

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, February 23, 2010 @ 6:30 PM

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

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

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

**II ROLL CALL & PLEDGE OF ALLEGIANCE**

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

**IV CONSENT ITEM**  
Approval of Minutes from the January 26, 2010 regular meeting of the Planning Commission.

**V. STAFF/COMMISSION REPORTS**

**VI DISCUSSION ITEMS:**

**A. Public Hearing and Consideration of a Design Review/Site Plan Application submitted by Pacific West Communities for a Perimeter Fence for the Orchard Village Project on Railroad North of Grant Avenue (APNs 003-360-051 and 003-360-181) (Continued from the January 26, 2010 Planning Commission Meeting)**

A Public Hearing and Consideration of a Design Review/Site Plan application for a perimeter fence for the Orchard Village Project on Railroad Avenue, north of Grant Avenue. The Planning Commission adopted the Mitigated Negative Declaration for the project on January 27, 2009. (APNs 003-360-051 and 003-360-181)

**B. Public Hearing and Consideration of a Conditional Use Permit Application submitted by Shaunie and Mike Briggs for the Extension of a Nonconforming Use at the building located at 820 Railroad Avenue (APN 003-410-016) (CONTINUED TO THE MARCH 23, 2010 PLANNING COMMISSION MEETING)**

A Public Hearing and Consideration of a Conditional Use Permit application for the extension of a Nonconforming Use at a building located at 820 Railroad Avenue (APN 003-410-016). Staff has determined that the application is exempt from CEQA review under the provisions of Section 15301 "Existing Facilities."

**C. Informational Item – Grant for the Proposed Orchard Village Park Project**

Staff will provide an overview of the grant application for the development of an additional 3.4 acres of park adjacent to the 1.6 acre parcel designed and approved as park space with the Orchard Village Development.

**D. Informational Item – Water Efficient Landscape Ordinance**

Staff will provide an overview of the proposed Water Efficient Landscape Ordinance.

**E. Informational Item – Financial State of the City**

Staff will provide an overview of the current financial state of the City.

**F. Informational Item – Planning of the Eastern Entrance into Winters**

Staff will provide an overview of the planning of the eastern entrance into Winters.

**VII COMMISSION/STAFF COMMENTS**

**VIII ADJOURNMENT**

**POSTING OF AGENDA:** PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON FEBRUARY 18, 2010.



JEN MOSER - ADMINISTRATIVE ASSISTANT

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

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

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

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

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

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

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

**THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE**

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

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

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

**ABSENT:** None

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

Commissioner Cowan led the Pledge of Allegiance.

**CITIZEN INPUT:**

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

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

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

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

**COMMUNICATIONS:**

**Staff Reports:**

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

**Commission Reports:** None

**CONSENT ITEM**

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

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

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

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

**DISCUSSION ITEM**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
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A Public Hearing and Information Item to receive feedback from the Planning Commission and the Public on proposed Burger King Restaurant and Union 76 Fuel Station at East Grant Avenue (SR 128) and County Road 90.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Mitch Korcyl, 404 Creekside Way, stated that he does not believe the applicant is prepared tonight. Mr. Korcyl stated he is not in favor of the amount of traffic this is going to create and the impact of two monument signs. Mr. Korcyl would like to see the addition of alternative energy elements and the removal of the car wash. He added that Burger King is not sustainable and creates litter.

Debra DeAngelo, 220 White Oak, does not support the City logo or 'welcome to winters' on any Burger King monument signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

**COMMISSION/STAFF COMMENTS:**

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

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

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

**ATTEST:**

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Jenna Michaelis, CDD Admin

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Pierre Neu, Chairman

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of February 18, 2010**  
**(530) 795-4910, extension 112, [www.cityofwinters.org](http://www.cityofwinters.org)**

\* *New information in italics*

<b>PROJECT</b>	<b>DESCRIPTION &amp; PROCESS</b>	<b>LAST ACTION</b>	<b>NEXT ACTION</b>
(1) Winters Highlands, Granite Bay Holdings, LLC, Larry John (916) 960-1656	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	City Council approved the Second Amendment to the Development Agreement on January 6, 2009.	Applicant submittal of Final Map and Improvement Plans.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(4) Creekside Estates, Lynda Fletcher (530) 902-4288	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	-Planning Commission approved Tentative Subdivision Map on November 23, 2004. -City Council approved the applicant's request for infrastructure funding on November 3, 2009.	Applicant submittal of Final Map and Improvement Plans.
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council at its January 15, 2008 meeting took final action by approving the Rezone Ordinance.	Applicant submittal of Final Map and Improvement Plans.

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<p>(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>Applicant declined option to purchase project property.</p>	<p>Project not active.</p>
<p>(9) Anderson Place, Eva Brzeski (415) 887-9300</p>	<p>Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.</p>	<p>First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat &amp; RV storage, sale &amp; repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat &amp; RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.</p>
<p>(10) Pearse Parcel Map, Thomas Pearse (530) 795-5901</p>	<p>Proposal for 4-unit parcel map at the south end of Third Street.</p>	<p>Planning Commission on October 9, 2007 approved project.</p>	<p>Applicant submittal of Final Map and Improvement Plans.</p>
<p>(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855</p>	<p>Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.</p>	<p>-Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008.          -Community Development Agency purchased the subject site in Summer 2009. CDA issued RFP for development of site in October 2009.</p>	<p><b>-Community Development Agency to form Ad Hoc Committee to Review Proposals on January 19, 2010</b></p>
<p>(12) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000</p>	<p>Proposal to annex 80 acres (APNs 030-210-05 &amp; 08) adjacent to County Road 88 and within the City's General Plan Area.</p>	<p>City issuance of incomplete application letter on February 1, 2008.</p>	<p>Project Inactive/Closed out</p>
<p>(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033</p>	<p>Proposal to construct 74 multifamily (workforce housing) units on 10.6 acres between Railroad Ave, and Dutton Street extension, north of East Grant Ave. To include 1-, 2-, 3-, and 4-bedroom units + a community center.</p>	<p>Planning Commission approved Site Plan (Design Review) and adopted MND and MMP on January 27, 2009. Appeal of PC's decision</p>	<p><b>-City Council to review and consider Public Improvement Agreement and Interim Building Permit Issuance</b></p>

