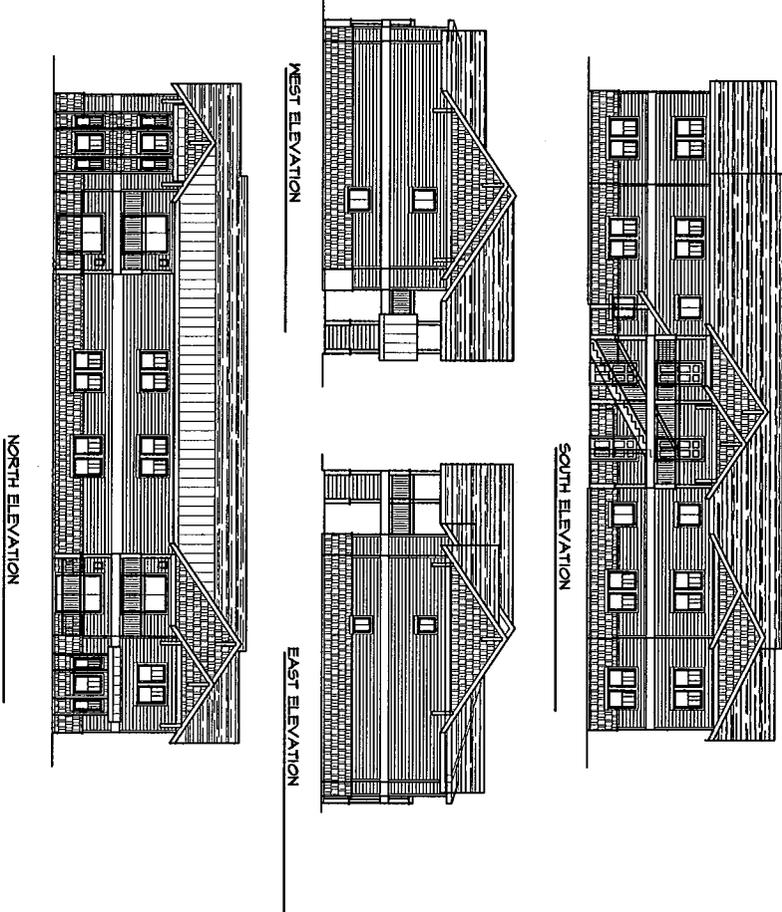
**A2.3**  
BUILDING C  
SHEET

PROJECT  
**Orchard Village**  
ARCHITECTURAL DRAWINGS  
WINTERS, CALIFORNIA

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**A2.4**  
BUILDING D  
SHEET 7

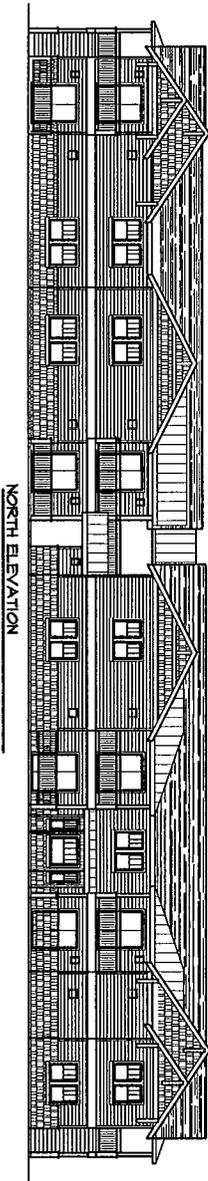
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WINTERS, CALIFORNIA

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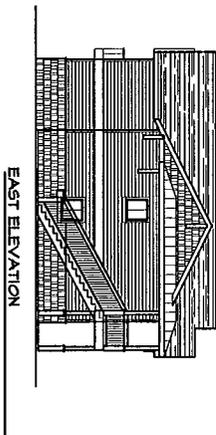
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PROJECT: 07-000000-133  
SHEET: 7 OF 7

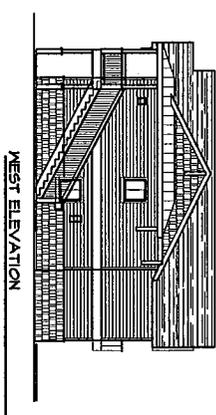




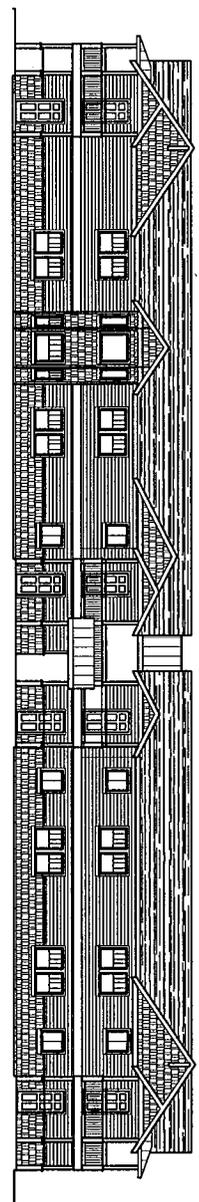
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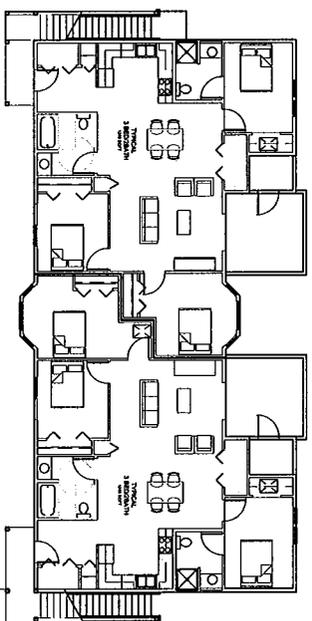
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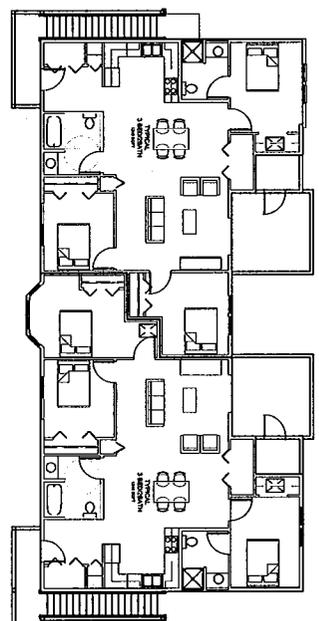
WEST ELEVATION



SOUTH ELEVATION



BUILDING D MAIN FLOOR PLAN



BUILDING D UPPER FLOOR PLAN



PROJECT  
**Orchard Village**  
 ARCHITECTURAL DRAWINGS  
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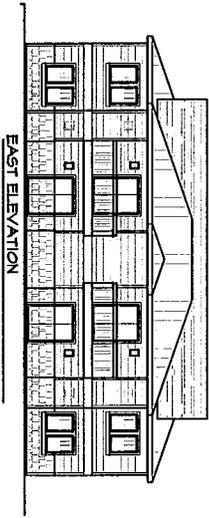
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 DRAWN BY: J. DAVIS

PROJECT: Orchard Village  
 SHEET: A2.5  
 BUILDING: BUILDING D

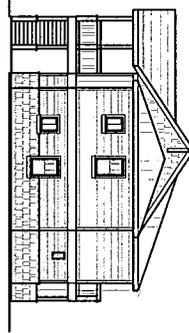
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 SHEET: A2.5  
 BUILDING: BUILDING D

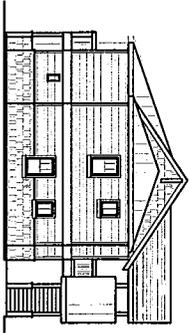


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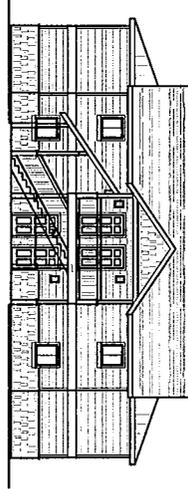
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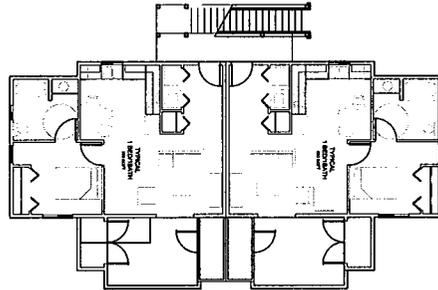
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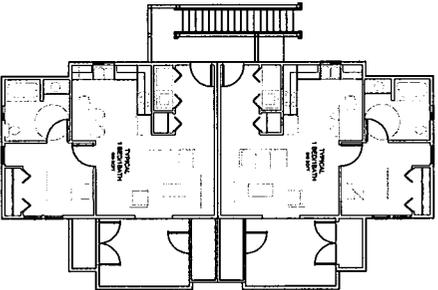
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BUILDING F MAIN FLOOR PLAN



BUILDING F UPPER FLOOR PLAN



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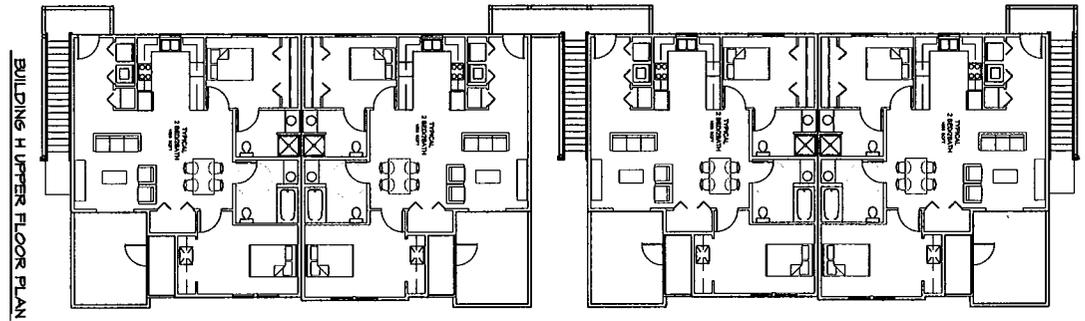
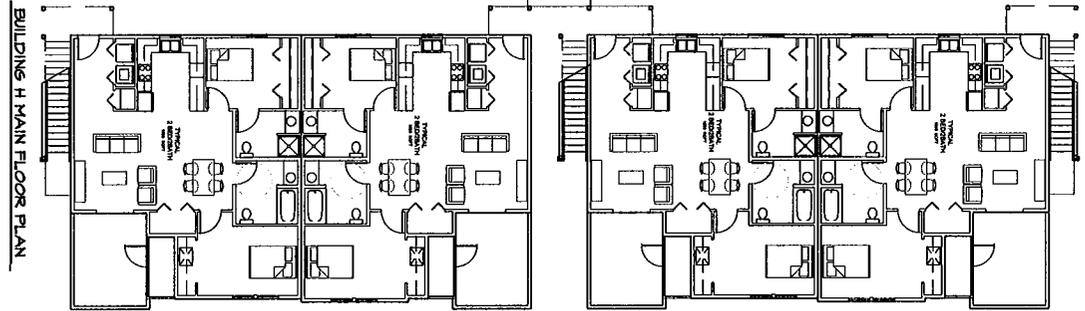
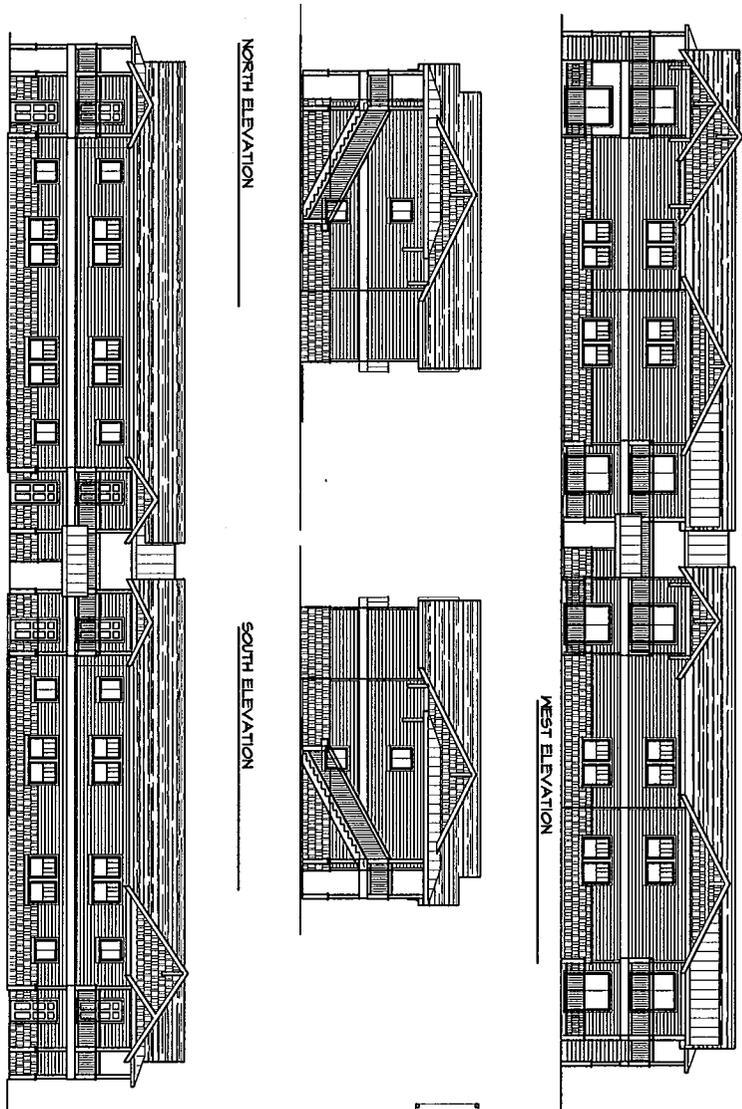
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North

SHEET #  
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 BUILDING F





**A2.8**  
BUILDING H

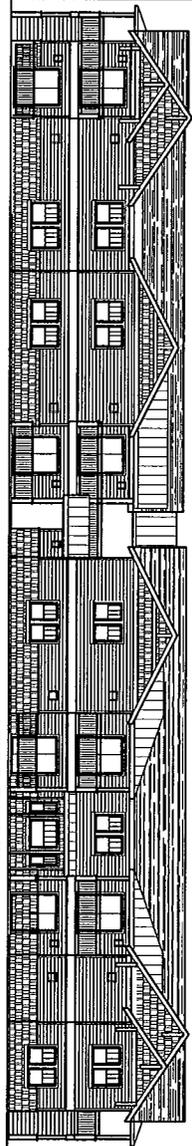
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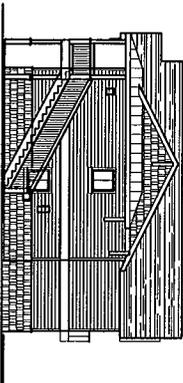
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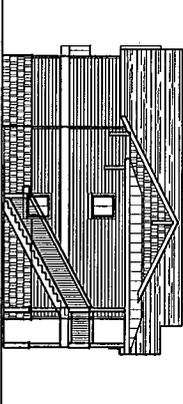




