

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, March 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

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 February 23, 2010 regular meeting of the Planning Commission.

V. STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Sue Kristensen to Operate a Light General Manufacturing Use in an Existing Building Located in a Light Industrial (M-1) Zone at 27990 County Road 90 (APN 038-050-073)

A Public Hearing to consider a Conditional Use Permit application to operate a light general manufacturing use in an existing building located in a Light Industrial (M-1) Zone at 27990 County Road 90. This project is exempt from CEQA review under the provisions of Section 15301 "Existing Facilities."

B. Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Cole Ogando to Amend an Existing Conditional Use Permit for On-Site Sale and Consumption of Alcoholic Beverages at 200 and 202 Railroad Avenue to Include the Space Located at 3 Russell Street (APN 003-203-012)

A Public Hearing to consider a Conditional Use Permit application to amend an existing conditional use permit for on-site sale and consumption of alcoholic beverages at 200 and 202 Railroad Avenue to include the space at 3 Russell Street. This project is exempt from CEQA review under the provisions of Section 15301 "Existing Facilities."

C. Public Hearing and Consideration of a Variance and Sign Permit Application Submitted by David Lorenzo to Modify a Nonconforming Sign Located at 111 Main Street (APN 003-201-015)

A Public Hearing to consider a Variance and Sign Permit application to modify a nonconforming sign located at 111 Main Street. This project is exempt from CEQA review under the provisions of Section 15311 "Accessory Structures."

D. Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Shaunie and Mike Briggs to Extend a Nonconforming Use in an Existing Building located at 820 Railroad Avenue (APN) (Continued Off Calendar)

A Public Hearing to consider a Conditional Use Permit application for an extension of a nonconforming use in an existing building located at 820 Railroad Avenue. This project is exempt from CEQA review under the provisions of Section 15301 "Existing Facilities."

E. Informational Item – Medical Cannabis Ordinance (Continued to the April 27, 2010 Planning Commission Meeting)

Staff will present a draft Medical Cannabis Ordinance to the Planning Commission for review and feedback.

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 MARCH 18, 2010.



JEN MOSER - ADMINISTRATIVE ASSISTANT

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

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

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, FEBRUARY 23, 2010**

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

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

ABSENT: Commissioner DeVries

STAFF: City Manager John Donlevy, Community Development Director
Nellie Dyer, Contract City Attorney Laura Hollander, Administrative
Assistant Jenna Moser

Commissioner Tramontana led the Pledge of Allegiance.

CITIZEN INPUT: Javier Gutierrez, 1003 Hemenway Street, stated that he would like to see studies on how much revenue the development at I/505 would generate. He does not want the new development to detract from the work in downtown. Nancy McClish Newcomb, 1235 Stewart Road, Yuba City, CA, explained what Winters was like when she was a girl, noting that businesses must provide what citizens want to buy, and that changes happen over time.

COMMUNICATIONS:

Staff Reports:

The Commission concurred to bring Item B as the first item on the Agenda, followed by A. Ms. Dyer presented a letter from Patricia Thompson regarding Burger King. Ms. Dyer also noted the upcoming CalTrans stakeholder meeting at El Rio Villa on the February 25th.

Commission Reports: None

CONSENT ITEM

Approve minutes of the January 26, 2010 regular meeting of the Planning Commission.

Motion by Commissioner Guelden, Second by Commissioner Tramontana to approve the minutes for the January 26, 2010 meeting of the Planning Commission. Motion carried with the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: DeVries

DISCUSSION ITEM

**A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE
PERMIT APPLICATION SUBMITTED BY SHAUNIE AND MIKE BRIGGS**

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, FEBRUARY 23, 2010**

FOR THE EXTENSION OF A NONCONFORMING USE AT THE BUILDING
LOCATED AT 820 RAILROAD AVENUE (APN 003-410-016)

Commissioners concurred to continue this item to the March 23, 2010 meeting.

**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 NORTH OF GRANT AVENUE (APN 003-360-051 AND
003-360-181) CONTINUED FROM THE JANUARY 26, 2010 PLANNING
COMMISSION MEETING**

Ms. Dyer provided an overview of the staff report. Don Slattery of Pacific West Communities stated it was a decorative fence and he is available to answer any questions the Commission may have.

Commissioner Martinez asked why the color of the fence could not be determined at this meeting. Ms. Dyer responded that in the staff report it was stated that the Community Development Director would review and approve the color, but that it could be decided tonight should the Commission make that determination.

Chairman Neu opened the Public Hearing at 6:48PM.

Shaunie Briggs, 820 Railroad, stated that she thinks the fence looks generic and asked why they needed a fence at all. She hopes the landscaping will be "water savvy."

Catherine Jimenez, 1029 Railroad, stated that she is fine with the fence, but stated it could even be taller.

Commissioner Neu closed the Public Hearing at 6:50PM.

Commissioner Tramontana asked if the landscape plan includes vines that would climb up the fence. Ms. Dyer responded that she did not recall the plans specifically, but that at install, the landscaping would be young. As it grows, the landscape will soften the fence and the project.

Commissioner Guelden added that the fence helps to provide safety and security for children that will live there.

Shaunie Briggs approached the podium and stated that she didn't know why this project had a pool if the City is having such a hard time keeping their pool open and maintained, and asked staff to approach the developer in removing the pool and helping to pay for the City pool.

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Ms. Dyer responded that the site plan had already been approved and it was too late in the game to make changes. Don Slattery also stated that the pool was a required amenity for their tax credits to fund the project. Catherine Jimenez approached the podium and stated that the City may want to consider the fact that the federal government has limited resources, and encouraged the City to consider removing the pool from the project.

Motion by Commissioner Cowan, Second by Commissioner Tramontana to approve the Design Review/Site Plan for the perimeter fence surrounding the Orchard Village Workforce Housing Development. Motion carried with the following roll call vote:

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

**C. INFORMATION ITEM – GRANT FOR THE PROPOSED ORCHARD
VILLAGE PARK PROJECT**

Ms. Dyer provided 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 for the Orchard Village Development. Ms. Dyer stated that upon grant acceptance, the park plan would need to come before the Planning Commission for Design Review.

Commissioner Neu asked about the dotted area on the plan. The Park Consultant from Municipal Resources Group (MRG), Sabrina Linden, stated that those areas delineate the approved park area and also suggested places for park equipment.