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<p>(14) St. Anthony's Catholic Church Parish &amp; Rectory, Roman Catholic Church of Sacramento/ McCandless &amp; Associates (530) 662-9146</p>	<p>Proposal to construct a new Catholic Church and associated site work at the corner of Main &amp; Grant Streets.</p>	<p>was filed on February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting. Applicant submitted improvement and building plans in October 2009.</p>	<p><b>Agreement on February 2, 2010</b>  <b>-Community Development Agency to review and consider Amended and Restated Owner Participation Agreement on February 2, 2010</b></p>
<p>(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214</p>	<p>Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.</p>	<p>-On April 21, 2009, the City Council approved the ordinance to rezone the property, adding a PD overlay.  <b>-Applicant submitted improvement and building plans in December 2009.</b></p>	<p>Complete</p>
<p>(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767</p>	<p>Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue</p>	<p>Application was filed on January 29, 2009. Planning Commission approved the Conditional Use Permit for the project on March 24, 2009.</p>	<p><b>Complete</b></p>
<p>(17) The Tree House Children's Center, 418 Haven Street, (530) 304-8248</p>	<p>Application for a Conditional Use Permit to operate a children's center at 418 Haven Street</p>	<p>Application was filed on March 19, 2009. Planning Commission approved the Conditional Use Permit for the project on April 28, 2009.</p>	<p>Complete</p>
<p>(18) Winters Community Church, 113 Main Street, (530) 795-5530</p>	<p>Application for a Conditional Use Permit to operate a religious institution at 113 Main Street</p>	<p>Application was filed on April 6, 2009. Planning Commission approved the Conditional Use Permit on May 26, 2009.</p>	<p>Complete</p>

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of February 18, 2010**  
**(530) 795-4910, extension 112, [www.cityofwinters.org](http://www.cityofwinters.org)**

(19) Turkovich Family Winery, 22-A Main Street, (530) 795-2767	Application for a Conditional Use Permit to operate a winery at 22-A Main Street	Application was filed on June 6, 2009. Planning Commission approved the Conditional Use Permit on July 14, 2009.	Complete
(20) Winters Healthcare Foundation Administrative Offices, 310 Main Street, (530) 795-5200	Application for a Conditional Use Permit to conduct an office use in a residential zone	Application was filed on July 8, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009	Complete
(21) AT&T Cell Tower Co-location at Rd 88 & Rd 32A, (916)601-1123	Application for a Conditional Use Permit to co-locate additional antennas on an existing tower at Rd 88 & 32A. The existing cell tower is located on City property	Application was filed on July 17, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009.	Complete
(22) City Parking Lot at Abbey and First Streets, (530) 795-4910	Design Review Application for the temporary renovation of the City's parking lot at First and Abbey Streets	Planning Commission approved the Site Plan on October 27, 2009	Submittal of improvement plans.
(23) 111-115 Main Street Façade Improvement Project (530) 795-3506	Design Review application for the façade improvement of 111-115 Main Street.	Application was filed on October 10, 2009. Planning Commission approved the Design review Application on October 27, 2009.	Applicant submittal of improvement and building plans.
(24) Main Street Cellars Wine Café, 9 East Main Street, Suite J (209) 304-7953	Application for a Conditional Use Permit to operate a wine bar at 9 East Main Street, Suite J	-Application was filed on October 30, 2009. Public hearing scheduled for November 24, 2009 - <b>Planning Commission approved Conditional Use Permit on November 24, 2009</b>	<b>Applicant submittal of tenant improvement plans.</b>
(25) Burger King/Union 76 at East Grant Avenue and County Road 90 (530) 755-4700	Application for a Design Review/Site Plan and Sign Permit to construct a co-brand fuel station, convenience store and fast food restaurant at East Grant Avenue and CR 90. A sign permit is required for the proposed freeway sign.	-Application was filed on December 7, 2009. The application was deemed "incomplete" by staff on January 4, 2010. - <b>Public Hearing and</b>	<b>Submittal of "complete" application by applicant</b>

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of February 18, 2010**  
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		<i>Informational Item scheduled for January 26, 2010.</i>	
<b>(26) Tentative Subdivision Map for Jordan Family (530)662-1755</b>	<b>Application for Tentative Subdivision Map for property located southwest of I-505/SR 128 to realign the proposed Gateway Drive street alignment and reconfigure the lots to match the new alignment. The applicant is also proposing to subdivide one of the lots into three new lots.</b>	<b>-Application was filed on December 16, 2009. The application was deemed "incomplete" by staff on January 12, 2010.</b>	<b>Submittal of "complete" application by applicant</b>
Code Enforcement Ordinance	Preparation of Ordinance to adopt Title 19 (Code Enforcement) to the Winters Municipal Code.	<b>-Presentation to Planning Commission on November 24, 2009.</b> <b>-Presentation to City Council on December 1, 2009.</b>	<b>Public Hearing and First Reading of the Code Enforcement Ordinance to the City Council on January 19, 2010</b>
General Plan Horizon Year Extension	Extend the General Plan Horizon Year Extension from 2010 to 2018.	City Council approved the extension on September 1, 2009. Staff prepared and presented the Work Plan resulting from the extension to the Planning Commission on October 27, 2009	
Affordable Housing Ordinance	Preparation of an Ordinance to add Chapter 17.200 to the Winters Municipal Code (Zoning) pertaining to Affordable Housing Requirements	<b>-Reviewed favorably by Affordable Housing Steering Committee on November 3, 2009.</b> <b>-Planning Commission recommended approval to City Council on November 24, 2009</b> <b>-City Council adopted the Affordable Housing Ordinance on January 5, 2010</b>	
Housing Element	Preparation and Adoption of Housing Element Update for the 2008-2013 Planning Period	City Council adopted the Housing Element Update on	Development of a work/implementation plan

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of February 18, 2010**  
**(530) 795-4910, extension 112, [www.cityofwinters.org](http://www.cityofwinters.org)**

Abbey Street Partial Abandonment	Partial abandonment of East Abbey St to allow for Monticello development	September 1, 2009. PC accepted GP consistency report and recommended to Council 4/22/08. CDA at its September 2, 2008 meeting approved the DDA for the project.	for the Housing Element Applicant submittal of improvement and building plans for the Monticello Project
Monticello Mixed-Use Project	Application for Site Plan Review and Design Review, and CUP for the construction of a mixed-use project (commercial/retail, office and residential) on 0.42 acre on the east side of Railroad Ave. between Abbey St. and Main St, in downtown Winters CBD.	CDA at its September 2, 2008 meeting approved the DDA for the project	Applicant submittal of improvement and building plans.
Public Safety Facility	Application for Site Plan Review and Design Review, CUP and Variance for the construction of the City's public safety facility on 2.78 acres of the Ogando-Hudson Subdivision (Grant Ave @West Main Street)	Planning Commission hearing on 7/22/08 – PC approved project subject to COAs presented in staff report.	<i>Under Construction</i>

**Affordable Housing Units**

- Project #1:** 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households
- Project #2:** 2 units for low-income households
- Project #3:** 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households
- Project #4:** 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households
- Project #5:** 11 units for very low-income households
- Project #6:** 6 units for moderate-income households
- Project #7:** Not known whether residential units will be constructed
- Project #8:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #9:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #10:** Not applicable
- Project #11:** Not applicable
- Project #12:** Not known at this time
- Project #13:** 74 units for very low-income and low income households
- Project #14:** Not applicable
- Project #15:** Not applicable
- Project #16:** Not applicable
- Project #17:** Not applicable
- Project #18:** Not applicable



PLANNING COMMISSION  
STAFF REPORT

TO: Chairman and Planning Commissioners  
DATE: February 23, 2010  
FROM: Nelia C. Dyer, Community Development Director  
SUBJECT: Public Hearing and Consideration of a Design Review/Site Plan Application submitted by Pacific West Communities for a Perimeter Fence for the Orchard Village Project on Railroad North of Grant Avenue (APNs 003-360-051 and 003-360-181) (Continued from the January 26, 2010 Planning Commission Meeting)

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**RECOMMENDATION:** Staff recommends that the Planning Commission take the following actions: 1) Review the Staff Report; 2) Conduct the public hearing; and 3) Approve the Design Review/Site Plan Application for a perimeter fence for the Orchard Village Project.

