

## CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, January 27, 2015 @ 6:30 PM  
City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 794-6713  
Email: [jenna.moser@cityofwinters.org](mailto:jenna.moser@cityofwinters.org)

Chairman: Bill Biasi  
Vice Chairman: Kate Frazier  
Commissioners: Dave Adams, Lisa Baker,  
Paul Myer, Luis Reyes, Patrick Riley  
City Manager: John W. Donlevy, Jr.  
Mgmt. Analyst: Jenna Moser

### I CALL TO ORDER

### II ROLL CALL & PLEDGE OF ALLEGIANCE

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

### IV CONSENT ITEM

A. Minutes of the January 5, 2015 Special Planning Commission Meeting

### V STAFF/COMMISSION REPORTS

### VI DISCUSSION ITEMS:

- A. Consideration of an application for a Tentative Subdivision Map (18 lots) for parcel 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place. Project applicant Joe & Karen Ogando seek to divide the existing two parcels totaling 4.21 acres into eighteen (18) new lots with an average size of approximately 6,000 square feet. The Planning Commission will make a recommendation to the City Council to take final action on the project at a future Public Hearing to be noticed separately.
- B. Consideration of an application for Site Plan/Design Review for 3 single-family residences near Mermod Road and Anderson Avenue. Project applicant Miguel Moreno – Next Generation Development, LLC seeks to construct 1 single-story and 2 two-story single-family homes with stone and brick accents, stucco exteriors, and distinctive garage doors. The Planning Commission will take final action on the project unless appealed to City Council.
- C. Consideration of an application from Project applicant AKM Railroad LLC – Ken Patel or Mike Olivas for Site Plan/Design Review, Parcel Map, and Conditional Use Permit for construction of a 70-unit Hotel with banquet/conference center, and approximately 10,500 square feet of commercial space and meeting rooms. The project will be three stories and includes an approximately 7,500 square feet courtyard. The Parcel Map will reconfigure the existing 7 parcels {APN 003-204-002 (0.207 Acres), 03 (0.11 Acres), 04 (0.356 Acres), 05 (0.06 Acres), 06 (0.09 Acres), 07 (0.153 Acres) & 003-204-018 (0.138 Acres)} into 3 new parcels (Parcel 1, 0.32 Acres, Parcel 2, 0.768 Acres & Parcel 3, 0.027 Acres). A Conditional Use Permit will allow for Bar/Cocktail Lounge/Pub Use. The Planning Commission will take final action on the project unless appealed to the City Council.

### VII COMMISSION/STAFF COMMENTS

## VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON JANUARY 22, 2015

  
\_\_\_\_\_  
JENNA MOSER, MANAGEMENT ANALYST, PLANNING – GIS

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".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

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. 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.

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 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.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**DRAFT MINUTES OF THE SPECIAL WINTERS PLANNING COMMISSION  
MEETING HELD JANUARY 5, 2015**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chair Bill Biasi called the meeting to order at 6:30 p.m.

**PRESENT:** Commissioners Adams, Frazier, Myer, Riley, Reyes and Chair Biasi

**ABSENT:** Baker

**STAFF:** City Manager John W. Donlevy, Jr., City Attorney Ethan Walsh, Housing Programs Manager Dan Maguire, Community Development Director Dave Dowswell, Management Analyst Jenna Moser

Dave Dowswell led the Pledge of Allegiance.

**CITIZEN INPUT:** None at this meeting.

**CONSENT ITEM:**

- A. Minutes of the September 23, October 13, and November 25 Planning Commission meetings

Frazier noted typographical errors. Moser made modifications in the minutes to correct typos.

**Frazier moved, and Myer seconded to approve with modifications the Minutes of the September 23, October 13, and November 25 Planning Commission meetings.**

**AYES:** Commissioners Adams, Frazier, Myer, Riley, Reyes and Chairman Biasi.

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Baker

**COMMISSION REPORTS:** None

**STAFF REPORTS:** None

**DISCUSSION ITEM:**

- A. Winters Highlands – Public Hearing and consideration by the Winters Planning Commission of the proposed Amended and Restated Development Agreement and Amended Tentative Map

Community Development Director Dowswell provided an overview of the staff report, noting changes to the Development Agreement and Conditions of Approval.

Chairman Biasi asked about the origin of the idea of Mello Roos. City Manager Donlevy responded that it was brought to the City by the Developer. City Attorney Ethan Walsh elaborated that the language in the Development Agreement explains the Mello Roos, and that section gives the City options to consider, not a commitment. Biasi noted typographical errors.

**DRAFT MINUTES OF THE SPECIAL WINTERS PLANNING COMMISSION  
MEETING HELD JANUARY 5, 2015**

Jeff Pemstein, representing Homes By Towne, responded that Mello Roos are used in many California communities. Pemstein asks for the ability in the Development Agreement to allow the City to consider Mello Roos, noting the language is not a commitment, but an option to consider. Jeremy Goulart, representing Homes By Towne provided Commissioners and staff a memo outlining some language requested to be modified in the Conditions of Approval.

Biasi asked if this project has been heard by the Affordable Housing Steering Committee. Housing Programs Manager Dan Maguire responded that it has.

Biasi opened the Public Hearing at 6:51PM.

Catherine Portman, of the Burrowing Owl Preservation Society, made comments relating to Burrowing Owl mitigation, her past experiences with the site observing owls, and provided a written letter with comments.

Jim Hildenbrand, of Turning Point Investors, owner of Callahan Estates, made comments that he was not averse to the use of Mello Roos, relating to major infrastructure, but asked the Commission to consider narrowing its use and asked the Commission to consider adding language to the agreement providing for cooperation with the surrounding developments.

Dick Holdstock made comments expressing his opposition to Mello Roos, and asked the Commission to not allow their use in the City.

David Springer made comments encouraging more exploration of zero-net-energy homes, and other energy related improvements, and asked the Commission to not eliminate the photovoltaic requirement. Springer also questioned the need for a second EIR and outstanding environmental issues.

Tim Caro made comments regarding phasing and his concern over a drastic increase in population in Winters changing its culture, character. Caro would like to see the phasing slowed and suggested 40 units per year.

Hearing no other comments, Biasi closed the Public Hearing at 7:10pm.

Frazier asked for clarification the Affordable Housing modifications. Maguire responded by outlining the current plan, noting that the affordable single family units built in this development will be spread through the subdivision. Those lots have not been pre-identified.

Pemstein explained the financing environment and the need to be allowed 200 units per year, stating that it was very unlikely that 200 units would be built per year, but due to strict underwriting criteria, the 200 number is needed. Pemstein speculated that fewer than 50 units per year were likely.

Frazier asked about the impact to the School District. Maguire responded that the District needs students and has been suffering declining enrolment.

Frazier asked if the park had been designed. Donlevy responded that it has been designed, but that potentially, modifications could occur.

Riley asked about any outstanding environmental issues. Walsh responded that the City can rely on the older EIR document because, while there are changes to the agreement and conditions, they are not substantial.

**DRAFT MINUTES OF THE SPECIAL WINTERS PLANNING COMMISSION  
MEETING HELD JANUARY 5, 2015**

Reyes asked if the units would be plumbed for solar installations. Pemstein responded that all of the units will be “solar ready” with solar installation as an option on all units.

Donlevy responded to the comment by Jim Hildenbrand on including language providing for cooperation with the surrounding developments. Donlevy asked the Commission to add language to the Development Agreement stating this, using the same language as was used for the Hudson-Ogando Subdivision.

Biasi asked staff why the 10 year term was chosen. Donlevy stated that agreements have differing terms, and staff concurs that 10 years is reasonable.

Biasi asked about the park development and funding component. Walsh responded that under typical impact fees, the developer would pay a great deal less than what is in this agreement.

Frazier asked about the roadway configuration and extensions of some streets. Donlevy responded by outlining the site map.

Biasi asked about the reduction in the number of model types. Dowsell responded that there are still a variety of model types, and they will be before the Commission for each phase of the development.

Myer stated that he does not believe the market will drive 200 units per year and is comfortable including that language.

**Myer moved, and Riley seconded to recommended that the City Council approve the Amended and Restated Development Agreement for development of the property commonly known as Winters Highlands between the City of Winters and GBH-Winters Highlands, LLC pursuant to Government Code sections 65864 through 65869.5, and further approve the Amended Tentative Subdivision Map for the Winters Highlands Subdivision. Commission also added a provision to include language providing for cooperation with the surrounding developments and directed the City staff to work with the developer to make conforming changes to the conditions of approval in response to comments provided by the developer at the public hearing.**

**AYES:** Commissioners Adams, Frazier, Myer, Riley, Reyes and Chairman Biasi.

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Baker

**COMMISSIONER/STAFF COMMENTS:** None

**ADJOURNMENT:** Chairman Biasi adjourned the meeting at 8:30pm.

**ATTEST:**

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Jenna Moser, Management Analyst

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Bill Biasi, Chairman



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chairman and Planning Commissioners  
**DATE:** January 27, 2015  
**FROM:** Jenna Moser – Management Analyst, Planning - GIS *JM*  
**SUBJECT:** Public Hearing and Consideration of a Tentative Subdivision Map (18 lots) for parcels 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place. Project applicant Joe & Karen Ogando seek to divide two parcels, totaling 4.21 acres, into eighteen (18) lots ranging in size from 6,000 to 10,000 square feet. The Planning Commission will make a recommendation to the City Council to take final action on the project at a future Public Hearing to be noticed separately.

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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 to solicit public comment; and
- 3) Recommend to the Winters City Council Approval of the Tentative Subdivision Map (18 lots) for parcels 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place.

**SURROUNDING LAND USES AND SETTING:** Surrounding land uses are as follows:

North: Existing Single-Family Housing – Zoned R-2  
East: Existing Cemetery – Zoned PQP  
South: Existing Single-Family Housing – Zoned R-2  
West: Existing Winters High School Campus – Zoned PQP, Hemenway Street

Historically, the site has featured one single-family residence with outbuildings (currently unoccupied and in disrepair) and contained a walnut orchard. A few very large Olive Trees are contained on the site. The general topographic character is flat.

**GENERAL PLAN & ZONING DESIGNATION:** The General Plan land use designation for the property is Medium Density Residential (MR). The project parcels are zoned Single Family Residential (R-2).

**BACKGROUND:** In July 2008 the Planning Commission held a Public Hearing to consider a General Plan Amendment for the western portion (1.42 acres) of the subject property to amend it from Recreation & Parks (PR) to Medium Density Residential (MR) and Rezone it from Parks and Recreation (P-R) to Single-Family Residential with the conditions that 1. A development plan for the entire 4.14 acres (currently indicated as 4.21 acres), which includes the 1.42 acres portion, must be presented to the City for consideration at one time; and 2. At the time of development of the 4.14 acres the property owner will be required to dedicate land and/or pay fees for park or recreational purposes, in accordance with then-existing City ordinances. Commission recommended approval and in October 2008 the application was approved by the Winters City Council.

As part of this GPA and Rezone the following actions took place:

1. a Mitigated Negative Declaration and Mitigation Monitoring Program were adopted (**Exhibit A**)
2. Resolution 2008-37 approving a General Plan Amendment to designate 1.42 acres from Recreation & Parks (RP) to Medium Density Residential (MR) (**Exhibit B**)
3. Ordinance 2008-10 approving a rezoning that changes the current zoning designation from Parks and Recreation (P-R) to Single-Family Residential (R-2) (**Exhibit C**)

From 2008 to the present the site has sat undeveloped and unchanged in use. In November 2014 the applicant met with the City to discuss the possible Tentative Subdivision Map application process for the subject property – several lot layouts and options were discussed and the application you see before you is the result.

**PROJECT DESCRIPTION:** Project applicant Joe & Karen Ogando seek to divide the existing two parcels (003-391-005 & 003-392-001 near Apricot Avenue & Pear Place), totaling 4.21 acres, into eighteen (18) new residential lots with ranging in size from 6,000-10,000 square feet.

**ANALYSIS:** **Exhibit D** illustrates the proposed Parcel Map. The configuration of the proposed lots is consistent with the City's General Plan and standards of the subdivision and zoning ordinances; meeting minimum lot size requirements. The site is appropriate for the specified density of development because the site is designated Medium Density Residential (MR).

The project site is surrounded by residential uses, the Winters High School Campus, and the Winters Cemetery. Division of the property as proposed would allow for the construction of one single-family residence on each lot, with the exception of "Lot A" near Hemenway to be dedicated to the City as a pedestrian access point. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed project have been identified.

Access to proposed lots is from the existing Apricot Avenue to be completed and the newly created street "Olive Court". Two of the lots will be accessed from Hemenway Street from the west (these two homes front Hemenway), with rear access at "Olive Court". Review by Public Safety was performed during map-check and the configuration of the roadway was determined to be acceptable with the comment that the driveway for the flag lot proximate to the Cemetery be built to accommodate fire apparatus. Dedication of road right-of-way and the Public Utility Easement will

be handled by Grand Deed that will go the City Council for approval before the Final Map is recorded.

Sidewalks are to be constructed within the Public Utility Easement along existing Apricot Avenue, and the newly created "Olive Court". Staff and the applicant concurred that continuation of the existing monolithic sidewalk configuration is acceptable and will continue the same layout and aesthetic along this stretch of Apricot Avenue.

Existing very large Olive Trees on site will be relocated to specific visual points in the subdivision and any existing usable orchard trees that can be saved will be preserved on site.

Water and Sewer services would be provided by the City of Winters. Other services such as gas and electricity would be provided by PG&E.

**AFFORDABLE HOUSING:** The applicant has the responsibility to satisfy the requirements of the Affordable Housing Program for the City of Winters. The affordable housing requirements seek to promote a balance between encouraging the development of market-rate housing and mixed-use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of individuals of very low, low, and moderate income within the City.

Section 17.200.030 of the City's Municipal Code regarding Inclusionary Housing Requirements states:

- (A) Number and Affordability of Units, Except as otherwise provided for in this Chapter, all development projects consisting of five (5) or more residential units within the City of Winters shall include inclusionary housing units equal to fifteen percent (15%) of the total number of residential units in the development project excluding density bonus units. The fifteen percent (15%) inclusionary housing requirement shall consist of six percent (6%) very low income units and nine percent (9%) low income or moderate income units in proportion to the unmet needs for each identified in the current housing element.

The obligation for Olive Grove is one (1) very-low income unit, one (1) low-income unit, and one (1) moderate income unit.

The City strongly prefers and shall encourage on-site construction of inclusionary units, however alternatives to the on-site construction are available and provided for in Section 17.200.050.

- Land Dedication
- Acquisition, Rehabilitation, and Conversion of Market Rate Units
- Accessory Units
- Inclusionary Housing Credits
- In-Lieu Fees
- Cooperative Ventures
- Sweat Equity
- Combination
- Other Alternatives

The initial step of developing a plan to satisfy Affordable Housing requirements is meeting with the City to discuss options and alternatives to satisfy the obligation. Based on that discussion, the developer would prepare a Draft Affordable Housing Plan (AHP), and meet with the Affordable Housing Steering Committee to solicit support of the AHP and consider any modifications. With Steering Committee support, the AHP would then go to the Planning Commission for review. Should the Commission recommend approval, the City Council would take final action on the AHP.

At this time the applicant is working with Housing Programs Manager, Dan Maguire, on developing an AHP. An AHP for the project shall be approved prior to approval of the Final Map.

**PARK IN-LIEU FEE:** Discussion occurred between City staff and the applicant on ways to address the park requirement. There is no park or recreational facility designated in the City's General Plan to be located in whole or in part within the proposed project. Also in part due to the small size of the subject property, and the small amount of land to be dedicated to park use, staff and the applicant concurred that the use of Park In-Lieu Fees was appropriate and could be put to the best use.

The formula used to calculate the park in-lieu fee is based on the value of raw residential land in Winters. Fees will be based on actual appraised land values. The fee is calculated by multiplying the land value per acre by 0.015 (per Resolution 93-47, **Exhibit E**). If raw residential land is valued at \$250,000.00 (example only) per acre, multiplied by 0.015, the result is a fee of \$3,750 per residential unit.

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst 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 01/14/15 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 01/22/15.

**ENVIRONMENTAL ASSESSMENT:** A Mitigated Negative Declaration and Mitigation Monitoring Plan were adopted by the Winters City Council on 09/02/08 as part of the General Plan Amendment and Rezone and the following findings were made:

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.

**RECOMMENDED FINDINGS FOR THE TENTATIVE SUBDIVISION MAP (18 LOTS) FOR PARCELS 003-391-005 & 003-392-001 NEAR APRICOT AVENUE AND PEAR PLACE**

CEQA Findings:

1. A Mitigated Negative Declaration and Mitigation Monitoring Plan were adopted by the Winters City Council on 09/02/08

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Medium Density Residential (MR) and this designation provides for residential uses such as single-family dwellings, and two-family or duplex dwellings. The applicant anticipates developing the newly created parcels for residential use.
2. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Single-Family Residential (R-2) and this zone provides for residential use. The applicant anticipates developing the newly created parcels for residential use.

**RECOMMENDATION:** Staff recommends that the Planning Commission make an affirmative motion as follows:

**MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE "OLIVE GROVE" TENTATIVE SUBDIVISION MAP (18 LOTS) FOR PARCELS 003-391-005 & 003-392-001 NEAR APRICOT AVENUE AND PEAR PLACE**

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

**DENIAL:** The tentative map may be recommended for denial by the planning commission on any of the grounds provided by the Subdivision Map Act or this code. The planning commission shall recommend denial of the tentative map if it makes any of the following findings:

1. That the proposed map or the design or improvement of the proposed subdivision is inconsistent with the general plan, any applicable specific plan, and the provisions of this code;
2. That the site is not physically suitable for the type of development;
3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the planning commission may recommend approval of such a tentative map if an EIR was prepared with respect to the project and a finding was made pursuant to paragraph (3), subdivision (a) of Section 21081 of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR;
5. That the design of the subdivision or the type of improvements are likely to cause serious public health or safety problems;
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The planning commission may recommend for approval or approval a map if it finds that alternate easements, for access or for use, will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision;
7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agriculture use. (Ord. 2009-05 § 1 (part))

**ATTACHMENTS:**

- A. Initial Study & Mitigation Monitoring Plan
- B. City Council Resolution 2008-37
- C. City Council Ordinance 2008-10
- D. Vicinity Map - Tentative Subdivision Map Exhibits
- E. City Council Resolution 93-47, Park in-lieu Fees
- F. Public Hearing Notice
- G. Conditions of Approval

**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.

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

**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

\_\_\_\_\_  
Date

Dan Sokolow, Comm. Dev. Director  
Printed Name

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>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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 adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	■	☐	☐
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

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

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

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

potential for earthquakes is low; however, there is the possibility for major damage (VIII to X on the Modified Mercalli Scale from a nearby earthquake). A rating of VIII to X on the Modified Mercalli Scale generally means the Richter scale magnitude would be between 6.0 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.

- aiii, 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.

- aiv. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **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?	□	□	■	□
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?	□	□	■	□

**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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- 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 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 ( $16 \times 2.31 \times 365 \div 2000$  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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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.