Commissioner Tramontana asked what the timeline for development of the park would be. Ms. Linden responded that the grant would take 6 months to see if we are awarded. She added that it is a very competitive grant process.

Commissioner Martinez asked who would be responsible for park maintenance. Ms. Dyer responded that the City would be responsible. Ms. Linden added that the park would need to incorporate green features to keep maintenance costs down. Commissioner Martinez asked if a fiscal report had been done on this park project. Ms. Dyer responded that one had not been completed for the 3.4 acre park.

Commissioner Guelden asked if the awarding timeframe would coincide with the development of the site or if there would be any lag. Ms. Linden responded that

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the timelines for the grant process and the Orchard Village Project, at this time, match up very well.

D. INFORMATION ITEM – WATER EFFICIENT LANDSCAPE ORDINANCE

Laura Hollender, Contract City Attorney, provided an overview of the requirements and the model ordinance.

Commissioner Cowan stated that he is not happy with the ordinance and thinks it asks too much of applicants to provide. Commissioner Cowan also expressed concern about the ability to get a final inspection if the landscaping portions are not complete when a final is needed. Ms. Dyer responded that this requirement came down from the state and that we need to take some action.

Commissioner Guelden asked if staff could come back with clarification on if the 5,000 square feet included pathways and driveways. Ms. Hollender stated that the City could tailor some portions of the ordinance and would take that into consideration, adding that water conservation is the main element of this ordinance.

E. INFORMATION ITEM – FINANCIAL STATE OF THE CITY

City Manager Donlevy provided an overview of his staff report, the steps that the Council has implemented, and explained the items being put forward as a ballot measure and advisory question.

Commissioner Neu asked if the City could count on two service stations (co-brand) providing \$65,000 per station in tax revenue. Mr. Donlevy stated that the City has in fact been conservative with the estimates.

Commissioner Tramontana stated that we are only going to see what industry expects to be able to support in our area.

**F. INFORMATIONAL ITEM – PLANNING OF THE EASTERN ENTRANCE
TO WINTERS**

Ms. Dyer provided an overview of the history of the eastern entrance into Winters, and noted actions that need to be taken to get the land use and zoning into shape since the 1992 General Plan.

Commissioner Cowan stated that it needs to be done sooner rather than later. Commissioner Tramontana agreed and wants to be able to have a good vision of what is going to be there, particularly the design. Ms. Dyer stated that much good input was received from citizens at the recent CalTrans complete streets meetings, noting that most citizens were concerned about the look of the projects, the aesthetics.

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Commissioner Martinez complimented staff on their work, and noted the importance of citizen involvement in the process.

COMMISSION/STAFF COMMENTS:

None

The meeting was adjourned at 8:25 p.m.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of March 16, 2010
(530) 795-4910, extension 114, www.cityofwinters.org

* *New information in italics*

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION
(1) Winters Highlands, Meyer Crest, Bert Meyer (530) 242-2010	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, Jim Wirth (916) 617-4248	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 & RV storage, sale & repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat & 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>-Community Development Agency to form Ad Hoc Committee to Review Proposals on January 19, 2010</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 & 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, CVAH/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>Under Construction</p>

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		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. -On April 21, 2009, the City Council approved the ordinance to rezone the property, adding a PD overlay. -Applicant submitted improvement and building plans in December 2009.	
(14) St. Anthony's Catholic Church Parish & Rectory, Roman Catholic Church of Sacramento/McCandless & Associates (530) 662-9146	Proposal to construct a new Catholic Church and associated site work at the corner of Main & Grant Streets.		
(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214	Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.	Planning Commission approved the Design Review (Site Plan) on February 24, 2009.	Complete
(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767	Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue	Application was filed on January 29, 2009. Planning Commission approved the Conditional Use Permit for the project on March 24, 2009.	Complete
(17) The Tree House Children's Center, 418 Haven Street, (530) 304-8248	Application for a Conditional Use Permit to operate a children's center at 418 Haven Street	Application was filed on March 19, 2009. Planning Commission approved the Conditional Use Permit for the project on April 28, 2009.	Complete
(18) Winters Community Church, 113 Main Street, (530) 795-5530	Application for a Conditional Use Permit to operate a religious institution at 113 Main Street	Application was filed on April 6, 2009. Planning Commission approved the Conditional Use Permit on May 26, 2009.	Complete
(19) Turkovich Family Winery, 22-A Main Street,	Application for a Conditional Use Permit to operate a winery at 22-A Main Street	Application was filed on June 6, 2009. Planning	Complete

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(530) 795-2767		Commission approved the Conditional Use Permit on July 14, 2009.	
(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 -Planning Commission approved Conditional Use Permit on November 24, 2009	Applicant submittal of tenant improvement plans.
(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. - Public Hearing and Informational Item scheduled for January 26, 2010.	Submittal of "complete" application by applicant
(26) Tentative Subdivision	Application for Tentative Subdivision Map for property	-Application was filed on	Submittal of "complete"

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Map for Jordan Family (530)662-1755	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.	December 16, 2009. The application was deemed "incomplete" by staff on January 12, 2010.	application by applicant
(27) Kristensen Drywall and Pearce Heating & Air Conditioning, 27990 CR 90, (530) 795-8800	Application for a Conditional Use Permit to operate light general manufacturing uses in a Light Industrial (M-1) zone at 27990 CR 90.	Application was filed on February 18, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting.	Planning Commission Action
(28) Preserve, Inc., 200 and 202 Railroad Avenue, (530) 795-3816	Application for a Conditional Use Permit to amend an existing conditional use permit for on-site sale and consumption of alcoholic beverages at 200 and 202 Railroad Avenue to include the space at 3 Russell Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting.	Planning Commission Action
(29) Main Street Plaza, 111 Main Street, (530) 795-3214	Application for a Sign Permit and Variance to modify a nonconforming sign location at 111 Main Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting.	Planning Commission Action
Code Enforcement Ordinance	Preparation of Ordinance to adopt Title 19 (Code Enforcement) to the Winters Municipal Code.	-Presentation to Planning Commission on November 24, 2009. -Presentation to City Council on December 1, 2009.	Approved
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	Preparation of an Ordinance to add Chapter 17.200 to	-Reviewed favorably by	