**BACKGROUND:** On January 27, 2009, the Planning Commission approved the Design Review/Site Plan for the Orchard Village Workforce Housing project. However, the perimeter fence was not included on the site plan presented to the Planning Commission. To adequately address the perimeter fence, Condition of Approval #50 requires that the applicant submit the details for a fence around the perimeter of the project for City review and approval during a subsequent Site Plan (Design Review) for the project. The applicant, Pacific West Communities, Inc., has submitted the attached fence plan for the Commission's review and consideration.

**PROJECT DESCRIPTION/ANALYSIS:** The site plan shows that the proposed perimeter fence will enclose a majority of the residential development with the exception of the entrances. There are no security gates proposed for the vehicular or pedestrian entrances. The perimeter fence on the west, east and south sides of the development is a 6-foot high decorative wrought iron fence with masonry pilasters. The northern boundary of the project site includes a 6-foot high decorative masonry wall. The masonry wall has been proposed to provide privacy to the residential property on the north side of the property.

No colors are proposed for the columns; however, the column details show that the color and texture of the columns will match the CMU wall proposed for the north boundary. In addition, the details also show that the CMU cap color will match the column. Photos of comparable developments with

perimeter fence similar to the one proposed are attached for review. These photos show the materials, colors, and textures of the fence.

Based on the attached photos and the fence detail, staff has determined that the proposed materials and textures harmonize with the architecture of the approved project. Since a color for the column has not been proposed, staff recommends a Condition of Approval to require the applicant to work with the Community Development Director on a color for the columns that complement the architecture of the development prior to the construction of the fence.

Staff believes that the wrought-iron fence defines the limits of property ownership without creating a barricade. Over time, the tree, shrubs and plants depicted in the approved landscape plan will soften the fencing.

**METHODOLOGY:** Approval of the Design Review Application and the attached conditions is required to satisfy Condition of Approval #50.

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this project was prepared by the Community Development Director in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, January 14, 2010 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 Thursday, January 21, 2010.

Since the item was continued from the January 26, 2010 Planning Commission meeting, this item was not required to be advertised again.

**ENVIRONMENTAL ASSESSMENT:** The Mitigated Negative Declaration and Mitigation Monitoring Program for the Orchard Village Project were adopted on January 27, 2009. The perimeter fence is covered under the approved Mitigated Negative Declaration. Therefore, no additional environmental review is required.

#### **RECOMMENDATION**

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

**I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE DESIGN REVIEW APPLICATION FOR THE PERIMETER FENCE FOR THE ORCHARD VILLAGE PROJECT ON RAILROAD AVENUE NORTH OF GRANT AVENUE BY TAKING THE FOLLOWING ACTIONS:**

- Approval of the Design Review Application subject to the conditions of approval attached hereto.

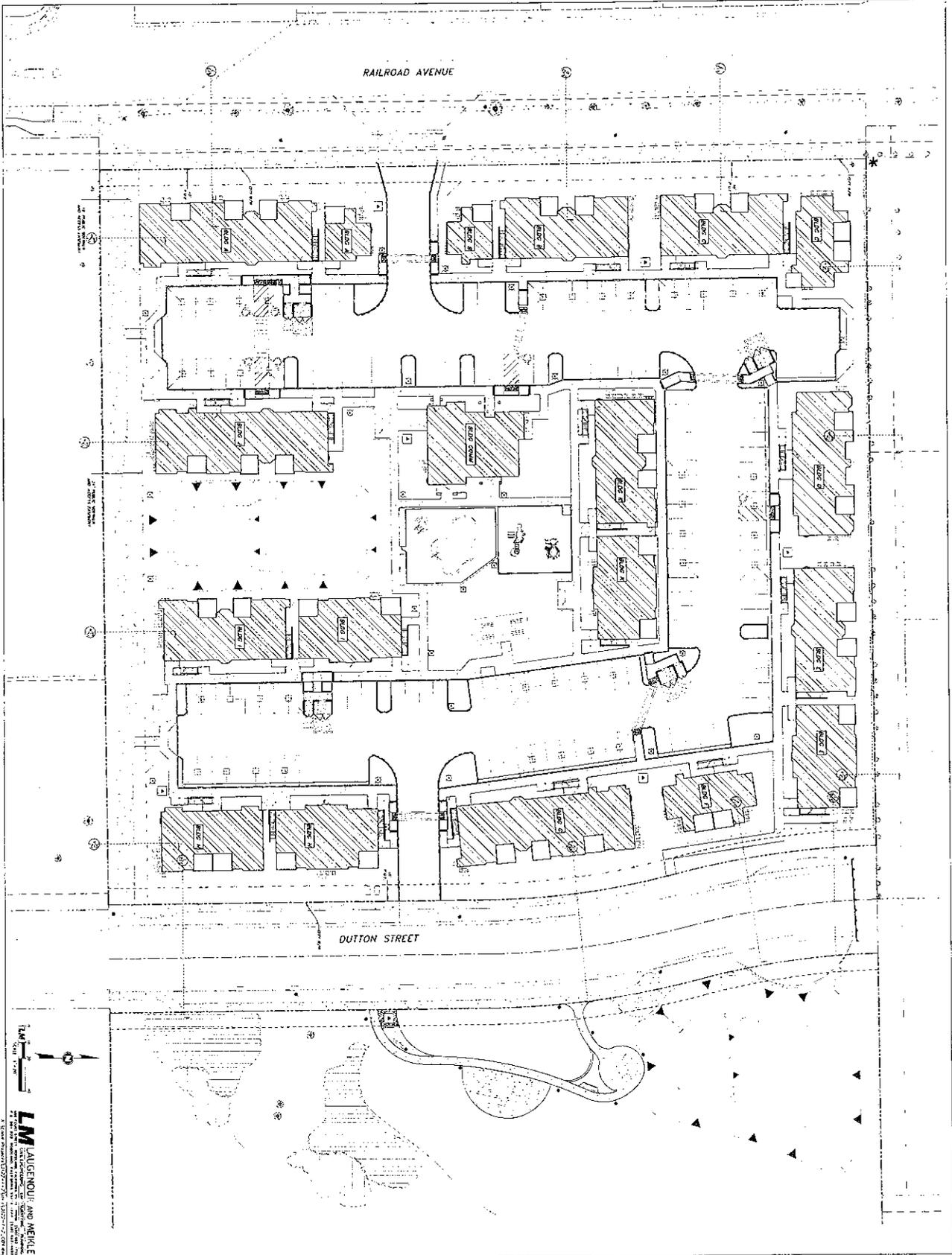
**ALTERNATIVES:** The Commission can elect to modify any aspect of the approval or to deny the application. If the Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

CONDITIONS OF APPROVAL FOR THE DESIGN REVIEW APPLICATION FOR THE PERIMETER FENCE FOR THE ORCHARD VILLAGE PROJECT ON RAILROAD AVENUE NORTH OF GRANT AVENUE, WINTERS, CA 95694.