**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

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 –

### **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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**RESOLUTION 2008-37****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  
ASSESSOR'S PARCEL NUMBER 003-39105**

**WHEREAS**, Section Government Code 65358 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 and recommended that the City Council approve a General Plan Amendment to change the General Plan designation from Parks and Recreation to Medium Density Residential for the real property abutting Hemenway Street, APN 003-391-05 shown in Attachment "A"; and

**WHEREAS**, the City Council of the City of Winters held a public hearing on September 2, 2008, 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 September 2, 2008; 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 65358 of the California Government Code, the City Council of the City of Winters does hereby approves the adoption of a General Plan Amendment to change the General Plan designation from Parks and Recreation to Medium Density Residential for the property, APN 003-391-05, 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:

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the City Council

r Martin

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**CITY OF WINTERS  
ORDINANCE NO. 2008-10**

**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 September 16, 2008, and was **PASSED AND ADOPTED** at a regular meeting of the City Council held on October 7, 2008, by the following vote:

## 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

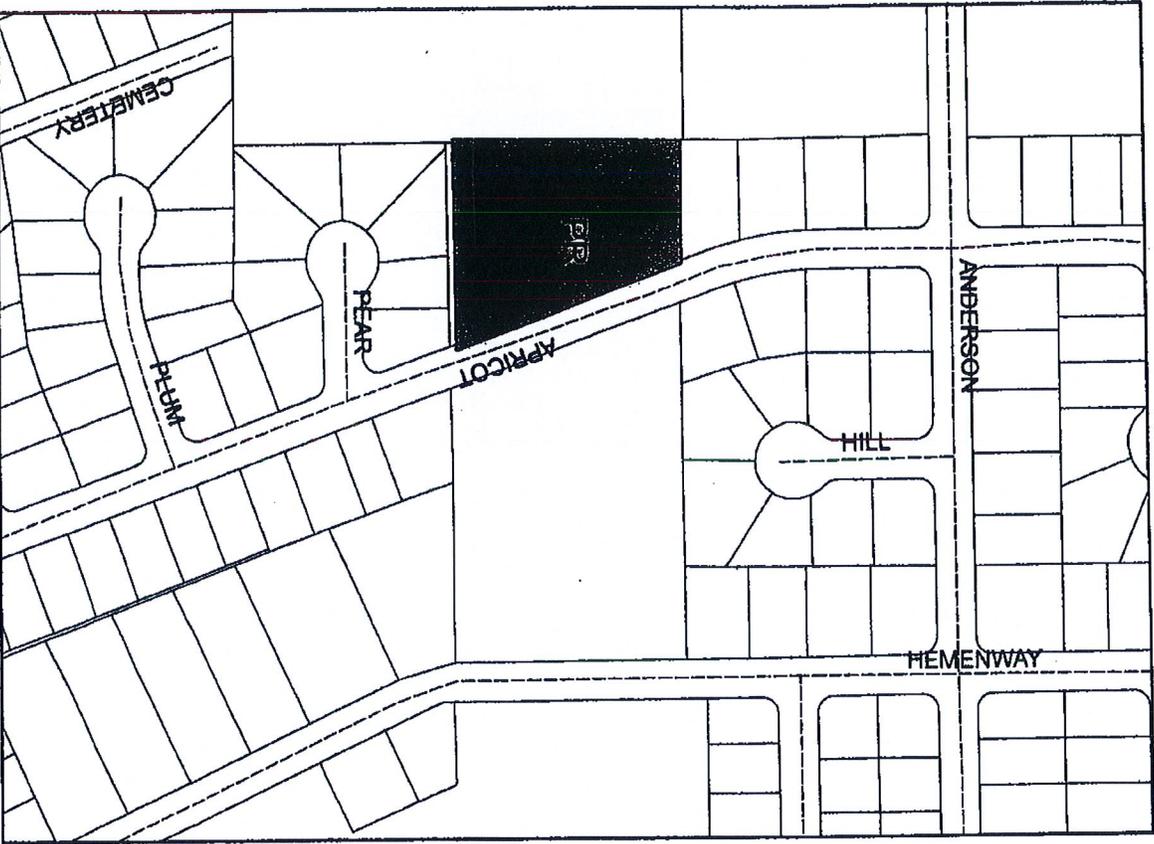
## EXHIBIT A

Felix Valadez Family Trust

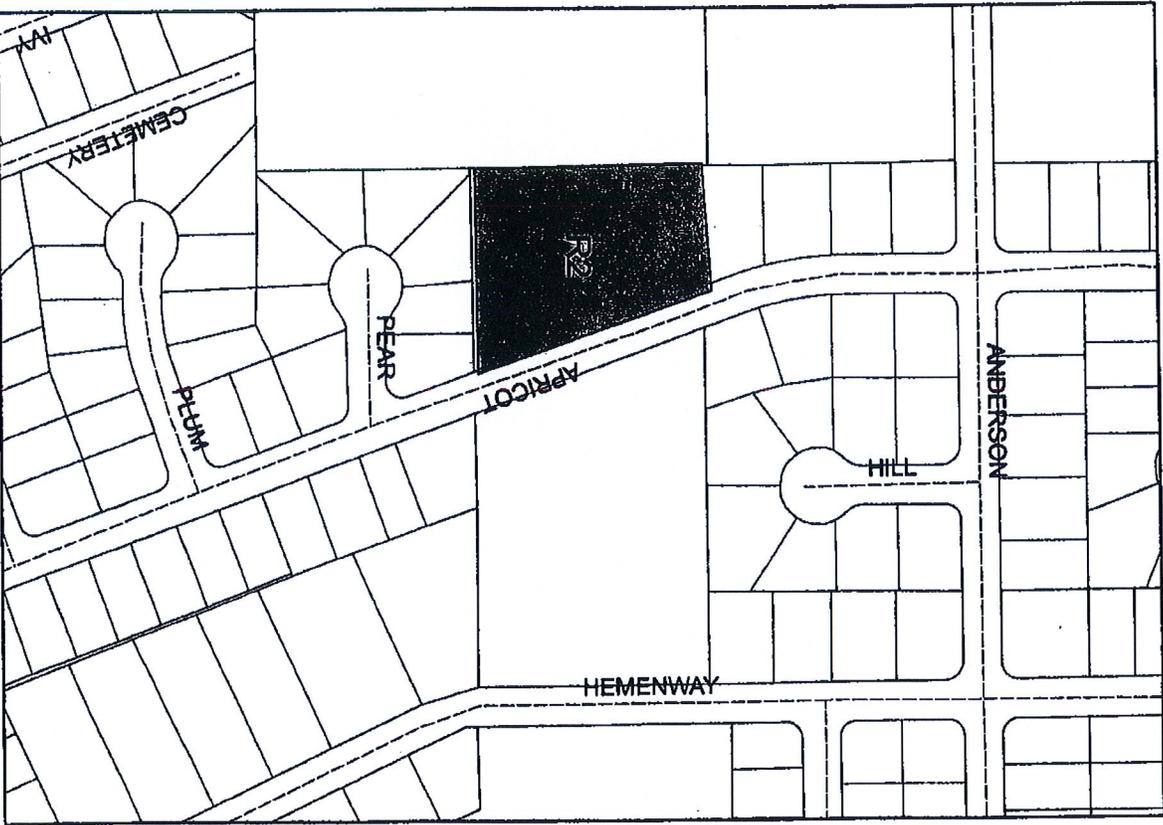
Petition for Reissuance of Order Nunc Pro Tunc

# Rezone Exhibit

Existing



Proposed

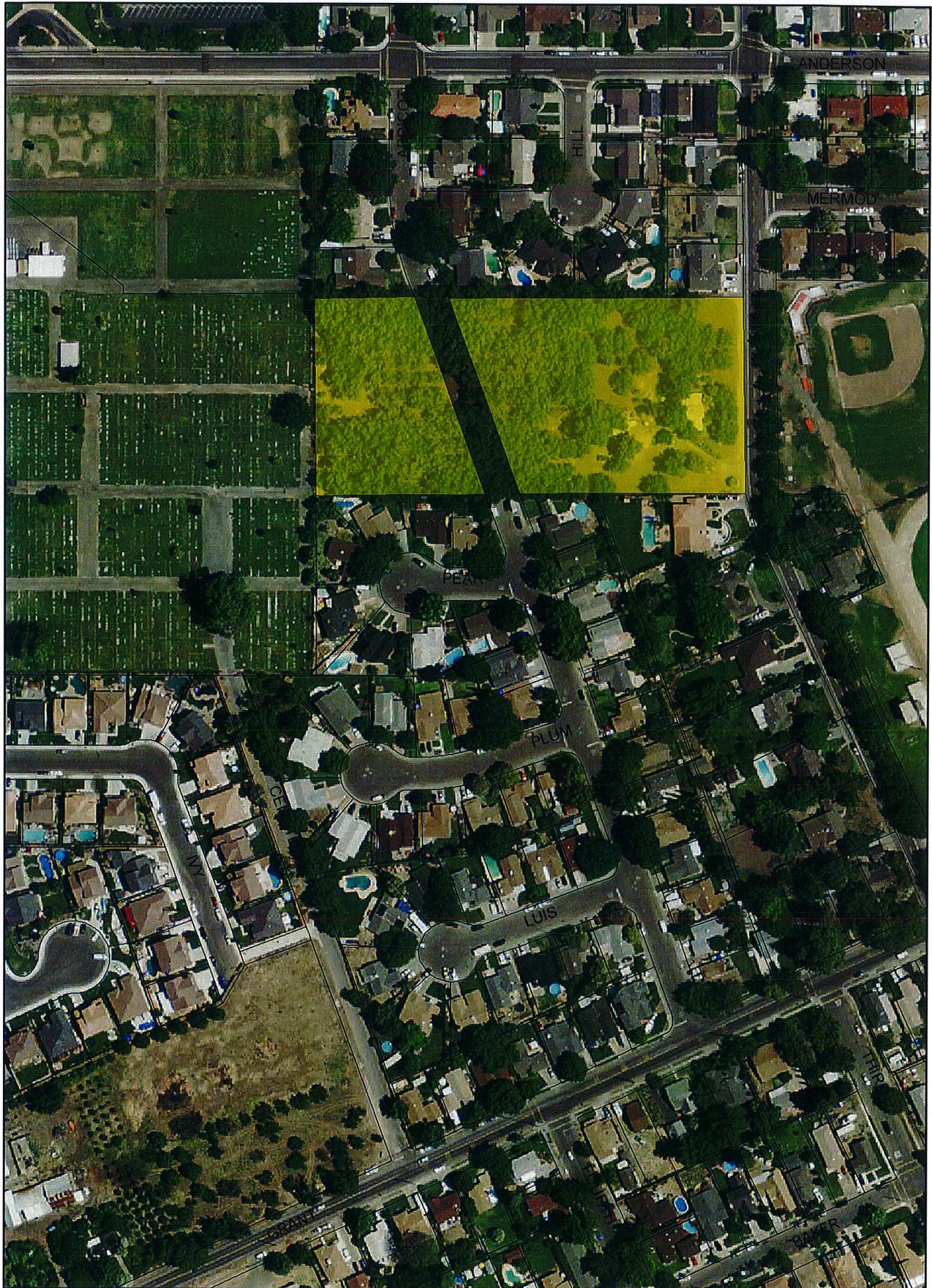


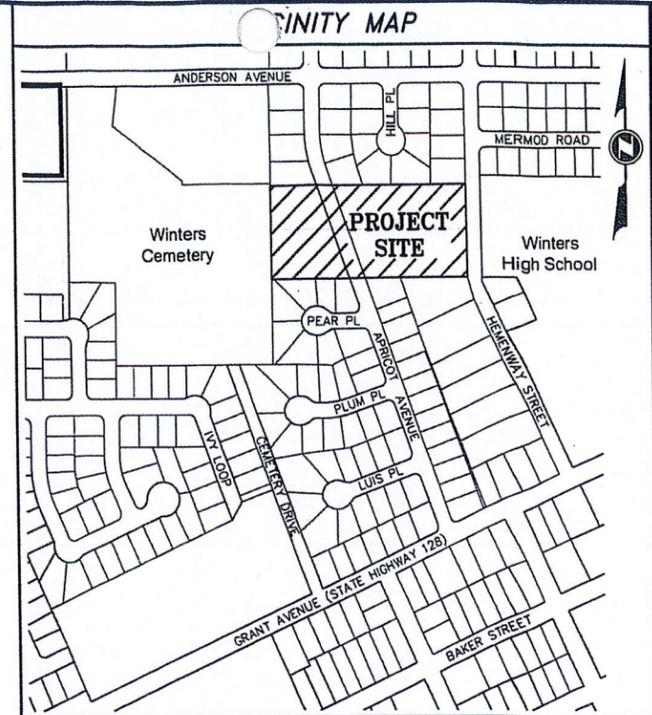
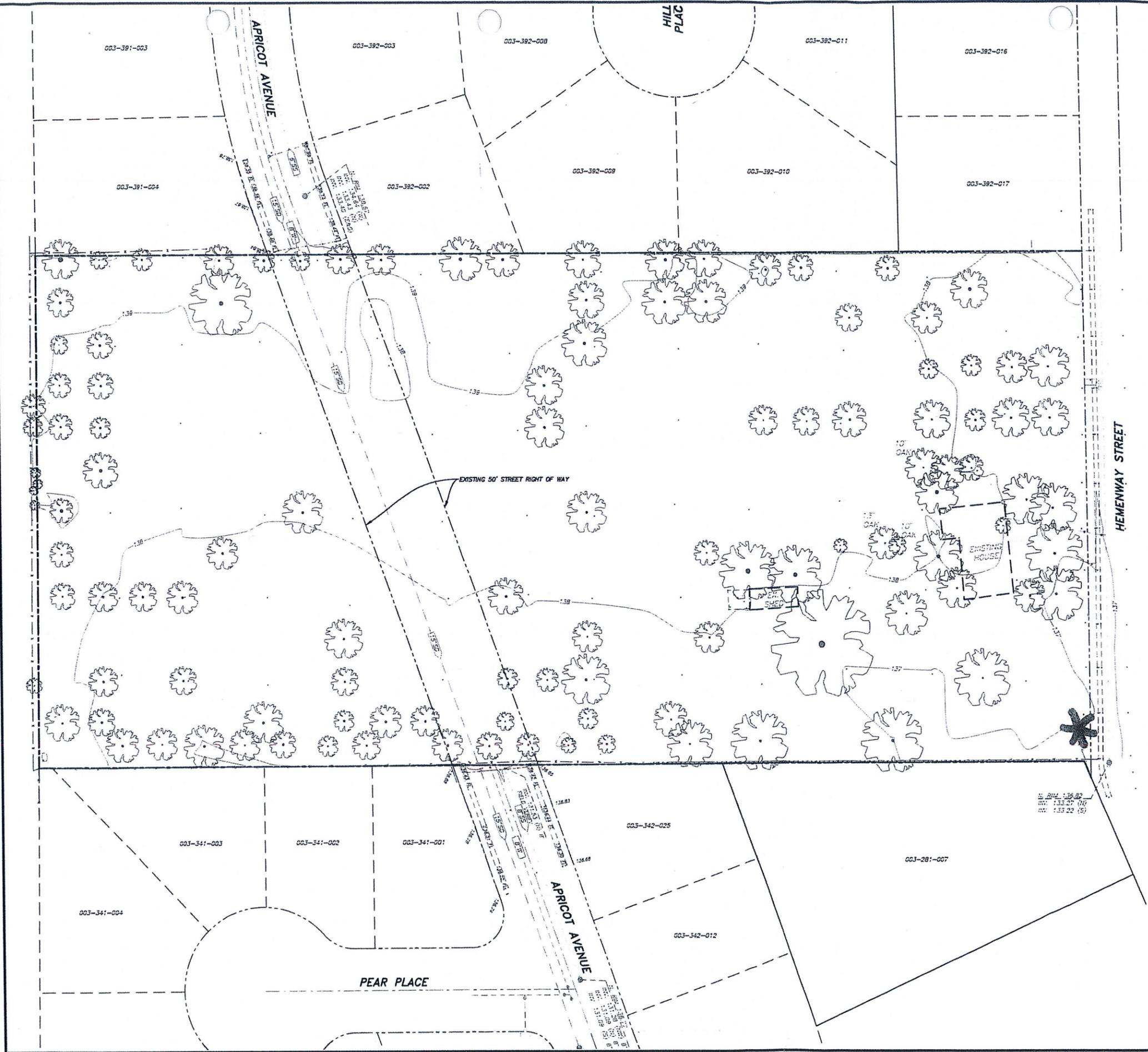
## **EXHIBIT "C"**

### **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.

# Olive Grove Vicinity





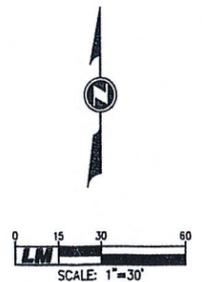
OWNER: FRANK VALADEZ  
 SUBDIVIDER: OGANDO  
 ENGINEER/SUBDIVIDER: LAUGENOUR AND MEIKLE  
 CIVIL ENGINEERS  
 608 COURT STREET  
 WOODLAND, CA 95695  
 PHONE: (530) 662-1755

EXISTING USE: VACANT  
 PROPOSED USE: 18 - SINGLE FAMILY LOTS [R-2]  
 LOT A - OPEN SPACE

EXISTING ZONING: R2  
 PROPOSED ZONING: R2

SEWER & STORM DRAINAGE SERVICE: CITY OF WINTERS  
 WATER SERVICE: CITY OF WINTERS  
 GAS & ELECTRIC SERVICE: P.G.&E.  
 TELEPHONE SERVICE: AT&T

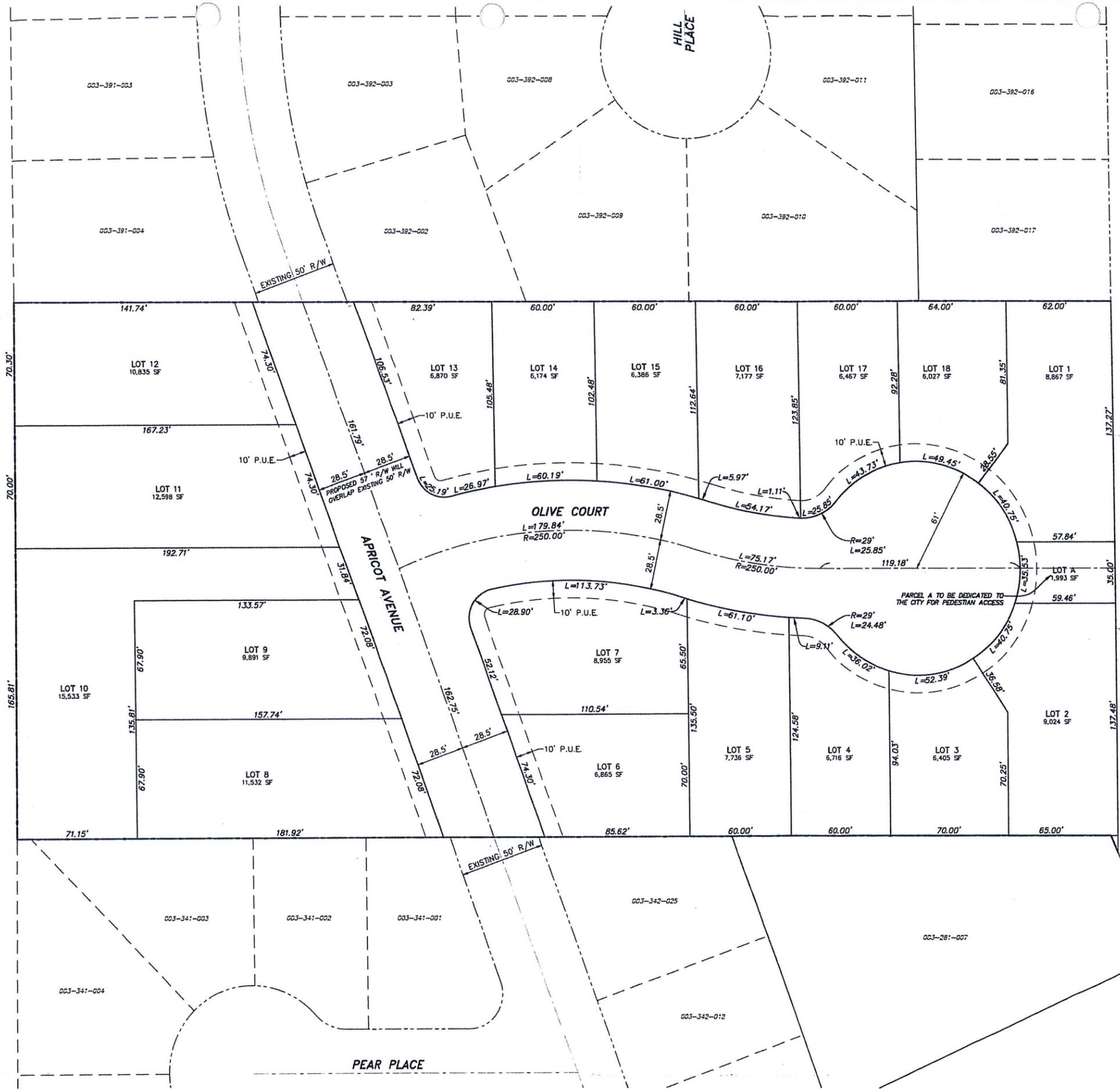
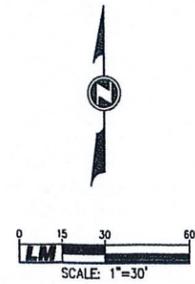
FLOOD ZONE: X (PER FIRM 06113C0563G)  
 GROSS AREA: 4.203± ACRES  
 APN: 003-391-005 & 003-392-001



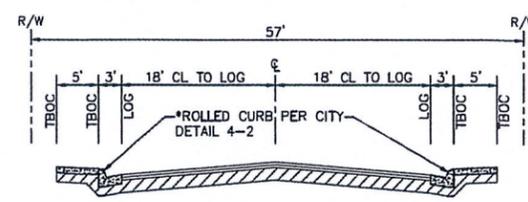
TOPOGRAPHIC SURVEY  
 FOR  
 TENTATIVE MAP  
 FOR  
 SUBDIVISION NO. 5066  
 OLIVE GROVE  
 LOCATED IN A PORTION OF FRACTIONAL SECTION 21  
 TOWNSHIP 8 NORTH, RANGE 1 WEST, MOUNT DIABLO  
 MERIDIAN, CITY OF WINTERS, YOLO COUNTY, CALIFORNIA

**LM LAUGENOUR AND MEIKLE**  
 CIVIL ENGINEERING • LAND SURVEYING • PLANNING  
 608 COURT STREET, WOODLAND, CALIFORNIA 95695 • PHONE: (530) 662-1755  
 P.O. BOX 828, WOODLAND, CALIFORNIA 95776 • FAX: (530) 662-4602  
 NOVEMBER 14, 2014 SHEET 1 OF 3

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HEMENWAY STREET



\*REQUEST APPROVAL FOR ROLLED CURB PER CITY DETAIL 4-2 TO MATCH IMPROVEMENTS TO THE NORTH AND SOUTH OF THE PROJECT. VERTICAL CURB AND GUTTER WOULD BE INSTALLED AT THE RETURNS AT THE INTERSECTION.