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Ordinance	the Winters Municipal Code (Zoning) pertaining to Affordable Housing Requirements	Affordable Housing Steering Committee on November 3, 2009. -Planning Commission recommended approval to City Council on November 24, 2009 -City Council adopted the Affordable Housing Ordinance on January 5, 2010	
Housing Element	Preparation and Adoption of Housing Element Update for the 2008-2013 Planning Period	City Council adopted the Housing Element Update on September 1, 2009.	Development of a work/implementation plan for the Housing Element
Abbey Street Partial Abandonment	Partial abandonment of East Abbey St to allow for Monticello development	PC accepted GP consistency report and recommended to Council 4/22/08. CDA at its September 2, 2008 meeting approved the DDA for the project.	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.	Under Construction

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

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- 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: March 23, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Sue Kristensen to Operate a Light General Manufacturing Use in an Existing Building Located in a Light Industrial (M-1) Zone at 27990 County Road 90 (APN 038-050-073)

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 the Conditional Use Permit application submitted by Sue Kristensen to operate a light general manufacturing use in an existing building in a light industrial (M-1) zone at 27990 County Road 90.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject location of the proposed use is designated LI (Light Industrial) by the General Plan and is zoned M-1 (Light Industrial). The existing building on the property is approximately 22,000 square feet. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	GENERAL PLAN	ZONING	LAND USE
NORTH	LI (LIGHT INDUSTRIAL)	M-1 (LIGHT INDUSTRIAL)	VACANT
EAST	NONE (I-505)	NONE (I-505)	
SOUTH	LI (LIGHT INDUSTRIAL)	M-1 (LIGHT INDUSTRIAL)	VACANT
WEST	HI (HEAVY INDUSTRIAL)*	M-2 (HEAVY INDUSTRIAL)*	VACANT

*Not in the City Limits

STATEMENT OF ISSUES: The project applicant is seeking approval of a use permit to allow for a light general manufacturing use in an existing building in a light industrial (M-1) zone at 27990 County Road 90. According to Winters Municipal Code (WMC), Section 17.52.020, the M-1 zone requires the issuance of a use permit for a light general manufacturing use.

BACKGROUND: In the spring of 2001, the previous owner of the property, Ray Hisey, submitted a Tentative Parcel Map to subdivide the parcel located at 27852 County Road 90 into two parcels. Mr. Hisey was required to subdivide the parcel in order to obtain lending approval for the purchase and the construction costs associated with the relocation of Mr. Hisey's Woodtech business from Dixon to Winters. In May 2001, the Planning Commission approved the tentative parcel map, which created two parcels: Parcel 1 (7.565 acres) and Parcel 2 (21.045 acres). In September 2001, the Planning Commission approved a Site Plan for the construction of a 22,000 square-foot industrial building, gravel access road from County Road 90, gravel parking area for the facility's employees, and a septic/leach field on the 7.565-acre parcel. The building and the associated amenities remain on the parcel.

A conditional use permit was not required for the Woodtech business since it was characterized as a "Finished Goods Assembly" use, which is a permitted use in the M-1 zone according to Winters Municipal Code, Section 17.52.020.

PROJECT DESCRIPTION: The applicant is requesting the approval of a conditional use permit to relocate from Solano County to Winters and operate Kristensen Drywall, Inc. and Pearce Heating and Air Conditioning, Inc. out of the property located at 27990 County Road 90. Pearce Heating and Air Conditioning, Inc. does light manufacturing of sheet metal products and installs heating and air conditioning units in both residential and commercial project. Kristensen Drywall, Inc. prefabricates wall assemblies and does metal stud construction, interior and exterior drywall, acoustical ceilings, doors, frames, and hardware on commercial and residential projects.

Another business, My Hero Stocking Company, will also relocate from Solano County to the existing warehouse at 27990 County Road 90. The company designs and manufactures Christmas stockings to look like a firefighter turnout boot. The company does not plan to relocate from Solano County to the subject property until next year.

The proposed hours of operation for the businesses are from 7 a.m. to 5 p.m., Monday through Friday. There will be approximately four to six employees that will work in the office at the subject location. In addition to the office employees, there will be other employees that will visit the site several times during the week to drop off or pick up materials and supplies associated with the two businesses.

As mentioned previously, the existing building is approximately 22,200 square feet. Of the 22,200 square feet, 20,000 square feet consists of warehouse space while the remaining 2,200 square feet is office space. Both businesses will store material and equipment in the warehouse and utilize the existing front office space.

There are 35 parking spaces provided on-site. Of the 35 spaces, there are two handicapped accessible spaces. Restrooms are provided inside the building.

ANALYSIS: According to Chapter 17.20 (Use Permits) of the Winters Municipal Code, when reviewing applications for use permits, the Planning Commission shall find all of the following conditions to be fulfilled. Staff's analysis of each condition is provided under each condition:

1. *The requested use will be in conformity with the General Plan.*

Light manufacturing is allowed in the Light Industrial (LI) land use designation in the Winters General Plan. According to the General Plan, the LI designation provides for industrial parks, warehouses, light manufacturing, public and quasi-public uses, and similar and compatible uses.

2. *The requested use is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit.*

Light general manufacturing uses are listed as conditional uses in the Light Industrial (M-1) zone.

3. *The requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood; and*

4. *The requested use will not be detrimental to the public health, safety, or general welfare;*

According to the Winters Municipal Code Section 17.44.120, the purpose of the light industrial (M-1) zone is to provide areas for light industrial development in a manner which will not result in public nuisance related to the operations. It also states that these uses are typically enclosed within a structure or involve minimal outdoor storage. As stated previously, the proposed light manufacturing uses will be enclosed in the existing warehouse; all of the manufacturing will be performed inside the warehouse. In addition, the zoning districts and land use designations of the surrounding properties are either heavy or light industrial. For these reasons, the requested use is consistent with the intent and purposes of the zone in which it is located, will not detrimentally impact the character of the neighborhood, and will not be detrimental to the public health, safety, or general welfare.

5. *Adequate facilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided.*

The existing building is served by electricity through with an existing power line located adjacent to the site. As for water and sewer, the requested uses will use an existing well and a septic tank/leach lines for its sewerage.