1. This Design Review approval is based upon and limited to compliance with the project description, attachments, and conditions of approval set forth below. Any deviations from the project description, attachments or conditions must be brought to the attention of, reviewed and approved by the Community Development Director for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
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 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 no 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 applicant shall work with the Community Development Director to select a color for the fence columns that complements the architecture of the Orchard Village Project prior to the construction of the fence.
4. Failure to comply with the above conditions may result in the immediate revocation of the design review approval.

ATTACHMENTS:

- A. Site Plan
- B. Fence Detail
- C. Photos of Similar Fencing



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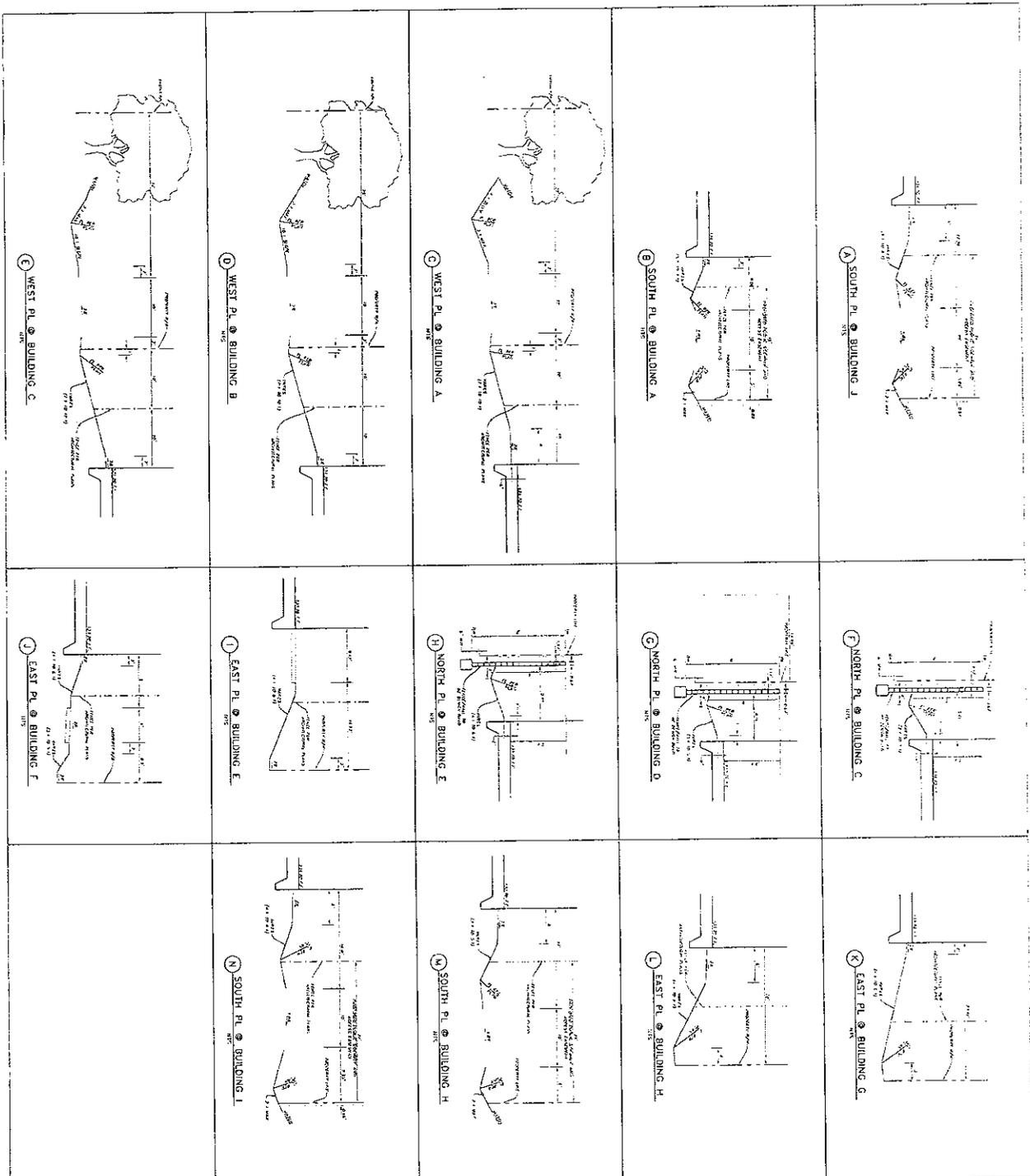
1  
 PROJECT LOCATION: ORCHARD VILLAGE, CALIFORNIA

CIVIL FENCE PLAN  
**ORCHARD VILLAGE**



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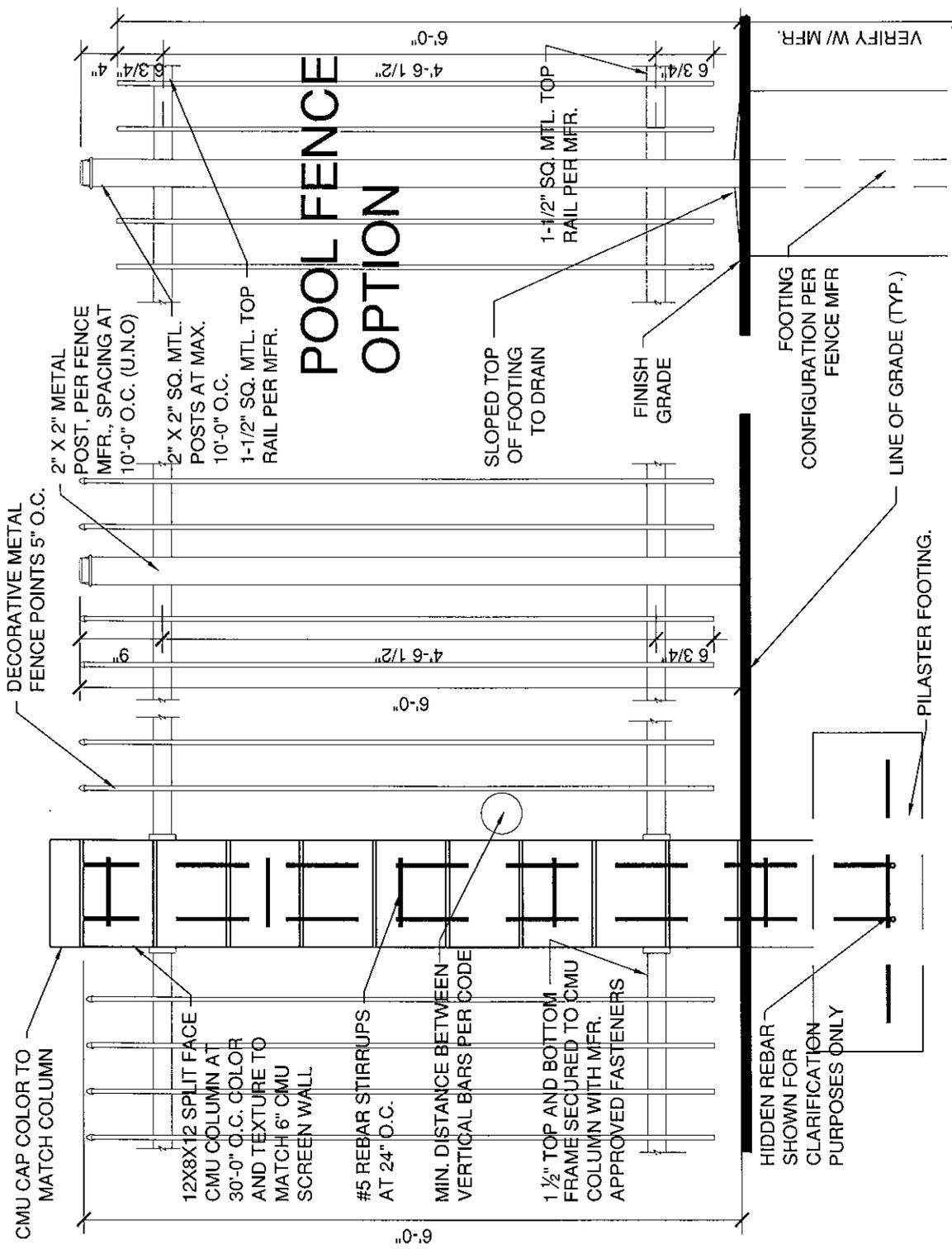
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C16

