

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, April 26, 2011 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #113
Email: jenna.moser@cityofwinters.org

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

I CALL TO ORDER 6:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV CONSENT ITEM

Approval of Meeting Minutes from the March 22, 2011 regular meeting of the Planning Commission.

V. STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of an application for approval of a Conditional Use Permit Modification for Turkovich Family Wines Expansion (304 Railroad Avenue) into 306 Railroad, the basement of 304 Railroad, and the sidewalk in front of 304 and 306 Railroad Avenue.

A public hearing to consider a request from Chris Turkovich of Turkovich Family Wines for approval to modify the existing Conditional Use Permit (approved by the Planning Commission on March 26, 2009) to include the space at 306 Railroad Avenue, the basement of 304 Railroad Avenue, and the sidewalk in front of 304 and 306 Railroad Avenue. The project is located in the Form Based Code Area for Downtown Winters. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) of the CEQA Guidelines. The Planning Commission will take final action on the project unless appealed to City Council.

B. Public Hearing and Consideration of an application for Design Review approval for a Pre-Manufactured Office Structure at Access Manufacturing located at 1801 Railroad Avenue

A public hearing to consider a request from John Neil of Access Manufacturing for approval to construct a 1,440 square foot, pre-manufactured office at 1801 Railroad Avenue. The zoning classification for the site is M-1 (Light Industrial) and the General Plan land use designation is LI (Light Industrial). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. The Planning Commission will take final action on the project unless appealed to City Council.

C. Information Item – 807 Railroad Avenue

John Simmons of Winters Self Storage has submitted an application to request approval of Site Plan/Design Review, Variance from the Zoning Code, Rezone, and General Plan Map Amendment to expand the subject business located at 807 Railroad Avenue. Staff will present the project to the Planning Commission for review and preliminary feedback.

D. Information Item- Conflict of Interest

Assistant City Attorney Kit Faubion will give a presentation on Conflict of Interest

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 APRIL 21, 2011.


JENNA MOSER - ADMINISTRATIVE ASSISTANT

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

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

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

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of April 11, 2011
(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.	Project not active.
(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.
(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506	Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.	Applicant declined option to purchase project property.	Project not active.
(9) Anderson Place, Eva Brzeski (415) 887-9300	Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.	First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat & RV storage, sale & repair approved by Planning Commission	Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and

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		on May 27, 2008.	Improvement Plans.
(10) Pearce Parcel Map, Thomas Pearce (530) 795-5901	Proposal for 4-unit parcel map at the south end of Third Street.	Planning Commission on October 9, 2007 approved project.	Applicant submittal of Final Map and Improvement Plans.
(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855	Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.	-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.	Community Development Agency (CDA) approved an extension of an Exclusive Negotiating Rights Agreement By and Between the CDA and Yackzan Group, Inc, for the Development of the Grant Avenue Commercial Property.
(12) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000	Proposal to annex 80 acres (APNs 030-210-05 & 08) adjacent to County Road 88 and within the City's General Plan Area.	City issuance of incomplete application letter on February 1, 2008.	Project Inactive/Closed out
(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033	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.	Planning Commission approved Site Plan (Design Review) and adopted MND and MMP on January 27, 2009. Appeal of PC's decision 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.	Under Construction
(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.	-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.	Issuance of Building Permit(s)
(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

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(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, (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 -Planning Commission approved Conditional Use Permit on November 24, 2009	Building Permit Issued/ under construction
(25) Burger King/Union 76 at	Application for a Design Review/Site Plan and Sign Permit to	-Application was filed on	Applicant submittal of