There is an existing gravel road from Road 90 that was installed when the Woodtech business relocated from Dixon to Winters. There is also a gravel parking area with 35 parking spaces, including 2 handicapped accessible spaces. According to the Winters Municipal Code, Section 17.72.020, 1 parking space is required per 750 square feet of warehouse space. For the 22,200 square foot warehouse, 29 spaces are required. Therefore, adequate parking is currently provided.

6. *The requested use will not create a nuisance or enforcement problem within the neighborhood.*
See answer for conditions 3 and 4

7. *The requested use will not result in a negative fiscal impact upon the City.*

The requested use will not result in a negative fiscal impact upon the City. Conversely, the relocation of these businesses from Solano County to Winters should have a positive fiscal impact on the City.

METHODOLOGY: Two actions are required to process the requested uses:

- 1) Confirmation of CEQA exemption finding - Section 15301 (Existing Facilities)
- 2) Approval of a Conditional Use Permit and the attached conditions

APPLICABLE REGULATIONS: The planning application is subject to several regulations:

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, March 11, 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, March 18, 2010.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities).

RECOMMENDED FINDINGS FOR 27990 COUNTY ROAD 90 (CONDITIONAL USE PERMIT)

CEQA Findings:

- 1) The planning application is exempt from CEQA review under Section 15301 (Existing Facilities).
- 2) The CEQA Guidelines Section 15301 (Existing Facilities) exempts projects that involve minor alterations to existing facilities where negligible or no expansion occurs to the current use. The requested uses will not expand the facility.

General Plan and Zoning Consistency Findings:

- 1) The uses are consistent with the goals and policies of the General Plan. The General Plan designates the project site as Light Industrial and uses for this designation include light manufacturing.
- 2) The uses are consistent with the provisions of the Zoning Ordinance. Conditionally permitted uses of the M-1 Zone include light general manufacturing uses.
- 3) The uses are consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood.
- 4) The uses will not be detrimental to the public health, safety, or general welfare.
- 5) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities or services are provided.
- 6) The uses will not create a nuisance or enforcement problem within the neighborhood.
- 7) The requested uses will not result in a negative fiscal impact upon the City.

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE THE CONDITIONAL USE PERMIT FOR THE REQUESTED USES AT 27990 COUNTY ROAD 90 BASED ON THE IDENTIFIED FINDING OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA
- Confirmation of consistency findings with the General Plan and Zoning Ordinance
- Approval of the Conditional Use Permit and subject to the conditions of approval attached hereto.

ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval or to deny 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.

CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT FOR THE USES AT 27990 COUNTY ROAD 90 LOCATED ON ASSESSOR PARCEL NUMBER 038-050-073, WINTERS, CA 95694.

1. This Conditional Use Permit is based upon and limited to compliance with the project description, Attachments 1-2, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be reviewed and approved by the Planning Commission 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 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. Any use authorized by this conditional use permit shall immediately cease upon expiration or

revocation of this permit under Winters Municipal Code Section 17.20.050. Expiration of time for use permits must be requested prior to the expiration of the use permit.

4. The applicant's acceptance of this permit and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
5. The uses shall commence within one year after April 3, 2010 (March 23, 2010 plus the ten-day appeal period). On April 3, 2011, the permit shall be deemed to be null and void without further action.
6. Upon six (6) months after ceasing the uses granted by the permit, the permit shall be deemed to be null and void, and a new conditional use permit shall be required.
7. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit under Winters Municipal Code Section 17.20.050.
8. The applicant shall obtain a City of Winters Business License prior to the use of the existing building for Kristensen Drywall, Inc., Pearce Heating and Air Conditioning, Inc., and My Hero Stocking Company. The business license shall not be issued until the Fire Department and Community Development Department have completed their inspections of the building to address such issues as fire alarms, smoke detectors, adequate fire exits, and other necessary fire safety improvements.

ATTACHMENTS:

1. Project Description
2. Site Map

Kristensen Drywall, Inc. and Pearce Heating and Air Conditioning, Inc.:
27990 County Road 90, Winters, CA 95694

Purpose: It is the intention of Kristensen Drywall, Inc. and Pearce Heating and Air Conditioning, Inc. to operate both businesses out of the above referenced property.

In late March 2010 or early April 2010, Kristensen Drywall, Inc. and Pearce Heating and Air Conditioning, Inc. would like to relocate both businesses from Solano County to Winters and operate both businesses out of the property located at 27990 County Road 90, Winters, CA 95694. Pearce Heating and Air Conditioning, Inc. does light manufacturing of sheet metal products, installs heating and air conditioning units in both residential and commercial projects. Kristensen Drywall, Inc. prefabricates wall assemblies and does metal stud construction, interior and exterior drywall, acoustical ceilings, doors, frames and hardware on commercial and residential projects. Our hours of operations are from 7 a.m. – 5 p.m. Monday – Friday. We will have approximately four to six office employees that will work out of this location and employees that will visit this site several times during the week to drop off or pick up materials and supplies. We would also like to relocate from Solano County My Hero Stocking Company, which is light manufacturing to this location in the future. This would bring in sales tax dollars in addition to jobs to the city of Winters. Although it is not probable for the first year, but is a long-term goal.

The existing 22,200 sq. ft. building is located on 7.54 acres with 20,000 sq ft. of warehouse space and 2,200 sq. ft. of office space. Both Kristensen Drywall, Inc. and Pearce HVAC, Inc. will store material and equipment in the warehouse and both companies will utilize the existing front office space.

We believe that it is the intent of the City of Winters is to bring businesses and revenue back to Winters and Yolo County and by allowing Kristensen Drywall, Inc. and Pearce HVAC, Inc. to relocate to this site we believe it would be in conformity with the general plan.

Kristensen Drywall, Inc. has been in business since 1984 and Ken Kristensen has been in the drywall trade since 1972. Ken Kristensen and his family relocated to Winters in 1999 from Marin County and have been active members and supporters of Winters activities. Pearce Heating and Air Conditioning, Inc. has been in business since 2005 and Jim Pearce has been in the Heating and Air Conditioning trade since 1988. Jim Pearce and his family have been Winters residences for over twenty years and have been active members and supports of Winters activities.