**① APRICOT AVENUE OLIVE COURT**  
NTS

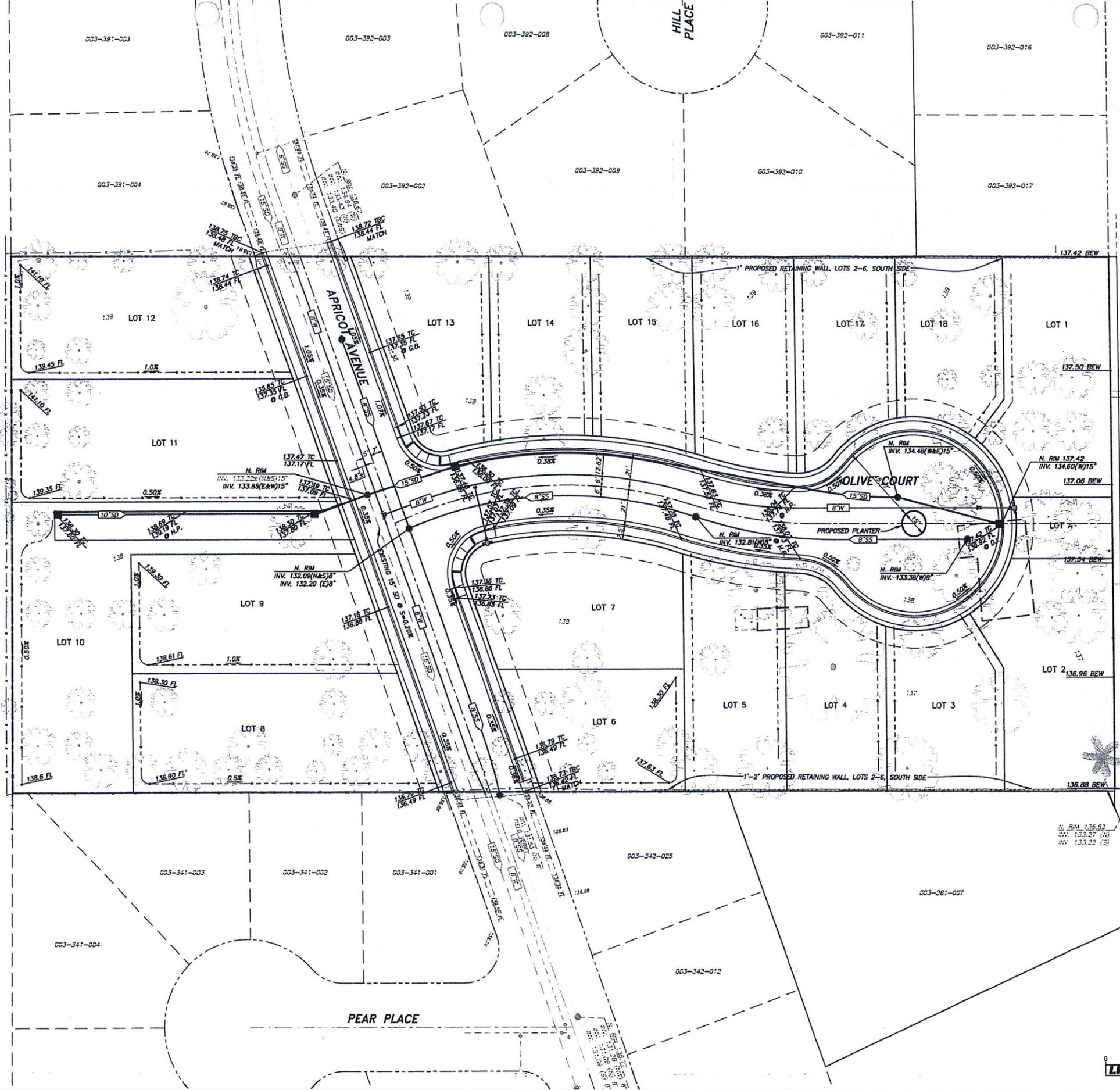
TENTATIVE MAP  
FOR  
SUBDIVISION NO. 5066  
OLIVE GROVE

LOCATED IN A PORTION OF FRACTIONAL SECTION 21  
TOWNSHIP 8 NORTH, RANGE 1 WEST, MOUNT DIABLO  
MERIDIAN, CITY OF WINTERS, YOLO COUNTY, CALIFORNIA

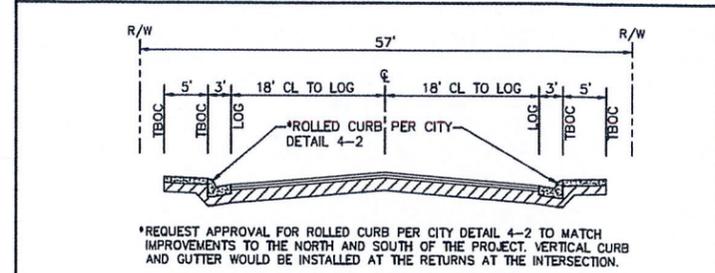
**LM LAUGENOUR AND MEIKLE**  
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808 COURT STREET, WOODLAND, CALIFORNIA 95695 · PHONE: (530) 662-1755  
P.O. BOX 828, WOODLAND, CALIFORNIA 95776 · FAX: (530) 662-4602  
NOVEMBER 14, 2014



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PROPOSED	EXISTING	
12" SD	12" SD	STORM DRAIN AND MANHOLE
8" SS	8" SS	SANITARY SEWER AND MANHOLE
8" SFM	8" SFM	SANITARY SEWER FORCE MAIN
		SEWER PUMP STATION
		FIRE HYDRANT AND VALVE ASSEMBLY
		WATER MAIN, VALVE, & BLOWOFF VALVE
		JOINT UTILITY TRENCH
		GAS MAIN
		ELECTRICAL LINE } UG-UNDERGROUND OH-OVERHEAD
		TELEPHONE LINE } UG-UNDERGROUND OH-OVERHEAD
		STREET LIGHT CONDUIT, WIRING & PULL BOX
		STREET LIGHT SERVICE POINT AT UTILITY CO. BOX
		STREET LIGHT AND POLE
		UTILITY POLE WITH DOWN GUY & ANCHOR
		POWER POLE, TELEPHONE POLE, JOINT POLE
		FENCE
		VERTICAL CURB, GUTTER & SIDEWALK WITH DRIVEWAY
		CATCH BASIN OR DRAINAGE INLET
		FLOWLINE OF DITCH OR SWALE
		DIRECTION OF SURFACE DRAINAGE FLOW
		CUT OR FILL SLOPE
		RIGHT OF WAY OR PROPERTY LINE
		STREET CENTERLINE OR BASELINE
		SURVEY MONUMENT
		SIGN
		TREE
		TREE TO BE REMOVED
		EXISTING GROUND SURFACE ELEVATION
		EDGE OF PAVEMENT AND ELEVATION
		FLOW LINE GRADE
		TOP OF CURB GRADE/ASPHALT GRADE
		FINISHED CONCRETE GRADE
		PUBLIC UTILITY EASEMENT
		ROLL CURB, GUTTER, & SIDEWALK



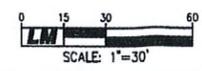
\*REQUEST APPROVAL FOR ROLLED CURB PER CITY DETAIL 4-2 TO MATCH IMPROVEMENTS TO THE NORTH AND SOUTH OF THE PROJECT. VERTICAL CURB AND GUTTER WOULD BE INSTALLED AT THE RETURNS AT THE INTERSECTION.

**1 APRICOT AVENUE OLIVE COURT**  
NTS

GRADING AND UTILITY PLAN  
FOR  
TENTATIVE MAP  
FOR  
SUBDIVISION NO. 5066  
OLIVE GROVE

LOCATED IN A PORTION OF FRACTIONAL SECTION 21  
TOWNSHIP 8 NORTH, RANGE 1 WEST, MOUNT DIABLO  
MERIDIAN, CITY OF WINTERS, YOLO COUNTY, CALIFORNIA

**LM LAUGENOUR AND MEIKLE**  
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NOVEMBER 14, 2014 SHEET 3 OF 3



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**CITY OF WINTERS****RESOLUTION 93-47****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS  
ESTABLISHING FEES FOR PARK LAND DEDICATION AND PARK AND  
RECREATION FACILITIES FOR NEW SUBDIVISIONS AND PARCEL  
MAPS.**

WHEREAS, California Government Code Section 66477 grants local governments the authority to require dedication of land, payment of fees, or both, for park and recreational purposes; and

WHEREAS, the City has adopted an Ordinance specifically regulating the dedication and/or payment of fees for park and recreation purposes; and

WHEREAS, the City of Winters adopted policies in the General Plan which establish a standard of 5 acres of park land per 1,000 population and calls for various recreation programs and amenities; and

WHEREAS, in order to protect the health, safety and welfare of the community and to ensure that adequate public facilities are provided for the residents for the City of Winters, adoption of the fee is necessary; and

NOW, THEREFORE, BE IT RESOLVED that the City Council makes the following findings and adopts the following fees for establishing fees in lieu of park land dedication:

I. Fee For Park Land Dedication and Recreational Facilities .

The City Council finds that the City of Winters Parks and Community Services Development Impact Fees are specifically formulated to fund certain park and recreation facility improvements and the acquisition of various park and recreation lands, and that in order to maintain the adopted 1992 General Plan standard of 5 acres of park and recreation land per 1,000 population, the City must require park and recreation land dedication from new subdivisions and parcel maps and/or fees for park and recreation land or facilities if land is not dedicated. The City Council finds that if there is no park or recreational facility designated in the City's General Plan or existing Park and Recreation Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the City Council requires the payment of in lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee pursuant to this Resolution.

City Council  
Resolution 93-47

The City Council finds and determines that new residential subdivisions need improved public parks. Thus, subdivisions have a responsibility to provide both land for parks and the improvement of that land for park and recreational use. Hence, as authorized by Government Code 66477, the City Council finds that subdivisions may be required to dedicate land, pay fees, or both, for park and recreational purposes.

II. Minimum Threshold and Exemptions.

All new residential subdivisions, regardless of size, are subject to this Resolution and payment of in-lieu fees. However, "in-fill lots" in existing subdivisions approved prior to adoption of Ordinance No. 93-09 are exempt.

III. Time of Payment of Fee.

Fees shall be paid as required in any applicable Subdivision Improvement and Maintenance Agreement. If there is no such Agreement, then payment is due concurrently with recordation of each Final Map or payment of Building Permit fees, as determined by the Director of Community Development & Building Department.

IV. Computation of Fee.

The fee per dwelling unit is computed as follows:

(1) Value per acre of raw land for residential development located in Winters

multiplied by

(2) .015

equals

(3) fee to be paid per dwelling unit

(Example: \$60,000/acre X .015 = \$900)

The value of land shall be determined by the City Council based upon actual purchase price of subject land, comparable land prices, estimates of value, appraisals or similar reliable opinions or statements of value.

City Council  
Resolution 93-47

This Resolution establishing an In-Lieu Fee may be amended from time to time at the discretion of the City Council.

At this time the In-Lieu Fee is established at \$900 per dwelling unit based upon an estimated raw land value of \$60,000 as used in the example above.

Subsection G is hereby added to Section 4.03 Miscellaneous Planning Fees, establishing an in-lieu fee of \$900 per dwelling unit for parks and recreational facilities.

V. CEQA Documentation.

The environmental impacts of the designation of park sites within the City is described in the City's 1992 General Plan. Prior to action on site-specific projects, subsequent environmental review will be undertaken as necessary pursuant to the California Environmental Quality Act (CEQA).

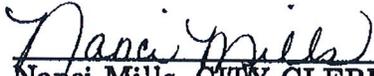
VI. Authority.

This Resolution is intended to implement the provisions of Article 3, Chapter 3, Title VIII of the Winters Municipal Code.

ADOPTED THIS 2ND DAY OF NOVEMBER, 1993.

  
William Pfanner, MAYOR PRO-TEM

ATTEST:

  
Nanci Mills, CITY CLERK

STATE OF CALIFORNIA     )  
COUNTY OF YOLO        ) ss.  
CITY OF WINTERS         )

City Council  
Resolution 93-47

I, Nanci Mills, City Clerk of the City of Winters do hereby certify that the foregoing Resolution of the City Council of the City of Winters was duly adopted by said City Council at a regular meeting held on the day of , 1993, by the following vote:

AYES: COUNCIL MEMBERS: Curry, Martin, Mosier, Mayor Pro-tem Pfanner

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Mayor Chapman

*Nanci Mills*  
Nanci Mills, CITY CLERK

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, January 27, 2015, at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application for a Tentative Subdivision Map (18 lots) for parcel 003-391-005 & 003-392-001 near Apricot Avenue & Pear Place. Project applicant Joe & Karen Ogando seek to divide the existing two parcels totaling 4.21 acres into eighteen (18) new lots with an average size of approximately 6,000 square feet. The Planning Commission will make a recommendation to the City Council to take final action on the project at a future Public Hearing to be noticed separately.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to [jenna.moser@cityofwinters.org](mailto:jenna.moser@cityofwinters.org). In addition, the staff report will be available on the City's website on 01/22/15.

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

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

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: Copies of the Staff Report will be available on the City's website [www.cityofwinters.org](http://www.cityofwinters.org)

For more information regarding this project, please contact Jenna Moser, Management Analyst – Planning & GIS, at (530) 794-6713.

**Olive Grove Subdivision  
Design Review**

**PLANNING CONDITIONS OF APPROVAL  
January 27, 2015**

1. The project is described in the January 27, 2015 Planning Commission staff report. The project shall be constructed as depicted on the exhibits included in the January 27, 2015 Planning Commission Staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action.
2. Approval of the applicant's project shall be null and void if the applicant fails to submit a final map for the project within 36 months of the Planning Commission's approval of the Parcel Map application.
3. The applicant shall report to the City building materials diverted from landfilling during the course of their project, pursuant to the provisions of the City of Winters Ordinance 2002-03.

**PUBLIC WORKS CONDITIONS OF APPROVAL  
January 27, 2015**

1. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.
2. The applicant agrees to adhere to the terms of the of the ordinance (Ordinance No. 96-02) adopted by the City Council to address impact fees to be paid for development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.
3. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
4. A subdivision map (Final or Parcel) shall be processed and shall be recorded prior to issuance of a Building Permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.
5. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
6. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties,

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

7. The applicant shall submit a current title report to the City prior to approval of public improvement plans.
8. The City of Winters Plan Review Fee applies and is due upon submittal of plans for review.
9. All street and other required public improvements shall be constructed concurrently, in a single phase operation.
10. A Soils/Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report. The applicant shall submit the report with the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.
11. Applicant shall construct public roadway improvements, to include curb, gutter, and sidewalk per the City of Winters Public Improvements Standards and Construction Standards. The City approves Apricot as a 50-foot right of way with monolithic sidewalks, consistent with the existing Apricot to the south.
12. A drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall address water-quality, and demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to the existing SD System. The applicant shall pay the cost associated with all improvements required by the plan.
13. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by City Engineer.

14. A topographic survey of the entire site and a comprehensive grading plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
15. Construction materials for storm drain pipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
16. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
17. All projects shall include implementation of post-construction best management practices (BMPs). Post construction BMPs shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit, or a WPCP.
18. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
19. A Tentative Map Sewer comprehensive Collection System Master Plan shall be submitted by a registered civil engineer, for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
20. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
21. A Tentative Map Water comprehensive Distribution System Master Plan shall be submitted by a registered civil engineer, for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the costs associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

22. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the Public Works Department.
23. If required, per the Subdivision Map Act, project applicant shall obtain a Water Verification (WV) prior to approval of final map that addresses the following:
24. Actual water service to the subdivision will be predicated upon satisfaction of terms and conditions set by the water supplier
25. The WV is non-transferable, and can only be used for the specific tentative map for which it was issued.
26. The WV shall expire along with the tentative map subdivision map if a final map is not recorded within time allowed under law
27. Until such time as actual service connections are approved for the subdivision, the water agency may withhold water service due to a water shortage declared by the water agency.
28. The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.
29. Applicant shall construct water service lateral for irrigation of any landscaping to parcel A and install a meter for the service.
30. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the Public Works Department.
31. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
32. Landscaping and irrigation plans shall be prepared by a registered landscape architect, and included as part of the improvement plans and/or site plans. These plans shall be per City Standards and the Water Conservation in Landscaping Act of 2006 (AB 1881) and shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way. Drip irrigation systems shall be used. No

substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.

33. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers. The landscape water meter shall be installed to the satisfaction of the Public Works Department.
34. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
35. If relocation of existing infrastructure is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
36. A Subdivision Improvement and Maintenance Agreement shall be entered into and recorded prior to construction of improvements and/or issuance of any building permits.
37. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
38. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
39. Applicant shall make every attempt to submit joint trench/utility/composite plans for review, prior to approval of the final map and improvement plans. Construction will not be allowed to proceed prior to submittal of the joint trench/utility/composite plans for City review.
40. All existing and proposed utilities (electric, phone/data, and cable) within 100 feet of the project boundary shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
41. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City.
42. Project proponents shall enter into the Citywide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of street lighting and landscaping, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to issuance of a building permit.
43. Prepare improvement plans for any work within the public right-of-way and submit them to the City Engineer for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Applicant shall provide, to the City Engineer, two sets of the improvement plans and electronic media

(AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer. Final Record Drawings shall be provided on Mylar and electronic media.

44. Street lighting location plan shall be submitted and approved by the Department of Engineering, prior to approval of improvement plans and final recordation of Map.
45. Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City of Winters City Engineer and Fire Department
46. Conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
47. Existing public and private facilities damaged during the course of construction shall be repaired by the Applicant at his/her sole expense, to the satisfaction of the City Engineer.
48. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.
49. The project shall operate within all applicable requirements of the City Code at all times
50. Landscape material may not be located such that, at maturity it interferes with safe distances for vehicular, bicycle or pedestrian traffic; conflicts with overhead utility lines, overhead lights, or walkway light; or blocks pedestrian or bicycle ways.
51. Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans.
52. For the proposed flag-lot: on-site drainage system shall be private and water quality requirements addressed for discharge into the public system. The driveway access to the flag-lot home shall be built to accommodate fire apparatus.
53. An 8-foot concrete path shall be constructed in Parcel A, to connect Hemenway sidewalk to cul-de-sac sidewalk.
54. A licensed Arborist shall be consulted for the proposed planting of a tree within the cul-de-sac. Also, the civil engineer shall provide a plan to address long-term degradation of the pavement section due to irrigation of the tree.
55. The Fire Department shall review and approve the proposed cul-de-sac design with the tree.
56. A site plan for Parcel A (open space) with landscape/hardscape plans shall be submitted for design review and approval by the City prior to acceptance of the final map. These improvements shall be developed at the same time as adjoining lots, and shall be completed to the City's satisfaction prior to occupancy of adjoining lots.
57. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
58. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.

59. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
60. Construction equipment and engines shall be properly maintained.
61. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
62. Construction practices will minimize vehicle idling.
63. Potentially windblown materials will be watered or covered.
64. Construction areas and streets will be wet swept.
65. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.
66. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
67. Prior to recording of the final map, if required, provide evidence of payment for the Habitat Mitigation Fee. This fee is paid to the Yolo County Planning Department.



PLANNING COMMISSION  
STAFF REPORT

**TO:** Chairman and Planning Commissioners  
**DATE:** January 27, 2015  
**FROM:** Jenna Moser - Management Analyst, Planning -GIS JM  
**SUBJECT:** Public Hearing and Consideration of Design/Site Plan Review for 1 one-story and 2 two-story residences for the parcel commonly referred to as the "Mermod Parcel" (APN 003-282-020) near Mermod Road and Anderson Avenue.

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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 to solicit public comment; and 3) Approve Design/Site Plan Review for 1 one-story and 2 two-story residences for the parcel commonly referred to as the "Mermod Parcel" (APN 003-282-020) near Mermod Road and Anderson Avenue.

**BACKGROUND:** In September 2014 the Winters Planning Commission Conditionally Approved a Parcel Map application to divide the subject 20,000 square foot parcel into 3 new parcels for residential development. The applicant, Miguel Moreno of Next Generation Development is in the final phases of recording the Parcel Map and is seeking approval for Design Review.

The September 2014 approval of the Parcel Map included consideration (per Section 17.060.020, subsection E) to allow reduced minimum lot sizes for this project, with the condition that high quality architecture for housing be included. (See Conditions of Approval for Mermod Map, **Exhibit A**)

**PROJECT DESCRIPTION:** The applicant, Next Generation Development, is requesting Design/Site Plan Review of 1 one-story and 2 two-story residences on three lots near Mermod Road and Anderson Avenue. Access to the residences would be from driveways via the dead-end bulb off Mermod Road. The existing sidewalk along the south side of street will be extended to

serve the homes. Utilities will be placed in an easement located across the front of the lots. The parking requirement for the residences will be satisfied with the included two-car garage. Trash collection will occur curbside. HVAC units will be roof-mounted and screened.