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<p>East Grant Avenue and County Road 90 (530) 755-4700</p>	<p>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.</p>	<p>December 7, 2009. The application was deemed "incomplete" by staff on January 4, 2010. - Public Hearing and Informational Item scheduled for January 26, 2010. -A public hearing was scheduled for a special Planning Commission meeting on August 10, 2010. The Planning Commission approved the application. On August 20, 2010, the City received a notice of appeal of the Planning Commission's Action. -Appeal Hearing was scheduled for a special City Council meeting on Wednesday, September 29, 2010. -City Council denied the appeal and upheld the Planning Commission's decision at the special City Council meeting held on September 29, 2010.</p>	<p>improvement and building plans</p>
<p>(26) Tentative Parcel Map for Jordan Family (530)662-1755</p>	<p>Application for Tentative Parcel 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.</p>	<p>-Application was filed on December 16, 2009. The application was deemed "incomplete" by staff on January 12, 2010. -The application was deemed complete on March 10, 2010. A public hearing was scheduled for the May 25, 2010 Planning Commission Meeting. The Planning Commission recommended approval of the Tentative Parcel Map to the City Council. - The City Council held a public hearing and approved the tentative parcel map on June 5, 2010.</p>	

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<p>(27) Kristensen Drywall and Pearce Heating & Air Conditioning, 27990 CR 90, (530) 795-8800</p>	<p>Application for a Conditional Use Permit (CUP) to operate light general manufacturing uses in a Light Industrial (M-1) zone at 27990 CR 90.</p>	<p>Application was filed on February 18, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting. The Commission approved the CUP at the March 23, 2010 meeting.</p>	<p>Active Business</p>
<p>(28) Briggs & Co., 820 Railroad Avenue, (530) 795-9505</p>	<p>Application for a Conditional Use Permit (CUP) for extension of a non-conforming use at 820 Railroad Avenue.</p>	<p>Application was filed on March 1, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission meeting. The public hearing was continued off calendar. Another public hearing was scheduled for the August 24, 2010 Planning Commission meeting. The public hearing was continued off calendar by staff.</p>	<p>Complete/Active Business</p>
<p>(29) Preserve, Inc., 200 and 202 Railroad Avenue, (530) 795-3816</p>	<p>Application for a Conditional Use Permit (CUP) 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</p>	<p>Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. The public hearing was continued to a special PC meeting on April 5, 2010. PC approved the CUP at the meeting on April 5, 2010.</p>	<p>Complete</p>
<p>(30) Main Street Plaza, 111 Main Street, (530) 795-3214</p>	<p>Application for a Sign Permit and Variance to modify a nonconforming sign location at 111 Main Street</p>	<p>Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. PC approved the variance at the meeting on March 23, 2010.</p>	<p>Complete</p>
<p>(31) New Single Family Home, 415 First Street, (916) 600-5401</p>	<p>Application for a Site Plan (Design Review) application for the construction of a new single-family, single-story house at 415 First Street</p>	<p>Application was filed on April 2, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission (PC) Meeting. PC approved the Design Review</p>	<p>Complete</p>

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<p>(32) Addition to Existing Single-Family Residence, 455 Russell Street, (530) 867-6444</p>	<p>Application for a Site Plan (Design Review) application for the construction of a 1,500 square-foot addition to an existing single family residence at 455 Russell Street</p>	<p>Application at the meeting on April 27, 2010. Application was filed on April 9, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.</p>	<p>Complete</p>
<p>(33) Parcel Map for 101 East Grant Avenue, (530) 668-5883</p>	<p>Application for the dedication of right-of-way for the Walnut Lane Re-Alignment Project and splitting one lot into two new lots at 101 East Grant Avenue (APN 003-350-06)</p>	<p>Application was filed on June 1, 2010. A public hearing for the application was scheduled for the June 22, 2010 Planning Commission Meeting. It has been continued to a special meeting in July due to the need for additional time to process the preliminary map with Yolo County. A public hearing was scheduled for the August 24, 2010 Planning Commission. Parcel map was approved at the Planning Commission meeting on August 24, 2010.</p>	
<p>(34) 22 Main Street, (530) 795-2060</p>	<p>Application for a Conditional Use Permit (CUP) to operate a wine tasting room at a proposed boutique/gift shop to be located at 22 Main Street</p>	<p>Application was filed on June 10, 2010. Staff could not process the project until ordinance relevant to the project was amended. A public hearing for the project was held on October 26, 2010. The Planning Commission approved the issuance of the CUP.</p>	<p>Active Business</p>
<p>(35) 113 Main Street, CUP for Anytime Fitness (650) 483-2201</p>	<p>Application for a Conditional Use Permit (CUP) to operate a 24-hour gym at 113 and 115 Main Street</p>	<p>Application was filed on September 14, 2010. A public hearing for the project was held on October 12, 2010. The Planning Commission approved the issuance of the CUP.</p>	<p>Construction completed/Active Business</p>
<p>(36) Winters Self Storage,</p>	<p>Application to expand the existing use at 807 Railroad</p>	<p>Application was filed in</p>	<p>Schedule Public Hearing</p>