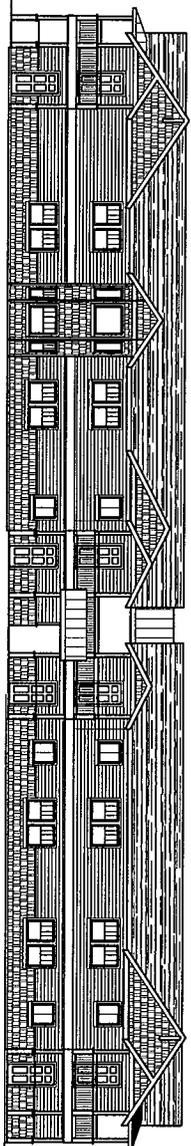
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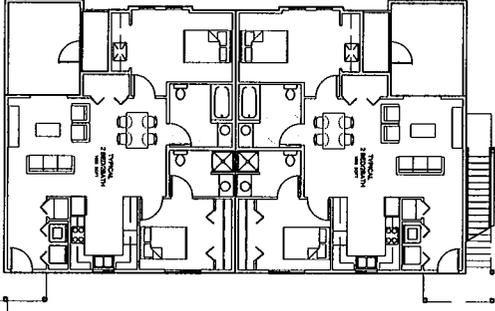
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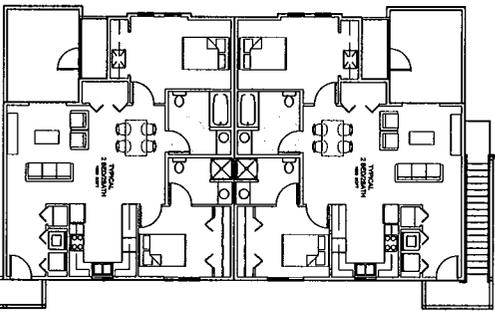
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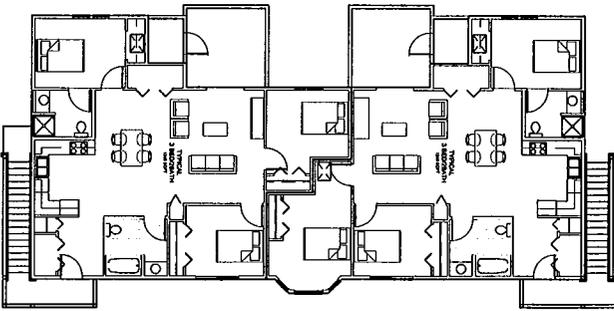
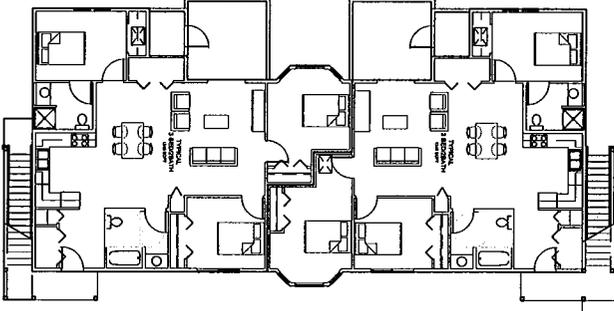
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BUILDING H MAIN FLOOR PLAN



BUILDING H UPPER FLOOR PLAN



**A2.9**  
BUILDING I

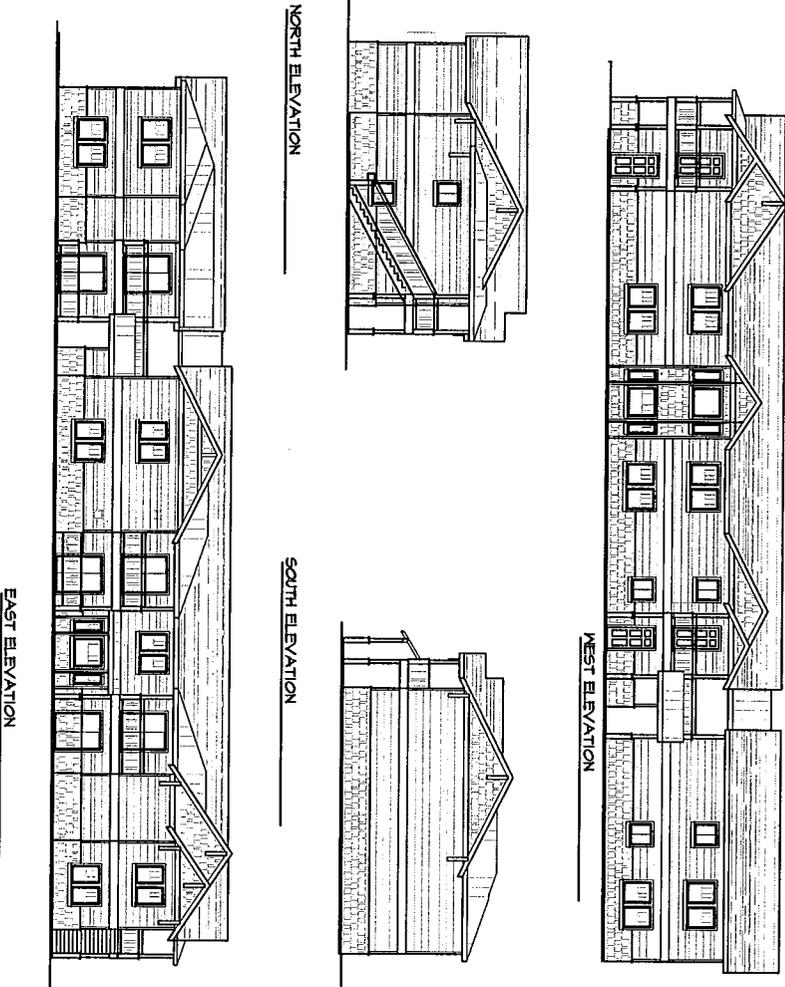
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ARCHITECTURAL DRAWINGS  
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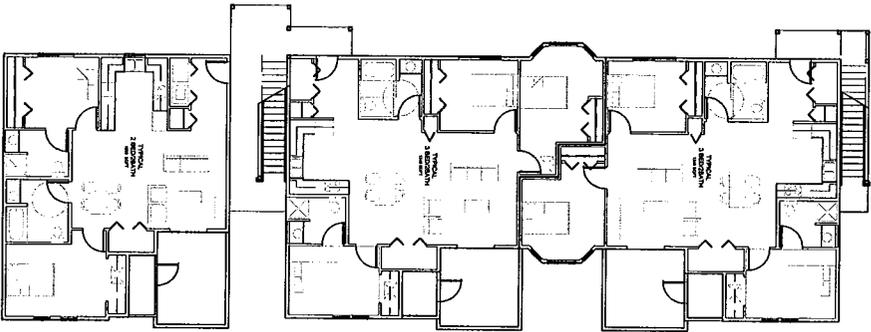
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CHECKED BY: JLM  
PROJECT NO: PWH0007-8 (04/08-18)

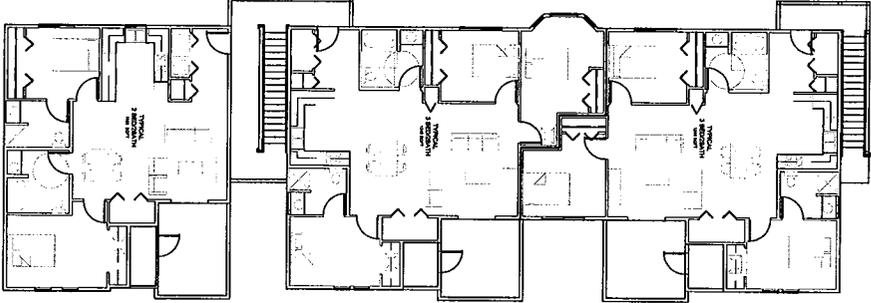




BUILDING H MAIN FLOOR PLAN



BUILDING H UPPER FLOOR PLAN



**A2.10**  
BUILDING J

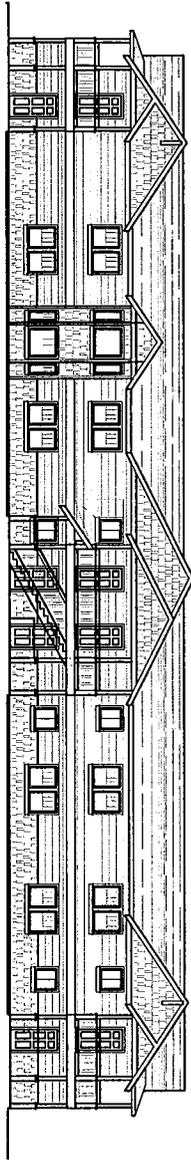
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ARCHITECTURAL DRAWINGS  
WINTERS, CALIFORNIA

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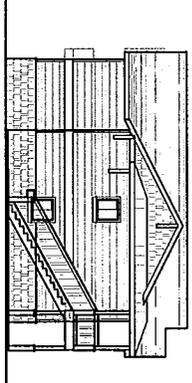
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DRAWN BY: DA  
CHECKED BY: JWB  
PROJECT: WINTERS0301 & (02)46-1353

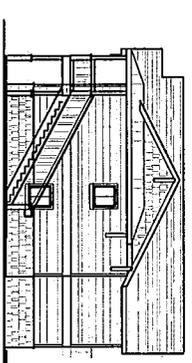




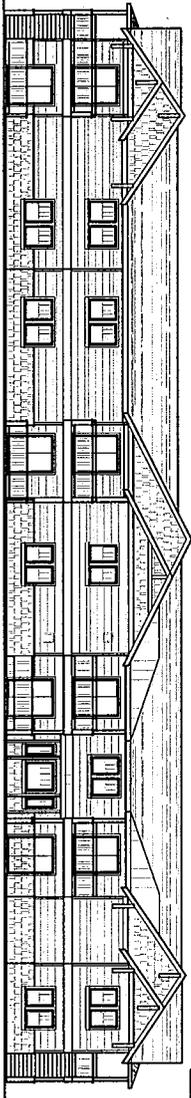
SOUTH ELEVATION



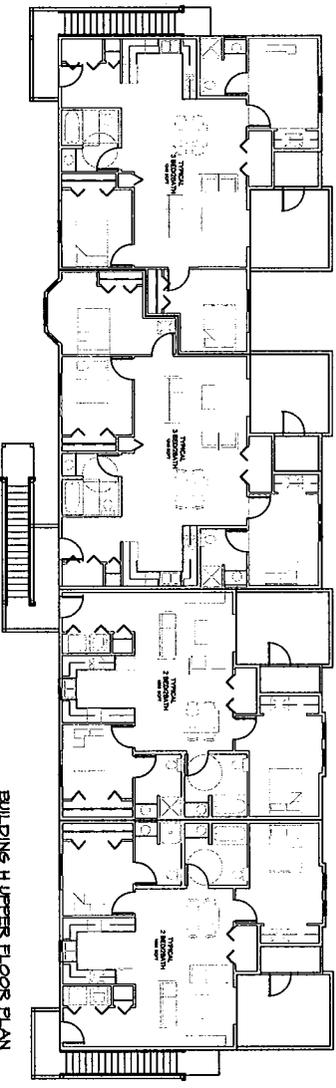
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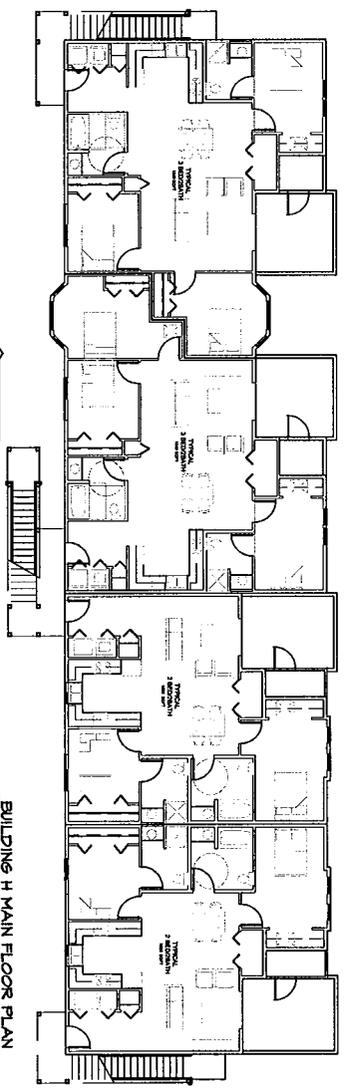
EAST ELEVATION



NORTH ELEVATION



BUILDING H UPPER FLOOR PLAN



BUILDING H MAIN FLOOR PLAN



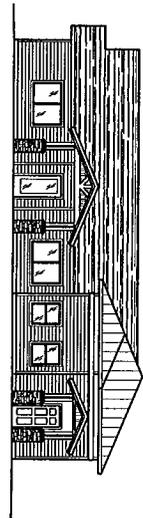
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PROJECT  
**Orchard Village**  
ARCHITECTURAL DRAWINGS  
WINTERS, CALIFORNIA

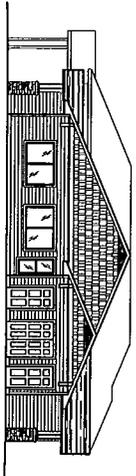
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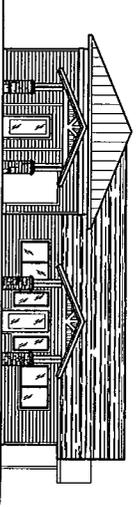
DATE: 01/08/15  
PROJECT: Orchard Village  
SHEET: A2.11



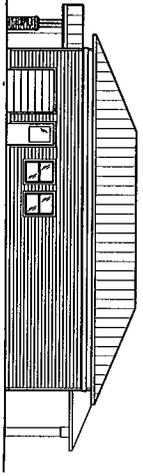
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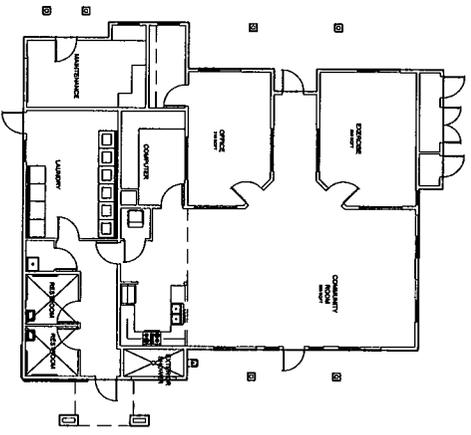
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



COMMUNITY BUILDING FLOOR PLAN  
2500 SCALE



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Scale  
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PROJECT  
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SHEET #  
**A2.12**  
COMMUNITY





MEMO

TO: Interested Parties  
DATE: June 10, 2008  
FROM: Jeff Fisher, Contract Planner  
SUBJECT: Notice of Conceptual (Preliminary) Design Review for the Orchard Village Multi-Family Housing Project

---

**Description of the Project:** A Conceptual (Preliminary) Design Review for an infill development of 74 apartment units of multi-family workforce housing serving low and very low income families of all sizes. This project includes the extension of Dutton Street and associated public right of way to increase street and sidewalk connectivity in the area.

**Project Location:** The project site is located on a portion of a 10-acre site on the east side of Railroad Avenue just south of Martinez Way and north of Carrion Circle, Winters.