27990 County Road 90 (APN 038-050-073)



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: March 23, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Cole Ogando to Amend an Existing Conditional Use Permit for On-Site Sale and Consumption of Alcoholic Beverages at 200 and 202 Railroad Avenue to Include the Space Located at 3 Russell Street (APN 003-203-012)

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 the Conditional Use Permit submitted by Cole Ogando to modify the existing Conditional Use Permit for 200 and 202 Railroad Avenue to include a 597 square foot space formerly addressed at 3 Russell Street.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The proposed expansion is located in the regulating plan area for the Form-Based Code for Downtown (Winters Municipal Code, Chapter 17.58). The specific location of the expansion is designated Central Business District (CBD) by the General Plan and is zoned Railroad Avenue DA. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	GENERAL PLAN	ZONING	LAND USE
NORTH	CENTRAL BUSINESS DISTRICT (CBD)	RAILROAD AVE DA	BAKERY
EAST	PQP (PUBLIC/QUASI-PUBLIC)	PQP	COMMUNITY CENTER
SOUTH	CBD	SECONDARY ST DA	AUTO REPAIR
WEST	CBD	SECONDARY ST DA	RESIDENTIAL

STATEMENT OF ISSUES: The project applicant is seeking approval of a use permit to modify the existing Conditional Use Permit for 200 and 202 Railroad Avenue to include a 597-square foot space formerly addressed 3 Russell Street. The subject space will house an alcohol beverage establishment. According to Winters Municipal Code, Section 17.96.010, a use permit must be obtained from the

City for all on-sale liquor establishments. Conditional use permits run with the land, not the applicant (*Cohn v. County Board of Supervisors* (1955) 135 Cal.App.2d 180). Since the applicant is adding square footage to a space with an existing conditional use permit, the applicant must seek approval of a use permit. While Winters Municipal Code, Section 17.20.070 provides regulations on minor modifications to use permits, the code is silent on modifications of use permit that do not meet the findings of a minor modification.

BACKGROUND: The Irish Pub was initially approved under a "Use Agreement" with the City Council on February 1, 1994. The Agreement was entered into to speak to concerns relative to hours of operation, on-street parking, and noise controls. Under the terms of the Agreement, the Zoning Administrator was to seek neighborhood input after the operation commenced to identify any concerns about the use, following by a report to the Planning Commission and City Council.

In 1997, the owners of the Irish Pub applied for a Conditional Use Permit to expand the business into the adjoining space to the north (202 Railroad Avenue). At the time, the lease space was occupied by the Cloth Carousel, and the Cloth Carousel was leaving the space to occupy their current location at 9 Main Street. The expansion of the lease space totaled approximately 1,000 square feet in size, of which 800 square feet would be devoted to customer seating and space for live music and 200 square feet used for storage/office. Related to the expansion, the applicants proposed to alter their hours of operation, allow greater flexibility in having live music, and to lift parking restrictions along the adjoining north side of Russell Street. On August 26, 1997, the Planning Commission approved the conditional use permit to expand the Irish Pub into the adjoining lease space formerly occupied by the Cloth Carousel with added conditions, including but not limited to those related to noise restrictions and the creation of resident-only parking along Russell Street prior to commencement of the business operation. In December 1997 and January 1998, the Winters City Council held two public hearings to consider restricted parking for residents on Russell Street. The Council elected not to create preferential parking for residents on Russell Street at that time.

PROJECT DESCRIPTION: The applicant is requesting the approval of a conditional use permit to modify the existing Conditional Use Permit for 200 and 202 Railroad Avenue to include a 597-square foot space formerly addressed at 3 Russell Street. According to the applicant, the entire 2,500 square feet of space will house *Preserve, Inc*, an on-sale liquor establishment that will provide:

- alcoholic beverages
- house-made charcuterie/preserves/local artisan cheeses and olive oils
- wine storage and meeting room

The added space will be dedicated to the storage and maturing of cheese with a packaging room for The Winters Cheese Company. In addition, the space will provide room for handicap accessible bathrooms.

The proposed hours of operation for the business location are from 10 am to 12 am, Monday through Thursday; 10 am to 2 am, Friday and Saturday; and 9 am to 12 pm, Sunday. There will be approximately 1 to 3 employees for *Preserve, Inc*. per shift and 1 to 2 employees for The Winters Cheese Company.

ANALYSIS: According to Chapter 17.20 (Use Permits) of the Winters Municipal Code, when

reviewing applications for use permits, the Planning Commission shall find all of the following conditions to be fulfilled. Staff's analysis of each condition is provided under each condition:

1. *The requested use will be in conformity with the General Plan.*
Bars are allowed in the Central Business District (CBD) land use designation in the Winters General Plan. According to the General Plan, the CBD designation provides for restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses.
2. *The requested use is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit.*
Bar, pub and cocktail lounge are listed as conditional uses in the Railroad Avenue DA zone in the Form-Based Code for Downtown Winters.
3. *The requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood.*
The use is located in the Railroad Downtown-A (D-A) Zone. According to the Winters Municipal Code Section 17.58.040 (Form-Based Code), Railroad Avenue was traditionally lined with packing sheds for the local fruit and nut industry and rail-transported goods. Currently, this area is in transition and is expected to eventually shift to mixed-use commercial, live/work, and residential infill development. Moreover, the Form Based Code specifies permitted and conditional uses for Railroad Avenue D-A, including but not limited to neighborhood and retail commercial, hotel or motel, and sit-down restaurants. Staff has determined that a bar is consistent with the intent and purposes of the zone in which it is located and will not detrimentally impact the character of the neighborhood.
4. *The requested use will not be detrimental to the public health, safety, or general welfare;*
When reviewing a conditional use permit application, the Planning Commission must consider potential impacts to public health, safety, or general welfare. The Police Department has reviewed the applicant's business plan and supports the venture and a use permit from the Planning Commission, subject to the proposed conditions of approval for the use permit.

According to Winters Municipal Code Section 17.96.030, the use is outright prohibited when located within 200 feet of sensitive uses, including schools, churches, health care facilities, recreational uses, or another on-sale liquor establishment located in the Central Business District. The separation requirement is not applicable to Rotary Park, and Rotary Park is expressly excluded from the definition of a sensitive use. Chuy's Taqueria sells alcohol; however, more than fifty (50) percent of its sales are food-related. Therefore, it is considered a restaurant, and it does not fall within the definition of an on-sale liquor establishment.