CROSS SECTIONS  
**ORCHARD VILLAGE**



Pacific West Architecture



# POOL FENCE OPTION

## MASONRY COL. DETAIL / POOL FENCE

8  
A1.2 SCALE: 3/4"=1'-0"

CMU CAP COLOR TO MATCH COLUMN

12X8X12 SPLIT FACE CMU COLUMN AT 30'-0" O.C. COLOR AND TEXTURE TO MATCH 6" CMU SCREEN WALL

#5 REBAR STIRRUPS AT 24" O.C.

MIN. DISTANCE BETWEEN VERTICAL BARS PER CODE

1 1/2" TOP AND BOTTOM FRAME SECURED TO CMU COLUMN WITH MFR. APPROVED FASTENERS

2" X 2" METAL POST, PER FENCE MFR., SPACING AT 10'-0" O.C. (U.N.O)

1-1/2" SQ. MTL. TOP RAIL PER MFR.

SLOPED TOP OF FOOTING TO DRAIN

FINISH GRADE

FOOTING CONFIGURATION PER FENCE MFR

LINE OF GRADE (TYP.)

PILASTER FOOTING.

HIDDEN REBAR SHOWN FOR CLARIFICATION PURPOSES ONLY

VERIFY W/ MFR.





7/1/2008



PLANNING COMMISSION  
STAFF REPORT

**TO:** Chairman and Planning Commissioners

**DATE:** February 23, 2010

**FROM:** Nelia C. Dyer, Community Development Director

**SUBJECT:** Public Hearing and Consideration of a Conditional Use Permit Application submitted by Shaunie and Mike Briggs for the Extension of a Nonconforming Use at the building located at 820 Railroad Avenue (APN 003-410-016)

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This item has been continued to the March 23, 2010 Planning Commission Meeting.



PLANNING COMMISSION  
STAFF REPORT

TO: Chairman and Planning Commissioners  
DATE: February 23, 2010  
FROM: Nelia C. Dyer, Community Development Director  
SUBJECT: Informational Item – Grant for the Proposed Orchard Village Park Project

---

**RECOMMENDATION:** Staff recommends that the Planning Commission receive the following staff report regarding the grant for the proposed Orchard Village Park project and provide feedback to City staff.

**PROJECT DESCRIPTION:** The developer of Orchard Village, Pacific West Communities, Inc., has been working with City staff to complete a grant application for the development of an additional 3.4 acres of park adjacent to the 1.6 acre parcel designed and approved as park space with the Orchard Village Development. Should the grant application be approved, the City will have funds to develop a park on the remaining 3.4 acres. If the grant application is not approved, the City will still receive the 1.6 acre park that was conditioned in the Orchard Village Project approvals, including the recently approved Public Improvement and Maintenance Agreement for the project.

**BACKGROUND:** In 2006, the voters of California approved the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act.” Known as Proposition 84, the statewide park development and community revitalization grant program was made available through the Sustainable Communities and Climate Change Reduction chapter within the Proposition. The California Department of Parks and Recreation administers these statewide grant programs, and the grant guidelines were recently made available to local agencies, communities and nonprofit agencies. This Statewide Park Program is a competitive grant program; funds are not dispersed based on population.

Proposition 84 legislation allocates \$368,000,000 towards this statewide park opportunity. The grant minimum request is \$100,000 while the maximum amount an application may request is \$5,000,000. These funds are available in a series of rounds, not all at one time. Currently, Proposition 84 is designed to be funded in two rounds, and the funding of each round may be adjusted based on the volume of grant applications.

The focus of Proposition 84 is to reinvigorate communities by improving green spaces in areas critically lacking park space, and utilizing parks to strengthen neighborhoods and increase civic pride. The goal of Proposition 84 is to create new parks and recreation opportunities in proximity to the most critically underserved communities across California. Creating new parks in neighborhoods will be given priority. Acquisition alone is ineligible; projects proposing acquisition of new park land must also include development. Grant proposals are not limited to traditional park development projects such as play grounds, tot lots and athletic fields. Recreation features such as community gardens, skate parks, spray parks, and unique picnic opportunities are encouraged.

In Winters, the parcel proposed for development is adjacent to the 1.6 acres parcel designed and approved as park space with the Orchard Village Workforce Housing Development. This parcel is surrounded by industrial uses, multi-family affordable housing and isolated neighborhoods. The residents within this quadrant of the city enjoy the least amount of park space compared to other areas in Winters.

This statewide program requires projects to meet six eligibility requirements. Projects will not be funded unless all six requirements are met:

- Critical lack of park space OR significant poverty
- Type of project: new park, additional space to existing park, improve existing park, new recreation feature such as swimming pool
- Community based planning
- Sustainable techniques: green building practices
- Project funding
- Fees and hours of operations

This grant program is an excellent opportunity for the City of Winters. The program parameters are ideally suited to purchasing and developing the remaining 3.4 acres of the parcel, thereby expanding the park area and bringing many needed recreational opportunities to multiple neighborhoods and lower income families.

Community outreach is a significant portion of the grant application. The State is looking for the community to be involved in the park design process. Pacific West Communities, Inc. has hired Municipal Resource Group, LLC to conduct the outreach and park design process. Municipal Resource Group, LLC has held/attended over 10 meetings in the City of Winters asking community members for input on the park design.