**Environmental Determination:** None.

**Note:** This meeting is for informational purposes only at the request of the applicant. No action will be taken by the Planning Commission on this item at this meeting. This meeting provides an opportunity for the Commission and the public to provide comment on the design of the proposed project and its consistency with the City's Design Guidelines prior to formal design review.

On Tuesday, June 24, 2008, starting at 7:30 p.m. in the City Council Chambers, located on the first floor of City Hall at 318 First Street, Winters, California, the Planning Commission will receive a staff report and provide feedback on the Conceptual Design of the Orchard Village Project.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Jeff Fisher at (530) 795-4910, ext. 114. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

Availability of Documents: The project file is available for public review at the Community Development Department, Winters City Hall, 318 First Street, Winters, CA 95694. Copies of the Staff Report will be available on the City's website at [http://cityofwinters.org/administrative/admin\\_boards.htm](http://cityofwinters.org/administrative/admin_boards.htm)

For more information regarding this project, please contact Jeff Fisher at (530) 795-4910, extension 114.

**PUBLISH JUNE 11, 2008**



**PLANNING COMMISSION STAFF REPORT**  
**June 17, 2008**

**TO:** Chairman and Planning Commissioners  
**HEARING DATE:** June 24, 2008  
**FROM:** Jeff Fisher, Contract Planner  
**SUBJECT:** **Public Hearing to Consider Application Number 2007-GPA-01:  
Valadez General Plan Map Amendment and Rezone**

<b>APPLICANT:</b>	Frank Valadez 1137 Williams Way Yuba City, CA 95991
<b>SITE DATA:</b>	Location: 720 Hemenway Street Assessor's Parcel Number: 003-391-05 Parcel Size: 1.42 acres Undeveloped land (Current) General Plan Designation: Recreation and Parks (RP) (Current) Zoning Designation: P-R (Parks – Recreation)

**Requested Action:** Staff recommends that the Planning Commission take the following actions: (1) receive the staff report; (2) conduct the public hearing; and (3) make a recommendation to the City Council to adopt a Resolution for the proposed General Plan Amendment and adopt the Ordinance for the proposed Rezone as specified in detail under the Planning Commission Actions section below, subject to the findings and conditions of approval contained in this report.

**Project Description:** General Plan Amendment from Recreation and Parks (RP) to Medium Density Residential (MR); and rezone from Parks and Recreation (P-R) to R-2 (single-family residential). There is no proposed development plan or tentative subdivision map with this application.

**Project Site:** The 1.42-acre trapezoid-shaped site is located between the northern and southern termini of Apricot Avenue, along the eastern boundary of the Winters Cemetery. This site, along with a 2.79-acre adjoining parcel, total 4.21 acres which are currently planted as a single walnut orchard under common ownership. Access to the subject parcel is via the adjoining parcel that fronts along Hemenway Street. The

proposed GPA/Rezone is associated only with the westerly 1.42-acre parcel.

**Adjacent Land Uses:** The land uses surrounding the site are single-family residences on the north and south; the Winters Cemetery on the west and; walnut orchard with a single-family residence on the east. Table 1 below shows the existing land use and zoning designations for these parcels.

**TABLE 1**  
**Adjacent Land Uses, General Plan Land Use and Zoning Designations:**

	Existing Land Use	General Plan Designation	Zoning Designation
Subject Property	Walnut Orchard	RP	P-R
North	Single-family residences	LR	R-2
South	Single-family residences	LR	R-2
East (Valadez owned parcel)	Walnut Orchard/Single-family residence	LR	R-2
West	Winters Cemetery	PQP	P-QP

**Background:** In 1992, as part of a city-wide General Plan update, the Land Use designation for the subject parcel was changed from LR (Low Density Residential) to PR (Recreation and Parks), and the zoning was changed from R-1 to PR. The adjoining parcel remained designated and zoned as residential. These changes were adopted to facilitate the sale of the subject property to the Winters Cemetery District for future cemetery expansion, since cemetery development was not an approved use on residentially zoned property. Eventual negotiations between the City and the Cemetery District failed to result in the sale of the property.

The city's General Plan Circulation Map identifies a future extension of Apricot Avenue that bisects the Valadez property into the 1.42- and 2.79-acre parcels. The Apricot Avenue right-of-way was dedicated to the city by the property owner with the intent of completing this final section of Apricot Avenue upon residential development of the easterly parcel. As shown on the attached site plan, this right-of-way is located on the property line between the two orchard parcels and is aligned with the current north and south termini of Apricot Avenue. The city does not intend to complete this street section until development has been approved for the site.

**CEQA Environmental Review:** A Mitigated Negative Declaration was prepared for this project and was circulated for public review on February 14, 2008 in accordance with CEQA regulations. Although there was not a subdivision map associated with the project, the document assumed future residential development on the site and the project was analyzed accordingly. The document did not identify any impacts which could not be mitigated to less than significant levels. The Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program are attached to this report.

**STAFF ANALYSIS:** The project site, as discussed above, is located in a developed residential area and was historically designated for residential development prior to the redesignation in 1992. From that date, the land use has remained unchanged and the city does not intend to purchase the property for park purposes. Staff finds that the best use of the property would be residential. Therefore, staff supports the General Plan Amendment and Rezone for the reasons discussed as follows:

1. The project is consistent with General Plan Land Use policies since it will provide for infill development; allow for development to occur in a logical sequence; utilize existing public services and roadway (right-of-way); and provide increased connectivity with the City's circulation system.
2. The project would be consistent and/or compatible with surrounding land uses. The project would connect the existing residential land uses in the project area.
3. The project's residential densities are consistent with existing densities. The proposed R-2 zoning allows for residential densities identical to those which currently surround the project site. *(Note: multi-family development would not be an approved use with this R-2 rezone.)*
4. The project would not significantly affect or negatively influence living conditions for those currently residing in the area. There are no parcels in the area which do not currently have at least one adjacent neighbor. If developed, the project would allow for single-family homes similar to those existing. The project would allow for a use which is not anticipated to decrease property values of the existing homes in the neighborhood.
5. The project would not deter the improvement or development of adjacent properties, nor create a precedent, due to the fact that this project would allow for infill development and there are no other vacant parcels in the project area which could be developed otherwise.

To ensure future land use and neighborhood compatibility, any proposed development would require a tentative subdivision map subject to review and approval by the Planning Commission and City Council. Additional CEQA analysis may also be required.

**REZONING AGREEMENT BETWEEN APPLICANT AND CITY OF WINTERS**

The City and the applicant have entered into an agreement (Attachment D) that an application for future development of the subject parcel shall also include development plans for the adjacent parcel. Therefore, the entire 4.21-acre site will be required to be developed under a single application. This agreement will ensure a development which is compatible and consistent with the surrounding neighborhood. At the time of development, the property owner will also be required to dedicate land and/or pay fees for park or recreational purposes, in accordance with then-existing City ordinances. These conditions and the signed agreement are attached to this report.

## **PLANNING COMMISSION ACTION**

Subject to the findings and conditions listed below, staff recommends that the Planning Commission make the following recommendations to the City Council:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Make a recommendation to the City Council to adopt a Resolution to approve a General Plan Amendment to designate 1.42 acres from Recreation and Parks (RP) to Medium Density Residential (MR).
3. Make a recommendation to the City Council to adopt an Ordinance to approve a Rezoning to designate 1.42 acres from Parks and Recreation (P-R) to R-2 (single-family residential).

### **Adoption of Mitigated Negative Declaration**

Prior to taking an action to approve the project as recommended, the Planning Commission must recommend to the City Council that they should adopt the Mitigated Negative Declaration as an adequate final environmental document and make specified findings required under CEQA pursuant to Public Resources Code Section 21080(c).

Staff recommends that the Planning Commission recommend that the City Council make the following Findings for Adoption of Mitigated Negative Declaration:

1. The City Council has considered the proposed Mitigated Negative Declaration before making a decision on the project.
2. The City Council has considered comments received on the Mitigated Negative Declaration during the public review process.
3. The City Council finds that the environmental checklist/initial study identified potentially significant effects, but: a) mitigation measures agreed to by the applicant before the mitigated negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where clearly no significant impact would occur; and b) there is no substantial evidence, in light of the whole record before the City, that the project as revised to include the mitigation measures may have a significant effect on the environment.
4. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Winters.
5. The Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and is determined to be complete and final.
6. The custodian of the documents, and other materials, which constitute the record

of proceedings is the Community Development Director. The location of these items is the office of the Community Development Department at City Hall, 318 First Street, Winters, California 95694.

7. The Mitigation Monitoring and Reporting Plan is hereby adopted to ensure implementation of mitigation measures identified in the Mitigated Negative Declaration. The City Council finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on the applicant, future property owners, and affected parties.
8. The City Council hereby adopts the Valadez General Plan Amendment and Rezone Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

#### General Plan Amendment

Staff recommends that the Planning Commission recommend that the City Council make the following Findings for General Plan Amendment:

1. The adoption of the General Plan Amendment will be consistent with the adopted City General Plan goals, policies and programs in that the change in zones will facilitate in-fill development and is consistent with the character of the neighborhood which predominantly includes Single-Family homes.
2. The adoption of the General Plan Amendment will be compatible with other designations within the vicinity and with surrounding land uses which includes single-family residences on the north and south; the Winters Cemetery on the west and; walnut orchard with a single-family residence on the east.

#### Rezoning

Staff recommends that the Planning Commission recommend that the City Council make the following Findings for Rezoning:

1. The public health and general welfare warrant the change of the zone and the change of zone is in conformity with the General Plan.

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

**MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL OF THE CITY OF WINTERS THE APPROVAL OF THE GENERAL PLAN MAP AMENDMENT AND REZONING PROJECT BASED ON THE IDENTIFIED FINDINGS AND BY TAKING THE FOLLOWING ACTION:**

- Direct staff to prepare a written recommendation to deliver to the City Council which includes the reasons for the recommendation, and a discussion of the relationship between the proposed amendment and the General Plan. This recommendation must be signed by the Chair and witnessed by the

Administrative Secretary.

- Recommend adoption of the Mitigated Negative Declaration of environmental impacts.
- Recommendation to the City Council adoption of the Mitigated Negative Declaration of environmental impacts pursuant to the findings required under Public Resources Code Section 21080(c).
- Recommend ratification of the General Plan Amendment Resolution # \_\_\_\_\_.
- Recommend ratification of amendment to the Zoning Ordinance # \_\_\_\_\_.

**ALTERNATIVES:** The Commission can elect to make recommendations to alter the proposed General Plan Amendment and/or Rezoning; those changes would be made and would be presented and deliberated at the next City Council meeting.

### **CONDITIONS OF APPROVAL**

1. In order to promote compatibility with the surrounding neighborhood, a development plan for the entire 4.21 acre parcel, which includes APN # 003-391-05 (1.42 acres) and APN # 003-0392-01 (2.79 acres) shall be presented to the City of Winters for consideration at one time, as opposed to submitting separate and independent plans for either the eastern or western portion of the site.
2. The property owner understands and acknowledges that at the time of development of the 4.21-acre parcel, which includes the Subject Property, there will be a requirement to dedicate land and/or pay fees for park or recreational purposes, in accordance with then-existing City ordinances, and the property owner agrees to comply with such ordinances.<sup>3</sup> The property owner agrees to provide any successor-in-interest to the 4.21-acre parcel, which includes the Subject Property, or any portion thereof, with a complete copy of this Ordinance.

Deleted: ¶  
¶

### **APPLICABLE REGULATIONS:**

This project is subject to the following regulations:

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

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on

Thursday, June 11, 2008, and notices were mailed to all property owners who own real property within 300 feet of the project boundaries at least 10 days prior to the June 24, 2008 Planning Commission hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Wednesday, June 18, 2008.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING THE GENERAL PLAN TO CHANGE THE GENERAL PLAN DESIGNATION FROM RECREATION AND PARKS (RP) TO MEDIUM DENSITY RESIDENTIAL (MR) FOR THE PROPERTY LOCATED AT ASSESOR'S PARCEL NUMBER 003-391-05**

**WHEREAS**, Section \_\_\_\_\_ of the Winters Municipal Code authorizes the City Council of City of Winters, upon receipt of a recommendation from the Planning Commission, upon holding a public hearing and hearing all testimony, upon examination and review of the investigative and staff reports and upon ascertaining all other pertinent facts relative thereto, and upon conclusion of public hearing to make determinations and findings of fact as deemed necessary and to approve proposed General Plan amendment and adoption of a Resolution changing General Plan designation; and

**WHEREAS**, California Government Code section 65350 *et seq.* authorizes the City Council of City of Winters, upon hearing all testimony, upon examination and review of the investigative and staff reports and upon ascertaining all other pertinent facts relative thereto, and upon conclusion of public hearing to make determinations and findings of fact as deemed necessary and to approve proposed General Plan amendment and adoption of a Resolution changing General Plan designation; and

**WHEREAS**, the Planning Commission of the City of Winters held a duly noticed public hearing on \_\_\_\_\_, and recommending that the City Council approve a General Plan Amendment to change the General Plan designation from \_\_\_\_\_ to \_\_\_\_\_ for the property at \_\_\_\_\_ shown in Attachment "A"; and

**WHEREAS**, the City Council of the City of Winters held a public hearing on \_\_\_\_\_, for this General Plan Amendment following notice duly and regularly given as required by law and interested parties were heard; and

**WHEREAS**, the City Council has carefully considered all pertinent testimony, staff report and Planning Commission recommendations in the case as presented at the public hearing of \_\_\_\_\_; and

**WHEREAS**, the proposed General Plan Amendment is necessary to carry out general purpose and provisions of General Plan; and

**WHEREAS**, the proposed General Plan Amendment is required by public necessity and convenience, and will promote general welfare.

**NOW THEREFORE**, the City Council of the City of Winters does hereby resolve as follows:

**SECTION 1.** Pursuant to the State California Environmental Quality Act (CEQA) Guidelines, the City Council finds that:

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

**SECTION 2.** Pursuant to Section \_\_\_\_\_ of the Winters Municipal Code, the City Council of the City of Winters does hereby approve the adoption of a General Plan Amendment to change the General Plan designation from \_\_\_\_\_ to \_\_\_\_\_ for the property at \_\_\_\_\_ and as designated herein as Attachment "A", attached hereto and made part of this Resolution.

**SECTION 3.** The City Council of the City of Winters finds that this General Plan Amendment should adopted for the following reasons and findings:

- a) The adoption of the General Plan Amendment will be consistent with the adopted City General Plan goals, policies and programs in that the change in zones will facilitate in-fill development and is consistent with the character of the neighborhood which predominantly includes Single-Family homes.
- b) The adoption of the General Plan Amendment will be compatible with other designations within the vicinity and with surrounding land uses which includes single-family residences on the north and south; the Winters Cemetery on the west and; walnut orchard with a single-family residence on the east.