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807 Railroad Avenue, Site Plan/Design Review and CUP		November 2011. An information item is scheduled for the April 26, 2011 Planning Commission. The public hearing for the project is tentatively scheduled for the May 24 th Planning Commission meeting.	
(37) Turkovich Family Wines, 304 Railroad Avenue – CUP Mod	Application for a modification of an existing conditional use permit to expand the business into 306 Railroad Avenue, the basement beneath 304 Railroad Avenue, and the sidewalk area in front of 304 and 306 Railroad Avenue.	Application was filed in April 2011. A public hearing is scheduled for the April 26, 2011 Planning Commission Meeting.	
(38) John Neil, Access Manufacturing, 1801 Railroad Avenue, Design Review	Application to construct an approx. 1,500 square foot modular office building for temporary use at 1801 Railroad Avenue	Application was filed in April 2011. A public hearing is scheduled for the April 26, 2011 Planning Commission Meeting.	
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. -Adopted by City Council in January 2010.	
General Plan Horizon Year Extension	Extend the General Plan Horizon Year Extension from 2010 to 2018.	CC approved the extension on September 1, 2009. Staff prepared and presented the Work Plan resulting from the extension to the PC 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	-Reviewed favorably by Affordable Housing Steering Committee on November 3, 2009. -PC 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	Partial abandonment of East Abbey St to allow for Monticello	PC accepted GP consistency	Applicant submittal of

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Abandonment	development	report and recommended to Council 4/22/08. CDA at its September 2, 2008 meeting approved the DDA for the project.	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	Not active/DDA expired
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)	PC hearing on 7/22/08 – PC approved project subject to COAs presented in staff report.	Under Construction

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD MARCH 22, 2011

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

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

PRESENT: Commissioners Cowan, Guelden, Martinez, and Chairman Neu.

ABSENT: Commissioners DeVries, Meisch, and Tramontana

STAFF: Community Development Director Nelia Dyer, Interim Contract City Attorney Katherine Faubion, and Administrative Assistant Jenna Moser

Commissioner Guelden led the Pledge of Allegiance.

CITIZEN INPUT: None

COMMUNICATIONS: None

STAFF REPORTS: None

COMMISSION REPORTS: None

CONSENT ITEM: Approve minutes of the January 25, 2011 Meeting of the Planning Commission.

Motion by Commissioner Martinez, Second by Commissioner Guelden to approve minutes of the January 25, 2011 Meeting of the Planning Commission.

AYES: Commissioners Cowan, Guelden, Martinez, and Chairman Neu.

NOES: None

ABSTAIN: None

ABSENT: Commissioners DeVries, Meisch, and Tramontana

DISCUSSION ITEM:

A. Information Item – Medical Marijuana Dispensaries

Community Development Director Dyer provided an overview of the staff report and a PowerPoint presentation.

Commissioner Martinez noted that Waggoner School was omitted from the map exhibit and asked for background data supporting the idea that there are real public safety concerns with such an operation and information on cities that allow dispensaries.

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD MARCH 22, 2011

Chairman Neu stated that he personally does not have a problem with dispensaries, but he does not want the City of Winters to be the only city in the area that allows them.

Commissioner Guelden asked if the Form Based Code excludes this use. Ms. Dyer responded that it is not directly addressed in the Form Based Code.

Commissioner Guelden said that it is hard to take a position because the Feds discourage, but the State encourages dispensaries.