The applicant proposes 2, two-story and 1, one-story residence with shallow front yards and front-loaded garages. The homes will have siding or stucco exteriors with composition roofs and distinctive garage doors. The windows on all elevations will be trimmed with stucco covered foam. Façade details include stone veneer on the two story model facade and brick veneer on the columns and facade for the one story model. The color palate for the single-story home is cool gray plank siding and stucco with a gray roof material. The color palate for the two-story home is tan stucco with brown trim and a brown roof material.

The landscaping plan provided is preliminary; at this time the applicant proposes grass in the front yards along the driveways. A block-wall fence is being installed on the North and East boundaries of the parcel. The existing chain-link and dog-ear fencing will remain on the South and West boundaries. Interior fencing is proposed as dog-ear fencing.

**Two-Story Home - Identified as Parcel #1 & #3**

- Lot size - Approximately 5749-6544 square feet
- Residence size - 2061 square feet
- Stone accents on front façade wrap to front fence line (not on plan)
- Covered entry - attractive lighting
- Distinctive garage door with windows

**One-Story Home - Identified as Parcel #2**

- Lot size - Approximately 5463 square feet
- Residence size - 1211 square feet
- Brick accents on front façade wrap to front fence line (not on plan)
- Front porch with bay window
- Distinctive garage door with windows

**DESIGN/SITE PLAN REVIEW:** According to Winters Municipal Code, Chapter 17.36 (Design Review), design review is required before the Planning Commission for the construction of new residential units. According to the Design Review provisions, the Planning Commission shall consider the following aspects for design review of a site plan:

- The overall visible mass of the structure, which includes height, roofline profiles and overall scale of a building; and
- 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; and
- Avoidance of buildings which are characterized by large, blank or unbroken wall planes, as well as buildings which exhibit general lack of architectural detailing, shadow lines, etc. which generally lack interest; and
- Effective screening of ground - and - roof mounted equipment; and

- The use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development, as necessary; and
- With respect to single-family residential production housing, the above design criteria shall be considered, but with the design review focus on avoiding use of repetitive designs and site plans. Design review should encourage elements of individuality in residence design through inclusion of features such as modified front and side yard setbacks, varying architectural styles, building siding and roofing materials, creative use of fencing and landscaping, and/or other design features. To the extent possible, designs should also encourage pedestrian activity while reducing emphasis on vehicular access as the focal point of a residential lot.

The Planning Commission shall make findings relative to compliance with the above provisions prior to approving a site plan for design review.

#### **ANALYSIS:**

The existing neighborhood consists entirely of single-story residences with shallow front yards and front-loaded garages. Homes in this area are generally a traditional architectural style, stucco, stucco with horizontal siding or horizontal siding, all with minimal façade embellishment and composition roofing materials. Colors of homes in this area vary but are generally subdued browns, beiges and grays.

At Parcel Map Approval the Commission made the consideration (per Section 17.060.020, subsection E) to allow reduced minimum lot sizes for this project, with the condition that high quality architecture for housing be included. Staff's recommendation reflects the Commission's consideration, using existing neighborhood architecture and setting as a guide.

The applicant is proposing to build a two-story home next to the one-story house at 114 Mermod Road. The existing house will be 10 feet from the new home. The plans show there will be no windows facing the existing house, however there will be a large blank wall. The applicant is using a hip roof to help reduce the effect of having a two-story house directly adjacent to the one-story home. To add interest, and help break up the flat surface of the two-story house it will be finished with plank horizontal siding.

The existing chain link along the South property line is in disrepair. The fence is owned by the School District and cannot be removed. The applicant should install a new 6-foot dog-eared fence along the southern property line to hide this fence and provide some privacy.

The applicant has not submitted a final landscape plan. The applicant has suggested the front yards be lawn. Staff recommends that some drought tolerant 1-gallon and 5-gallon shrubs and groundcover also be provided. The applicant should submit for Staff's approval a revised landscaping plan with these changes prior to final inspection.

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst 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 01/14/15 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 01/22/15.

**ENVIRONMENTAL ASSESSMENT:** Design Review is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects).

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

**RECOMMENDED FINDINGS FOR DESIGN/SITE PLAN REVIEW FOR 1 ONE-STORY AND 2 TWO-STORY RESIDENCES FOR THE PARCEL COMMONLY REFERRED TO AS THE "MERMOD PARCEL" (APN 003-282-020) NEAR MERMOD ROAD AND ANDERSON AVENUE:**

CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects.

Design Review Findings:

- 1) The proposed project's overall visible massing, which includes height, roofline profiles and overall scale of the building meets the intent of Winters Design Guidelines.
- 2) The proposed project's use of quality of exterior construction materials is compatible with the general setting of the subject property and visual character of the general neighborhood.
- 3) The proposed project avoids the use of large, blank or unbroken wall planes and architectural detailing such as shadow lines, etc. which generally lack interest.
- 4) The proposed project provides effective use of screening of ground - and - roof mounted equipment.
- 5) The proposed project provides effective use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development.
- 6) The proposed project achieves conformity with the Winters design guidelines
- 7) The proposed project avoids the use of repetitive designs and site plans

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE DESIGN REVIEW/SITE PLAN FOR 1 ONE-STORY AND 2 TWO-STORY RESIDENCES FOR THE PARCEL COMMONLY REFERRED TO AS THE “MERMOD PARCEL” (APN 003-282-020) NEAR MERMOD ROAD AND ANDERSON AVENUE BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Approve Design Review/Site Plan subject to the conditions of approval attached hereto.

**ATTACHMENTS:**

- A. Applicant Narrative
- B. Vicinity Map
- C. Elevations - Architectural Exhibits
- D. Public Hearing Notice
- E. Conditions of Approval



Miguel Moreno, Jr.  
2950 Beacon Blvd. Suite #45  
West Sacramento, CA 95691  
Office: 916-342-5688  
Fax: 916-371-9081

To the Commissioners whom this may concern:

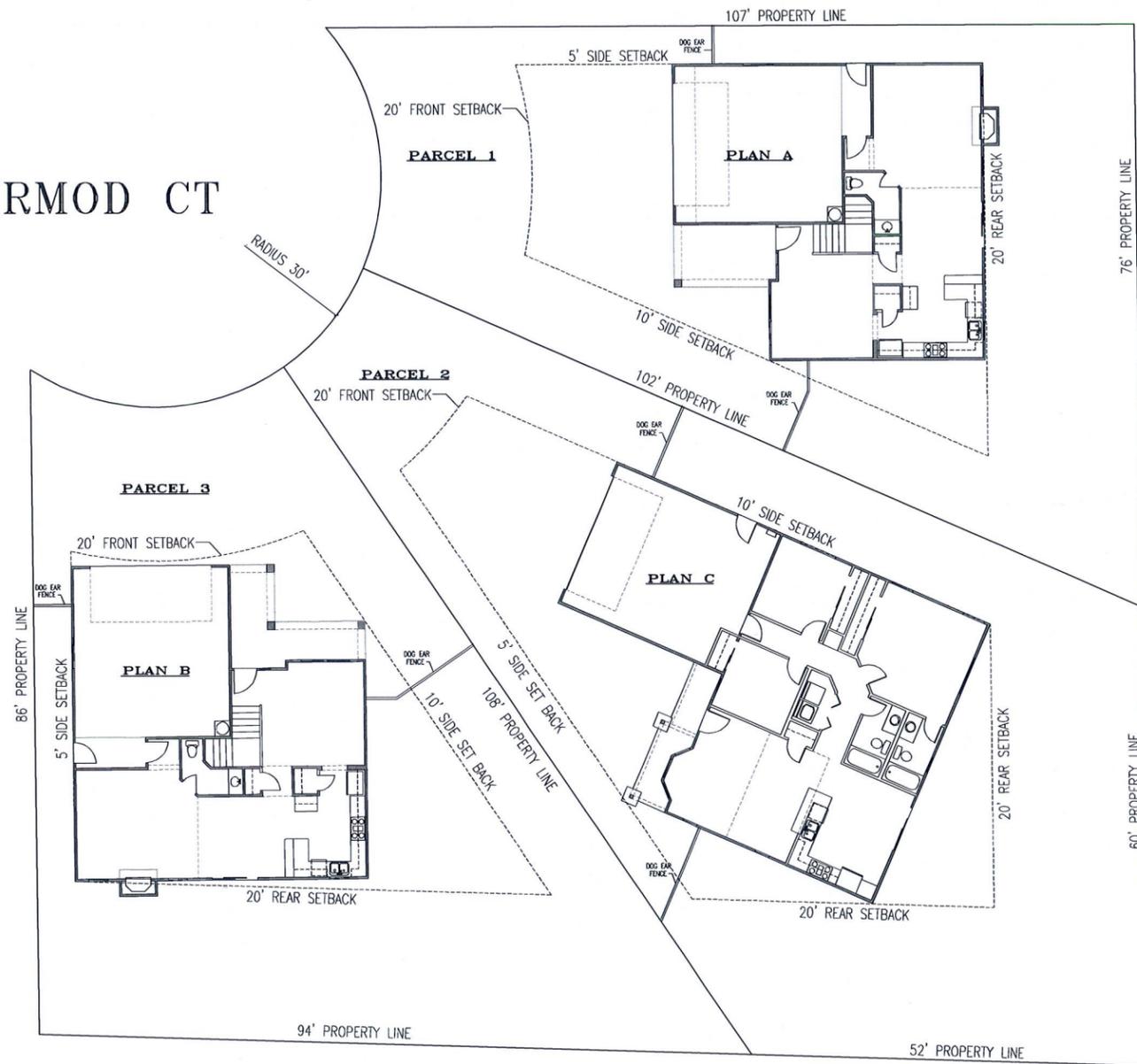
My name is Miguel Moreno, Jr. I am the President and CEO of my new company, JR Builders, LLC. This application reflects my sincere desire to provide housing for single families in the town of Winters, CA. I have grown up and lived in Winters my entire life. The town of Winters is rather small, populating about 7,000 people. Year after year I watch families that move to Winters with diminutive options of homes to live in. After having my own business for eleven years and having the competence and knowledge of construction, I set a goal for myself to provide single families with homes. This project I bring before you is, at this time, an empty lot of dirt. My objective is to divide this lot of dirt into three sections, where I will be building three homes, one of which will be a single-story house; the other two sections will be two-story houses. In doing this, I will be able to not only provide single families with homes, but also be able to give business to surrounding family-owned businesses in Winters.

Furthermore, I would like to take this time to explain the structure of these homes and what materials will be used. All three homes will be built with wood frames. Houses A and B will be two story homes furnished with four bedrooms and two and a half baths, including the Master Bedrooms and Master Bathrooms on the second floors of the homes. The second floors will also conveniently include a laundry room. The first floors will feature a kitchen, a family room and a dining room. All habitable rooms will have light and ventilation conforming to CBC code. All windows and glass doors will be provided by tempered glass in accordance with CBC code. House C will be a one-story home furnished with three bedrooms and one and a half baths, including the Master Bedroom and Master Bathroom. The house will also feature a kitchen, living room and a relaxing front porch. All doors, panels and adjacent wall openings around the shower and bathtub enclosures shall be laminated safety glass. The lighting and ventilation will also conform to CBC code. All three homes will feature a 24 gauge steel sectional garage door with PVC backed insulation. The garage doors will feature horse power chain drive openers with a remote, resulting in a keyless entry.

# APN 003-282-002



MERMOD CT



**SITE PLAN** 

SCALE 1/8" PER FT

**SHEET INDEX**

SITE	_____	SITE / COVER
A1	_____	1ST FLOOR LAYOUT AND DIMENSION PLANS
A1.1	_____	2ND FLOOR LAYOUT AND DIMENSION PLANS
A3	_____	ELEVATIONS
E1	_____	1ST AND 2ND FLOOR ELECTRICAL PLANS
A3.1	_____	ELEVATIONS
S1	_____	FOUNDATION AND 2ND FLOOR FRAMING PLANS
S2	_____	ROOF FRAMING PLAN AND SECTION
S3	_____	1ST AND 2ND FLOOR SHEAR WALL PLAN
SD1	_____	ENGINEERING SPEC'S
SD2	_____	FOUNDATION DETAILS
SD3	_____	FLOOR FRAMING DETAILS
SD4	_____	ROOF FRAMING DETAILS
T24	_____	ENERGY CALCULATIONS AND GREEN CODE

**DESIGN CRITERIA**

RISK CATEGORY - II  
 IMPORTANCE FACTOR: 1  
 WIND SPEED: 110 MPH  
 EXPOSURE CATEGORY: B  
 INTERNAL PRESSURE COEFFICIENT: N/A  
 DESIGN WIND PRESSURE: SEE CALCS  
 MAPPED SPECTRAL RESPONSE COEFFICIENTS:  
 SITE CLASS: D  
 SPECTRAL RESPONSE COEFFICIENTS:  $S_w = .569$   
 SEISMIC DESIGN CATEGORY: D  
 BASIC SEISMIC-FORCE-RESISTING SYSTEM: WOOD SHEARWALLS  
 DESIGN BASE SHEAR: SEE CALCS  
 SEISMIC RESPONSE COEFFICIENT:  $C_s = 0.116$   
 SEISMIC R=6.5  
 ANALYSIS PROCEDURE : ELFP

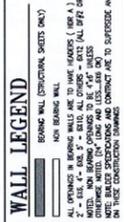
ROOF T.C.D.L: 14  
 ROOF B.C.D.L: 7  
 ROOF LIVE LOAD: 20  
 FLOOR DEAD LOAD: 17  
 FLOOR LIVE LOAD: 40  
 RAIN LOAD: 0  
 FLOOD LOAD: 0  
 SNOW LOAD± 0 Pf - N.A. Ce - N.A. I = 1 Ct - N.A.

FIRE HAZARD SEVERITY ZONE: N/A...INCORPORATED AREA  
 BUILDING OCCUPANCY R-3 / U (RESIDENTIAL)  
 TYPE CONSTRUCTION V-B  
 ALL WORK SHALL CONFORM TO 2013  
 CRC, CBC, CMC, CPC, CEC, CFC AND  
 2013 CALIF. ENERGY CODE.  
 BUILDING IS TO MEET OR EXCEED 2010 CALIFORNIA GREEN BUILDING  
 STANDARDS CODE AS AMENDED BY STATE AND LOCAL JURISDICTIONS.

NOTE:  
 OWNER IS TO VERIFY  
 SETBACK AND PROPERTY LINES  
 PRIOR TO START OF CONSTRUCTION  
 THIS DRAWING IS FOR REFERENCE  
 ONLY. IF OWNER USES THIS DRAWING  
 FOR BUILDING DEPARTMENT SUBMISSION  
 HE SHALL ASSUME ALL RESPONSIBILITY  
 FOR ERRORS AND EMISSIONS.

THIS SET DRAWING IS  
 THE PROPERTY OF  
 CHRS OLIVEIRA AND  
 ASSOCIATES, INC.  
 NO PART OF THIS  
 DRAWING IS TO BE  
 REPRODUCED OR  
 TRANSMITTED IN  
 ANY FORM OR BY  
 ANY MEANS, ELECTRONIC OR MECHANICAL,  
 INCLUDING PHOTOCOPYING, RECORDING,  
 OR BY ANY INFORMATION STORAGE AND  
 RETRIEVAL SYSTEM, WITHOUT THE WRITTEN  
 PERMISSION OF CHRS OLIVEIRA AND  
 ASSOCIATES, INC.

ALL WORK SHALL CONFORM TO 2013 CBC,  
 ALL WORK SHALL CONFORM TO 2013 UFGC,  
 ENERGY STANDARDS 2013 UFGC  
 (PLANS MEET 2013 GREEN CODE)  
 (GREEN CODE SHEET FOR STANDARD  
 SPECIFICATIONS PERTAINING TO THE  
 DURATION BUILDING CODE WILL REFER TO  
 THE CONSTRUCTION OF THIS BUILDING)

**WALL LEGEND**  
  
 BEARING WALL (STRUCTURAL SHEET ONLY)  
 NON-BEARING WALL  
 MASONRY WALL  
 ALL OPENINGS IN BEARING WALLS ARE TO HAVE HANGERS (HWP A) AS FOLLOWS:  
 WITH 2" MIN. BEARING JOISTS TO BE 4" MIN. HANGERS (ALL HWP AS BEARING)  
 WITH 2" MIN. BEARING JOISTS TO BE 4" MIN. HANGERS (ALL HWP AS BEARING)  
 WITH 2" MIN. BEARING JOISTS TO BE 4" MIN. HANGERS (ALL HWP AS BEARING)  
 WITH 2" MIN. BEARING JOISTS TO BE 4" MIN. HANGERS (ALL HWP AS BEARING)  
 WITH 2" MIN. BEARING JOISTS TO BE 4" MIN. HANGERS (ALL HWP AS BEARING)

**BUILDING DATA**

1ST FLR	867	SD, FT
2ND FLR	1178	SD, FT
TOTAL	2046	SD, FT
GARAGE	503	SD, FT
PATIO	139	SD, FT

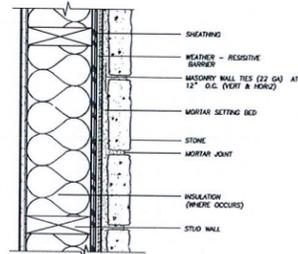
**COA**  
**CHRIS OLIVEIRA AND ASSOCIATES**  
 REGISTERED PROFESSIONAL ENGINEER  
 NO. C 23407  
 CIVIL  
 STATE OF CALIFORNIA

NOTE:  
 THIS DRAWING IS FOR REFERENCE ONLY. IF OWNER USES THIS DRAWING FOR BUILDING DEPARTMENT SUBMISSION HE SHALL ASSUME ALL RESPONSIBILITY FOR ERRORS AND EMISSIONS.

PROJECT:  
 MERMOD CT  
 PLAN "B"

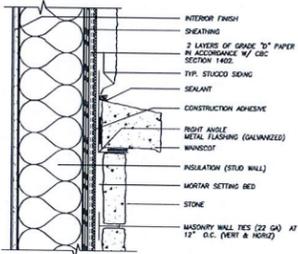
REVISIONS

DATE:	11-24-14
SCALE:	NOTED
JOB:	MERMOD
SHEET:	<b>SITE</b>



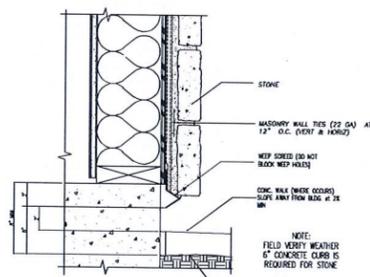
PLAN VIEW

TYPICAL STONE DETAILS  
N.T.S.



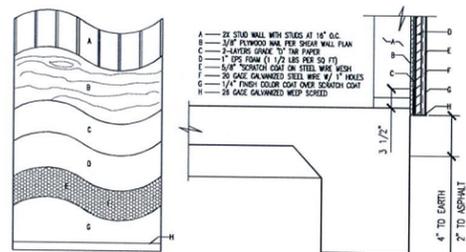
SECTION CUT

TYPICAL STONE DETAILS  
N.T.S.

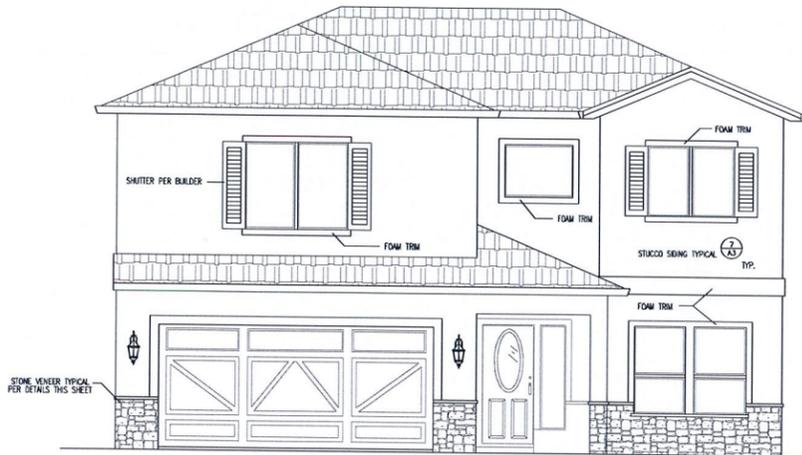


SECTION CUT

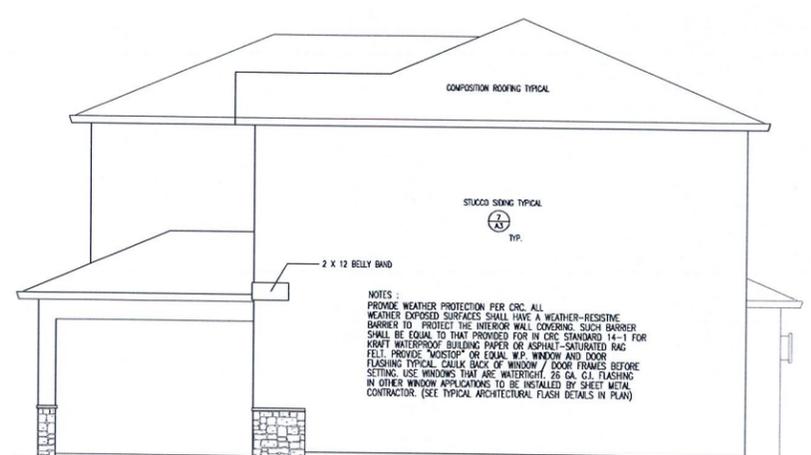
TYPICAL STONE DETAILS  
N.T.S.