**SECTION 4.** Based upon the foregoing findings and summaries, the City of Winters City Council approves the adoption of a General Plan Amendment changing the General Plan designation from \_\_\_\_\_ to \_\_\_\_\_ for the property at \_\_\_\_\_ following a public hearing as required by law.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by members of the City Council of the City of Winters, voting as follows:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

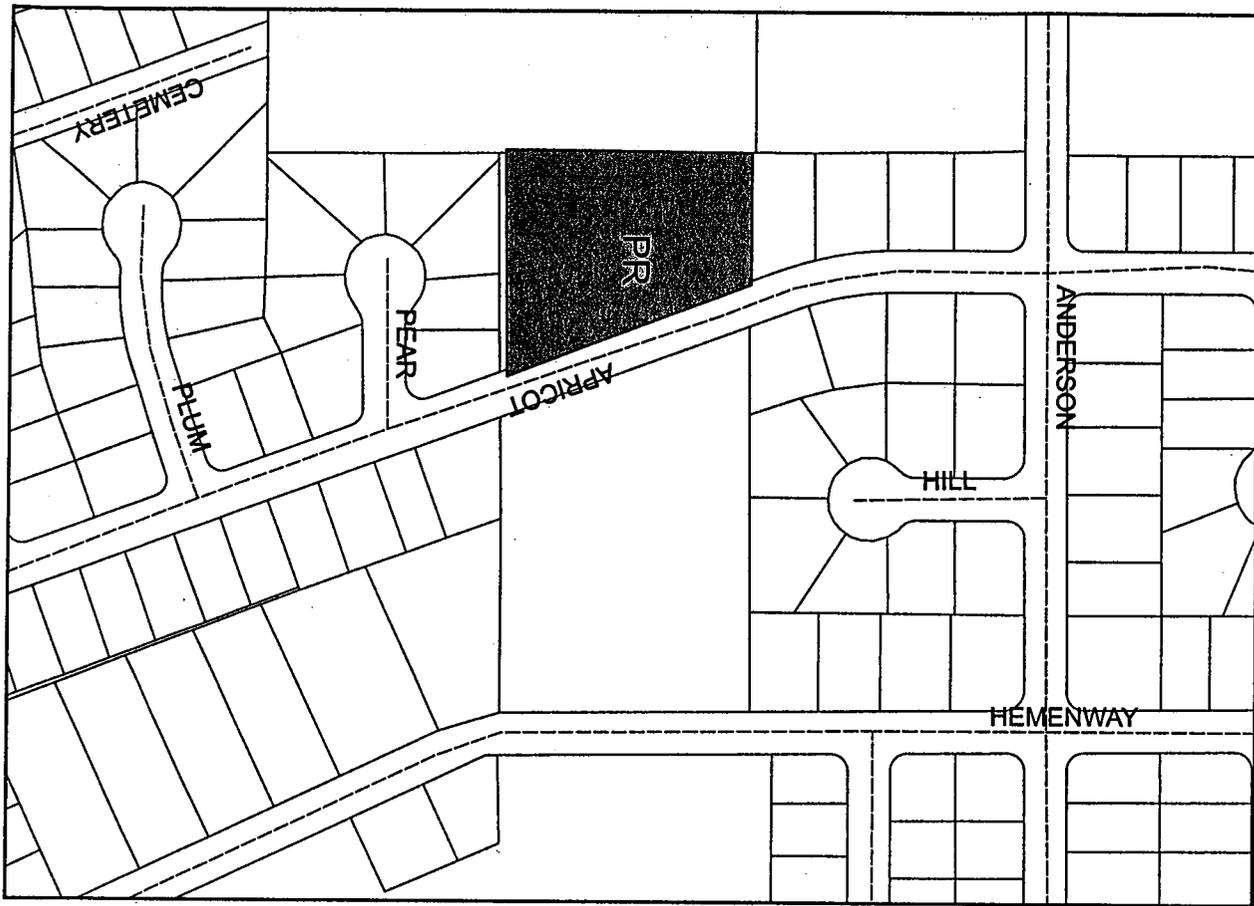
\_\_\_\_\_  
 Mayor

**ATTEST:**

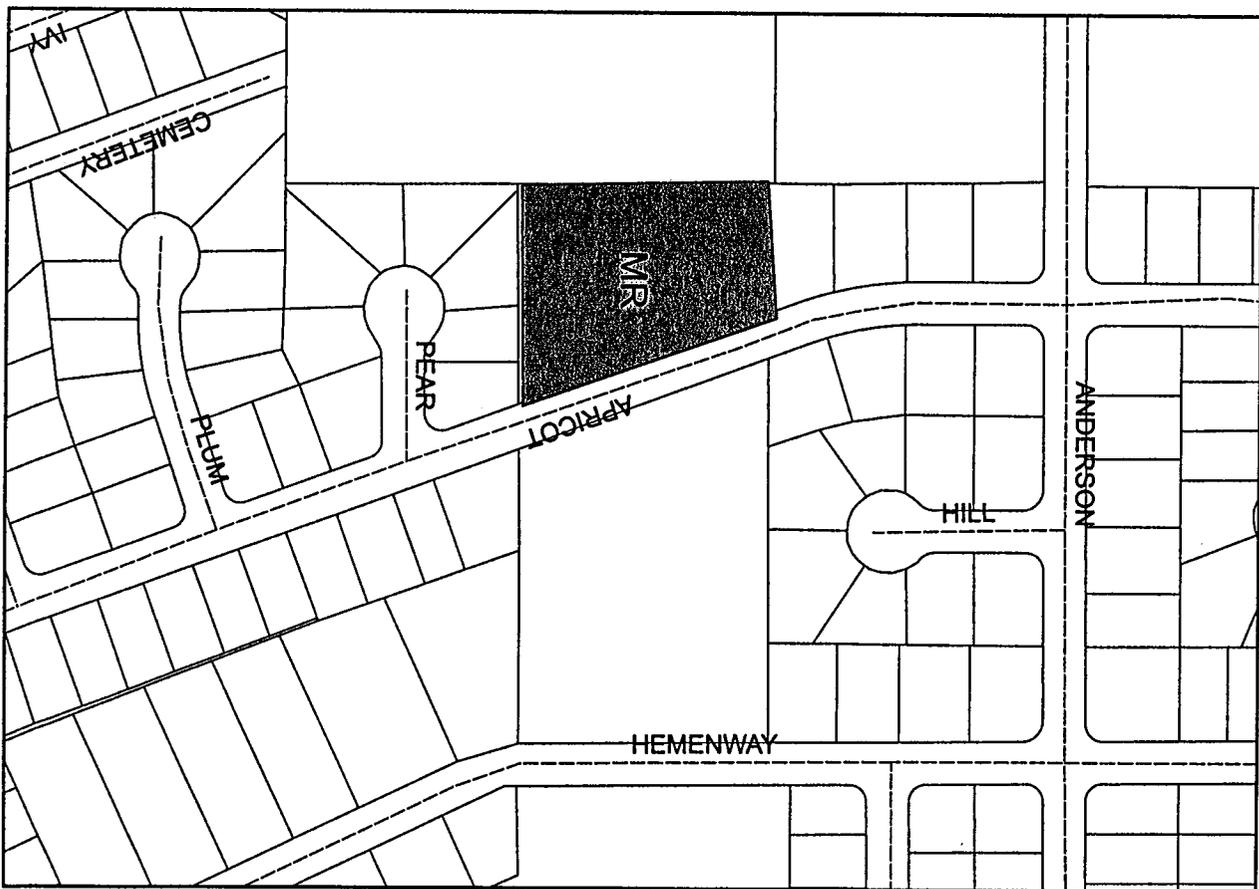
\_\_\_\_\_  
 City Clerk

# General Plan Amendment Exhibit

Existing



Proposed



**CITY OF WINTERS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING  
THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN  
PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 003-391-05**

The City Council of the City of Winters hereby ordains as follows:

**SECTION 1:** The Zoning Map of the City of Winters is amended to change the zoning classification of the property described in Exhibit "A" and depicted in Exhibit "B", which are attached hereto and incorporated herein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel No. 003-391-05 and is approximately 1.42 acres, from the P-R Zone to the R-2 Zone, as depicted on Exhibit "B".

**SECTION 2:** The change in the zoning classification for the Subject Property provided for in Section 1 hereof shall be subject to, and conditioned upon, compliance with all of the conditions set forth in Exhibit "C", which is attached hereto and incorporated herein as though set forth in full.

**SECTION 3:** The conditions set forth in Exhibit "C" and incorporated herein shall run with the land and shall be directly enforceable by the City of Winters against the owner(s), successors and assigns of the Subject Property.

**SECTION 4:** The City Council finds in connection with its adoption of this Ordinance, and the imposition of the conditions enumerated in Exhibit "C" hereof and incorporated herein, that the owners of the Subject Property, or authorized representative of the owners, have consented to the imposition of the conditions enumerated in Exhibit "C" hereof. This consent is memorialized in Exhibit "D" which is attached hereto and incorporated herein as though set forth in full.

**SECTION 5:** This Ordinance shall be in full force and effect 30 days after its adoption and shall be published and posted as required by law. The City Clerk of the City of Winters shall cause this Ordinance to be posted in accordance with 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on \_\_\_\_\_, 2008 and was passed and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mayor

ATTEST:

---

City Clerk

## EXHIBIT A

All that real property situated in the City of Winters, County of Yolo, State of California, described as follows:

A portion of Block 13 of Hills Subdivision of the Northeast Quarter of Section 21, Township 8 North, Range 1 West, M. D. B. & M., according to the official plat thereof, filed for record in the office of the Recorder of Yolo County, California, on August 31, 1885, in Book 39 of Deeds, at page 63, described as follows:

That portion of said block which lies South of a line which commences on the East boundary of said block, distant thereon 322.85 feet South of the Northeast corner thereof, and extends thence West, at right angles, 690.36 feet to the West line of said block.

Excepting therefrom the following described real property situated in the City of Winters, County of Yolo, State of California:

A portion of Block 13 of Hills Subdivision of the N.E. one-quarter of Section 21, Township 8 North, Range 1 West, M.D.B. & M., as said subdivision is shown on that map filed in Book 39 of Deeds, at page 63 of Official Records of Yolo County, California, and being more particularly described as follows: BEGINNING at the northerly terminus of the center-line of Apricot Avenue that is distant South 89 Deg. 42'24" West 140.91 feet from the Northeast Corner of Subdivision No. 2110, also known as Kaiser-Aetna, Winters, as said subdivision is shown on that map filed in Book 8 of Maps at pages 32 and 33 of Official Records of Yolo County; thence, from said point of beginning along the northerly boundary of said Subdivision No. 2110, South 89 Deg. 42'24" West 26.54 feet; thence, leaving said northerly boundary, North 19 deg. 55' 12" West approximately 324.48 feet plus or minus to the southerly boundary of that parcel of land conveyed to the Dearborn Development Co. by Stanley M. Davis and Ruth Wood Davis by deed November 19, 1965, in Book 830 of Official Records of Yolo County, at pages 84 and 85; thence, along said southerly boundary, North 89 deg. 47' 37" East 53.11 feet; thence, leaving said southerly boundary, South 19 deg. 55' 12" East approximately 324.39 feet plus or minus to the northerly boundary of said Subdivision No. 2110; thence, along said northerly boundary, South 89 deg. 42' 24" West 26.55 feet to the point of beginning.