Commissioner Cowan stated that dispensaries are better left for larger cities to handle; the City of Winters does not have the staff to deal with the regulation of this type of business, which would be a burden on our small town.

Ms. Dyer thanked the Commissioners for their input and feedback, and will bring back data on cities that allow dispensaries as well as background information on the kind of public safety impacts they may cause with crime data.

Commissioner Cowan added that the Industrial area is where he would prefer to locate this use if we do eventually allow it. Ms. Dyer stated that the next time the Commission sees this item it would be as a memo, not a full item, and that she will be bringing it to the City Council as well for feedback.

Commissioner Guelden asked if the City had received any correspondence or phone calls about this item. Ms. Dyer responded none.

B. Information Item – Ralph M. Brown Act

Interim Contract City Attorney Katherine Faubion provided a PowerPoint presentation outlining the Ralph M. Brown Act and some common scenarios.

Chairman Neu asked if imposing time limits on public comments during a public hearing needs to be stated at each meeting, or just at meetings where it is anticipated that there will be many citizens providing input. Ms. Faubion stated that it is not necessary every time, the City has it noted on the agenda for each meeting, but it would be needed at the beginning of “full house” meetings.

Commissioner Cowan asked if the item is not a Public Hearing, how the Commission can indicate that it is time for the public to speak. Ms. Faubion stated that the Commission can ask if anyone would like to speak on the item after the presentation.

Commissioner Cowan asked how to deal with citizens giving the Commission written correspondence at the beginning of meetings or during an item. Ms. Faubion stated that they should bring enough copies for Commissioners and the public in attendance; however the City may need to make copies to have available for the public.

At this time, Carol Ellis, a Winters resident who manages a marijuana dispensary in Sacramento, approached the podium to speak. Ms. Ellis offered her expertise in the area and is open to answer

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD
MARCH 22, 2011**

questions. Ms. Ellis stated that the Police Chief in Sacramento has said that dispensaries do not have any more police calls than any other business.

COMMISSIONER/STAFF COMMENTS:

Commissioner Cowan noted an upcoming Economic Development Advisory Meeting, stating that the meetings have been well attended. Ms. Dyer encouraged attendance and feedback at these meetings.

Chairman Neu stated that he attended a recent Putah Creek Committee Meeting and that work on the creek project would be starting in August.

The meeting was adjourned at 7:45PM.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
FROM: Nelia C. Dyer, Community Development Director
DATE: April 26, 2011
SUBJECT: Public Hearing and Consideration of an Application for Conditional Use Permit Modification for Turkovich Family Wines Expansion (304 Railroad Avenue) into 306 Railroad, the basement of 304 Railroad, and the sidewalk in front of 304 and 306 Railroad Avenue

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 Modification submitted by Turkovich Family Wines for the expansion of their business into 306 Railroad Avenue, the basement of 304 Railroad Avenue, and the sidewalk in front of 304 and 306 Railroad Avenue.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The location of the proposed expansion is designated CBD (Central Business District) by the General Plan and is zoned Railroad Avenue DA, according to Winters Municipal Code, Chapter 17.58. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	CBD	Railroad Ave DA	Vacant/Retail
EAST	CBD	Railroad Ave DA	Surface Parking
SOUTH	CBD	Main Street DA	Putah Creek Cafe
WEST	CBD	Main Street DA	Commercial Building

STATEMENT OF ISSUES: On March 26, 2009, the Planning Commission approved a conditional use permit for on-sale Alcoholic Beverage Establishment (wine tasting) for Turkovich

Family Wines at 304 Railroad Avenue. The same project proponent is now seeking approval of a use permit modification to expand their wine-tasting business into 306 Railroad Avenue, the basement beneath 304 Railroad Avenue, and the sidewalk area in front of 304 and 306 Railroad Avenue.