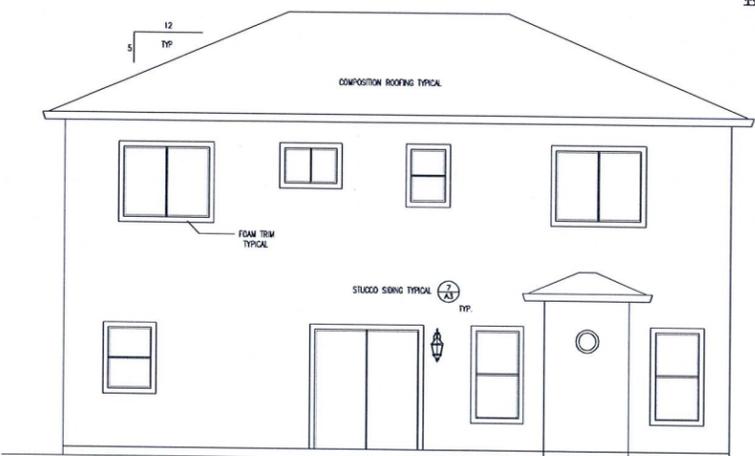
TYP STUCCO SIDING DETAIL 7



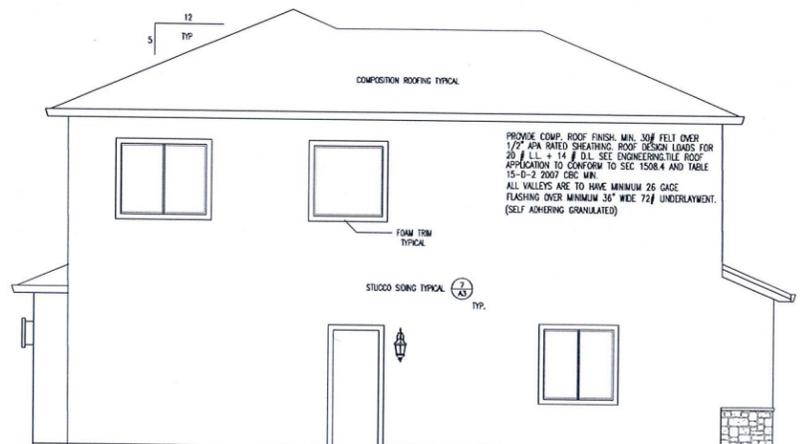
FRONT ELEVATION (PLAN A)  
SCALE 1/4" PER FOOT



RIGHT ELEVATION (PLAN A)  
SCALE 1/4" PER FOOT



REAR ELEVATION (PLAN A)  
SCALE 1/4" PER FOOT



LEFT ELEVATION (PLAN A)  
SCALE 1/4" PER FOOT

- TYP. DETAIL NOTES**
- A WINDOW GLASS
  - B WINDOW FRAME
  - C WINDOW TRACK
  - D CALLING BEED
  - E WINDOW WALL TIE
  - F PRE-CAST CONCRETE
  - G STUCCO PER TYPICAL DETAIL
  - H MOISTURE PROTECTION PER TYPICAL STUCCO DETAIL
  - I FOAM INSULATION PER TYPICAL STUCCO DETAIL
  - J 2x6 WINDOW FRAMING
  - K 2x6 SIDING WALL
  - L COPING BOARD
  - M WOOD WINDOW SILL
  - N FOAM MOLDING FOR STUCCO
  - O STONE OR MASONRY
  - P WINDOW HOUSER
  - Q WINDOW FRAME
  - R DOOR TRIM
  - S DOOR
  - T DOOR SCREED
  - U STUCCO SCREED

NOTES:  
 PROVIDE WEATHER PROTECTION PER CSC. ALL WEATHER EXPOSED SURFACES SHALL HAVE A WEATHER-RESISTIVE BARRIER TO PROTECT THE INTERIOR WALL COVERING. SUCH BARRIER SHALL BE EQUAL TO THAT PROVIDED FOR IN CSC STANDARD 14-1 FOR DRAFT WATERPROOF BUILDING PAPER OR ASPHALT-SATURATED BAG. FURTHER, PROVIDE "MORTAR" OR EQUAL W.P. WINDOW AND DOOR FLASHING TYPICAL. CALLK BACK OF WINDOW / DOOR FRAMES BEFORE SETTING. USE WINDOWS THAT ARE WATERPROOF, 2x GA. G.I. FLASHING IN OTHER WINDOW APPLICATIONS TO BE INSTALLED BY SHEET METAL CONTRACTOR. (SEE TYPICAL ARCHITECTURAL FLASH DETAILS IN PLAN)

PROVIDE COMP. ROOF FINISH: MIN. 30# FELT OVER 1/2" APA RATED SHEATHING. ROOF DESIGN LOADS FOR 20# LL + 14# D.L. SEE ENGINEERING/TILE ROOF APPLICATION TO CONFORM TO SEC. 1508.4 AND TABLE 15-0-2 2007 CBC MIN. ALL VALLEYS ARE TO HAVE MINIMUM 26 GAUGE FLASHING OVER MINIMUM 36" WEEE 72# UNDERLAYMENT. (SELF ADHERING GRANULATED)

PLANS ARE PREPARED BY:  
 CHRIS OLIVEIRA AND ASSOCIATES  
 1001 THURGOOD LORING DRIVE  
 SUITE 100  
 MERRIMACK, NH 03001  
 PHONE: 603.883.1111  
 FAX: 603.883.1112  
 WWW: WWW.COA-ASSOCIATES.COM

ALL WORK SHALL CONFORM TO 2012 CBC, 2012 IRC, 2012 IBC AND 2012 I-CODE. PER LOCAL ORDINANCES. (SEE SECTION 5.01 FOR STANDARDS)  
 THESE PLANS MEET 2012 GREEN CODE. (SEE SECTION 5.01 FOR STANDARDS)  
 THESE PLANS MEET 2012 GREEN CODE. (SEE SECTION 5.01 FOR STANDARDS)  
 THESE PLANS MEET 2012 GREEN CODE. (SEE SECTION 5.01 FOR STANDARDS)  
 THESE PLANS MEET 2012 GREEN CODE. (SEE SECTION 5.01 FOR STANDARDS)

**WALL LEGEND**

- STONE WALL (STRUCTURAL WEIGHT ONLY)
- NON-BEARING WALL
- ALL OPENINGS IN BEARING WALLS ARE TO HAVE HANGERS (W/ 4") AS FOLLOWS: 1. PROVIDE 2x6 STUDS ON EACH SIDE OF OPENING. 2. PROVIDE 2x6 STUDS ON EACH SIDE OF OPENING. 3. PROVIDE 2x6 STUDS ON EACH SIDE OF OPENING. 4. PROVIDE 2x6 STUDS ON EACH SIDE OF OPENING.

**BUILDING DATA**

1ST FLR	867 SQ. FT.
2ND FLR	1179 SQ. FT.
TOTAL	2046 SQ. FT.
GARAGE	503 SQ. FT.
PATIO	108 SQ. FT.

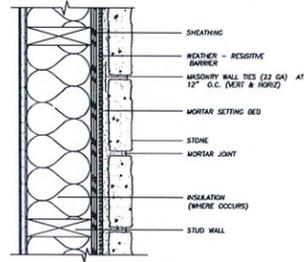
**COA**  
**CHRIS OLIVEIRA AND ASSOCIATES**  
 REGISTERED PROFESSIONAL ENGINEER  
 NO. C 33407  
 EXP. 06/30/16  
 CIVIL  
 STATE OF CALIFORNIA

**NOTE:**  
 THESE PLANS ARE PREPARED BY THE ARCHITECT AND ARE TO BE USED IN CONJUNCTION WITH THE SPECIFICATIONS AND CONTRACT DOCUMENTS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.

**PROJECT:**  
 MERRIMACK, CT.  
 PLAN 'A'

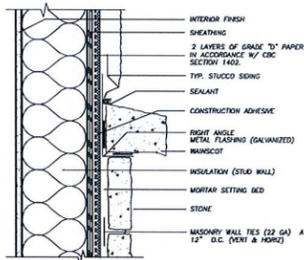
**REVISIONS**

DATE:	1-15-15
SCALE:	NOTED
JOB:	MERRIMACK
SHEET:	



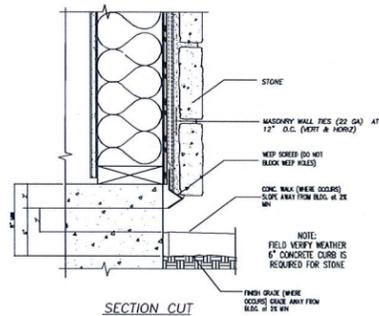
PLAN VIEW  
MASONRY WALL TIES ARE TO ENGAGE CONTIGUOUS #3 WIRE JOINT REINFORCEMENT SPACED AT 16\"/>

TYPICAL STONE DETAILS  
N.T.S.

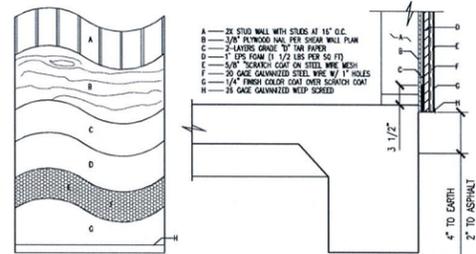


SECTION CUT  
MASONRY WALL TIES ARE TO ENGAGE CONTIGUOUS #3 WIRE JOINT REINFORCEMENT SPACED AT 16\"/>

TYPICAL STONE DETAILS  
N.T.S.



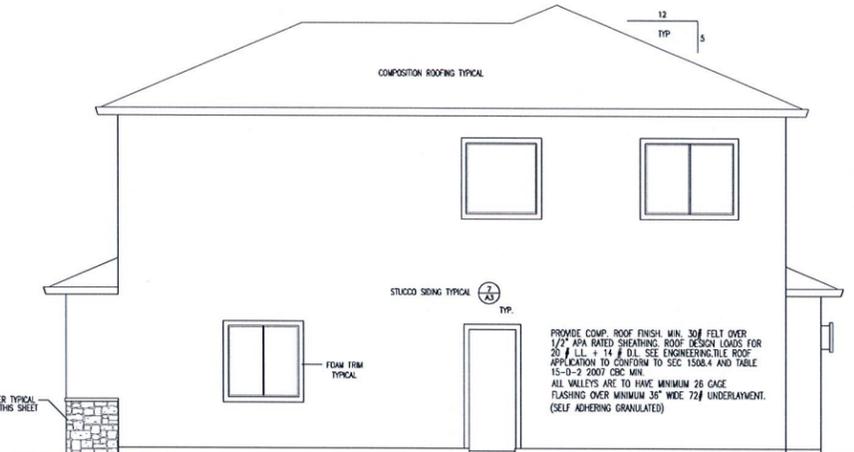
SECTION CUT



TYP STUCCO SIDING DETAIL 7



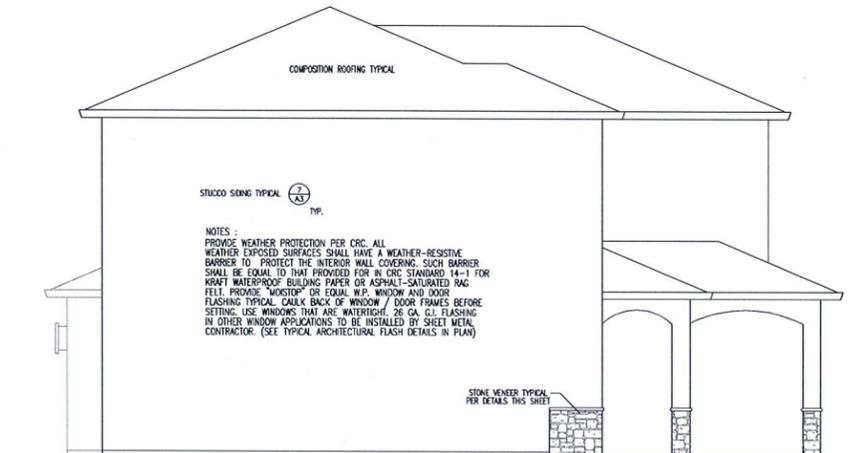
FRONT ELEVATION (PLAN B)  
SCALE 1/4\"/>



RIGHT ELEVATION (PLAN B)  
SCALE 1/4\"/>



REAR ELEVATION (PLAN B)  
SCALE 1/4\"/>



LEFT ELEVATION (PLAN B)  
SCALE 1/4\"/>

- |                             |                          |
|-----------------------------|--------------------------|
| A WINDOW GLASS              | K 2X6 WINDOW FRAMING     |
| B WINDOW FRAME              | L 2X6 STUD WALL          |
| C WINDOW TRUCK              | M WINDOW TRUCK           |
| D CALKING BED               | N OPTICAL BOARD          |
| E WINDOW WALL               | O WOOD WINDOW SILL       |
| F PRE-CAST CONCRETE         | P FOM WOODING FOR STUCCO |
| G STUCCO PER TYPICAL DETAIL | R STONE OR MASONRY       |
| H MOISTURE PROTECTION PER   | S DOOR FRAME             |
| I TYPICAL STUCCO DETAIL     | T DOOR TRIM              |
| J 2X4 WINDOW FRAMING        | U DOOR                   |
|                             | V STUCCO SCREEN          |

TYP DETAIL NOTES

NOTES:  
PROVIDE WEATHER PROTECTION PER CSC. ALL WEATHER EXPOSED SURFACES SHALL HAVE A WEATHER-RESISTIVE BARRIER TO PROTECT THE INTERIOR WALL COVERING. SUCH BARRIER SHALL BE EQUAL TO THAT PROVIDED FOR IN CSC STANDARD 14-1 FOR WHAT WATERPROOF BUILDING PAPER OR ASPHALT-SATURATED RAG FELT. PROVIDE "MOISTOP" OR EQUAL W.P. WINDOW AND DOOR FLASHING TYPICAL. CALLK BACK OF WINDOW / DOOR FRAMES BEFORE SETTING. USE WINDOWS THAT ARE WATER-TIGHT. 26 GA. G.I. FLASHING IN OTHER WINDOW APPLICATIONS TO BE INSTALLED BY SHEET METAL CONTRACTOR. (SEE TYPICAL ARCHITECTURAL FLASH DETAILS IN PLAN)

PLANS ARE PREPARED BY:  
MICHELLE HARTING AND  
PROJ. NO. 1842 LINDSAY CL. WILSON  
OF THE CALIFORNIA  
BUSINESS AND PROFESSIONS CODE  
REPRESENTATIVE SIGNATURE

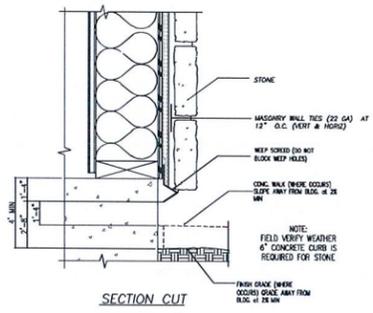
WALL LEGEND  
BUILDING DATA  
1ST FLR 867 SQ. FT.  
2ND FLR 1179 SQ. FT.  
TOTAL 2046 SQ. FT.  
GARAGE 503 SQ. FT.  
PATIO 139 SQ. FT.

CHRS OLIVEIRA AND ASSOCIATES  
REGISTERED PROFESSIONAL ARCHITECT  
NO. C 33407  
EX. 26282/11  
STATE OF CALIFORNIA

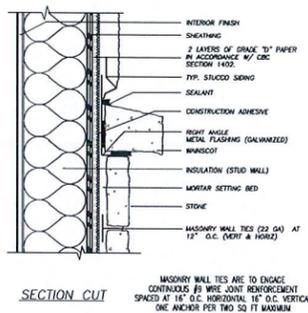
NOTE:  
THESE PLANS ARE PREPARED BY MICHELLE HARTING AND LINDSAY CL. WILSON, REGISTERED ARCHITECTS IN THE STATE OF CALIFORNIA. THESE PLANS ARE SUBJECT TO THE EXISTING LOCAL, STATE AND FEDERAL REGULATIONS AND CODES. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE CONSTRUCTION OF THIS BUILDING.

PROJECT:  
MERMOD CT.  
PLAN B

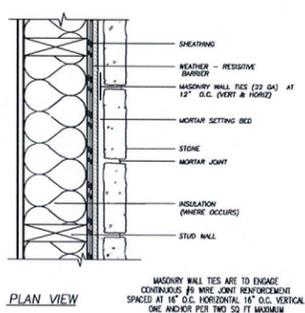
REVISIONS  
DATE: 11-24-14  
SCALE: NOTED  
JOB: MERMOD  
SHEET:  
A-3



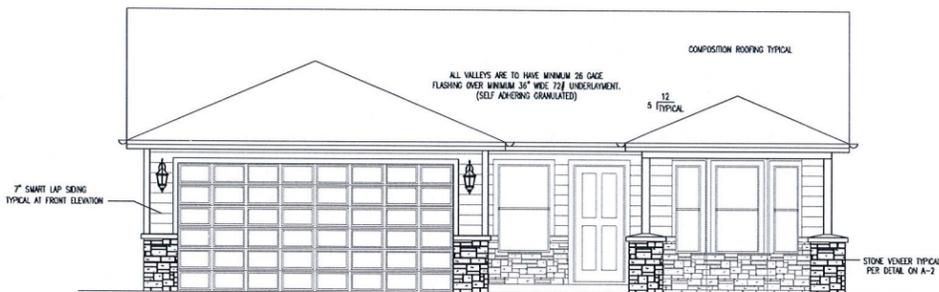
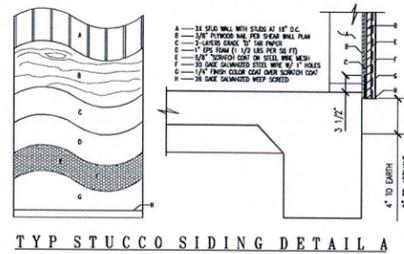
TYPICAL STONE DETAILS  
N.T.S.



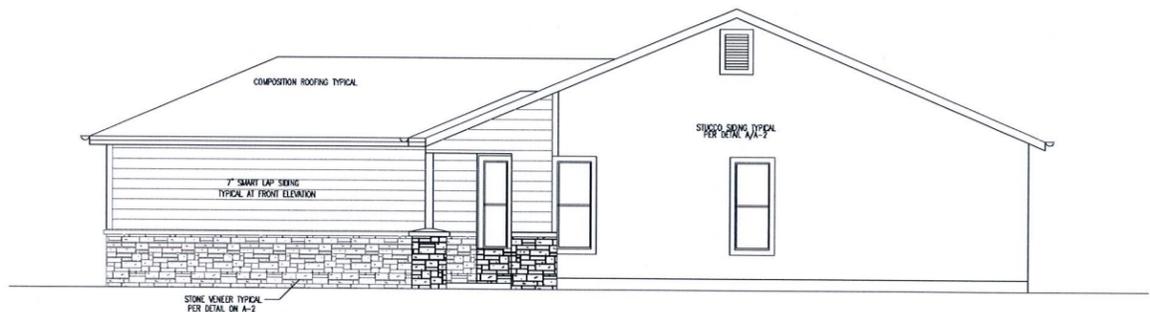
TYPICAL STONE DETAILS  
N.T.S.



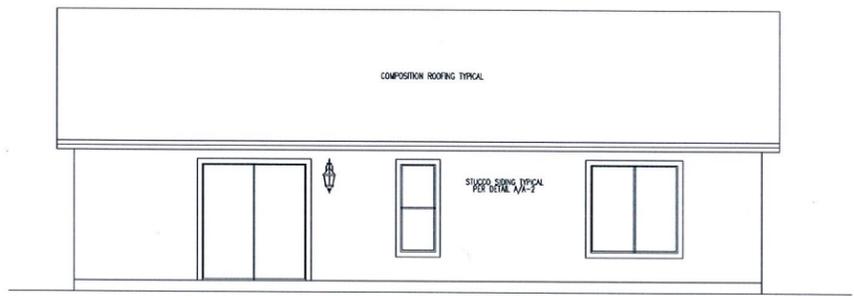
TYPICAL STONE DETAILS  
N.T.S.