Yolo County A.P.N. 3-392-01

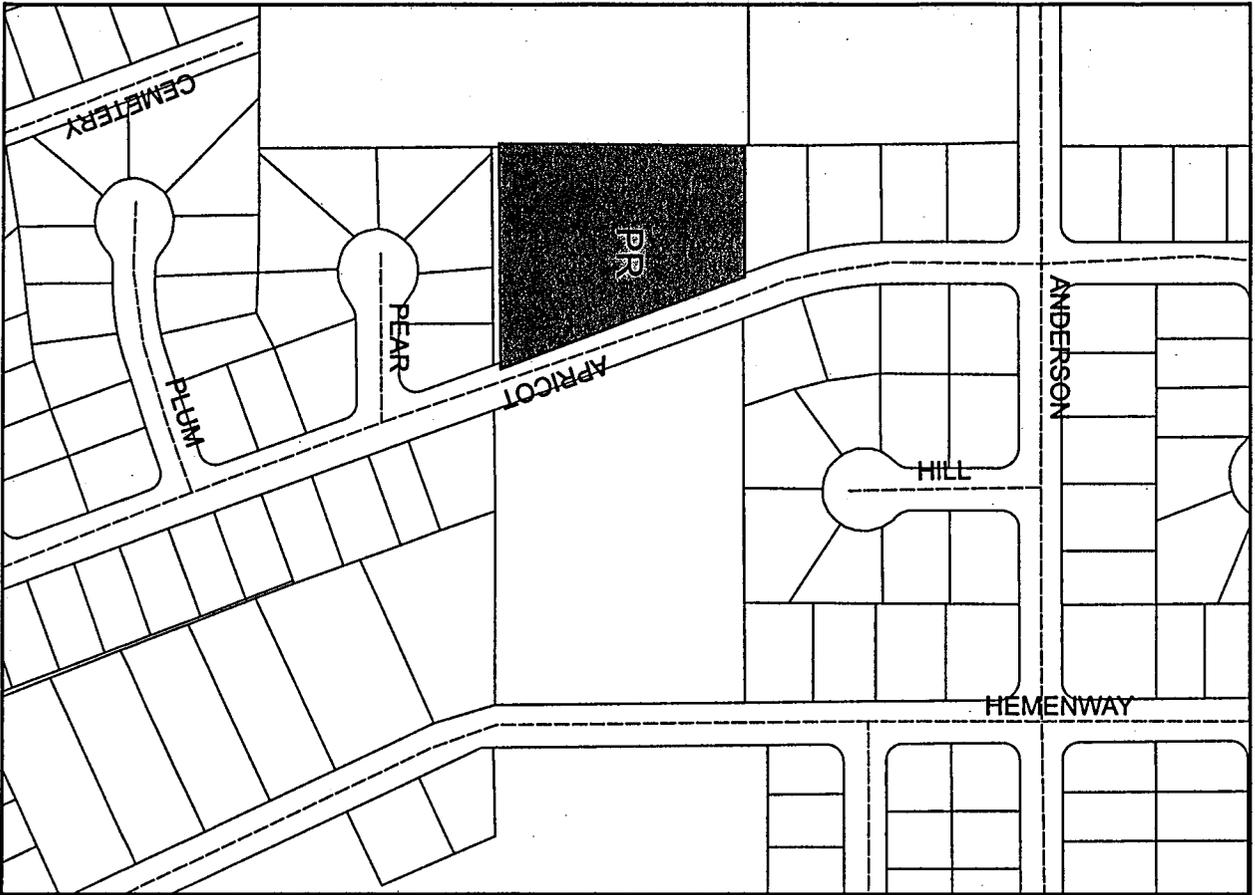
Yolo County A.P.N. 3-391-05

## EXHIBIT A

Felix Valadez Family Trust

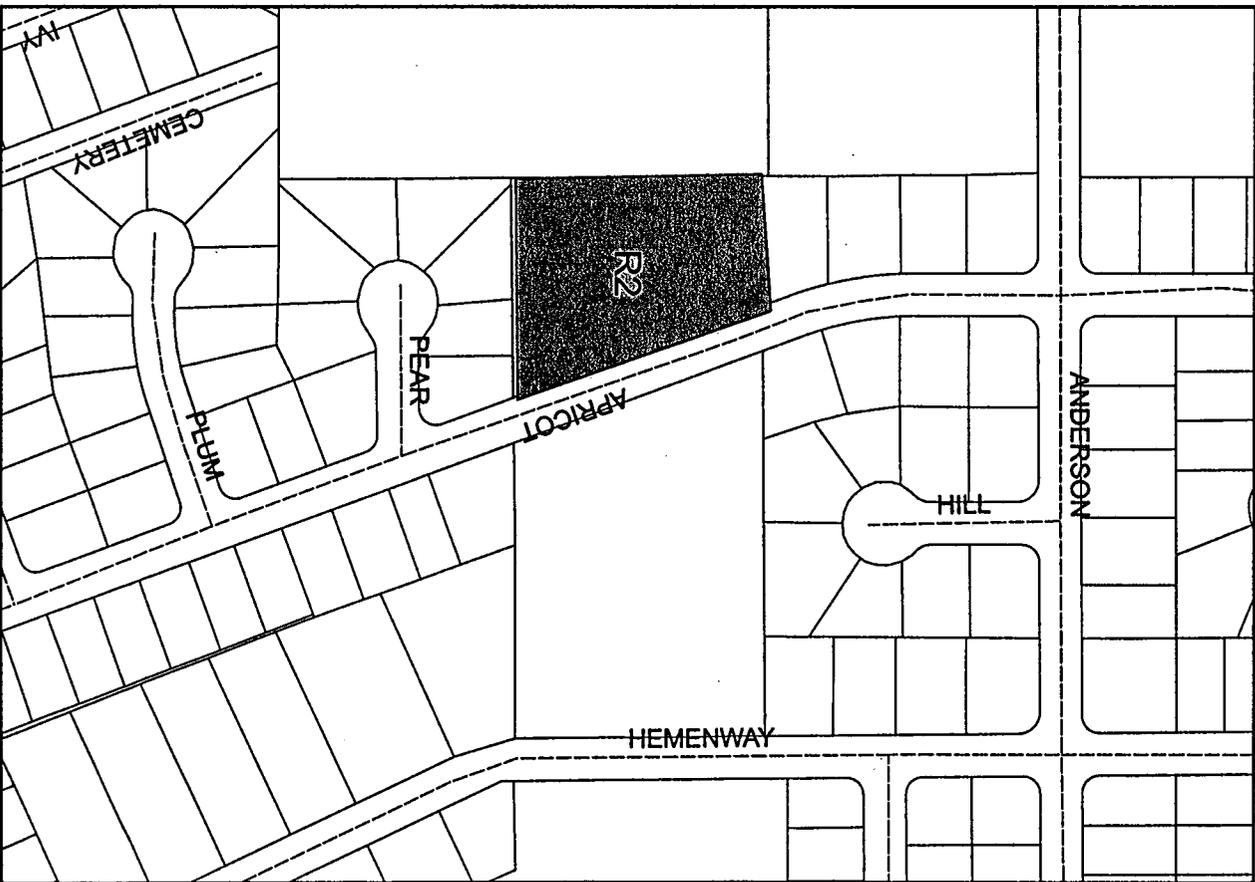
Petition for Reissuance of Order Nunc Pro Tunc

Existing



# Rezone Exhibit

Proposed



**EXHIBIT "C"**

**REZONE CONDITIONS**

1. In order to promote the compatibility of the development with the surrounding neighborhood, a development plan for the entire 4.14 acre parcel, which includes APN # 003-391-05 (1.421 acres) and APN #003-0392-01 (2.719 acres) shall be presented to the City of Winters for consideration at one time, as opposed to submitting separate and independent plans for either the eastern or western portion of the site.
2. The property owner understands and acknowledges that at the time of development of the 4.14 acre parcel, which includes the Subject Property, there will be a requirement to dedicate land and/or pay fees for park or recreational purposes, in accordance with then-existing City ordinances, and the property owner agrees to comply with such ordinances.
3. The property owner agrees to provide any successor-in-interest to the 4.14 acre parcel, which includes the Subject Property, or any portion thereof, with a complete copy of this Ordinance.

**EXHIBIT "D"**

**CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS**

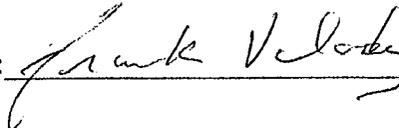
I am the Trustee of the Valadez Family Trust, which includes real property described in Exhibit "A" and depicted in Exhibit "B" of this Zoning Ordinance attached thereto and incorporated therein as though set forth in full ("Subject Property"), and commonly referred to and known as Assessor Parcel No.003-391-0505 and which is approximately 1.421 acres. As the authorized representative of the Subject Property, I have applied to have the Subject Property rezoned from the P-R Zone to the R-2 Zone.

On behalf of Valadez Family Trust, I understand that certain conditions have been attached to the rezoning of the Subject Property. I acknowledge that those rezone conditions are enumerated in Exhibit "C" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Rezone Conditions").

On behalf of the Valadez Family Trust, I, as trustee, hereby represent that I have received a copy of the Zoning Ordinance, including Exhibits "A", "B", "C" and "D" in their entirety, and have carefully reviewed and fully understand the Rezone Conditions set forth in Exhibit "C". In my capacity as Trustee of the Valadez Family Trust, I consent to the imposition of the Rezone Conditions and agree to fully comply with the Rezone Conditions.

On behalf of the Valadez Family Trust, I, as trustee, consent to the recordation of this Zoning Ordinance, including Exhibits "A", "B", "C" and "D" in their entirety by the county recorder of Yolo County.

DATED: 6/2/08

SIGNED: 



**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

TO: Interested Parties  
FROM: Winters Community Development Department  
DATE: February 14, 2008

SUBJECT: **VALADEZ GENERAL PLAN AMENDMENT – NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

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**Applicant:**

Frank Valadez (Trustee and Applicant/Owner)  
1137 Williams Way  
Yuba City, CA 95991  
530-674-5102

**Description of the Project:** The project is a proposed General Plan Amendment of Assessor Parcel Number 003-391-05 to change the existing General Plan designation from Recreation and Parks (RP) to Medium Density Residential (MR) and rezone the property from Parks and Recreation (P-R) to Single Family, 6000 Square Foot Average Minimum (R-2 Zone). The applicant has indicated that the project site would be developed for single-family residences if the general plan amendment/rezone request is approved.

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

- CEQA clearance in the form of a Negative Declaration and Mitigation Monitoring Plan.
- General Plan Amendment to change the land use designation from Recreation and Parks (RP) to Medium Density Residential (MR).
- Rezone to change the zoning from Parks and Recreation (P-R Zone) to Single Family, 6000 Square Foot Average Minimum (R-2 Zone).

**Project Location:** The project site is located in the north central area of the City of Winters directly north of Pear Place at Assessor Parcel Number 003-391-05. The property has a situs of Apricot Avenue, but does not have a street address. The property is approximately 1.421 acres in size. The project is north of Pear Place, south of 776 Apricot Avenue, west of a future extension of Apricot Avenue, and east of the Winters Cemetery.

**Environmental Determination:** Mitigated Negative Declaration.

**Comments on the Negative Declaration:** The City requests your written comments on the Mitigated Negative Declaration during a **30-day review period** which begins **Thursday, February 14, 2008** and ends **Friday, March 14, 2008**. All comments must be received no later than 4:00 p.m., March 14, 2008. Postmarks are not accepted. Comments should be directed to Winters Community Development Department, 318 First Street, Winters, CA 95694.

**Public Hearing:** Notice of public hearings before the Planning Commission and City Council will be provided once the hearings have been scheduled.

**Availability of Documents:** The Mitigated Negative Declaration, supporting documentation, and project file are available for public review at the Community Development Department, Winters City Hall, 318 First Street, Winters, CA 95694. Copies of the Mitigated Negative Declaration and the Initial Study will be available on the City's website ([www.cityofwinters.org](http://www.cityofwinters.org)) under the Community Development Department tab (Reports & Publications option).

For more information regarding this project, please contact the Community Development Department at (530) 795-4910, extension 112.

## ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

**Project Title:** Valadez GPA/Rezone

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

**Contact Person and Phone Number:** Dan Sokolow  
Community Development Director  
(530) 795-4910, extension 114

**Project Location:** The project is located in the north central area of the City of Winters directly north of Pear Place at Assessor Parcel Number 003-391-05. The property has a situs of Apricot Avenue, but does not have a street address. The property is approximately 1.421 acres in size. The project is north of Pear Place, south of 776 Apricot Avenue, west of a future extension of Apricot Avenue, and east of the Winters Cemetery.

**Project Sponsor's Name and Address:** Frank Valadez (Trustee)  
Applicant/Owner  
1137 Williams Way  
Yuba City, CA 95991  
530-674-5102

**General Plan Designation:** Recreation and Parks (RP).

**Zoning:** Parks and Recreation (P-R).

**Existing Conditions:** The project site consists of a long, almost rectangular-shaped parcel with dimensions of approximately 145 feet on the north, 257 feet on the south, 308 feet on the west, and 324 feet on the east. The property is generally flat, but surface elevation information is not known. The current use of the project site is a walnut orchard and the orchard extends across a future extension of Apricot Avenue to a second parcel located at 720 Hemenway Street (APN 003-391-01). The property lies in a FEMA Flood Zone X based on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community-Panel Number 060425 0001 C). Zone X is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain. Surrounding land uses include:

North – Single-family residences.

West – Winters Cemetery.

East – Walnut orchard.

South – Single-family residences.

**Background:** The project site has been used for a walnut orchard for a number of decades. Information is not available on whether the site has supported structures in the past.

**Project History:**

March 29, 2007 – Application submitted for General Plan Amendment and Rezone.

**Previous Relevant Environmental Analysis:** The 1992 General Plan was the subject of a certified Environmental Impact Report that examined the environmental impacts associated with adoption of the General Plan, including the development of the site as currently designated.

**Description of the Project:** The project is a proposed General Plan Amendment to change the existing General Plan designation from Recreation and Parks (RP) to Medium Density Residential (MR) and rezone the property from Parks and Recreation (P-R) to Single Family, 6000 Square Foot Average Minimum (R-2 Zone). The applicant has indicated that the project site would be developed for single-family residences if the general plan amendment/rezone request is approved.

Site Plan

A site plan has not been submitted for residential development of the project area. However, it is estimated that five or six single-family residences could be constructed at the project site.

Roadways

A roadway plan has not been submitted for residential development of the project area; however, under the City's Circulation Master Plan a future extension of Apricot Avenue would be constructed directly east of the project site.

Land Use And Zoning Consistency

The applicant is proposing a general plan amendment to change the land use designation from RP to MR and a rezone to change the zoning from P-R to R-2.

Other Applicable Plans

The project site falls within the redevelopment area of the City of Winters known as the Community Development Agency Project Area. In the event that the site is developed for residential purposes, the California Redevelopment Law requires that 15% of the residential units developed or rehabilitated in a project area by public or private entities other than a redevelopment agency must be affordable to low and moderate income households. For the 15% requirement, 40% of the units must be affordable to very low-income households while the remaining 60% must be affordable to low- to moderate-income households.

Sewer Conveyance

Infrastructure plans have not been submitted for the project site.

### Sewer Treatment

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

### Water Conveyance

Infrastructure plans have not been submitted for the project site.

### Drainage Conveyance

Infrastructure plans have not been submitted for the project site.

### Off-Site Infrastructure

An analysis to determine what if any off-site infrastructure necessary for development of the project site has not been prepared.

### Flooding

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

### Parkland

The applicant has not proposed a park for the project site. The site is currently designated under the General Plan and zoned for a future park.

### Affordable Housing

In the event that the project site is developed for residential use, the development would be subjected to the City's affordable housing ordinance. The ordinance requires a 15 percent affordable component comprised of 6 percent very low-income, and 9 percent low- to moderate-income.

### Required City Approvals

The following entitlements are required for approval of the project.

- CEQA clearance in the form of a Negative Declaration and Mitigation Monitoring Plan.
- General Plan Amendment to change the land use designation from Recreation and Parks (RP) to Medium Density Residential (MR).
- Rezone to change the zoning from Parks and Recreation (P-R Zone) to Single Family, 6000 Square Foot Average Minimum (R-2 Zone).

**Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement).**

- California Department of Fish and Game
- Central Valley Regional Water Quality Control Board
- Yolo-Solano Air Quality Management District

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

**Technical Studies:** No technical studies have been prepared for the project.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| ■ Aesthetics                      | □ Mineral Resources                  |
| □ Agricultural Resources          | □ Noise                              |
| ■ Air Quality                     | □ Population and Housing             |
| ■ Biological Resources            | ■ Public Services                    |
| ■ Cultural Resources              | ■ Recreation                         |
| ■ Geology and Soils               | ■ Transportation/Traffic             |
| ■ Hazards and Hazardous Materials | ■ Utilities and Service Systems      |
| □ Hydrology/Water Quality         | ■ Mandatory Findings of Significance |
| ■ Land Use and Planning           | □ None Identified                    |

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the Proposed Project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the Proposed Project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the Proposed Project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis described in the attached sheets. An

ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project. Nothing further is required.

\_\_\_\_\_  
Signature  
  
Dan Sokolow, Comm. Dev. Director  
Printed Name

\_\_\_\_\_  
Date  
  
Community Development Department  
Lead Agency

## ENVIRONMENTAL CHECKLIST

### Introduction

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

For this checklist, the following designations are used:

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

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

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

**No Impact:** The project would not have any impact.

### Instructions

1. A brief evaluation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately

supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, potentially significant unless mitigation is incorporated, or less than significant. “Potentially significant impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Potentially Significant Unless Mitigation Incorporated” means “Less Than Significant With Mitigation Incorporated”. It applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used – Identify and state where available for review.
  - b. Impacts Adequately Addressed – Identify which effects from the above checklist were within the scope of and adequately addressed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures – For effects that are “Potentially Significant Unless Mitigation Incorporated” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources in the form of a source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue area should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measures identified, if any, to reduce the impact to less than significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. The project site does not contain a scenic vista and development of the site would not block views of a scenic vista. For these reasons, the proposed project would result in no impact on a scenic vista.
- b. The project site proposed for development does not contain any protected scenic resources. The adjoining roadways are not listed or designated as a "scenic highway" and are not designated as scenic resources by the General Plan. As such, no impact would result.
- c. Development of the project site for residential use would change the visual surroundings of the area; however, the visual characteristics would change also if the site was developed as a park. Based on this and the presence of single-family residences north and south of the site, the impact is considered a less-than-significant.
- d. Development of the project site for residential use, including off-site improvements, would provide additional light and glare in the area. If unshielded, lighting can spill onto adjacent projects, and disturb other residents.

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

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

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

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

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

**Discussion**

- a. The project site is not designated as Prime Farmlands, Unique Farmlands, or Farmlands of Local Importance on the City's Important Farmlands Map (1992 General Plan Background Report, Figure VIII-2). The Yolo County Important Farmland Map (California Department of Conservation, 2004) designates the project site as Urban and Built-Up Land.
- b,c. While the project site is used for a walnut orchard, the site is not zoned for agricultural use and is not under a Williamson Act contract. Therefore, the impact on agriculturally zoned land or Williamson Act contract land is less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

Air quality modeling (URBEMIS) was not used for the project because residential development of the project site would result in a small number of residences. The number of single-family residences that could be constructed at the project site, an estimated five to six residences, falls significantly below the project size, 350 single-family residences for year 2010, that may exceed Yolo-Solano Air Quality Management District's (YSAQMD) thresholds for ROG, NO<sub>x</sub> and PM<sub>10</sub>.