The Winters Municipal Code (WMC), Title 17 requires the application for a modification to the existing conditional use permit for this expansion. Specifically, WMC, Section 17.20.070(B) (Use Permit) states that a minor modification to a use permit shall be approved only if it is found that the modifications substantially conform with the approved use permit plans or standards; that the intensity of the use is not increased beyond that originally approved under the use permit, and that the appearance and function of the development and the surrounding neighborhood will not be adversely affected as a result of such modification. Staff has determined that the proposed expansion increases the intensity of the use and that the modifications do not substantially conform with the approved use permit plans.

PROJECT DESCRIPTION: The applicant currently operates a wine tasting room located at 304 Railroad Avenue. They also own and operate the Winters Cheese Company at the same location. As stated previously, Turkovich Family Wines desires to expand their business into 306 Railroad Avenue, the basement beneath 304 Railroad Avenue, and the sidewalk area in front of 304 and 306 Railroad Avenue. It is their intention to connect their existing tasting room with the new space, which would provide additional space for storage as well as wine and cheese tasting. In addition, the applicant intends to add another service counter, additional seating, and display areas for wine, cheese and other retail items,

Presently, the business sells between 8 to 15 different wines and 9 to 20 different cheeses. In addition, the business sells a wide range of other products including honey, olive oils, chocolate and other wine and cheese-related items. The business also offers tastings, wine education classes, and activities related to the both wine and cheese clubs.

The business currently employs two people full time and five part time employees. The applicant has indicated that additional employees will be hired as needed.

The current operating hours of the business are Thursday, 12 to 7 pm; Friday and Saturday, 12 to 9 pm; and Sunday, 12 to 5 pm. It is the applicant's intention to operate seven days per week as soon as economically feasible. Future operating hours may be Monday through Wednesday, 10 am to 6 pm; Thursday, 12 to 9 pm; Friday and Saturday, 12 to 10 pm; and Sunday 12 to 6 pm.

The approximately 880 square foot basement is intended to be utilized for storage. Specifically, finished, bottled wine will be stored in the basement along with office and inventory supplies. At this present time, the applicant is working on a feasibility study for public access to the basement. At a future date, if all access, ADA, and fire codes are met, Turkovich Family Wines intends to use the basement as a wine cellar with public access.

The approximately 400 square foot sidewalk space in front of 304 and 306 Railroad Avenue is proposed to be utilized for outdoor seating. Specifically, the applicant intends install a level platform that extends from the curb into the three on-street parking spaces in front of the business. The applicant is working with the City on a pilot project to test these sidewalk extensions.

ANALYSIS: The proposed use is consistent with both the Central Business District General Plan land use category and the zoning. In addition to General Plan Consistency and code compliance, factors regarding the public health, safety, or general welfare must be considered when reviewing an application for a modification to an existing conditional use permit. The current business has two restrooms, which are ample for the expanded use. In addition, the business is connected to all necessary public utilities.

There is no on-site parking available; however, it is anticipated that the patrons of the wine tasting room would park on the street across Railroad Avenue or in the surface parking lot across Railroad Avenue. Given the limited hours/days of operation, staff does not anticipate any adverse parking impacts in the downtown as a result of this business. In addition, the City is planning to move forward with the parking lot on southeast corner of Abbey and First Streets, which will provide at least twenty (20) off-street, public parking spaces.

As stated previously, the applicant desires to use the basement as a wine cellar with access in the future. While the modification of the use permit will include the basement, access cannot be provided until all access, ADA and fire codes are met.

In reviewing a conditional use permit application, the Planning Commission must also consider potential impacts on police resources that might result from the expansion of this business. The Police Department has reviewed the applicant's expansion plan and supports the venture and a use permit modification from the Planning Commission, subject to the conditions of approval.

According to WMC Section 17.96.030, the use is outright prohibited when located within 200 feet of sensitive uses, including schools, churches, health care facilities, or recreational uses 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. The proposed expansion is not within 200 feet of a sensitive use.

In addition to the distance requirements, the proposed expansion must comply with a list of standard conditions from the Alcoholic Beverages Ordinance. These conditions are included in the Conditions of Approval for the proposed expansion.