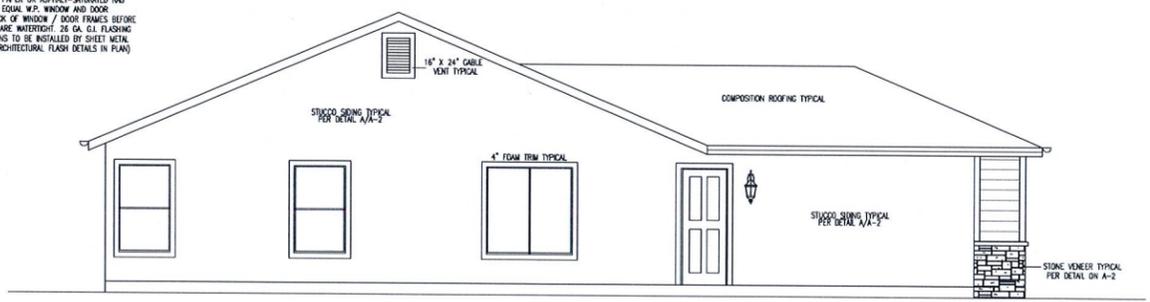
FRONT ELEVATION  
SCALE 1/4" PER FT



RIGHT ELEVATION  
SCALE 1/4" PER FT



REAR ELEVATION  
SCALE 1/4" PER FT



LEFT ELEVATION  
SCALE 1/4" PER FT

NOTES:  
PROVIDE WEATHER PROTECTION PER CBC. ALL WEATHER EXPOSED SURFACES SHALL HAVE A WEATHER-RESISTIBLE BARRIER TO PROTECT THE INTERIOR WALL COVERING. SUCH BARRIER SHALL BE EQUAL TO THAT PROVIDED FOR IN USC STANDARDS 14-1 FOR ROOF UNDERLAYMENT BUILDING PAPER OR ASPHALT-SATURATED FELT. PROVIDE "MOIST" OR EQUAL W.P. WINDOW AND DOOR FLASHING TYPICAL. CHECK BACK OF WINDOW / DOOR FRAMES BEFORE SETTING. USE WINDOWS THAT ARE WATER-TIGHT. 26 GA. G.I. FLASHING IN OTHER WINDOW APPLICATIONS TO BE INSTALLED BY SHEET METAL CONTRACTOR. (SEE TYPICAL ARCHITECTURAL FLASH DETAILS IN PLAN)

PLANS ARE PREPARED BY: MATERIALS DRAWING AND DESIGN SERVICES, INC. 10000 S. BRIDLE PATH, SUITE 100, WEST SACRAMENTO, CA 95691. PROJECT LOCATION: 2950 BEACON RD., STE 45, WEST SACRAMENTO, CA 95691. LOT #2. MERMOD RD., WINTERS, CA.

ALL WORK SHALL CONFORM TO 2013 CBC, CMC, DFC, CDP, AND 2013 1-24 COUNTY ORDINANCES. (PLANS MEET 2013 GREEN CODE) READ COVER SHEET FOR STANDARD REQUIREMENTS. CALIFORNIA BUILDING CODE WITH REGARD TO THE CONSTRUCTION OF THIS BUILDING.

REGISTERED PROFESSIONAL ENGINEER  
NO. C. 33407  
IN CALIFORNIA  
STATE OF CALIFORNIA

OWNER: JRCC, INC. 2950 BEACON RD., STE 45, WEST SACRAMENTO, CA 95691. PROJECT LOCATION: 2950 BEACON RD., STE 45, WEST SACRAMENTO, CA 95691. LOT #2. MERMOD RD., WINTERS, CA.

REVISIONS

DATE: 11-24-14  
SCALE: NOTED  
JOB: MERMOD  
SHEET: A-2

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, January 27, 2015 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application for Site Plan/Design Review for 3 single-family residences near Mermod Road and Anderson Avenue. Project applicant Miguel Moreno – Next Generation Development, LLC seeks to construct 1 single-story and 2 two-story single-family homes with stone and brick accents, stucco exteriors, and distinctive garage doors. The Planning Commission will take final action on the project unless appealed to City Council.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to [jenna.moser@cityofwinters.org](mailto:jenna.moser@cityofwinters.org). In addition, the staff report will be available on the City's website on 01/22/15.

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

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

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: Copies of the Staff Report will be available on the City's website [www.cityofwinters.org](http://www.cityofwinters.org)

For more information regarding this project, please contact Jenna Moser, Management Analyst – Planning & GIS, at (530) 794-6713.

**Mermod Parcel Design Review  
Design Review**

**CONDITIONS OF APPROVAL  
January 27, 2015**

1. The project is described in the January 27, 2015 Planning Commission staff report. The project shall be constructed as depicted on the exhibits included in the January 27, 2015 Planning Commission Staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action
2. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which 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 employees, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.
3. The Design Review/Site Plan approval shall expire in one year from its date of approval unless the applicant begins construction of the infrastructure improvements necessary for the project or requests and receives an extension from the Community Development Director. The applicant shall bear all expenses for any extension request submitted to the Community Development Director.
4. The applicant / owner shall pay all applicable fees and charges at the rate and amount in effect at the time such fees and charges become due and payable.
5. The applicant shall comply with requirements of all other agencies of jurisdiction.
6. 48-hours prior to commencement of construction activity, Applicant shall notify residents within 300 feet of the work.
7. Light standards and building attached fixtures need to be a decorative and of a superior design quality.
8. Brick and Stone accents on the front façade must wrap the building to the front fence line at minimum.
9. The applicants shall obtain all required City permits (building, encroachment (City and State) for work within the public right-of-way, etc.) and pay all applicable fees (building, impact, encroachment, etc.).
10. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.

11. All projects shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
12. The applicant shall submit complete infrastructure improvement plans prepared by a registered civil engineer to the City for review and approval by the City Engineer and Public Works Director. No building permits will be issued prior to the City's review and approval of the improvement plans. The plans shall be in compliance with the City of Winters' Engineering Design and Construction Standards.
13. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.
14. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any.
15. The applicant shall submit a final landscaping plan for review and approval by the Community Development Department.
16. Applicant, at its own expense shall construct frontage improvements on Mermod Road, to include curb, gutter, sidewalk, street widening, storm drainage, utilities and landscaping along the complete frontage of the project boundaries and tie into existing roadway way improvements where they exist adjacent to the project boundaries.
17. The number and location of the water meters and sewer cleanouts shall be approved by the Public Works Director. All cleanouts for connection to the City lateral(s) shall be two-way cleanouts. The water meters and sewer cleanouts shall comply with the specifications of the City of Winter's Engineering Design and Construction Standards. The applicant shall also install backflow devices on all domestic and fire service lines in compliance with the specifications of the City of Winters' Engineering Design and Construction Standards. The applicant shall obtain approval from the Public Works Director on the type, number, and location of the devices.
18. The applicant shall install fire suppression systems for all buildings that meet or exceed the requirements of NFPA 13-D. The applicant shall submit four sets of plans for each fire suppression system to the Winters Fire Protection District for review and approval prior to the issuance of each building permit. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression systems.
19. The applicants shall obtain all required City permits (building, encroachment for work within the public right-of-way, etc.) and pay all applicable fees (building, impact, encroachment, etc.).
20. The applicants shall provide the City with proof of payment receipts for Winters Joint Unified School District mitigation and Yolo County facilities and services authorization fees at building permit issuance.
21. The applicants shall report to the City building materials diverted from land filling during the course of

their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.

22. Final inspection for the buildings shall not be scheduled nor occupancy authorized until the public improvements (sewer laterals, sewer cleanouts, water laterals, water meters, driveway aprons on Grant Avenue, fire hydrants installation, etc.) have been installed, inspected, and accepted by the City. Other infrastructure necessary for the project such as paving, striping of parking spaces outside of the buildings, construction of an on-site flood control facility, landscaping, etc. shall be completed prior to final inspection of the buildings.
23. The payment of City of Winters' monthly utility billing charges shall commence after the buildings have passed final inspection. The applicant shall pay the City of Winters monthly utility charges at the metered rate for water and sewer.



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chairman and Planning Commissioners

**DATE:** January 27, 2015

**FROM:** Dave Dowswell, Contract Planner  
Jenna Moser, Management Analyst *JM*

**SUBJECT:** Public Hearing and Consideration of Design/Site Plan Review, Parcel Map, and Conditional Use Permit for construction of a three-story, approximately 70-unit Hotel with Hotel Lobby, courtyard, retail tenant space and all support functions. The Parcel Map will reconfigure the existing 7 parcels {APN 003-204-002 (0.207 Acres), 03 (0.11 Acres), 04 (0.356 Acres), 05 (0.06 Acres), 06 (0.09 Acres), 07 (0.153 Acres) & 003-204-018 (0.138 Acres)} into 3 new parcels (Parcel 1, 0.32 Acres, Parcel 2, 0.768 Acres & Parcel 3, 0.027 Acres). A Conditional Use Permit will allow for Bar/Cocktail Lounge/Pub Use.

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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 to solicit public comment; and 3) Approve Design/Site Plan Review, Parcel Map, and Conditional Use Permit for construction of a 70-unit Hotel.

**BACKGROUND:** In January, 2014 Staff re-issued a Request for Proposals (“RFP”) for interested parties to submit proposals to develop a Downtown Winters Hotel, to be located on the approximately 1 acre bounded by Newt’s Expressway, Railroad Avenue, Abbey Street and First Street. The City received two (2) proposals in response to the RFP.

At the May 6, 2014 City Council meeting, Council received the staff report on the proposals and unanimously approved staff recommendation to authorize the City to enter into an Exclusive Negotiation Agreement (“ENA”) with Royal Guest for the development of a downtown hotel.

The May 13, 2014 City Council and Planning Commission workshop focused on assisting the developer and staff in the refinement of the proposal. City Council and Planning Commission received the developer’s preliminary site plan and renderings and provided input.

Staff and Royal Guest’ discussions during the ENA period resulted in a Letter of Intent (“LOI”) from Royal Guest proposing the purchase of the City owned properties at fair market value,

including those currently owned by the Successor Agency for the development of a 51 room downtown hotel. The project would also include meeting space and ground floor commercial space. The LOI provided the framework for the terms of the Disposition and Development Agreement (DDA). The Letter of Intent is included with this report.

Royal Guest and Charley Wallace have reached an agreement in principal and are executing a LOI for the purchase of that property owned by Mr. Wallace (APN# 003 204 007). Given the displacement of the Winters Express and other Wallace building tenants that will result from that sale and the hotel project build-out, the City is in discussions to rent the unoccupied portion of the City-owned property at 201 First Street (aka the Rodgers building/ Old Library) to the some of the Wallace building tenants.

At the November 18, 2014 City Council meeting, Council approved Resolution 2014-41, authorizing the City to enter into a Disposition and Development Agreement (“DDA”) with Royal Guest, aka AKM Railroad LLC, for the sale and development of a downtown hotel on City owned property.

On December 18, 2014, The Design Review Committee (“DRC”) reviewed the initial site plan and project design. Overall, the DRC was extremely favorable to the hotel project design; however, they did universally feel the “rain screen” element proposed for the western-most façade was too modern, and asked that this element be removed. The City did receive comment from Bill Hailey (**Exhibit A**).

**PROJECT DESCRIPTION:** The applicants, AKM Railroad LLC, Ken Patel and Michael Olivas are requesting Design/Site Plan Review, Parcel Map, and Conditional Use Permit to construct a three-story, 44 feet 9 inches high, approximately 70-unit Hotel with a courtyard, retail tenant space, restaurant and all support functions. The Parcel Map will reconfigure the existing 7 parcels {APN 003-204-002 (0.207 Acres), 03 (0.11 Acres), 04 (0.356 Acres), 05 (0.06 Acres), 06 (0.09 Acres), 07 (0.153 Acres) & 003-204-018 (0.138 Acres)} into 3 new parcels (Parcel 1, 0.32 Acres, Parcel 2, 0.768 Acres & Parcel 3, 0.027 Acres). A Conditional Use Permit will allow for Bar/Cocktail Lounge/Pub Use.

The site is .795 acres (does not include City-owned parking lot) zoned D-A & PQP located on the north side of Railroad Avenue at Abbey Street. The proposed Hotel would be located on that block proximate to the commercial downtown area which includes restaurants, bars, retail uses and other services. Pedestrian access to the site would be via sidewalks along Abbey Street, Railroad Avenue, and the alley known colloquially as “Newt’s Expressway”. In addition to the hotel rooms there will be a 6,926 square foot restaurant (includes banquet room and outdoor seating area) with a bar, a 724 square foot coffee shop and four retail spaces averaging 576 square feet each. The planned parking for the project includes 12 on-street spaces and 52 off-street spaces in the City-owned parking lot. The trash collection and service loading areas are located on the south side of the building along “Newt’s Expressway”. The planned HVAC units will be located on the building roof and will be screened from view.

#### Building Design

The Winters Hotel architectural style as described by the applicant’s architect, Ziv Davis, is a reflection of the best architectural styles which evolved during the turn of the century to the present. (**Exhibit B**)

The building includes vertical and horizontal articulation through application of historically influenced forms and accent colors, including stone and stone veneer architectural features which strategically provide relief on the facades. The building's exterior consists of a contrast of textures, colors, and architectural styles and materials including but not limited to, cast stone, brick, stucco, columns, siding, and glass. Building colors will vary by façade type and consist of earth tones and natural materials working together to create a cohesive relationship with existing surrounding buildings.

The building features an outdoor courtyard with dining space to be fully furnished and landscaped. Outdoor seating for the tenant restaurant as well as hotel guest and visitor space will include a grand outdoor fireplace and seating area.

A plan to streamline and coordinate solid waste disposal is being developed cooperatively with downtown business owners – potentially with innovative trash compaction - however all exterior structures that are not encapsulated within the building footprint, i.e. dumpster enclosures and mechanical equipment, will be fully enclosed utilizing materials and colors matching those of the building and will maintain a clean and organized look.

**DESIGN/SITE PLAN REVIEW:** According to Winters Municipal Code, Chapter 17.36 (Design Review), design review is required before the Planning Commission for the construction of nonresidential buildings or structures of five hundred (500) square feet or more. According to the Design Review provisions, the Planning Commission shall consider the following aspects for design review of a site plan:

- The overall visible mass of the structure, which includes height, roofline profiles and overall scale of a building; and
- 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; and
- Avoidance of buildings which are characterized by large, blank or unbroken wall planes, as well as buildings which exhibit general lack of architectural detailing, shadow lines, etc. which generally lack interest; and
- Effective screening of ground – and – roof mounted equipment; and
- The use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development, as necessary; and
- The application of the Winters Design Guidelines & The Form Based Code for Downtown

The Planning Commission shall make findings relative to compliance with the above provisions prior to approving a site plan for design review.

**ANALYSIS:** The proposed project is located along the key Railroad Avenue entrance to downtown Winters. Railroad Avenue was traditionally lined with packing sheds for the local fruit and nut industry and rail-transported goods. Due to its industrial past, Railroad Avenue benefits from larger lots than Main Street. The expectation is that site planning and building design requires a higher level of commitment to ensure the project reinforces and supports the special qualities of this area of the community. To reinforce these special qualities and assist with project design, the city developed the Winters Form Based Code. These standards are intended to help preserve and protect

the existing, historic, and distinctive character of the downtown by requiring new construction and remodels and existing development to complement the existing built environment. Through the application of these standards, the downtown will continue to be the pedestrian-oriented shopping, dining, entertainment, and living center of Winters. These standards also assist with site layout, architectural design, parking, landscape design, lighting and site functionality. The site is currently occupied by a number of buildings (old fire station, JJ's Saloon, the Winters Express, Close Quarters Salon and Bella's Boutique). None of these building are of historical or cultural significance.

The proposed design satisfies the City of Winters Form Based Code architectural design standards. The analysis below reflects the applicant's effort to meet the intent of the Winters Form Based Code.

**Building elements/details** – The architectural design standards in the Form Based Code state that future buildings in the downtown need to be designed to be consistent with the vision and goals detailed in the downtown master plan and zoning code.

The proposed building design consists of five distinctive architectural styles along Abbey Street and two along Railroad Avenue. This look is reflective of the look of the front facades on the first four buildings on the north side of Main Street (directly across the alley from the project site), beginning with the Putah Creek Café. The design meets the architectural and design standards in Section 17.58.070 of the Zoning Ordinance/Form Based Code, having designed the building façade to vary every 50 feet by using a variety of building materials, providing awnings and changing the façade design. To further meet design standards and enhance the look of the storefronts staff recommends adding a different style of awning above the storefronts on the section of hotel building that begins on Abbey Street and wraps around the corner on to Railroad Avenue.

**Lighting** – The applicant requests deferral of this item at this hearing, to return at a future hearing to be noticed. (Condition of Approval)

**Awnings – Window Treatments** – The applicant requests deferral of this item at this hearing, to return at a future hearing to be noticed (Condition of Approval)

**Sign Plan** – The applicant requests deferral of this item at this hearing, to return at a future hearing to be noticed. The applicant should submit a comprehensive or master sign program for the Commission's review. (Condition of Approval)

**Landscaping** – The applicant requests deferral of this item at this hearing, to return at a future hearing to be noticed. (Condition of Approval)

**Parking** The planned parking for the site will be located on Abbey Street and Railroad Avenue frontage and in the shared City lot at the corner Abbey Street and First Street, west of the hotel and across from City Hall.

The applicant's plans show the City lot being reconfigured with 52 parking spaces. The lot, however, does not meet the City's fifty (50) percent parking lot shading requirement. Staff believes to meet the shading requirement 2 spaces would need to be removed. Also, 4 of the parking spaces in the center section would need to be changed to compact so that trees could be added. Reducing the parking by two spaces would reduce to 62 spaces immediately available on and off-site for hotel customers. The City owns the parking lot across Railroad Avenue which has a total of 50 spaces. All of these (62 plus 50) spaces would be available for

the restaurant and hotel guests to use that were unable to park in the adjoining City lot or on the hotel side of Abbey Street.

According to the City’s parking standards this project needs 70 spaces (1 per room) for the hotel rooms, 218 spaces (1 per every 3 seats) for the restaurant (includes banquet room and outdoor seating area), 9 spaces for the retail and 10 for the coffee shop for a total 307 spaces.

The Zoning Ordinance (Section 17.72.040C) does allow for “Shared Parking” when two or more uses have different hours of operation/parking. It is anticipated that during the daytime most of the hotel rooms will be vacant thereby making those spaces available for restaurant users. It is unlikely the banquet room, restaurant and outdoor seating area would ever be completely filled to the maximum allowable capacity at one time. Staff believes a more realistic worst-case scenario of actual parking need for the hotel and other uses at one time would be 125 to 150 spaces. This could mean that some people might be able to parking immediately adjacent or across the street from the site but would have to park on other streets near the hotel site.

**Table 17.58-15: Parking**

	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
<b>Allowed Parking Types</b>								
Surface Parking—Behind Building	P	A	P	P	A	A	P	P
Surface Parking—Next to Building		A	A	A	A		A	A
Alley Access	A	P	A	P	P	P	A	A
Parking Structure			A	A				A
Tucked Under Building			A	A		A	A	A
<b>Allowed Parking Ratios</b>								
Commercial	1 space/400 sf							
Office	1 space/500 sf							
Residential	N/A	1.5 spaces/unit	1.5 spaces/unit	1.5 spaces/unit	1.75 spaces/unit	1.75 spaces/unit	N/A	N/A
<b>Allowed Bicycle Parking Ratios</b>								
Commercial/Office	0.3 space/1,000 sf							
Residential	N/A	1 space/unit	N/A	N/A				

**Compatibility** – The Form Based Code describes compatibility with adjacent uses in section 2., A - 17.58.070.

2. Compatibility with Adjacent Uses.

- a. Commercial uses shall reduce potential nuisances to adjoining residential property by locating trash enclosures, loading areas, and restaurant vents away from residential uses and by proper screening of utilities and equipment.

There is an existing single family home across Abbey Street opposite the Hotel entrance. This property is likely to be the most affected by the new hotel. The property is zoned C-2. The trash enclosure, loading area and restaurant vents will all be located away from Abbey Street closest to the alley.

**Parcel Map** – The applicant is proposing to take the existing seven parcels and reconfigure them into three new parcels, one of which (Parcel 1) is the City-owned parking lot. Parcel 3 will be owned by Charley Wallace.

**Conditional Use Permit** – The applicant is seeking approval for a Conditional Use Permit to allow for Bar/Cocktail Lounge/Pub Use. This use is a Conditional Use for the Zone D-A.

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department’s Management Analyst 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 01/14/15 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight’s hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 01/22/15.

**ENVIRONMENTAL ASSESSMENT:** The proposed project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects), project is consistent with the General Plan, located on less than 5 acres, has no habitat value for rare or endangered species, would not result in any significant effects relating to traffic, noise, air quality or water quality and has all the needed utilities.

The applicant had a Phase I Environmental report prepared and the following recommendations were made. The full report is available at City Hall on file with the Planning Department.

-Based on the conclusions presented and the documentation contained herein, WKA recommends that a Phase II Investigation be completed to evaluate the soil conditions under the existing building slabs, under the oil/water separator, under the suspected hydraulic lift location, under the former lead pot/printing press, and the mechanics pit located within the Site.

-In light of the reference to buried automotive parts under the former fire station building, WKA recommends full time visual observation during the upcoming removal of the

concrete slab. Additional investigation may be warranted based on visual observations at that time.

-Given the age of the structures located within the Site, we recommend a pre-demolition lead and asbestos survey be completed prior to any major renovation or demolition to the structures within the Site.

The applicant will implement all recommendations and remediation contained in the Phase I and subsequent Phase II report.