The park design included in this package is a result of these community outreach meetings. The park design is before Planning Commission to receive feedback and input from the commissioners. On January 5, 2010, the Winters City Council adopted Resolution No. 2010-01 approving the Application for Statewide Park Program Grant Funds and authorized the City Manager conduct the project negotiations and submit the grant application. The deadline for all Proposition 84 grant applications is March 1, 2010. Upon grant acceptance, the park design will go back to the Planning Commission for Design Review/Site Plan approval.

**ATTACHMENT:** Conceptual Site Plan for 5 acre park





PLANNING COMMISSION  
STAFF REPORT

**TO:** Honorable Chair and Planning Commissioners

**DATE:** February 23, 2010

**THROUGH:** Nelia C. Dyer, Community Development Director

**FROM:** Laura Hollender, Esq., Meyers Nave

**SUBJECT:** Informational Item Regarding AB 1881 Water Efficient Landscape Ordinance Requirements

---

**RECOMMENDATION:** Staff recommends that the Planning Commission receive the following staff report regarding AB 1881 water efficient landscape requirements and provide feedback to City staff.

**BACKGROUND: *AB 1881 Requirements***

In 2006 the California Legislature enacted AB 1881 which amended the Water Conservation in Landscaping Act. Among other things, AB 1881 required the California Department of Water Resources (DWR) to draft a Model Water Efficient Landscape Ordinance, ("Model Ordinance") to be applicable in all cities in California that did not adopt an equally efficient landscaping ordinance by January 1, 2010.

On January 29, 2010, City staff sent a letter to the DWR informing the DWR that the City is subject to the Model Ordinance, and that City staff would introduce an ordinance to codify the Model Ordinance into the City's municipal code. Codification of the Model Ordinance will enable members of the public to better know and understand the new state requirements with regard to landscaping. At the same time City staff will recommend that the City also repeal Chapter 17.76 of the Winters Municipal Code which contains the City's current landscaping requirements, in order to not create a conflict between the provisions of the Model Ordinance and the City's current landscaping requirements.

Below is a summary of the Model Ordinance. City staff are currently tailoring the Model Ordinance to fit the needs of Winters as required by the DWR. The Model Ordinance will be brought back to the Planning Commission for a public hearing and a recommendation to the City Council at next month's Planning Commission meeting.

### *Summary of Ordinance*

The Model Ordinance applies to new construction (e.g. construction of a new building with a landscape or construction of a new landscape, such as a park or playground without an associated building) and landscape rehabilitation projects, including public and private development projects (including single-family and multi-family residences) with a landscape area of at least 2,500 square feet, that require a building or landscape permit, plan check, or design review. The Model Ordinance distinguishes between “developer-installed” and “homeowner-provided and/or homeowner-hired” landscaping for single-family homes.

The Model Ordinance only applies to “homeowner-provided and/or homeowner-hired projects” to the extent there is at least 5,000 (rather than 2,500) square feet of landscaping area.

The Model Ordinance does not apply to smaller projects (e.g. additions onto existing buildings, etc). In addition, the Model Ordinance includes exemptions for historical sites, ecological restoration projects, mined-land reclamation projects, and public botanical gardens and arboretums.

The Model Ordinance requires project applicants of new construction and landscape rehabilitation projects that fall within the Model Ordinance to submit a landscape documentation package to the City for review and approval prior to construction. The landscape documentation package is required to include the following documents:

- Project information, including the project applicant, project address, total landscape area in square feet, project type (e.g. new, rehabilitated, public, private etc).
- Water Efficient Landscape Worksheet (a sample worksheet is provided in Appendix B of the Model Ordinance).
- Soil management report
- Landscape design plan
- Irrigation design plan
- Grading design plan

A description of each of the documents that make up the landscape documentation package, including the required content of each, is included in the Model Ordinance. Upon approval of the landscape documentation package by the City, the Model Ordinance provides that the project applicant may receive a permit or approval of the plan check or design review as necessary, and then may record the date of the approval and/or permit in the certificate of completion as required by the Model Ordinance.

The Model Ordinance provides that the City is responsible for the following:

- Providing the project applicant with a copy of the ordinance and procedures for permits, plan checks, or design reviews.
- Providing information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.
- Reviewing the landscape documentation package submitted by the project applicant.
- Approving or deny the landscape documentation package.
- Issuing a permit or approving the plan check or design review for the project applicant.

- Approving or denying the certificate of completion for the project.
- Monitoring project compliance with the ordinance which may include, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance as defined by the Model Ordinance.
- Preventing water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

The Model Ordinance also provides that the City may establish and administer penalties to the project applicant for non-compliance with the ordinance, and will be drafted to include a fee to recover the City's costs involved with processing the landscape documentation package.

**FISCAL IMPACT:** The costs associated with the Model Ordinance will be recovered by adoption of a fee to recover the City's costs involved with processing the landscape documentation package.



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Honorable Chairman and Planning Commission  
**DATE:** February 25, 2010  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Fiscal Sustainability- Budget, Fiscal, Tax and Economic Update

---

**RECOMMENDATION:**

That the Planning Commission receive an update on fiscal sustainability issues.

**BACKGROUND:**

Since August, 2009, the City of Winters has discussed the fiscal climate of the City to establish programs and policies to ensure the overall sustainability of the services, programs, economy, infrastructure and social climate which make up the City.

The budget climate within the City has reached a critical phase. In Fiscal Year 2010-11, budget estimates now forecast an operating deficit of approximately \$531,000. Much of this deficit is driven by lower sales and property tax revenues and significantly reduced permit fees due to the slumbering economy.

Beginning in June, 2008, the national economy has seen one of the worst recessions in decades. The combination of the depressed national economy, the collapse of the real estate and financial markets, along with the many budget issues with the State of California have caused good financial planning for the City of Winters to be challenged at a maximum level. The problems are not caused by over spending or bad financial decisions, they are fueled by traditionally recurring revenues seeing sharp reductions and take aways from the State.

Since August, 2009, the City has received tax estimates for both Property and Sales tax revenues. Property taxes are expected to see a 4.9% reduction (\$85,000) and sales taxes an 18% reduction (\$66,700).

In October, 2009, the City Council approved certain re-organizations to the Departments of Financial Management, Recreation and Community Development to consolidate some positions and eliminate others. The City offered retirement incentives which were accepted by two employees. The total projected cost savings will amount to \$99,289 in FY 2009-10 and will amount to \$150,188 in FY 2010-11.

The difference between cuts and re-organization and revenues still leaves an almost \$531,000 deficit for the upcoming fiscal year which needs to be resolved.

The City is also facing critical issues related to our public safety. The Police Department is in serious need of an expansion of the staff to provide basic coverage. The Fire Department is in need of revenues to expand the paid and volunteer efforts to provide basic care for an aging Winters population.

In order to address the shortfalls, Staff recommended that the City move forward with the following:

1. Service and Program reductions and increases in facility use fees.
2. A proposed increase for the City's Municipal Services Tax to fund police, fire and recreation programs.
3. Initiation of an aggressive economic development to generate revenue and jobs to support the long term fiscal interests of the City.
4. Adjustments to the City's Impact Fee Program to make development in Winters more attractive to prospective developers.