METHODOLOGY: Two actions are required to process the proposed project:

- 1) Confirmation of CEQA exemption finding - Section 15332
- 2) Approval of the Conditional Use Permit Modification and the attached conditions

APPLICABLE REGULATIONS: This project 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 project was prepared by the Community Development Department 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, April 14, 2011 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, April 21, 2011.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332.

RECOMMENDED FINDINGS FOR 304 AND 306 RAILROAD AVENUE (CONDITIONAL USE PERMIT MODIFICATION)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 32 – In-Fill Development Projects.
 - a. The project is consistent with the General Plan designation for the project site and all applicable General Plan policies as well as the zoning regulations.
 - b. The proposed project occurs within the City Limits on a project site (3,000 square feet) of five acres or less and is substantially surrounded by urban uses.
 - c. The project site has no value as habitat for endangered, rare, or threatened species.
 - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - e. The project site can be adequately served by all required utilities and public services.
2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.

4. The Planning Commission hereby confirms a Class 32 In-Fill Development Projects exemption for the 304 and 306 Railroad Avenue Project.

General Plan and Zoning Consistency Findings:

1. The expanded use is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Central Business District and principal uses for this designation include restaurant and retail uses. The use will provide for the on-site sale and consumption of wine at a retail business.
2. The expanded use is consistent with the provisions of the Zoning Ordinance. Permitted uses of the Railroad Avenue DA include retail and restaurant uses. The use will provide for the on-site sale and consumption of wine at a retail business.
3. The expanded use will not be detrimental to the public health, safety, or general welfare.
4. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities or services will be provided;
5. The expanded use will not create a nuisance or enforcement problem within the neighborhood.
6. The expanded use 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 WINTERS PLANNING COMMISSION APPROVE THE 304 AND 306 RAILROAD AVENUE PROJECT (CONDITIONAL USE PERMIT MODIFICATION) BASED ON THE IDENTIFIED FINDINGS 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 Modification and 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 304 AND 306 RAILROAD AVENUE
(CONDITIONAL USE PERMIT MODIFICATION) LOCATED IN WINTERS, CA 95694.