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

### **RECOMMENDED FINDINGS FOR THE DOWNTOWN HOTEL – SITE PLAN/DESIGN REVIEW**

#### CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects.

#### Design Review Findings:

- 1) The proposed project's overall visible massing, which includes height, roofline profiles and overall scale of the building meets the intent of the Winters Form Based Code.
- 2) The proposed project's use of quality of exterior construction materials is compatible with the general setting of the subject property and visual character of the general neighborhood.
- 3) The proposed project avoids the use of large, blank or unbroken wall planes and architectural detailing such as shadow lines, etc. which generally lack interest.
- 4) The proposed project provides effective use of screening of ground – and – roof mounted equipment.
- 5) The proposed project provides effective use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development.
- 6) The proposed project achieves conformity with the Winters Form Based Code.

### **RECOMMENDED FINDINGS FOR THE DOWNTOWN HOTEL- PARCEL MAP**

#### Parcel Map Findings

#### CEQA Findings:

1. The Parcel Map qualifies for categorical exemption provided in Section 15315 of the CEQA Guidelines, Section 15332, In-Fill Development Projects.
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 that a Categorical Exemption for the Parcel Map for the Downtown Hotel Project.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as D-A and PQP and this designation provides for this use.
2. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned D-A and PQP and this designation provides for this use.

**RECOMMENDED FINDINGS FOR THE DOWNTOWN HOTEL- CONDITIONAL USE PERMIT**

Conditional Use Permit Findings:

1. The project qualifies for categorical exemption provided in Section 15315 of the CEQA Guidelines, Section 15332, In-Fill Development Projects.
  - a. The project is consistent with the General Plan designation for the project site and all applicable General Plan policies as well as zoning regulations.
  - b. The proposed project occurs within the City Limits on a project site of five acres or less and is substantially surrounded by urban uses.
  - c. The project site has no value as habitat for endangered, rare, or threatened species.
  - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  - e. The project site can be adequately served by all required utilities and public services.
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 confirms a categorical exemption provided in Section 15315 of the CEQA Guidelines, Section 15332, In-Fill Development Projects

**RECOMMENDATION:** Staff recommends approval of the Site Plan/Design Review, Parcel Map, and Conditional Use Permit by making an affirmative motion as follows:

**I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE DESIGN REVIEW/SITE PLAN, PARCEL MAP, AND CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF THE DOWNTOWN HOTEL BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:**

- Confirmation of exemption from the provisions of CEQA.
- Approve Design Review/Site Plan, Parcel Map, and Conditional Use Permit subject to the conditions of approval attached hereto.

**ATTACHMENTS:**

- A. Bill Hailey Letter
- B. Applicant Narrative
- C. Design Review – Parcel Map Exhibits
- D. Public Hearing Notice
- E. Conditions of Approval

**From:** ShirFra [shirfra@gmgranch.net]  
**Sent:** Sunday, December 21, 2014 8:47 PM  
**To:** Cecilia Aguiar-Curry; Wade Cowan; Woody Fridae; Harold Anderson; Pierre Neu  
**Cc:** John Donlevy; Jenna Moser  
**Subject:** Critique of Proposed Downtown Hotel  
**Attachments:** Historic Example Hotels & Bldg. Elev'n-Section.pdf

All,

I took the opportunity of an invitation, this last Thursday afternoon (18 Dec.), to attend a presentation given to City Council, Planning Commission and staff, to view and listen to a presentation of the proposed hotel by the architectural firm of Ziv Davis of San Francisco. My general observation comments are;

- This is a massive building, larger than any other building in foot print and height in downtown Winters. This building is three floors in height where all of the Main Street, Railroad Avenue buildings are only two floors. The architects have attempted to diminish the horizontal scale of the building by creating an illusion of smaller buildings (storefronts) within the larger building context by defining each faux building through architectural styles and color treatments, which when viewed together breaks down the overall mass of the hotel, this device does seem to work very well here.
- What is missing is façade articulation similar to what is seen on the Buckhorn / Putah Creek buildings. I recommend that the architects prepare a shade and shadow rendered drawing of all the building elevations so that the play of the façade surfaces is readily understood to the untrained eye.
- All of the historic buildings on Main & Railroad are clearly defined in architectural terms of **base** (storefront with a trim molding), **middle** (second floor windows with header, trim and sill) and **top** (cornicing, trim, bracketing & parapets). The hotels overall vertical proportions are off and do not match in stylistic rhythm to what exists on the older buildings of downtown.
- There has been a lot said about scale and proportions, the mathematical ordering of elements unconsciously perceived. This hotel, at three stories in height, compares with no other existing, older, commercial buildings so the hotel needs to find its own vertical proportional rhythm in the style of the existing buildings. Two hotels images, one in Victoria and one in Old Sacramento are attached as examples. These two historic hotels present the best proportional style that has been my experience to view. The **base** is clearly defined by the storefronts, the **middle**, starting at the second floor and all intervening floors, than a change at the top floor becoming the **top** with the cornice and parapet detailing. The attached building, building sectional drawing, out of a builders pattern book of the same era of the older, historical Winters buildings, clearly illustrates the change in proportions at the top floor. **Middle** level windows or balcony doors are always vertical rectangular elements (example French doors 3 ft x 10 ft. with transom) at all middle floor levels except at the **top** floor where the balcony doors would be foreshortened (example 3 ft. x 8.5 ft.). All window sills would be held off the floor approximately 16 inches but would match balcony doors in height.
- A single cornice banding should be considered to unify the hotel building top.
- An archway or gateway structure needs to be considered at the alley entrance off Railroad Avenue. The structure would serve as the unifier between the new hotel and the old Putah Creek building. A second floor, above the arch, could be added as a part of the archway to extend the older building mass into the new building. By bringing detailing from the older building into the new corner building of the hotel the storefronts on Railroad Avenue are unified. An archway / gateway off First Street into the alley should also be considered to work with the landscaping and pedestrian movements to the parking area and the back of the hotel.
- This hotel is a terrific project that will be greatly beneficial to Winters and the surround region.

Thank you for letting me participate in this new building review.

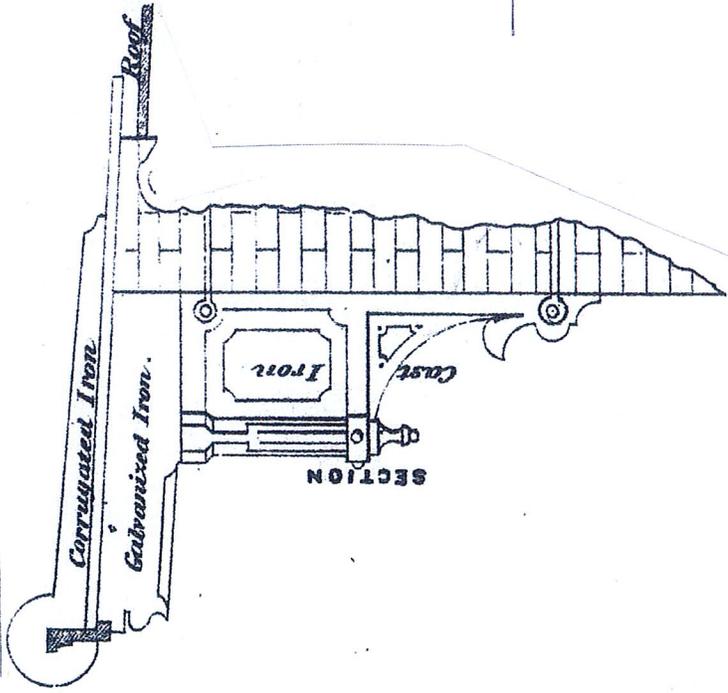
Bill Hailey, architect



1860's Hotel in Victoria, Vancouver Island, BC



1850's Hotel, Old Sacramento, Calif

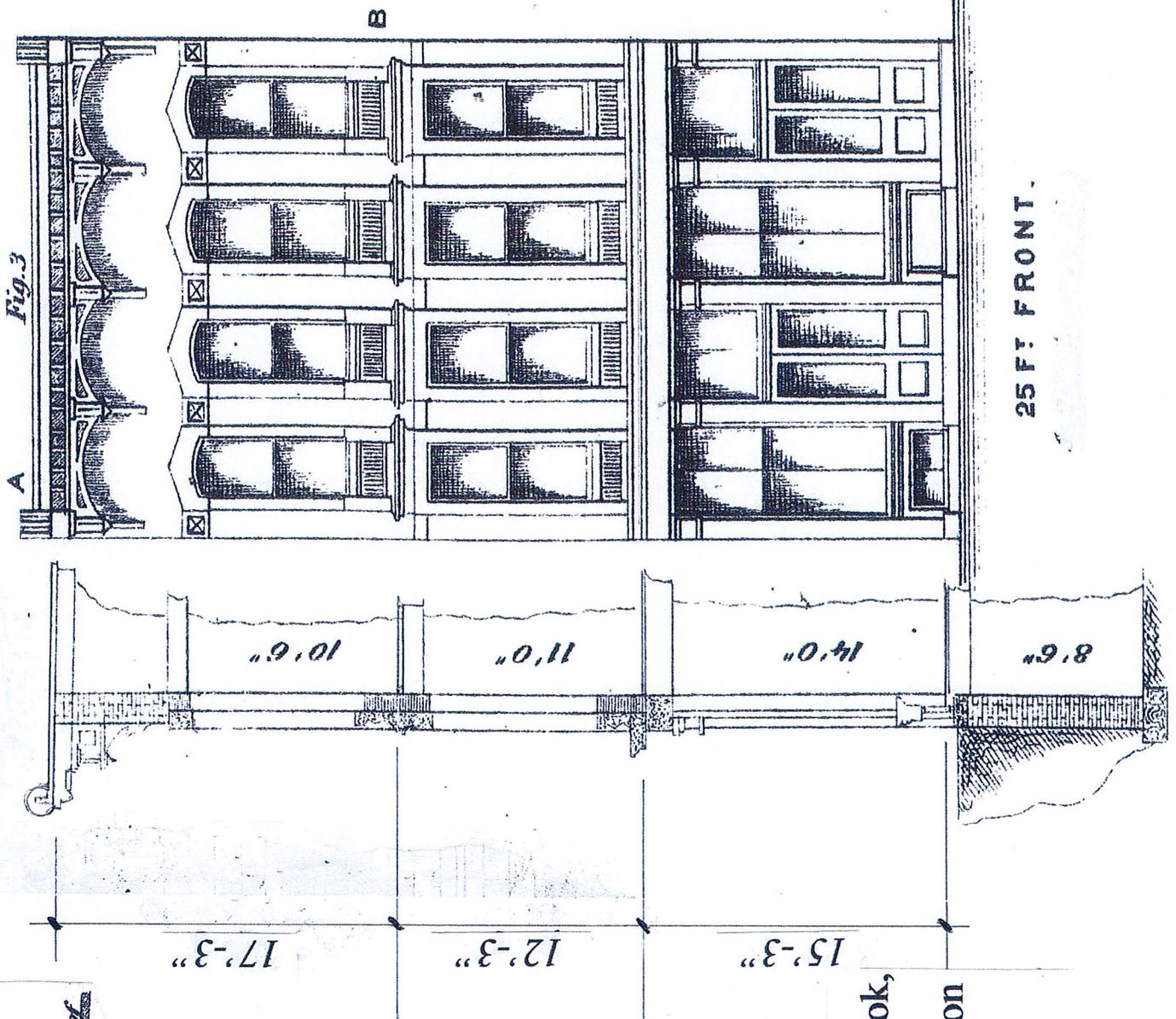


Enlarged Cornice Detail Section

Scale: 1/2 in = 01 ft

1870's Master Builders Pattern Book,  
3-Story Building Elevation & Section

Scale: 1/8 in. = 01 ft.



## Ziv Davis

**Ziv Davis**

2900 Bridgeway  
Sausalito, CA, 94965  
415-616-9600

e-mail [zivdavis@mindspring.com](mailto:zivdavis@mindspring.com)

Project Name: Winters Architectural Narrative  
Date: 1.16.15

Dear Jenna Moser;

The following is a verbal narrative describing the architectural style for the Winter's Hotel By Royal Guest.

The Winter's Hotel architectural style is a reflection of the best architectural styles which evolved during the turn of the century to the present year 2015.

Our primary corner starts with a historic turn of the century brick architecture already existing on Main Street in Winters. The base of the building has a cast stone base section, windows are trimmed with brick detailing, dimensional columns break vertical walls into bays and the top edge of the building is finished in a contrasting cornice.

The next style is a reference to our California roots of Spanish Revival which includes, textured stucco walls with brick detailing around arch shaped windows. Again the base of this building module has an enlarged base grounding the building.

The third style is reflection of the deco style prevalent in America. This façade again includes the three segments of base, middle and crown. The mid-section is broken into vertical sections by use of fluted columns. The crown shape is deco style and acts as a connecting element to the other façade cornices. The sunny soft yellow color at the stucco area, mid-section, also provides contrast to the brick textures.

Style number four is a western style inspired by Sacramento wood-type façade dating from the 1890's. Shutters flank the windows above; the wood siding is painted a white which again acts as a contrast to the other façade styles. Below this western style, we propose a modern look for our Hotel Lobby.

The last façade style is the modern, glass-box style featured at the hotel entrance. The architecture is a reflection of current times, simple clean detailing, and expansive views seen from the lobby thru to the courtyard. The softly lit glass box acts as a subtle signage element directing arriving guests to the main Hotel entrance.

The five architectural styles are connected together by addressing the three essential building parts; base, mid-section and crown. All five styles have elaborate crowns, bases and detailed mid-sections. Proportions of each façade relate to each other achieving harmony and balance.

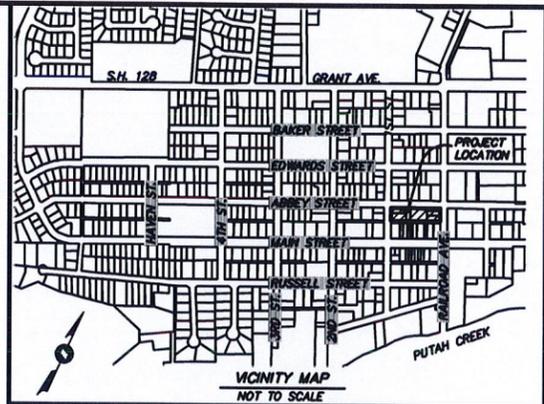
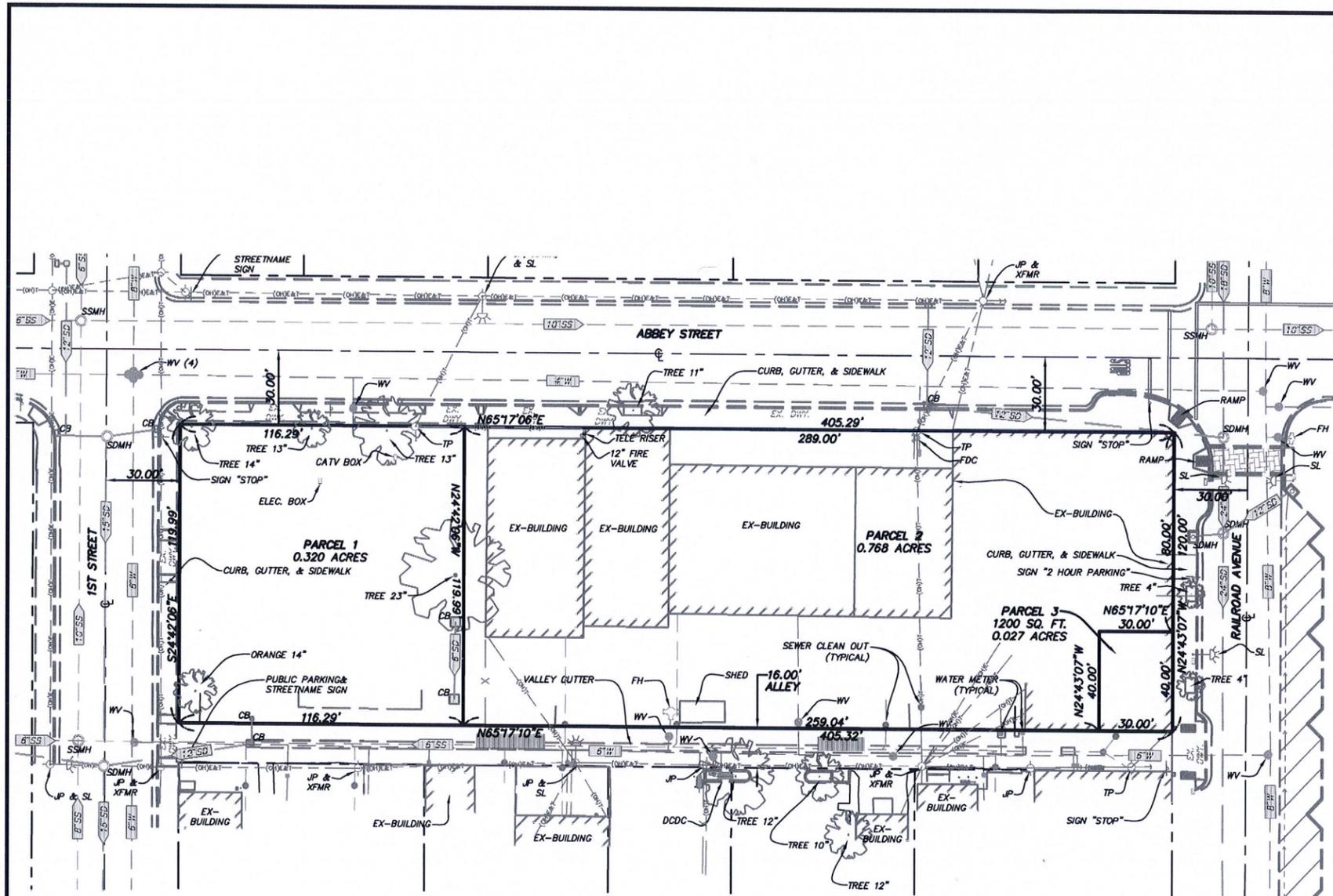
By combing the five architectural styles, we are able to create a façade that reflects a **sense of time**, as if this hotel was created by refurbishing a series of old buildings and repurposed. This will allow us to create a boutique retail experience that is small scaled. The food and beverage opportunities will also spill out into the pedestrian zones creating an energized street experience along both Railroad Street and Abbey Street which is in keeping with the current Winters downtown street life.

Overall; the proposed architecture relates to the Historic Winters architectural vernacular in both style and scale. The Hotel Winters project will increase the number of retail and dining opportunities as well as increase revenue in all of the Winter's venues because guests who stay longer in Winters will expend more revenue in **all** commercial outlets.