The following are the details.

**DISCUSSION:**

The City's General Fund is expected to see a \$531,000 shortfall in the upcoming fiscal year. At the February 16, 2010 City Council Meeting, the following was approved.

**Programs and Service Reductions:**

Staff recommended and the City Council approved a progressive reduction of services and facility use to begin addressing the fiscal deficits. This will also include fee increases and budget reductions.

The following table includes the approved budget reductions:

<i>Program or Service</i>	<i>Recommendation</i>	<i>Fiscal Impact</i>
Community Center	Increase use fee from \$35 per hour to \$70 per hour for private use. Non-profit groups to now pay a \$350 "subscription fee" and a \$20 per hour use charge. Seniors to pay flat \$3,000 per year fee. Weekday Community Center Hours now open at 11:00.	\$21,305
Swimming Pool	Swim classes and group use of the pool only. Elimination of recreation swim programs Swim Team use during June and July only. Fees to support the pool operation.	\$0
Recreation Programs	Elimination of summer recreation programs.	\$52,351
Environmental Programs Staffing	Cancel EARTH Project Non-participation in the Yolo Climate Compact.	\$15,000
Elimination of Council Training & Travel	Reduction of City Council training, travel and meetings.	\$3,000
Park Maintenance	Field use charge to Little League- \$5,000	\$5,000
City Council Discretionary Fund	50% reduction to \$5,000	\$5,000
Employee Wage Freeze	Continue freeze in employee wages	
Misc/Other Internal Reductions	Elimination of leases and internal reductions	\$75,000
	Total	\$176,656

The following is a summary of some of the changes:

**Community Center:**

The Community Center rates are increased from the current \$35 per hour to \$70 per hour for private fee paying parties. Non-profit groups who are currently not charged would now pay a subscription fee of \$350 annually and be charged an hourly rate of \$20 per hour or \$50 an hour without the subscription. This excludes use by the seniors and the WJUSD.

For senior use, we will seek a a flat \$3,000 annually to support the use for the nutrition program. For the WJUSD, the current joint use agreement prohibits charges based on the reciprocity of use by the City for school facilities.

**Swimming Pool:**

Opened in 2007, the Bobbie Greenwood Swim Center was built at a cost of approximately \$2 million. The use has seen a combination of youth, adults, the handicapped and mostly, the Winters Swim Team.

In calculating the costs of operating the facility, the average monthly operating costs for equipment, maintenance and chemicals is \$3,500 (\$42,000 annually). This excludes gas to heat the pool which can double the monthly operating cost. Programming for the pool includes personnel costs of approximately \$32,000. This brings the total operation of the pool to \$74,000 at the current levels.

Revenues for the pool are currently \$21,519 and are received primarily from the Winters Swim Team (\$8,000) and swim programs (\$13,519). This leaves an overall net operating deficit of (\$52,480).

The City Council has directed Staff to operate the pool on a cost recovery basis only with swim classes and group use only. Recreation swim will not occur unless Staff can determine how the program can be self supporting.

**Recreation Programs:**

The City Council approved the elimination of all recreation programming in the City, excluding contract classes and lease revenue from the City's leased space at 301 First Street.

For many years, the City has operated community based recreation programming. This has included drop-in park programs, children's theatre, Adult Softball, Fourth of July Fireworks, Youth Basketball and other programming.

In November, the City Council authorized the elimination of the Recreation Coordinator position. The remaining costs to the City are approximately \$52,351 which are based mostly in personnel and program costs.

The impacts to personnel will include the elimination of 8 part time positions.

**Other Reductions:**

The City Council also approved the following reductions:

- Elimination of the Planning Commission Stipend.
- Cancellation of participation in environmental projects including the Winters EARTH Project and our participation in the Yolo Climate Compact.

- Reduction of training and meeting expenses for the City Council. Total expenses for City Council would be limited to \$1,000 per member.
- Request that Winters Little League reimburse the City \$5,000 toward field use and electricity for City Park.
- Reduce the City Council Discretionary Fund from \$10,000 to \$5,000.
- Continue a wage freeze for all City employees.
- Other internal cost reductions, including copiers, maintenance contracts and printing services and miscellaneous costs. \$75,000.

Total cost savings from these reductions is approximately \$176,656.

**Analysis:**

The key concerns with the fiscal situation is to set the City on a course to eliminate the overall structural deficit. The City is in the third year of using reserve in its fund balance to fund City services and it is critical to address it at this time.

A major concern is the impacts on the City’s reserves which are held in the Fund Balance. The following table shows the fund balance requirements which will allow the City to operate with the various options presented in this report.

	Current Budget with Reorganization	No change in Service Levels	With Reductions Per Recommendations
	2009-2010	2010-2011	2010-2011
	\$	\$	\$
Fund Balance 6/30/09	2,592,840	2,280,905	2,280,905
Estimated 09-10 Deficit	\$(311,935)	\$(482,204)	\$(176,656)
Estimated Fund Bal 6/3010	\$ 2,280,905	\$1,798,701	\$2,104,249
Minimun Fund Balance Required for Operations	\$ 2,000,000	\$2,000,000	\$2,000,000
Reductions Required to meet Minimum Balance	\$(280,905)	\$201,299	\$(104,249)

The column for 2009-10 shows the impacts of the reorganizations which occurred in Recreation, Community Development and Finance. The impacts of the recommendations or not implementing the recommendations in this report are seen in columns 3 and 4.

**Recommended Need:**

The City is in a position where increasing revenues is paramount to dealing with the service

reductions and eliminating the structural deficit. As shown in the above table, the structural deficit with the recommended cuts is \$356,905.

Staff has advised that the City needs to do the following to avoid additional cuts in the next fiscal year.

1. **Next 18 Months:** Increase revenues by \$300,000 to erase the structural deficit and the need to implement additional reductions. This will preserve the reserve/fund balance and stabilize City finances.
2. **Next 24 Months:** In Fiscal Year 2011-12, the City should establish a goal of increasing revenues by no less than \$600,000 (an additional \$300,000). This will allow for the re-establishment of community programs and facilities to the current levels.

### **RECOMMENDATIONS FOR INCREASING REVENUES:**

The solution for dealing with the current situation is to either continue with reductions in spending or to pursue options to increase the overall tax base. The tax base is increased either through raising taxes or increasing the economics of the community to facilitate a higher basis for tax collections (mostly property, sales and use taxes).

The City of Winters currently has three (3) supplemental taxes which are paid by residents:

- 4.75% Utility Users Tax paid on phone and utilities.
- \$10 per month Municipal Services Tax
- \$82.50 per year Landscape and Lighting Assessment for parks and lighting.

These taxes fund programs within the General Fund, with the UUT and the Municipal Services Tax providing revenue mostly for public safety services which are 65% of expenditures.

The City's General Plan dictates policies which call for the City to enable its land and zoning to facilitate economic development to sustain the services and programs which are called for to occur in the City. Economic development is a key element of sustainability. The economic elements of revenue, livability, jobs all intertwine to make the community "sustainable".