In addition to distance requirements, the proposed business must comply with a list of standard conditions from Winters Municipal Code Chapter 17.96 (Alcoholic Beverages Establishments). These conditions are included in the Recommended Conditions of Approval for the proposed business.

5. *Adequate facilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided.*

Since the use will be housed in an existing building, the following utilities will be provided:

- Water
- Sewer
- Storm Drainage
- Solid Waste
- Power and Natural Gas

There is no on-site parking available. The Winters Municipal Code requires 1 on-site space for each 50 square feet of seating for bars. In staff's review of the site plan, this would require 25 to 30 on-site parking spaces.

With no physical space available on-site, parking demand is handled either by on-street parking along Railroad Avenue or in the Community Center parking lot across the street. This is the situation faced by most other businesses in the Downtown area, where on-site parking options typically do not exist because of building coverage. The demand has historically been met by on-street parking or parking on City-owned sites.

Railroad Avenue is posted for 30 minute parking in front of 200 Railroad and for 2-hour parking closer to the Main Street intersection. Approximately 75 spaces are available in the Community Center Parking lot, which is open to the public. There do not appear to be any significant issues or conflicts associated with continued on-street parking along Railroad Avenue or in the Community Center Parking Lot for the businesses that front Railroad Avenue in between Main and Russell Streets.

Staff does not recommend that parking restrictions be put into place prior to the commencement of the proposed business. On-street parking on Russell Street and other secondary streets in Downtown Winters is generated by many businesses and events, not just one. At recent City Council meetings, several residents of Russell Street have requested staff's assistance in the development of solutions for residential parking along Russell Street. Staff has committed effort and time to this issue.

To alleviate potential nuisance or enforcement problems within the neighborhood that are related to parking resulting from this business, staff recommends that the business encourage their patrons to parking on Railroad Avenue or across the street in the Community Center parking lot.

6. *The requested use will not create a nuisance or enforcement problem within the neighborhood.*
As mentioned above, there is no on-site parking available for this use. To alleviate potential nuisance or enforcement problems within the neighborhood that are related to parking resulting from this business, staff recommends that the business encourage their patrons to parking on Railroad Avenue or across the street in the Community Center parking lot.

Noise from the former business at the subject location has been an issue in the past. Specifically, residents on Russell have expressed concerns in the past about the noise from

amplified live music carrying down Russell Street. The applicant has stated that non-amplified bands (2 or fewer members) may play on occasion, but there are no plans for karaoke, amplified bands, or non-amplified bands of 3 or more members. In addition, the applicant has stated that noise reductions measures will be incorporated in the improvement of the space through spray-in insulation.

7. *The requested use will not result in a negative fiscal impact upon the City.*
The requested use will not result in a negative fiscal impact upon the City.

METHODOLOGY: Two actions are required to process the requested uses:

- 1) Confirmation of CEQA exemption finding - Section 15301 (Existing Facilities)
- 2) Approval of a Conditional Use Permit and the attached conditions

APPLICABLE REGULATIONS: The planning application is subject to several regulations:

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, March 11, 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, March 18, 2010.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities).

RECOMMENDED FINDINGS FOR 200 AND 202 RAILROAD AVENUE (CONDITIONAL USE PERMIT)

CEQA Findings:

- 1) The planning application is exempt from CEQA review under Section 15301 (Existing Facilities).
- 2) The CEQA Guidelines Section 15301 (Existing Facilities) exempts projects that involve minor alterations to existing facilities where negligible or no expansion occurs to the current use. The applicant is proposing to expand the current use into 597 square feet of an existing building. Staff has determined that the expansion of the use is negligible.

General Plan and Zoning Consistency Findings:

- 1) The use is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Central Business District and uses for this designation include restaurants, retail and similar uses.

- 2) The uses are consistent with the provisions of the Zoning Ordinance. Conditionally permitted uses of the Railroad Avenue D-A Zone include bars, pubs, and cocktail lounges.
- 3) The uses are consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood.
- 4) The uses will not be detrimental to the public health, safety, or general welfare.
- 5) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities or services are provided.
- 6) The uses will not create a nuisance or enforcement problem within the neighborhood.
- 7) The requested uses will not result in a negative fiscal impact upon the City.

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE THE CONDITIONAL USE PERMIT TO MODIFY THE EXISTING CONDITIONAL USE PERMIT FOR 200 AND 202 RAILROAD AVENUE TO INCLUDE A 597 SQUARE FOOT SPACE FORMERLY ADDRESSED AS 3 RUSSELL STREET.

- Confirmation of exemption from the provisions of CEQA
- Confirmation of consistency findings with the General Plan and Zoning Ordinance
- Approval of the Conditional Use Permit and subject to the conditions of approval attached hereto.

ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval or to deny 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.

CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT FOR THE USE AT 200 AND 202 RAILROAD AVENUE LOCATED ON ASSESSOR PARCEL NUMBER 003-203-012, WINTERS, CA 95694.

1. This Conditional Use Permit is based upon and limited to compliance with the project description, Attachments 1-2, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be reviewed and approved by the Planning Commission 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 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. Any use authorized by this conditional use permit shall immediately cease upon expiration or revocation of this permit under Winters Municipal Code Section 17.20.050. Expiration of time for use permits must be requested prior to the expiration of the use permit.
4. The applicant's acceptance of this permit and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
5. The uses shall commence within one year after April 3, 2010 (March 23, 2010 plus the ten-day appeal period). On April 3, 2011, the permit shall be deemed to be null and void without further action.
6. Upon six (6) months after ceasing the uses granted by the permit, the permit shall be deemed to be null and void, and a new conditional use permit shall be required.
7. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit under Winters Municipal Code Section 17.20.050.
8. The applicant shall obtain a City of Winters Business License prior to the use of the existing building for Preserve, Inc. The business license shall not be issued until the Fire Department and Community Development Department have completed their inspections of the building to address such issues as fire alarms, smoke detectors, adequate fire exits, and other necessary fire safety improvements.
9. Hours of operation shall be limited to 10 am to 12 am, Monday through Thursday; 10 am to 2 am, Friday and Saturday; and 9 am to 12 pm, Sunday.
10. Musical performances shall be located inside the 200 and 202 Railroad Avenue. Non-amplified bands of 2 or fewer people are permitted. Karaoke and amplified bands are not permitted
11. The applicant shall obtain approval from the State of California, Department of Alcoholic Beverage Control (ABC) before commencing use.
12. Noise reduction measures shall be incorporated into the space at 200 and 202 Railroad Avenue.
13. Parking for the operation shall be allowed to continue utilizing on-street parking spaces as well

as spaces within the Community Center parking lot across Railroad Avenue. Any proposed changes to on-street parking will require City Council Action.