Best Regards;  
Robin Ziv  
**Ziv Davis LLC**

1/16/2015





**OWNER/SUBDIVIDER:** AKM RAILROAD LLC  
KEN PATEL  
1111 RICHARD BLVD.  
DAVIS, CA 95616  
PHONE: (530) 601-8700

**ENGINEER/SURVEYOR:** LAUGENOUR AND MEIKLE  
CIVIL ENGINEERS  
608 COURT STREET  
WOODLAND, CA. 95695  
PHONE: (530) 662-1755

**ASSESSOR'S NUMBER:** 003-204-002, 003, 004, 005,  
006, 007, & 018

**EXISTING USE:** VARIOUS BUSINESSES

**PROPOSED USE:** NEW CITY HOTEL & STOREFRONTS

**EXISTING ZONING:** D-A (FBC) & POP

**PROPOSED ZONING:** D-A (FBC)

**SEWER SERVICE:** CITY OF WINTERS

**DRAINAGE SERVICE:** CITY OF WINTERS

**WATER SERVICE:** CITY OF WINTERS

**ELECTRIC SERVICE:** PACIFIC GAS & ELECTRIC

**GAS SERVICE:** PACIFIC GAS & ELECTRIC

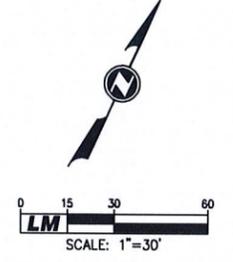
**TELEPHONE SERVICE:** AT&T

**FLOOD ZONES:** 0611300563G ZONE X

**GROSS AREA:** 1.143 ACRES

**LEGEND**

- SL - STREET LIGHT
- CB - DRAINAGE INLET
- WV - WATER VALVE
- JP - JOINT POLE
- TP - TELEPHONE POLE
- SSMH - SANITARY SEWER MANHOLE
- SDMH - STORM DRAIN MANHOLE
- XFMR - TRANSFORMER



TENTATIVE PARCEL MAP NO.  
FOR  
AKM RAILROAD, LLC  
BEING A PORTION OF THE RANCHO RIO DE LOS PUTOS,  
TOWNSHIP 8 NORTH, RANGE 1 WEST,  
MOUNT DIABLO BASE AND MERIDIAN,  
CITY OF WINTERS, YOLO COUNTY, CALIFORNIA

**LM LAUGENOUR AND MEIKLE**  
CIVIL ENGINEERING - LAND SURVEYING - PLANNING  
608 COURT STREET, WOODLAND, CALIFORNIA 95695 - PHONE: (530) 662-1755  
P.O. BOX 828, WOODLAND, CALIFORNIA 95776 - FAX: (530) 662-4602

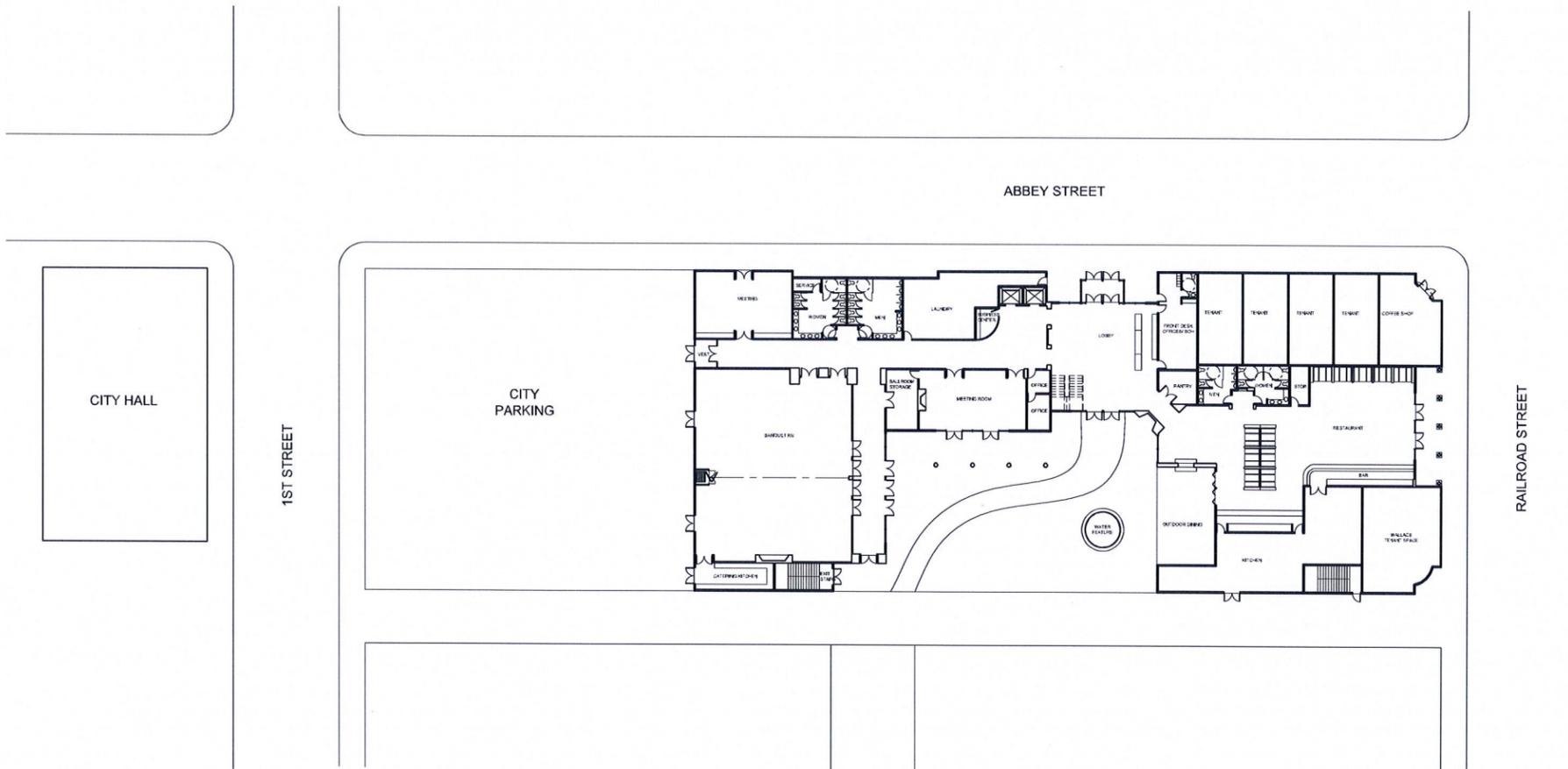
A33099

**WINTERS HOTEL  
BY  
ROYAL GUEST**

**ZIV DAVIS**  
2800 BRIDGEWAY  
SAUSALITO CA  
94965 USA  
PH 415 616 9600  
zivdavis@mindspring.com



This drawing is a design drawing only, and is not intended to be used as or take the place of working drawings. All dimensions and measurements are subject to on-site verifications by contractor/owner, and the designer is to be advised of any deviations. The only electrical outlets shown are those requested by the owner or required by loadings specified by the designer. Circuits, as indicated, relate to dimmer control for lighting effect only and is not intended to indicate power crossing. Compliance with local building codes, ordinances, or structural conditions is not the responsibility of the designer. It shall be the duty and responsibility of the contractor or the manufacturer to determine actual construction details and to fabricate all design work to be structurally sound and of "Contract Quality" in accordance with accepted industry standards. These drawings prepared by the Interior Designer for this Project are instruments of professional service for use solely with respect to this Project. Should these drawings be reused without the designer's consent for other than the same use and occupancy of the project, the designer shall not be liable for any damages and/or claims arising out of, or related to, such unauthorized reuse.



**SITE PLAN**  
SCALE 1"=20'

REVISIONS

NO.	DATE	DESCRIPTION

12/10/2014	PROGRESS SET
11/11/2014	PROGRESS SET

**KEVIN JAMES DAVIS**  
PRINCIPAL IN CHARGE

PROJECT MANAGER

DRAWN BY

PLAN ISSUE

SHEET TITLE

**SITE PLAN**

PROJECT NUMBER

SHEET NUMBER

**A-0.2**



**WINTERS HOTEL  
BY  
ROYAL GUEST**

**ZIV DAVIS**  
2900 BRIDGEWAY  
SAUSALITO CA  
94965 USA  
PH 415 616 9500  
zivdavis@mindspring.com



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REVISIONS

11/11/2014

**KEVIN JAMES DAVIS**  
PRINCIPAL IN CHARGE

PROJECT MANAGER

DRAWN BY

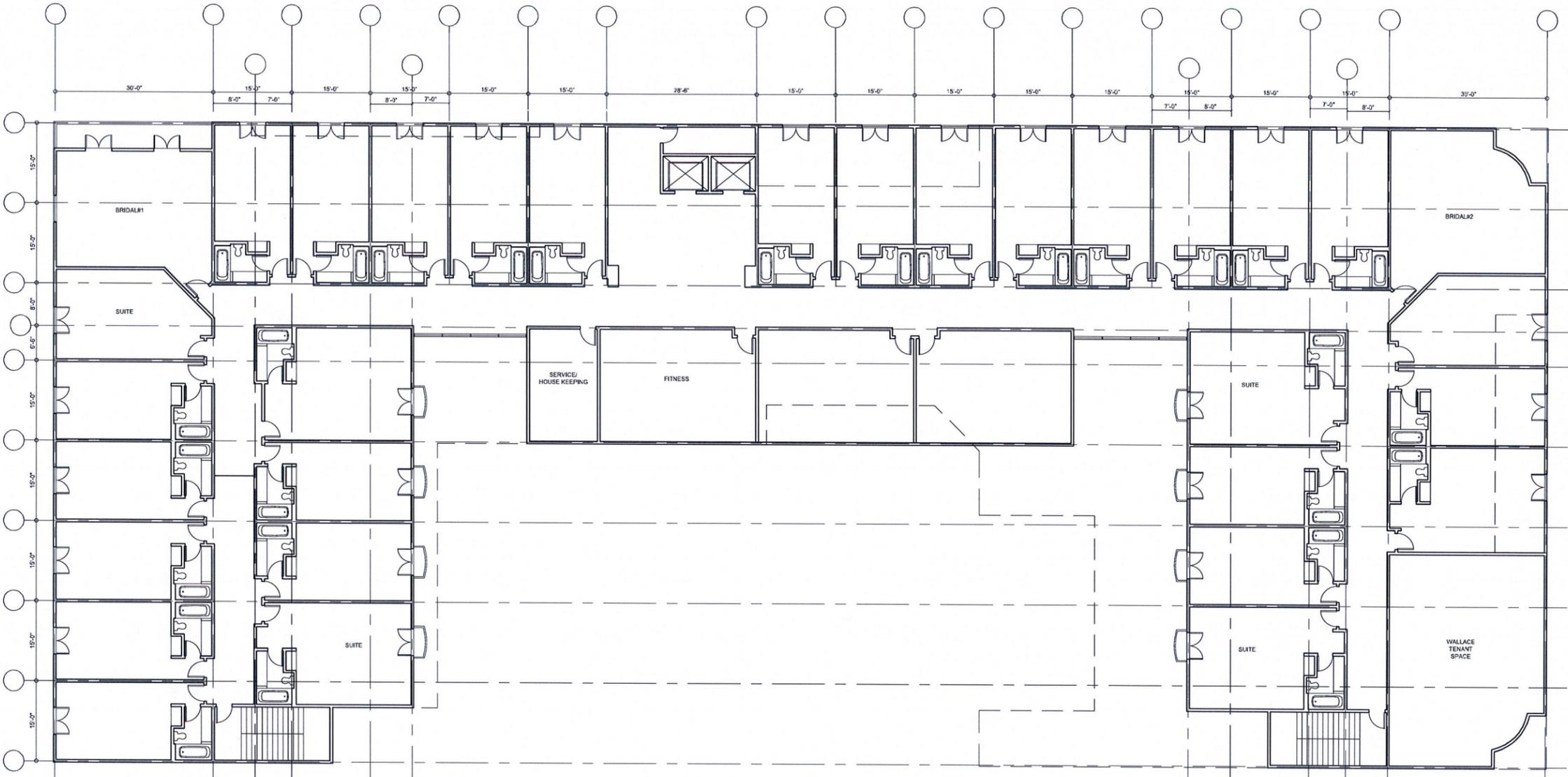
PLAN ISSUE

SHEET TITLE

**SECOND FLOOR PLAN**

PROJECT NUMBER

SHEET NUMBER



**SECOND FLOOR PLAN**  
SCALE 1/8"=1'-0"

**WINTERS HOTEL  
BY  
ROYAL GUEST**

**ZIV DAVIS**  
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94965 USA  
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zivdavis@mindspring.com



This drawings are design drawings only, and are not intended to be used as or take the place of working drawings. All dimensions and measurements are subject to on-site verifications by contractor/owner, and the designer is to be advised of any deviation found. The only electrical outlets shown are those requested by the owner or required by furnishings specified by the designer. Circuits, as indicated, relate to dimmer control for lighting effect only and is not intended to indicate power circuiting. Compliance with local building codes, ordinances, or structural conditions is not the responsibility of the designer. It shall be the duty and responsibility of the contractor or the manufacturer to determine actual construction details and to fabricate all design work to be structurally sound and of "Contract Quality" in accordance with accepted industry standards. These drawings prepared by the Interior Designer for this Project are instruments of professional service for use solely with respect to this Project. Should these drawings be reused without the designer's consent for other than the owner's use and occupancy of the project, the designer shall not be liable for any damages and/or claims arising out of, or related to, such unauthorized reuse.

REVISIONS

12/10/2014      PROGRESS SET  
11/11/2014      PROGRESS SET

**KEVIN JAMES DAVIS**

PRINCIPAL IN CHARGE

PROJECT MANAGER

DRAWN BY

PLAN ISSUE

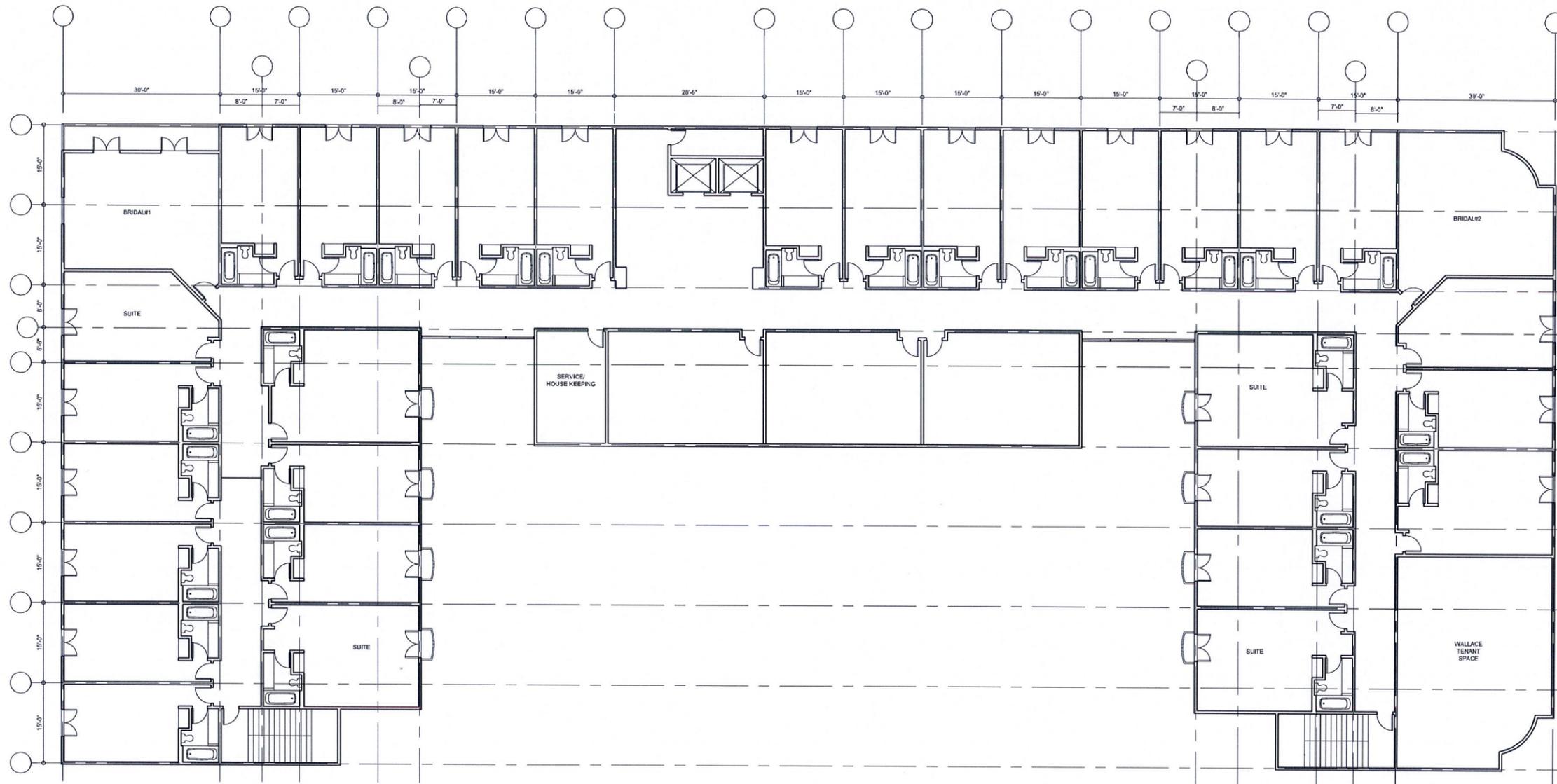
SHEET TITLE

**THIRD FLOOR PLAN**

PROJECT NUMBER

SHEET NUMBER

**A-1.2**



**THIRD FLOOR PLAN**  
SCALE 1/8"=1'-0"





Hotel Winters

Hotel Winters Service





## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, January 27, 2015 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application from Project applicant AKM Railroad LLC – Ken Patel or Mike Olivas for Site Plan/Design Review, Parcel Map, and Conditional Use Permit for construction of a 70-unit Hotel with banquet/conference center, and approximately 10,500 square feet of commercial space and meeting rooms. The project will be three stories and includes an approximately 7,500 square feet courtyard. The Parcel Map will reconfigure the existing 7 parcels {APN 003-204-002 (0.207 Acres), 03 (0.11 Acres), 04 (0.356 Acres), 05 (0.06 Acres), 06 (0.09 Acres), 07 (0.153 Acres) & 003-204-018 (0.138 Acres)} into 3 new parcels (Parcel 1, 0.32 Acres, Parcel 2, 0.768 Acres & Parcel 3, 0.027 Acres). A Conditional Use Permit will allow for Bar/Cocktail Lounge/Pub Use. The Planning Commission will take final action on the project unless appealed to the City Council.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to [jenna.moser@cityofwinters.org](mailto:jenna.moser@cityofwinters.org). In addition, the staff report will be available on the City's website on 01/22/15.

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

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

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: Copies of the Staff Report will be available on the City's website [www.cityofwinters.org](http://www.cityofwinters.org)

For more information regarding this project, please contact Jenna Moser, Management Analyst – Planning & GIS, at (530) 794-6713.

**Downtown Hotel Project  
Design Review**

**PLANNING CONDITIONS OF APPROVAL**

**January 27, 2015**

1. The applicant requests deferral of Lighting, Awnings & Window Treatments, Sign Plan, and Landscaping Plan at this hearing, to return at a future hearing to be noticed.
2. To further meet design standards and enhance the look of the storefronts staff recommends adding a different style of awning above the storefronts on the section of hotel building that begins on Abbey Street and wraps around the corner on to Railroad Avenue. This element of design is deferred as part of the Awning & Window Treatment detail and will return at a future hearing to be noticed.
3. Staff and the applicant will collaborate on a parking design for the City Parking Lot that meets the shading requirements and maximizes available spaces with consideration for shading and accessibility. Parking lot plans shall be approved by the City Engineer.
4. The Design Review/Site Plan approval shall expire in one year from its date of approval unless the applicant begins construction of the infrastructure improvements necessary for the project or requests and receives an extension from the Community Development Director. The applicant shall bear all expenses for any extension request submitted to the Community Development Director.

**PUBLIC WORKS CONDITIONS OF APPROVAL**

**January 27, 2015**

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.
2. The applicant shall submit a current title report to the City prior to approval of public improvement plans.
3. The City of Winters Plan Review Fee applies and is due upon submittal of plans for review.
4. All street and other required public improvements shall be constructed concurrently, in a single phase operation.

5. A Soils/Geotechnical Report shall be prepared by a qualified engineer to confirm onsite soil capabilities and geological conditions and make recommendations to be followed for development. Grading of the site, design of foundations for proposed structures and construction of other related facilities on the property shall follow the criteria identified in the report. The applicant shall submit the report with the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.
6. Applicant shall construct public roadway frontage improvements along Abbey Street, to include curb, gutter, and sidewalk per the City of Winters Public Improvements Standards and Construction Standards.
7. A drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall address water-quality, and demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to the existing SD System. The applicant shall pay the cost associated with all improvements required by the plan.
8. A topographic survey of the entire site and a comprehensive grading plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
9. Construction materials for storm drain pipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
10. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
11. All projects shall include implementation of post-construction best management practices (BMPs). Post construction BMPs shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit, or a WPCP.
12. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.
13. A registered civil engineer for project shall prepare the sewer collection system plan, for approval by the City Engineer. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
14. A registered civil engineer for project shall prepare the water system plan, for approval by the City Engineer. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the costs associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

15. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the Public Works Department.
16. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the Public Works Department.
17. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
18. Landscaping and irrigation plans shall be prepared by a registered landscape architect, and included as part of the improvement plans and/or site plans. These plans shall be per City Standards and the Water Conservation in Landscaping Act of 2006 (AB 1881) and shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way. Drip irrigation systems shall be used. No substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.
19. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers. The landscape water meter shall be installed to the satisfaction of the Public Works Department.
20. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
21. If relocation of existing infrastructure is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
22. A Public Improvement and Maintenance Agreement shall be entered into and recorded prior to construction of improvements and/or issuance of any building permits.
23. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
24. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
25. Project proponents shall enter into the Citywide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of street lighting and landscaping, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to issuance of a building permit.
26. Applicant shall provide refuse enclosure detail showing bin locations and recycling facilities to the approval of the Public Works Department and the Community Development Department.

27. Prepare improvement plans for any work within the public right-of-way and submit them to the City Engineer for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Applicant shall provide, to the City Engineer, two sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer. Final Record Drawings shall be provided on Mylar and electronic media.
28. Conform to County Health regulations and requirements for the abandonment of any septic tanks and water wells.
29. Existing public and private facilities damaged during the course of construction shall be repaired by the Applicant at his/her sole expense, to the satisfaction of the City Engineer.
30. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.
31. The project shall operate within all applicable requirements of the City Code at all times
32. Landscape material may not be located such that, at maturity it interferes with safe distances for vehicular, bicycle or pedestrian traffic; conflicts with overhead utility lines, overhead lights, or walkway light; or blocks pedestrian or bicycle ways.
33. Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans. Decorative Street Lights shall be placed along Railroad and Abbey, and be consistent with existing decorative street lights in the downtown area.
34. If diagonal parking is proposed along Abbey, then a street cross-section plan shall be developed for approval of the City Engineer, to ensure adequate travel-way width for east-west traffic.
35. The van/bus drop-off at the entrance on Abbey shall be limited, to avoid conflicts with eastbound traffic.
36. A registered civil engineer shall develop a parking lot plan for the corner of Abbey and First, showing number of spaces and circulation to the streets and alleyway, for approval by the City Engineer.