### **Tax Proposal:**

The City of Winters is currently dealing with a multitude of issues, most notably in the need for additional resources for public safety.

The Winters Police Department currently runs with a majority of its officers working solo shifts. In a typical week, 21 of 28 shifts are covered by only a single officer. This creates a number of serious issues, including officer safety issues, periods where the City is not adequately covered

and periods when officers are unavailable to respond to calls when someone is in custody.

For Winters Fire, the issue is after hour and weekend coverage which is currently manned by a Duty Officer responding from home along with available volunteers. The aging population of Winters is increasing causing calls after hours and on weekends which is facilitating a need to transition to a 24 hour response capability.

The City Council has approved a tax measure which will be submitted to voters on June 8 which would double the City's Utility Users tax to 9.5% to help fund key government services.

Total annual revenue generated is estimated at \$418,000.

With the revenue, the following would be implemented:

1. **Police Services:** The hire of 3 additional police officers and the establishment of 1 investigative position within the Department. The City will reinstate the School Resources Officer.
2. **Fire Services:** The implementation of a 24/7 Fire response system which will include a "paid call" system for fire volunteer personnel and a shift system for paid staff employed in the Department.
3. **Recreation Programs:** The reinstatement of youth, adult and senior programming in the City Budget.

The results and the benefits to public safety will be dramatic. Officer safety and response will increase, the investigation of crime will enable for a more complete public safety response when it occurs and the reinstatement of a School Resources Officer will benefit students and the schools alike.

In the Fire Department, services will shift to a 24/7 staffing capability from the current 8-4 Monday through Friday schedule. It will provide for increase response capability for all call types.

For recreation, it will enable the City to reinstate the swim programs, fun in the park and programs like adult softball, expanded senior use of the Community Center and the 4<sup>th</sup> of July Program.

### **Economic Development:**

The City is currently in a position to implement a variety of strategies to position the City for added economic development to generate both tax revenues and jobs. The City Council approved the following:

1. ***Aggressively recruit and solicit development*** of job creating businesses in developable areas. This will require the following:
  - a. Reduce impact and building fees to make Winters more competitive as compared to neighboring cities.
  - b. Establishment of a streamlined and well developed processing system to allow businesses to quickly break ground and open properties for desired industries.
  - c. Actively market the Winters Community as a favorable business atmosphere, ready to accept emerging industries and technologies.
  - d. Create a development contract, much like a grant contract, which provides incentives to developers based on the number of jobs created and the amount of sales and property tax generated.

Development would provide fee and permit revenue initially and invariably increase the tax base of the community.

The City will begin working with area commercial brokerages and land owners to provide incentives for locating business and industry. The idea of establishing a “finders fee” for brokers who bring development and jobs could prove highly beneficial. These incentives, combined with a well defined approval process could position the City to receive additional development as the economy begins to improve.

2. ***Encourage and promote freeway serving development*** on Grant Ave. at the I505. This will primarily include co-brand development (food establishments paired with fuel/convenience) and hotels/lodging.
  - a. In order to proceed with this, the process will include the following:
    - i. Architectural planning process to update the City of Winters Design Guidelines for Grant Ave.
    - ii. Roadway/Public Infrastructure planning to combine the Grant Ave. Access Study and the Safe Streets Project through a Caltrans facilitated process.
    - iii. Begin a process (immediately) of actively working with property owners to define desired businesses and encouraging those to occur within the Gateway Master Plan area.
    - iv. Freeway development should not include business which will compete with similar businesses in the Downtown.

The City has interested businesses and developers and the property owners are interested in developing their properties in this area. In 2009, the City spent almost \$400,000 installing utilities to the Gateway area. This area is ready for development and the City will begin pursuing such.

**Fiscal Benefits:**

The City has been approached and is actively working with developers interested in proceeding with projects for two (2) co-brand projects and a mid-line hotel at Grant/I505. The estimated tax benefits of such projects are as follows:

<i>Project</i>	<i>Estimated Property Tax</i>	<i>Estimated Sales/TOT Tax</i>	<i>Total Revenue</i>
Co-Brand (1)	\$87,500 (\$5m Project)		\$87,500
Service Station		\$65,000	\$65,000
Food		\$25,000 (\$2.5m an Sales)	\$25,000
Co-Brand (2)	\$87,500 (\$5m Project)	\$25,000 (\$2.5m an Sales)	\$87,500
Service Station		\$65,000	\$65,000
Food		\$25,000 (\$2.5m an Sales)	\$25,000
Hotel	\$140,000 (\$8m Project)	\$200,000 (\$2m an sales)	\$340,000
<b>Totals</b>	<b>\$315,000</b>	<b>\$380,000</b>	<b>\$695,000</b>

These projects also bring jobs. The typical fast food restaurant generates 35-40 jobs per location. The typical hotel will generate 15-20 jobs and a service station 5. Total estimate on jobs is between 100 and 120 jobs for three projects.

Development of freeway serving commercial need not preclude a plan for the Grant Avenue corridor. The properties adjacent to Interstate 505 lend themselves to these types of business, but careful planning and visioning by City staff, Planning Commission, City Council and property owners could still result in a vibrant corridor that provides a variety of businesses and services that complement the downtown, leaving the freeway serving businesses to serve the freeway traffic.

3. ***Impact Fee Adjustments for AB 1600 Major Projects Fees*** to reduce the overall costs of development in Winters to become more attractive to developers. This would include:
  - a. ***Removal of projects*** within the fee program which have been recently developed by the CDA and City partnerships. This will include the public safety center and the pool which will eliminate almost \$10m in costs from the impact fee program.
  - b. ***Cost Adjustments*** which will reflect current costs for projects.

**Fiscal Benefits:**

Making projects more affordable to build in Winters will ultimately position the City to see development sooner and allow for better projects. The City has approved almost 700 residential units and not a single one of them has been constructed. Residential builders will evaluate affordability of moving forward when the housing market begins to rebound and it will come down to a cost basis for developing.

For industrial and commercial developers, the square foot cost will ultimately determine whether to move forward or not. Commercial development will also follow residential, hence positioning the City for residential development will also benefit the progress of commercial and industrial projects.

Staff has included an attachment of a draft revision to the Impact Fee Program as an example.

4. ***Flood Overlay Area***- Amended program to include:
  - a. Establish a financing/assessment district in lieu of a fee program.
  - b. Re-analysis of the fee program based on previous cost estimates.

The fees within the Flood Overlay area are onerous and establish costs which make the fee higher than the cost of the land. The establishment of a financing district in lieu of the fees will allow development to proceed under the guise of a future assessment district which will be recorded with the development. When the flood project is constructed (ultimately through a financed project), the district will be established and assessed for the costs.

The re-analysis of the costs of the program will occur to reflect dropping construction costs.



PLANNING COMMISSION  
STAFF REPORT

TO: Chairman and Planning Commissioners

DATE: February 23, 2010

FROM: Nelia C. Dyer, Community Development Director

SUBJECT: Informational Item - Planning of the Eastern Entrance into Winters

Staff will provide a presentation on the past and future planning of the eastern entrance into Winters. No staff report was prepared for this item.