14. No exterior alterations shall be allowed to Preserve, Inc. without first receiving necessary approvals from the City of Winters.
15. This on-sale liquor establishment shall be required to have a public telephone listing
16. Special security measures such as security guards, robbery and burglar alarm systems may be required.
17. The noise generated by the operation of such establishment shall not exceed 50 d.b.a. during daytime and 45 d.b.a. during nighttime, on adjoining properties zoned for residential purposes.
18. It shall be the responsibility of the applicant/licensee to provide all staff with the training necessary to gain the knowledge and skills that will enable them to comply with their responsibilities under the law. The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to, the following topics and skills development:
 - a) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws.
 - b) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - c) The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle.
 - d) Methods for dealing with intoxicated customers and recognizing under-aged customers. Methods for preventing customers from becoming intoxicated.
19. As per Winters Municipal Code Chapter 17.80, the applicant shall apply for a sign permit prior to the installation of a sign for the business.
20. As per Winters Municipal Code Chapter 17.116, the applicant shall apply for a Sidewalk Café Permit prior to the installation of a sidewalk café.

ATTACHMENTS: Site Plan



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: March 23, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of a Variance and Sign Permit Application Submitted by David Lorenzo to Modify a Nonconforming Sign Located at 111 Main Street (APN 003-201-015)

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) Take action on an application for a Variance and Sign Permit submitted by David Lorenzo to modify a nonconforming sign located at 111 Main Street.

STATEMENT OF ISSUES: The project applicant is seeking approval of a variance and sign permit to modify an existing, nonconforming sign located at 111 Main Street. According to Section 17.80.080 of the Winters Municipal Code (WMC), any free-standing, wall, or marquee signs in the CBD Historic District require Planning Commission Action. In addition, a variance from the Zoning Code requires Planning Commission action under WMC Chapter 17.24.

PROJECT DESCRIPTION: The applicant is proposing to maintain the sign structure with the two poles topped with light bulbs (or globes) and replace the sign frames with one internally illuminated sign frame that is approximately 37.50 square feet to advertise up to six (6) tenants located in the Main Street Plaza. He is also proposing to place an internally illuminated clock near the top of the existing structure.

The existing freestanding sign has not been used since the grocery store moved to the East Grant Avenue location. The sign is approximately 25-feet tall at the top of the tallest light bulb.

ANALYSIS: According to Section 17.80.080 (D), the Planning Commission may approve a sign permit only when it finds that all the following conditions exist:

1. *The sign conforms to city ordinance requirements.*
As mentioned previously, the existing sign structure is approximately 25 feet tall. The Zoning Code (Section 17.80.040) allows free-standing signs in commercial districts up to ten (10) feet

in height. Thus, the existing sign is legal nonconforming.

Under Section 17.80.090 (Nonconforming Signs), no sign which is made nonconforming by the provisions of this title may be modified in any manner which is inconsistent with this chapter, except by the replacement of sign faces within existing sign frames or by minor maintenance activities required to repair or prevent damage to signs. It further states that nonconforming signs damaged or modified more than fifty (50) percent of their replacement value, including major repairs or structural modifications, shall be brought to full compliance with this title. The applicant is proposing to replace the current sign frames with one internally illuminated sign frame that is approximately 37.50 square feet to advertise up to six (6) tenants located in the Main Street Plaza. According to the sign contractor for the project, the "modification" or replacement of the sign area is approximately forty-five (45) percent of the replacement value of the sign; the remaining fifty-five (55) percent would cover the sign structure if the entire sign were to be replaced.

According to WMC Section 17.80.040, one free-standing identification sign is allowed per site allowing one-quarter foot of sign area per foot of lot frontage on which the sign is located, not to exceed twenty (20) square feet in area. Where the subject property exceeds one acre in size, the maximum sign area may be increased to forty (40) square feet. The subject property is less than one acre in size (.523 acres); therefore, the total sign area for the site cannot exceed 20 square feet. However, the total lot frontage is approximately 190 feet. If one were to calculate one-quarter foot of sign area per foot of lot frontage, the total area would be 47.5 square feet.

The applicant is requesting a variance to exceed the maximum sign area allowed for free-standing signs in a commercial district to 37.5 square feet. Section 17.24.040 (B) states that the Planning Commission shall grant a variance only when, all of the following circumstances are found to apply:

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

Staff has determined that the request for larger sign face area is warranted given the deep setback of the commercial building from Main Street compared to the other buildings along Main Street between Railroad Avenue and Second Street. Granting greater flexibility in size of signage would benefit the site by providing more visible site identification for a site that currently has limited signage.

2. *The design conforms to the Winters Design Guidelines.*

The Winters Design Guidelines were adopted in July 1993 by the Winters Economic Development Commission. For the Main Street Avenue Corridor, the section on signage

states that pole signs will not be permitted for this corridor. As stated previously, the sign is legal nonconforming; therefore, the pole sign is permitted.

The subject sign is located in the Downtown Form-Based Code Area. WMC Chapter 17.58 (Form Based Code) states that signs in the Downtown Form-Based Code Area are regulated by Chapter 17.80 (Signs); however, the Form Based Code provides design standards to guide the design of signs in the downtown and will be used as a basis of consideration for review of sign permits and management of signs in the downtown.

The standards that apply to this project include the following:

Section 17.58.070 (D)(a) – General Design Standards:

- i. *Design signs in harmony with the style and character of the development and as an integral design component of the building architecture, building materials, landscaping, and overall site development.*
- ii. *Sign letters and materials should be professionally designed and fabricated.*
- iii. *All signs shall be maintained in good repair, including the display surface, which shall be kept neatly painted or posted.*

Section 17.58.070 (D)(e) – Sign Illumination:

- i. *The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impact on residential properties in direct line of sight to the sign;*
- ii. *Internally illuminated plastic box “canned” signs are prohibited. Individually illuminated channel letters are acceptable.*

Staff has determined that the color of the sign complements the building. For the design of the sign to be more in harmony with the style and character of the building and development, staff recommends that the detail on the top and corners of the sign be removed.