- a. The Yolo-Solano Air Quality Management District is currently a non-attainment for ozone (State and Federal ambient standards) and Particulate Matter (State ambient standards). While air quality plans exist for ozone, none exists (or is currently required) for PM<sub>10</sub>.

Based on consistency with the regional air plan, the YSAQMD CEQA guidance provides that a development project would have a cumulatively significant impact with respect to a non-attainment pollutant if the project requires a change in the existing land use designation (i.e., general plan amendment), and projected emissions of ozone precursors for the proposed project are greater than the emissions anticipated for the site if developed under the existing land use designation.

While the project would require a change in the existing land use designation of RP (Recreation and Parks), the vehicle trip generation for a residential development may not be more than the trip generation for development of the

project site as a park. The estimated vehicle trip generation for a residential development of five or six single-family residences ranges from 45 to 54 trips per day while the estimated vehicle trip generation for development of the project site as a park is 71 trips per day (San Diego Trip Generation Manual, May 2003). As a result, the impact would be less-than-significant.

- b. Development projects are most likely to violate an air quality standard or contribute substantially to an existing or project air quality violation through generation of vehicle trips. New vehicle trips add to carbon monoxide concentrations near streets providing access to the site. Carbon monoxide is an odorless, colorless poisonous gas whose primary source is automobiles. Concentrations of this gas are highest near intersections of major roads.

Because the proposed project is in an attainment area for carbon monoxide (the State and Federal ambient standards are met), Yolo County has relatively low background levels of carbon monoxide, and the project would not result in significant traffic congestion, the project's impact on carbon monoxide concentrations would be less-than-significant.

The project's maximum daily construction and maximum daily regional (operational) emissions would fall below the YSAQMD thresholds of significance for ROG (10 tons/year), NO<sub>x</sub> (10 tons/year), and PM<sub>10</sub> (80 lbs/day). Nonetheless, for purposes of consistency the City is imposing the same air quality mitigations measures on this project as it has the last four subdivision projects approved by the City (Casitas at Winters, Anderson Place, Winters Highlands, and Hudson-Ogando). Additionally it should be pointed out that General Plan Policy VI.E.6 requires controls for construction-related dust.

With the applicant's agreement to accept and implement the following mitigation measure, NO<sub>x</sub> emissions would be minimized and this impact would be held to a less-than-significant level.

**Mitigation Measure #2**

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

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

equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.

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

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

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

With the applicant's agreement to accept and implement the following mitigation measure, PM<sub>10</sub> emissions would be minimized and this impact would be held to a less-than-significant level.

**Mitigation Measure #3**

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

With the applicant's agreement to accept and implement the following mitigation measure, ROG emissions would be minimized and this impact would be held to a less-than-significant level.

**Mitigation Measure #4** – Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.

- c. Project traffic emissions would have an effect on air quality outside the project vicinity. Trips to and from the project and area sources associated with residential uses would result in air pollutant emissions within the air basin. The daily increase in regional emissions from auto travel and area sources for Reactive Organic Gases and Nitrogen Oxides (the two precursors of ozone) and PM<sub>10</sub> would not exceed the YSAQMD thresholds of significance. As a result, project regional (operational) air quality impacts would be less-than-significant.
- d. Construction activities such as clearing, excavation and grading operations, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would temporarily affect local air quality for adjacent land uses.

Although the project's maximum daily construction emissions would not exceed the YSAQMD significance thresholds, construction dust emissions would have the potential to cause nuisance. This is a potentially significant impact.

The majority of the PM<sub>10</sub> from construction shown would be soil particles, while a small fraction would be from diesel exhaust. Diesel exhaust particulate is a pollutant that has come under increased scrutiny in recent years. In 1998, the California Air Resources Board (CARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines.<sup>1</sup> High volume freeways, stationary diesel engines and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truckstops) were identified as having the highest associated risk.

Health risks from Toxic Air Contaminants are function of both concentration and duration of exposure. Unlike the above types of sources, construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction related sources are mobile and transient in nature, and the bulk of the emissions occur within the project site at a substantial distance from nearby receptors. The site is level and would not require substantial grading. Because of its short duration, low number of diesel vehicles and distance between equipment and nearby receptors, health risks from construction emissions of diesel particulate would be a less-than-significant impact. The Mitigation Measure contained in 3(b) would mitigate the dust generated from construction of the project to a less-than-significant impact.

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

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<sup>1</sup> California Air Resources Board, Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles, October 2000.

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

**Discussion**

a,b,c,d,e. A biological resources report has not been prepared for the project site and would typically not be required until an application for development had been submitted. The site is surrounded by urban uses on three sides (north, south, and west), is not connected to a riparian corridor, is used as a walnut orchard, and is not known to contain any wetland-type features.

With the applicant's agreement to accept and implement the following mitigation measure, the potential impact to any potential candidate, sensitive, or special status species located at the project site would be mitigated to a less-than-significant level.

**Mitigation Measure #4** – A biological resources assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed.

f. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for

the project site. The Yolo County and four cities located in it are in the process of developing such a document, but it is not complete. This project would have no effect on this plan and is not subject to it. For this reason, this impact would be less-than-significant.

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

**Discussion**

a,b,c,d. A cultural resources report has not been prepared for the project site and typically would not be required until an application for development has been submitted. With the applicant’s agreement to accept and implement the following mitigation measure related to unknown sub-surface cultural resources, the potential for impact would be mitigated to a less-than-significant level by ensuring that such resources are evaluated and protected as appropriate.

**Mitigation Measure #5** – A cultural resources report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant. 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.

Issues	Potentially Significant Impact	Potentially Significant Unless 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**

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

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

The City is located in an area of relatively low seismic activity. According to the Seismic Risk Map of the United States, Winters is in Zone 3. Within Zone 3, the

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

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

- a.iii, c.d. A geotechnical engineering report has not been prepared for the project site and typically would not be required until an application for development has been submitted. With the applicant's agreement to accept and implement the following mitigation measure related to seismic-related ground failure, unstable soil, and expansive soil, the potential for impact would be mitigated to a less-than-significant level by ensuring that such resources are evaluated and protected as appropriate.

**Mitigation Measure #6** – A geotechnical investigation report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant.

- a.iv. The project site is relatively flat with elevations similar to the developed areas north, south, and west of the site. There are no drainages with steep slopes running through or adjacent to the project site. Because the site conditions would not result in landslides, no impact would occur.
- b. The project site is relatively flat, and does not contain drainages with steep slopes, so the erosion hazard is slight (see Item 8(a,f) for a discussion of protection of water quality from erosion) and would be considered a less-than-significant impact.
- e. The project would construct sewer pipelines that connect to wastewater treatment facilities and would not involve the construction of septic tanks. Therefore, there would be no impact.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>7. 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 the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	□	□	□	■

**Discussion**

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

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

California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. Both Federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City currently complies with the City's Emergency Response Plan, and the Yolo County Hazardous Waste Management Plan.

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

- b. A Phase One Environmental Site Assessment (ESA) has not been prepared for the project site and typically would not be required until an application for development has been submitted. An ESA report evaluates a project site and surrounding properties for evidence of potential soil and groundwater contamination resulting from current or former on-site and off-site activities. With the applicant's agreement to accept and implement the following mitigation measure, impacts of hazards and hazardous materials will be reduced to a less-than-significant level.

**Mitigation Measure #7** – A Phase One Environmental Site Assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the assessment shall be followed by the developer.

- c. The project site is located near the Winters High School and Winters Middle School; however, as discussed in Item 7(a,b), above, construction and occupation of the proposed project would not generate substantial amounts of, or particularly dangerous, hazardous materials. Therefore, the impact on the schools would be less-than-significant.
- d. The project is not located on a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Department-Hazardous Waste Site Files pursuant to Government Code 65962.5. Therefore, no impact would occur.
- e. The project site is not within two miles of a public airport, and is not within the runway clearance zones established to protect the adjoining land uses in the vicinity from noise and safety hazards associated with aviation accidents. Therefore, there would be no impact.
- f. There are no private airstrips in proximity of the project site, so there would be no impact.
- g,h. The proposed project would have no effect on any emergency plan, because it would not alter the existing street system, and residential construction would provide connections to the project site. The project area does not qualify as "wildlands" where wildland fires are a risk. For these reasons, no impact would occur in these categories.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>8. 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 to control?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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**

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

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

The proposed project is composed of approximately 1.421 acres, and thus would fall subject to these requirements. 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. The project site is not identified as a recharge area and has been planned for development since at least 1969, and the majority of groundwater recharge in Winters occurs along drainages. Therefore, it can be concluded that development of the project site would not substantially affect the aquifer and the effect on the aquifer would be less-than-significant.

The City of Winters would supply groundwater to the Proposed Project. As discussed in more detail in Item 16(d), while the Proposed Project would contribute to an increase in municipal groundwater use, total groundwater use within the City would exceed historic water use levels only slightly in wet years, and would be lower than historic pumping levels in wet years. Groundwater levels have been fairly stable in the City of Winters, even with the highest historic pumping levels. Therefore, impacts on groundwater would be less-than-significant.

- c,d,e. The proposed project would change absorption rates, drainage patterns, and the rate and amount of surface runoff, but would not alter the course of a river or stream. The City's storm drainage system has been planned to accommodate development of the General Plan, including the project site.

Conditions of Approval will address the need to identify and implement construction and post construction Best Management Practices (BMPs). The project is not located in a FEMA Special Flood Hazard Zone. However, Conditions of Approval will require the applicant to coordinate with FEMA with regards to floodplains along Dry Creek and Putah Creek. Because the Proposed Project can be accommodated within the City's planned storm drain system, the increase in runoff is considered less-than-significant.

- g,h. The project site is not located in a 100-year flood hazard area on the FEMA Flood Insurance Rate Map (map revised November 20, 1998, Community Panel Number 060425 0001 C). The site is located in a Zone X, this is a flood insurance rate zone assigned to property that is determined to be outside the 500-year floodplain. As a result, the proposed project would not place housing or other structures in a 100-year flood hazard area. For these reasons, there would

be no impact as related to 100-year floodplain and less-than-significant impact as related to localized flooding.

- i. The project site is located approximately 10 miles east of the Monticello Dam on Lake Berryessa. Failure or overtopping of the dam could result in severe flooding of the Winters' area and loss of life. However, this occurrence, which is addressed in the Yolo County Emergency Plan, is not considered a likely or substantial risk. Therefore, the Proposed Project would not expose individuals to a substantial risk from flooding as a result of the failure, and the impact would be less-than-significant.
- j. The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

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

**Discussion**

a. Development of the project site for either residential or recreation and parks use would require the construction of a roadway section to connect the north and south sections of Apricot Avenue. Currently, there is a gap between the north and south sections of Apricot. Construction of the roadway section would improve connectivity for pedestrians, bicyclists, and vehicle users. As a result, no impact would occur.

b. The General Plan designates the project site for recreation and parks use while the site is zoned for same use under the Zoning Ordinance (Winters Municipal Code, Title 17). In 1992, the site was re-designated and re-zoned from residential to recreation and parks. Prior to 1992, the site was designated and zoned for residential use since at least 1969. The proposed project would re-designate and re-zone the site for residential use. Design review will be required so that residential development would be compatible with existing development in Winters and satisfy the Community Design Guidelines. With the applicant's agreement to accept and implement the following mitigation measure, the potential impact of the residential design would be mitigated to a less-than-significant level.

**Mitigation Measure #8** – All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

c. The project site is not in an area currently subject of a habitat conservation plan or natural community conservation plan. As discussed under Item 4(f), if the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan is adopted, the proposed project could participate. The proposed project would not

preclude or interfere with development or adoption of the Yolo County HCP/NCCP. For these reasons, this impact is considered less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>10. 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. The construction of the proposed project would not result in the loss of any known mineral resources. Impacts would be less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>11. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

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

A noise analysis has not been prepared for this project and it is not anticipated that one would be required for residential development of the project site since the site is not located adjacent to noise producers such as industrial operations or roadways with significant traffic volumes. Because of the location of the site, the impact in this area is less-than-significant.

- b. Some groundborne vibration could occur during construction of a residential project. However, the activities that typically generate excessive vibration, such as pile driving, would not be necessary for one to two story residential construction. Furthermore, the City's Zoning Ordinance prohibits operations that

habitually or consistently produce noticeable vibration beyond the property line. Therefore, adjacent and nearby residents should not be disturbed by ground vibration during project construction. This impact would be less-than-significant.

- c. Traffic associated with the proposed project would contribute to existing noise levels in the project vicinity. Under the General Plan, a 60 dB CNEL exterior noise level would occur up to a distance of 40-feet from the centerline of the extension of Apricot Avenue required for development of the project. Since this noise level does not exceed the exterior noise level, this impact is considered less-than-significant.
- d. Construction activities associated with the project could generate noise levels in the range of 80-90 dB CNEL at a distance of 50 feet. Noise levels at the nearest residence could approach these levels during construction activities along the project boundary. However, construction noise would be for a short duration, and limited to the construction hours (typically daylight hours). The City has both a Noise Ordinance and Standards Specifications that regulate construction noise. These regulations restrict construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday only (holidays excluded). Therefore, the project would have a less-than-significant impact related to temporary or periodic increase in ambient noise levels.
- e. The nearest public airport is over 2 miles away and the project site is not within an airport land use plan. Therefore, project residents would not be exposed to excessive air traffic noise, and this impact would be less-than-significant.
- f. The project site is not located near a private airstrip and would not be exposed to noise from a private airstrip. As a result, no impact would occur.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>12. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

- a. Development of the project site for either residential or parks and recreation use would require the extension of new infrastructure to the project site. However, the new infrastructure would be extended within the City limits and it is estimated that an additional five or six housing units would be constructed under a residential use scenario. The proposed project, construction of five or six housing units, would not induce substantial growth in total. Furthermore, the proposed pace and timing of growth from this project is not considered significant. Over the last nine years (1999 – 2007) the City has grown by an average of 45 new units per year (403 new occupied units ÷ 9). As a result, the impacts from the construction of five or six units would be less-than-significant.

Calendar Year	Certificates of Occupancies Issued	Building Permits Issued
2007	42	3
2006	4	36
2005	2	4
2004	40	33
2003	107	100
2002	83	56
2001	39	45
2000	36	46
1999	50	36
<b>TOTALS</b>	<b>403</b>	<b>359</b>

- b,c. The project site does not have a history of residential use. As a result, the project involves no displacement of housing or people and there would be no impact in this category.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>13. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a, b. The City of Winters Fire Department provides primary fire protection service to the project site. The City of Winters Police Department provides primary police protection service. The proposed project could increase demand for these fire and police protection services by increasing the amount of development and number of residents within the Departments' service areas. Development within the project site would contribute taxes toward the City's General Fund, which would be used, in part, to fund fire and police protection services needed by the project. Because the project site is already in the City, the proposed project would not increase the size of the service area of the Fire or Police Department. However, the City's fiscal health over the years has been severely impacted by actions of the State. The City will require the preparation of a fiscal impact analysis to analyze impacts of the project on the General Fund and to make recommendations to ensure that project tax revenues fully fund project service expenses.