Staff is concerned that the light from the internally illuminated sign will have a negative impact on residential properties that are in direct line of sight to the sign. In recent past, staff has received complaints from residents regarding intensity of the Eagle Drug sign as well as the streetlights at Main Street and Railroad Avenue. Staff recommends that the illumination of sign should be of a low intensity. If possible, staff recommends that the sign have opaque field (background) colors so that only the sign graphics for the businesses are illuminated.

While internally illuminated plastic box “canned” signs are prohibited in the Downtown Form Based Code area, staff recommends that this project be granted a special exception or “variance” from this particular guideline. Unlike the other buildings along Main Street between Railroad Avenue and Second Street, the existing building on the subject property has a deep setback from Main Street; the front setback exceeds 20 feet. Staff understands that the one of the goals of the Form Based Code is to encourage pedestrian-oriented shopping in Downtown Winters. However, with this existing setback deviation, advertising the individual businesses located in the building becomes difficult if they are limited to signs above their storefronts. Granting greater flexibility in the type of signage (in this case, a multi-tenant

internally illuminated sign) would benefit the site by providing more visible site identification for a site that currently has limited (or less visible) signage.

3. *The design is compatible with the with the character and design of the exterior architecture of the building on the property where the sign is to be located;*
See answer for #2
4. *The sign will not create a visual or safety hazard;*
According to the owner, the sign has never been a visual or safety hazard in the past. Since the sign structure is not changing location and the sign is over 15 feet high, staff has determined that the sign will not create a visual or safety hazard.
5. *The sign location will not impair the use of the subject property, adjacent property or public right-of-way.*
As stated previously, the sign is not changing location and the sign is over 15 feet high. Therefore, staff has determined that the sign location will not impart the use of the subject property, adjacent property, or public right-of-way.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, March 11, 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, March 18, 2010.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15311 (Accessory Structures).

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE THE SIGN PERMIT AND VARIANCE TO MODIFY A NONCONFORMING SIGN AT 111 MAIN STREET SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED HERETO.

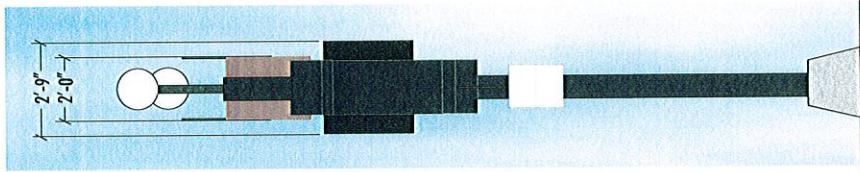
ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval or to deny the application. If the Planning Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to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

CONDITIONS OF APPROVAL FOR THE SIGN PERMIT AND VARIANCE FOR THE USE AT 200 AND 202 RAILROAD AVENUE LOCATED ON ASSESSOR PARCEL NUMBER 003-203-012, WINTERS, CA 95694.

1. This Sign Permit and Variance are based upon and limited to compliance with the project description, Attachment 1, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be 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 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. Sign letters and materials should be professionally designed and fabricated.
4. The sign shall be maintained in good repair, including the display surface, which shall be kept neatly painted or posted.
5. The light from the sign shall not be of an intensity or brightness that will create glare or other negative impact on residential properties in direct line of sign to the sign. If possible, the sign shall have opaque field (background) colors so that only the sign graphics are illuminated.

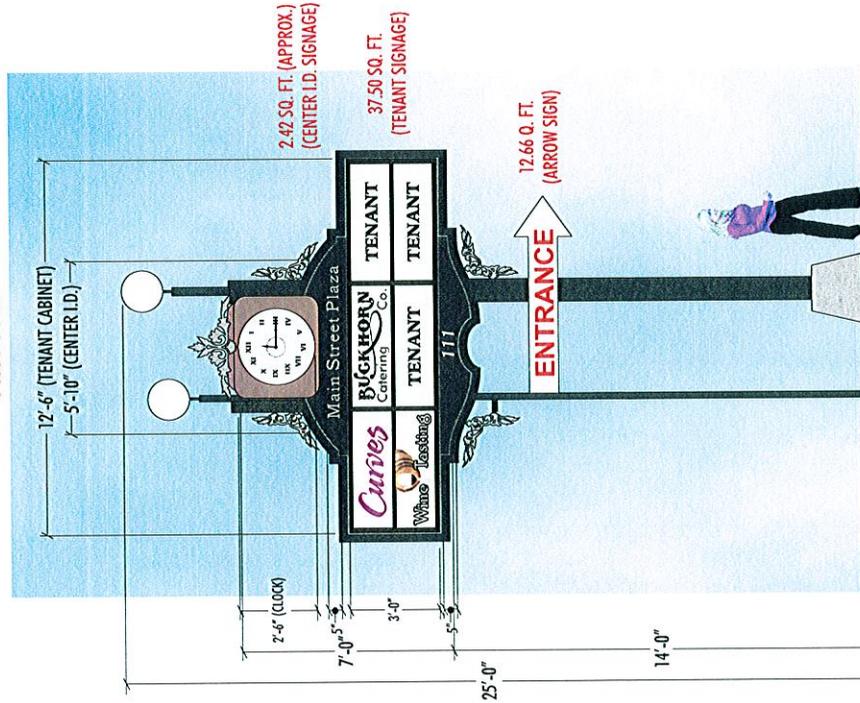
ATTACHMENT: Sign Plan

EXISTING



SIDE VIEW

PROPOSED



ITEM ① PYLON SIGN ELEVATION
SCALE: 1/4" = 1'-0"



561 Couch's Street
Vallejo, CA 94590
707-644-5076 Fax 707-644-5825

MAIN STREET PLAZA
WINTERS, CA

NOTE: THIS DRAWING IS THE SOLE PROPERTY OF EVANS SIGN COMPANY.
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CUSTOMER APPROVAL:

Date: 1-21-10

Revisions:

CONTACT: David Evans
1-800-959-2599

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