With the applicant's agreement to accept and implement the following mitigation measure, potential impacts to the provision of police and fire services will be mitigated to less-than-significant levels.

**Mitigation Measure #9** – The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.

- c. The project site is served by the Winters Joint Unified School District, which serves the City of Winters and surrounding unincorporated areas of Yolo and Solano Counties. The District is comprised of the Clayton Education Center (continuation high school), Waggoner Elementary School (grades K-3), Shirley Rominger Intermediate School (grades 4-5), Winters Middle School (grades 6-8), and Winters High School (grades 9-12). Students from the proposed project would be expected to attend these schools.

As shown below, the proposed project would generate 4 students, including 2 elementary school (K-6) students, 1 intermediate school (7-8) student, and 1 high school (9-12) students.

<b>VALADEZ STUDENT GENERATION</b>			
<i>Grade Level</i>	<i>Number of Units</i>	<i>Students/Unit Rate<sup>1</sup></i>	<i>Number of Students</i>
K-6	5 or 6	0.4030	2
7-8	5 or 6	0.1234	1
9-12	5 or 6	0.2156	1
<b>Total</b>	<b>5 or 6</b>	<b>0.7420</b>	<b>4</b>

<sup>1</sup>School Facility Needs Analysis, September 2007.

According to the District's September 2007 School Facility Needs Analysis, existing available school capacity is 2,139 students, while enrollment totals 1,952 (potential enrollment from existing homes, 2007/08). The Analysis indicated that there is capacity available at the elementary school level (141 students for grades K-6) and limited capacity at the middle school (24 students for grades 7-8) and high school levels (22 students for grades 9-12). Based on the Analysis and adding in potential students from residential development of the Valadez project site, new development in Winters is estimated to increase the number of students by 460 over a five-year period. Because the WJUSD grades 7-8 and 9-12 facilities are estimated to be at near capacity, these new students will result in the need for additional school facilities at the grades 7-8 and 9-12 levels. The proposed project would contribute to this need for additional facilities.

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.

Because the proposed project would be required to pay applicable school fees and because the amount of these fees is pre-empted by the State, the increase in students is considered by law to be a less-than-significant impact.

- d. The City of Winters General Plan Policy V.A.2 requires new residential development to dedicate improved parkland based on the standard of 5 acres per 1,000 residents. The General Plan also has a goal of 7 acres of developed parkland per resident (Policy V.A.1). The proposed project would generate 16 to 19 persons at build-out (5 x 3.156 to 6 x 3.156). Based on this number, the project is required to provide 0.112 (16/1000 x 7) to 0.133 (19/1000 x 7) acres of park to meet the City goal of 7 acres per 1,000 residents.

The project does not include any land onsite for park development. Given the small amount of parkland triggered, park obligations would be met by the payment of mitigation fees for the actual obligation. With the applicant's agreement to accept and implement the following mitigation measure, park impacts would be less-than-significant.

Mitigation Measure #10 – The applicant shall pay park mitigation fees to satisfy the obligation for 0.112- (based on 5 residential units) or 0.133-acre (based on 6 residential units) of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.

- e. The proposed project would create incremental increases in demand for other services and facilities in the City of Winters. Implementation of Mitigation Measure #9 would ensure that the potential fiscal impacts would be less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>14. 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. As discussed in Item 13(d), the Proposed Project would provide adequate parkland for residents. Mitigation Measure #13 will ensure that the park facilities are provided to serve new residents. Therefore, the potential for impacts to off-site parks will be mitigated to a less-than-significant level.
- b. The proposed project does not include a park and would be required to pay mitigation fees for a future off-site park. Potentially, these fees could be used for construction of planned parks in the Winters Highlands Subdivision (“Linear Park”) or at the Winters Landfill (“Sports Park”). The CEQA process has been completed for both parks. As a result, the potential impacts in this area are less-than-significant.

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

## **Discussion**

The property is approximately 1.421 acres in size. The project is north of Pear Place, south of 776 Apricot Avenue, west of a future extension of Apricot Avenue, and east of the Winters Cemetery. Development of the project site for either residential or parks and recreation use would require the construction of a roadway section to connect the north and south sections of Apricot. Currently, there is a gap between the north and south sections of Apricot.

- a,b. The construction of a new roadway section to connect the existing north and south sections of Apricot is consistent with the Winters General Plan Circulation Element (May 19, 1992) which calls for the existing sections of Apricot to be connected. Apricot is categorized as a local residential street under the Winters Design Standards (September 2003) and does not involve a roadway subject to a level of service standard established by the county congestion management agency. The resulting impacts in these areas are less-than-significant.

- c. The project site is not located near an airport and it does not include any improvements to airports or change in air traffic patterns. No impact would occur.
- d,e. Development of the project site for either residential or parks and recreation use would require the construction of a roadway section to connect the existing north and south sections of Apricot Avenue. The new roadway section would not include any tight curves or other design hazards. The roadway section would provide connectivity for the site and other areas in the City. For these reasons, impacts related to roadway hazards or interference with emergency access would be less-than-significant.
- f. Any development of the project site would need to comply with the off-street parking provisions of the Winters Municipal Code (Title 17, Zoning). As a result, the impact would be less-than-significant.
- g. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Development of the project site would require the construction of pedestrian sidewalk on the east side of the site. Therefore, this impact would be less-than-significant.

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

**Discussion**

- a. Currently there is no public sewer service to the project site. Each building constructed as part of the proposed project will be required to connect to the City sewage treatment plant for wastewater treatment. The City's plant is permitted by the State and must meet applicable water quality standards. Development of the site for residential or parks and recreation use is not anticipated to generate wastewater that contains unusual types or levels of contaminants, so it would not inhibit the ability of the Winters Wastewater Treatment Plant (WWTP) to meet State water quality standards. For these reasons, this would be a less-than-significant impact.
- b,e. Development of the project site would require sewer and water service from the City of Winters. Infrastructure improvement plans have not been prepared for the site.

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

Phase 2 expansion will bring the capacity to between 1.2 and 1.6 mgd. The timing of this expansion is not set. The Phase 2 expansion is not needed to serve this project.

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

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

- c. The construction of impervious surfaces on the project site for residential or parks and recreation development would increase storm water runoff in the project vicinity. While the site is located outside of the 500-year floodplain, infrastructure improvement plans have not been prepared.

With the applicant's agreement to accept and implement Mitigation Measure #11, the impact to storm drainage would be mitigated to a less-than-significant impact.

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

By 2020, demand for groundwater within the City is estimated to increase to 3,620 acre-feet per year unrestricted and 3,250 acre-feet per year assuming a conservation scenario of six percent. Development of the project site for residential use is estimated to generate a demand for municipal water of 4.59 acre-feet of water annually without a conservation factor as shown in the following table.

<b>Valadez</b>			
<b>Estimated Water Demand (Residential Development Scenario)</b>			
<b>Land Use</b>	<b>Size (acres)</b>	<b>Production Factor (acre-feet/year)</b>	<b>Estimated Volume (acre-feet/year)</b>
<b>Single Family Residential</b>	<b>1.421</b>	<b>3.23</b>	<b>4.59</b>
<b>Source: Revised 2004 Water Supply Assessment for water use rates.</b>			

The increment of pumping needed to serve the proposed project would be available and would not adversely affect groundwater levels or storage underlying the City. This impact is less-than-significant. However, analysis for the City's Water Master Plan Update recommended that a new well will be required for any future development in the City. The City has drilled a new well, Well #7, near the northwest intersection of West Grant Avenue and West Main Street; however, construction of the second (completion) phase of the project has not begun. Funding for the second phase with an estimated cost of \$700,000 to \$850,000 from the developers of new residential projects has not been provided because of the slowdown in the residential development field.

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

**Mitigation Measure #12** – Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.

- 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 12.3 million tons with an anticipated 2047 closure date. The Yolo County Board of Supervisors has approved a revised conditional use permit for the facility to increase the future "cell" units (disposal areas) from 80 to 140 feet above mean sea level; this would push back the closure date to 2100 and add additional capacity. Approval of the California Regional Water Quality Control Board and the California Integrated Waste Management Board (CIWMB) is required before the height of the future cell units can be increased. Based on the residential disposal household per household provided by the CIWMB, the proposed project under a residential development would generate up 6.7 to 8 tons per year, assuming 2.31 pounds per day per person ( $16 \times 2.31 \times 365 + 2000$  to  $19 \times 2.31 \times 365$ ). This would represent a minute fraction of landfill capacity by 2047, and would not substantially shorten the life of the landfill, or require unplanned expansion of the landfill. Therefore, this impact is considered less-than-significant.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<b>17. 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?	☐	■	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	■	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

**Discussion**

- a. No important examples of major periods of California history or prehistory in California were identified, and mitigation identified in Section 5 would ensure that subsurface resources, if present, would be protected.
- b. As discussed throughout this Initial Study, mitigation measures have been prepared to mitigate the potential impacts to less-than-significant levels and the project would not result in significant new or increased cumulative effects.
- c. As discussed in Sections 3 (Air Quality), 6 (Geology and Soils), 7 (Hazards and Hazardous Materials), and 11 (Noise), the potential for impacts on human beings would be reduced to less-than-significant levels by mitigation identified in these sections.

## Summary of Mitigation Measures

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

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

### Mitigation Measure #2

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

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

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

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

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter

traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

### **Mitigation Measure #3**

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

**Mitigation Measure #4** – Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.

**Mitigation Measure #5** – A cultural resources report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant. If cultural resources (historic, archeological, paleontological, and/or human remains) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the situation. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

**Mitigation Measure #6** – A geotechnical investigation report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant.

**Mitigation Measure #7** – A Phase One Environmental Site Assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the assessment shall be followed by the developer.

**Mitigation Measure #8** – All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

**Mitigation Measure #9** – The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.

**Mitigation Measure #10** – The applicant shall pay park mitigation fees to satisfy the obligation for 0.112- (based on 5 residential units) to 0.133-acre (based on 6 residential units) of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.

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

**Mitigation Measure #12** – Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.

**Attachments:**

1. Vicinity Map
2. Location Map
3. Mitigation Monitoring Plan (MMP)

**VALADEZ  
MITIGATION MONITORING PLAN**

The California Environmental Quality Act requires public agencies to report on and monitor measures adopted as part of the environmental review process (Section 21081.6, Public Resources Code [PRC]; Section 15097 of the CEQA Guidelines). This Mitigation Monitoring Plan (MMP) is designed to ensure that the measures identified in the Mitigated Negative Declaration are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City has the ultimate responsibility to oversee implementation of this Plan. The Community Development Director serves as the Project Monitor responsible for assigning monitoring actions to responsible agencies. Due to financial constraints, the City will require the applicant to fund a contract Project Monitor to undertake this effort. The commitment for this will be addressed in the Development Agreement and Conditions of Approval for the project.

As required by Section 21081.6 of the PRC, the Winters Community Development Department is the "custodian of documents and other material" which constitute the "record of proceedings" upon which a decision to approve the proposed project was based. Inquiries should be directed to:

Dan Sokolow, Community Development Director  
City of Winters  
530-795-4910 x 114

The location of this information is:

Winters City Hall  
Community Development Department  
318 First Street  
Winters, California 95694

In order to assist implementation of the mitigation measures, the MMP includes the following information:

Mitigation Measure: The mitigation measures are taken verbatim from the Negative Declaration.

Timing/Milestone: This section specifies the point by which the measure must be completed. Each action must take place during or prior to some part of the project development or approval.

Responsibility for Oversight: The City has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

Implementation of Mitigation Measure: This section identifies how actions will be implemented and verified.

Responsibility for Implementation: This section identifies the entity that will undertake the required action.

Checkoff Date/Initials: This verifies that each mitigation measure has been implemented.

Pursuant to Section 18.04.090 of the Winters Municipal Code related to the required CEQA Mitigation Monitoring Plan, sign-off on the completion of each mitigation measure in the adopted Mitigation

Monitoring Plan (MMP) shall constitute the required "Program Completion Certificate".

The Mitigation Monitoring Plan shall be adopted pursuant to the requirements of Section 18.04.060.A and implemented pursuant to Section 18.04.070.A - E, of the Winters Municipal Code.

The applicant shall fund the costs of implementing the MMP including the payment of fees specified in Section 18.04.100.A – D of the Winters Municipal Code.

Pursuant to Section 18.04.050 of the Winters Municipal Code related to the required CEQA Mitigation Monitoring Plan (MMP), the following items shall apply:

- The adopted MMP shall run with the real property that is the subject of the project and successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted Plan.
- Prior to any lease, sale, transfer, or conveyance of any portion of the real property that is the subject of the project, the applicant shall provide a copy of the adopted Plan to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.
- The responsibilities of the applicant and of the City, and whether any professional expertise is required for completion or evaluation of any part of the Plan, shall be as specified in the Plan and as determined by the Community Development Director or designated Project Monitor in the course of administering the MMP.
- Cost estimates for the implementation of this Plan and satisfaction of each measure are not known or available, but shall be developed by the applicant in the course of implementing each mitigation measure.
- Civil remedies and criminal penalties for noncompliance with the adopted MMP are as specified in Sections 18.04.110 and 18.04.120 of the Winters Municipal Code.

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

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

Timing/Milestone – Prior to issuance of a building permit.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – Prior to issuance of a building permit for each phase or subdivision, the applicant shall submit a photometric and proposed lighting plan to the satisfaction of the Community Development Department to ensure no spillover light and glare onto adjoining properties.

Responsibility for Implementation – Applicant and subsequent home builders.

Checkoff Date/Initials/Notes –

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## **Mitigation Measure #2**

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

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

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

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

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

Timing/Milestone – Prior to and during grading, and during appropriate period of construction.

Responsibility for Oversight – Yolo-Solano Air Quality Management District.

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant and subsequent home builders.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #3**

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

Timing/Milestone – Prior to and during grading, and during appropriate period of construction.

Responsibility for Oversight – Yolo-Solano Air Quality Management District.

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure. Evidence of this shall be provided to the City.

Responsibility for Implementation – Applicant and subsequent home builders.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #4** – Wood burning appliances installed in the homes constructed as part of the project shall only use either pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or a gas fireplace. Installation of open hearth wood burning fireplaces is prohibited.

Timing/Milestone – During all phases of construction of the project.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – This shall be noted on the building plans and verified by City staff during plan check and prior to occupancy.

Responsibility for Implementation – Applicant and subsequent home builders

Checkoff Date/Initials/Notes –

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**Mitigation Measure #5** – A cultural resources report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant. 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.

Timing/Milestone – During grading, construction of infrastructure, and construction of each building.

Responsibility for Oversight – City of Winters; Yolo County Coroner; State Native American Heritage Commission.

Implementation of Mitigation Measure – If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 666-8282 and the Community Development Department at (530) 795-4910 x114 to assess the find and determine how to proceed. If the remains are found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4082, pursuant to the terms of the measure.

If other archeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archeologist and the Community Development Department shall be contacted to assess the find and determine how to proceed.

Responsibility for Implementation – Applicant and subsequent home builders.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #6** – A geotechnical investigation report shall be prepared for the project site and submitted with the application for development. The recommendations of the report shall be followed by the applicant.

Timing/Milestones – Prior to the submittal of improvement plans or building plans, whatever occurs first.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – The applicant and subsequent home builders shall satisfy the terms of the measure.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #7** – A Phase One Environmental Site Assessment shall be prepared for the project site and submitted with the application for development. The recommendations of the assessment shall be followed by the developer.

Timing/Milestones – Prior to submittal of a development application.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – The applicant and subsequent home builders shall satisfy the terms of the measure.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #8** – All aspects of the project shall be subject to design review to ensure compatibility with the surrounding area and satisfaction of the Community Design Guidelines and other applicable principles of good neighborhood design. Prior to issuance of a building permit for each phase of construction of the project, the builder shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Timing/Milestone – Prior to issuance of a building permit for each phase of construction of the project, the applicant shall submit full architectural renderings, including building elevations and floor plans, for design review and approval.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Per the terms of the measure.

Responsibility for Implementation – Applicant and subsequent home builders

Checkoff Date/Initials/Notes –

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**Mitigation Measure #9** – The applicant shall fund the preparation of a fiscal impact analysis to examine project impacts on the City's general fund. The applicant shall enter into a Development Agreement with the City that includes provisions acceptable to the City Council for mitigating any projected fiscal deficit. This may include an on-going Mello-Roos Community Facilities District (CFD) to fund eligible services, a Lighting and Landscaping District which could fund eligible park and landscaping expenses, establishment of an annuity the interest proceeds of which would cover the projected deficit, or other acceptable mechanisms.

Timing/Milestone – Prior to final approval of a development project.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – The applicant shall satisfy the terms of the measure.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #10** – The applicant shall pay park mitigation fees to satisfy the obligation for 0.112-

(based on 5 residential units) to 0.133-acre (based on 6 residential units) of developed parkland. Fees shall include both the value of the land and improvements that would otherwise be constructed if the parkland was provided on-site.

Timing/Milestone – Prior to issuance of first building permit.

Responsibility for Oversight – City of Winters

Implementation of Mitigation Measure – Payment of fees to City Finance Department.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

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

Timing/Milestone – Prior to approval of a subdivision or parcel map for the project site.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

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**Mitigation Measure #12** – Based on City water modeling a new well is needed to serve the existing City and new development. Building permits shall be issued for individual units only after the City has established that water supply will be available to serve the units.

Timing/Milestone – Prior to issuance of building permits.

Responsibility for Oversight – City of Winters.

Implementation of Mitigation Measure – As specified in the measure.

Responsibility for Implementation – Applicant.

Checkoff Date/Initials/Notes –

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**PLANNING COMMISSION STAFF REPORT**  
**June 17, 2008**

**TO:** Chairman and Planning Commissioners

**HEARING DATE:** June 24, 2008

**FROM:** Jeff Fisher, Contract Planner

**SUBJECT:** **Application Number 2008-03-CUP: A Conditional Use Permit application to allow the operation of an "off-sale liquor establishment" in an existing building.**

**APPLICANT:** Susvir T. Sahota c/o Hopefull, LLC  
3 Purity Plaza  
Woodland, CA 95695

**SITE DATA:** **Location:** 192 East Grant Avenue  
**Assessor's Parcel Number:** 003-370-27  
**General Plan Designation:** Central Business District (CBD)  
**Zoning Designation:** C-2 (Central Business District)

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**RECOMMENDATION:** Staff recommends that the Planning Commission take the following actions: (1) receive the staff report; (2) conduct the public hearing; and (3) approve the request for a use permit to allow the operation of an "off-sale liquor establishment within an existing building subject to the findings and conditions of approval contained in this report.

**BACKGROUND:** The project site is currently occupied by the Winters Food Mart. This store has been operating at its present location since 1999. As its name implies, the market sells food items, but is also licensed with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine (Type 20 License).

**PROJECT DESCRIPTION:** The applicant is currently in negotiations to purchase the Winters Food Mart located in an existing retail center at 192 East Grant Avenue. The applicant for this use permit is requesting to operate a similar use as the Winters Food Mart with the addition of the sale of spirits along with beer and wine (ABC License -Type 21). The hours of operation will remain as they currently exist for the Winters Food Mart (9am to 10pm daily).

In addition to the sale of spirits, the applicant is proposing Lottery sales, money order

sales, and small scale catering in which the store would provide alcoholic beverages and bartending services for off-site functions. The applicant currently owns and operates four similar establishments in the city of Woodland.

**STAFF ANALYSIS:** Zoning Code Section 17.96.070 requires a use permit approved by the Planning Commission when an existing “off-sale liquor establishment” changes its type of liquor license. An ABC Type 20 license permits the sale of beer and wine only as is the case with the current establishment. An ABC Type 21 license permits beer, wine, and spirits which is the case of the proposed establishment.

No building additions or façade alterations are proposed for this application. The parking requirements remain as they currently exist and no revisions or additional parking is required. The name of the store will remain the Winters Food Mart and no alteration to the existing signage is proposed. The project is in compliance with all applicable requirements of the Zoning Code in regards to alcoholic beverage sales.

According to city records, there has not been any nuisance reports, public safety or Municipal Code violations associated with the Winters Food Mart. Since the proposed use is almost identical in nature to the existing use, staff does not anticipate any nuisance issues associated with the proposed project.

In order to ensure that the building is in compliance with the Uniform Building Code, the California Building Code, and the City of Winters Municipal Code, the applicant will be required to have the building inspected by the city Building Official prior to issuance of a business license. This requirement is listed as a condition of approval contained in this report.

Staff finds that there are no significant impacts associated with the proposed project and the applicant has made every effort to become a welcome member of the Winters business community.

**ADDITIONAL PERMITS:** In addition to the required use permit, the project will be required to receive permits from the following:

- California Department of Alcoholic Beverage Control
- Yolo County Health Department
- City of Winters Building Division
- City of Winters Planning and Finance Divisions (Business License)

**COMMENTS RECEIVED:** The project was referred to various city entities and the general public (300-foot radius) for review and comment. Responses were received from the City of Winters Police Department, which stated that the Department has no issues or concerns regarding the proposed project. No comments from the general public regarding this application have been received as of the date of this report.

## **STAFF RECOMMENDATION**

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

### **MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE CONDITIONAL USE PERMIT BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:**

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of Use Permit findings.
- Approval of the Conditional Use Permit and subject to the conditions of approval attached hereto.

### **REQUIRED ACTIONS:**

Two actions are required by the Planning Commission to process the Use Permit:

1. Confirmation of CEQA exemption finding – Section 15301, Class 1 – Existing Facilities.
2. Confirmation of the findings for a Use Permit.

### **APPLICABLE REGULATIONS:**

This project is subject to the following regulations:

- The California Environmental Quality Act (CEQA)
- State of California Planning and Zoning Law
- City of Winters General Plan
- City of Winters Municipal Code (including the Zoning Ordinance)
- Uniform Building Code, California Building Code

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, June 11, 2008, and notices were mailed to all property owners who own real property within 300 feet of the project boundaries at least 10 days prior to the June 24, 2008 Planning Commission hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Wednesday, June 18, 2008.

**ENVIRONMENTAL ASSESSMENT:** The Use Permit has been reviewed in accordance with the California Environmental Quality Act (CEQA) is considered categorically exempt under CEQA Guidelines Section 15301, Class 1 – Existing Facilities.

### **CEQA Findings:**

1. The project qualifies for a categorical exemption from the provisions of CEQA, Class 1 – Existing Facilities.
2. The Planning Commission has considered comments received on the project during the public review process.

3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 1 – Existing Facilities categorical exemption for Application Number 2008-03-CUP.

**Conditional Use Permit Findings:**

1. The requested use will be in conformity with the General Plan. The General Plan designates the project site as Central Business District. This designation provides for restaurants, retail, service, professional and administrative offices, and other uses.
2. The requested use (Bar/Cocktail Lounge) is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit. Bar/Cocktail Lounge is listed as a conditional use in the C-2 Zone. The proposed use is similar to that of the existing use which is permitted under an existing use permit.
3. The requested use is consistent with the intent and purpose of the zone in which it is located, and will not detrimentally impact the character of the neighborhood. The C-2 Zone allows for a variety of commercial uses including the proposed “off-sale liquor establishment” through a conditional use permit. The project would result in a commercial use similar to the existing use.
4. The requested use will not be detrimental to the public health, safety or general welfare. Any tenant improvements completed for the project building will be consistent with the Uniform Building Code, the California Building Codes and local building standards (Winters Municipal Code, Title 15 – Buildings and Construction).
5. Adequate utility, access roads, drainage, sanitation and/or other necessary facilities or services will be provided. The project site has access to Grant Avenue and the project is not expected to require additional utility facilities or services.
6. The requested use will not create a nuisance or enforcement problem within the neighborhood. The project was reviewed by the Winters Police Department and no concerns were identified.
7. The requested use will not result in a negative fiscal impact upon the city. The use will generate sales tax revenue for the city.

## **Alternatives:**

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

## **Recommended Conditions of Approval:**

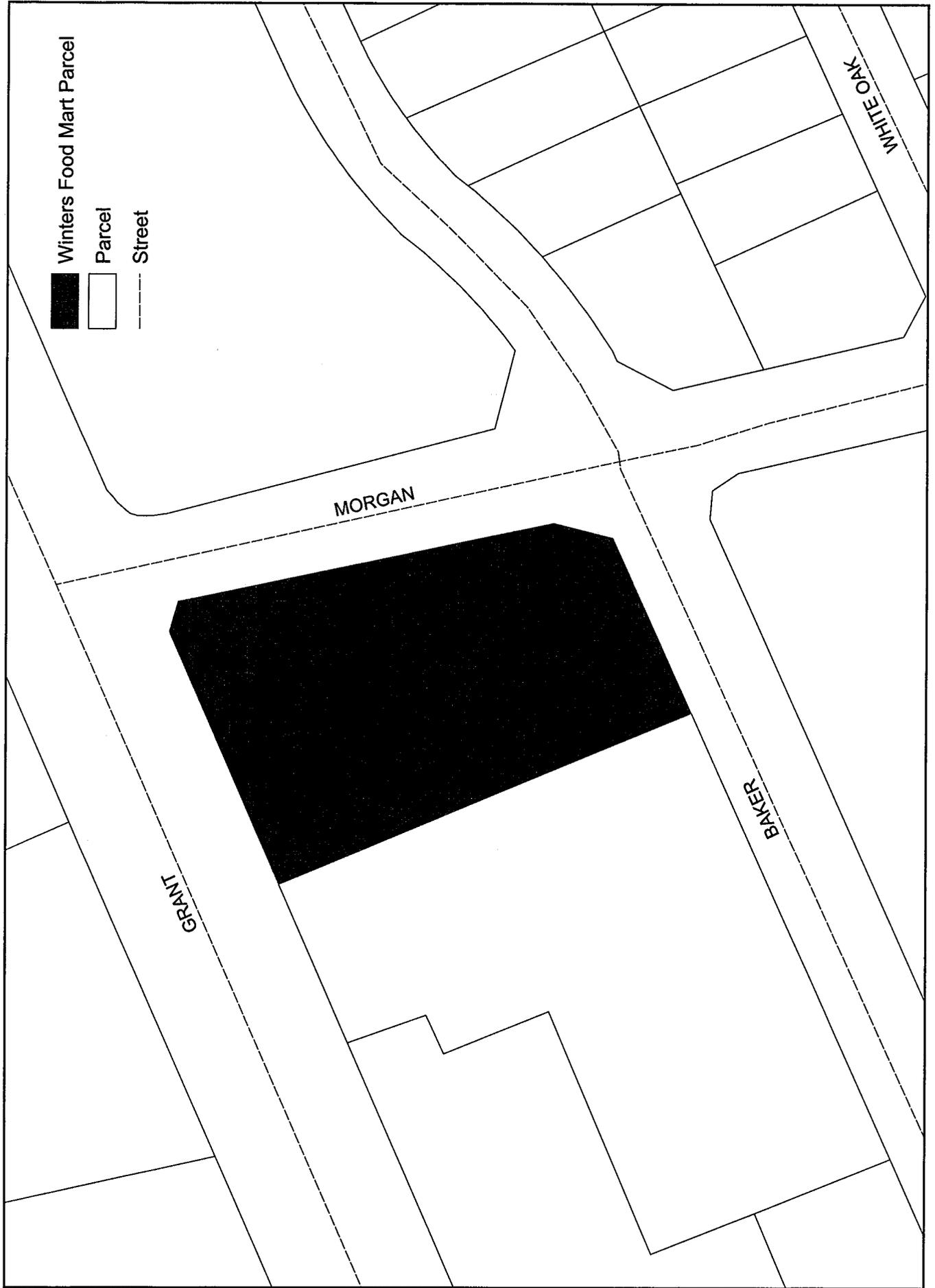
1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action or proceeding to attach set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, or any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the Applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.
2. All applications and renewal notices shall be reviewed by the Community Development Department to ensure that the proposed business is in conformity with the existing zoning regulations and is in compliance with applicable building codes and federal, state and local health laws, regulations and inspections. The Community Development Department reserves the right to inspection and examination of places of business prior to issuance of a business license.
3. The applicant shall obtain a City of Winters Business License prior to occupancy.
4. Hours of operation shall remain as they currently exist (9am to 10pm daily).

***No use permit which has been approved by the Planning Commission shall be issued prior to the expiration of the ten (10 day) appeal period, as set forth in the Municipal Code, or the final action on an appeal to the City Council.***

## **ATTACHMENTS:**

1. Public Hearing Notice (published and mailed copies)
2. Project Location Map

# Winters Food Mart Vicinity





MEMO

TO: Interested Parties  
DATE: June 10, 2008  
FROM: Jeff Fisher, Contract Planner  
SUBJECT: Notice of Public Hearing to Consider Application Number 2008-03-CUP:  
Winters Food Mart Use Permit

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**Description of the Project:** A request to operate a similar use as the Winters Food Mart with the addition of the sale of spirits along with beer and wine (ABC License - Type 21). The hours of operation will remain as they currently exist for the Winters Food Mart (9am to 10pm daily).

**Project Location:** The project site is located 192 East Grant Avenue, Winters.

**Environmental Determination:** Categorical Exemption, Section 15301, Class 1 – Existing Facilities.

On Tuesday, June 24, 2008, starting at 7:30 p.m. in the City Council Chambers, located on the first floor of City Hall at 318 First Street, Winters, California, the Planning Commission will receive the staff report, conduct the public hearing, and take final action on this application.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Jeff Fisher at (530) 795-4910, ext. 114. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

**Availability of Documents:** The project file is available for public review at the Community Development Department, Winters City Hall, 318 First Street, Winters, CA 95694. Copies of the Staff Report will be available on the City's website at [http://cityofwinters.org/administrative/admin\\_boards.htm](http://cityofwinters.org/administrative/admin_boards.htm)

For more information regarding this project, please contact Jeff Fisher at (530) 795-4910, extension 114.

**PUBLISH JUNE 11, 2008**