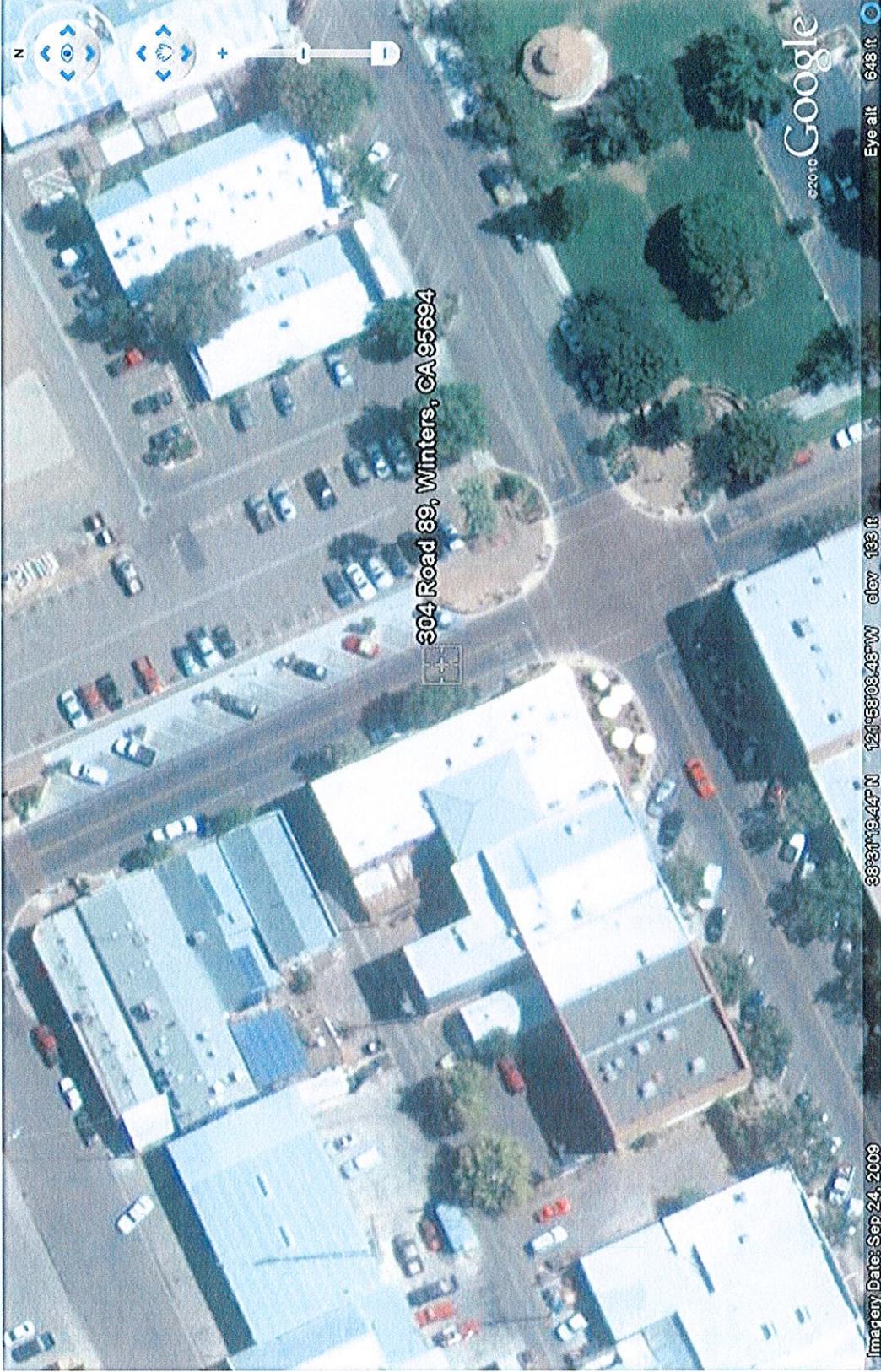
1. The applicant must also obtain approval from the State of California, Department of Alcoholic Beverage Control (ABC) before commencing use of the Type 42 License for the on-site sale and consumption of beer and wine.
2. No on-sale liquor establishments shall be maintained within five-hundred feet from such consideration points as schools (public and private); established churches or other places of worship; hospitals, clinics, or other health care facilities; public parks and playgrounds and other similar uses, except that veterans clubs, fraternal organizations and bona fide restaurants may be closer than five-hundred feet from one another or any of the reference points. The distance of five-hundred shall be measured between the nearest entrances used by patrons of such establishments along the shortest route intended and available for public passage to other such establishments, or to the nearest property line of any above referenced consideration points. The separation requirement shall be reduced to two-hundred feet for operations located within the Central Business District.
3. All establishments shall be required to have a public telephone listing.
4. Special security measures such as security guards, robbery and burglar alarm systems may be required.
5. 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.
6. 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.
 - e) Methods for preventing customers from becoming intoxicated.
7. The Community Development may approve minor modifications to the conditional use permit.
 8. Upon six (6) months after ceasing the use granted by the permit, the permit shall be void and a new conditional use permit shall be required.
 9. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit.
 10. *The applicant shall satisfy all agencies of jurisdiction and all City of Winters requirements for the business, expansion of this business as well as the use of the basement and sidewalk.*
 11. *At all times, the operator of a permanent alcoholic beverage and/or food service establishment that operates a sidewalk cafe must:*
 - a. *Maintain a clear distance of a minimum of five (5) unobstructed feet in width, measured from the face of the building toward the sidewalk curb. Where the City has installed a permanent structure, including, but not limited to planters, light poles, or other structures, the business operating the sidewalk café shall make accommodation for the required clearance for pedestrian passage. The sidewalk café must not interfere with the passage of pedestrians, vehicle flow, or access to buildings;*
 - b. *Not place sidewalk tables, benches, or chairs in a location that interferes with the operation of fire hydrants, pedestrian crosswalks, intersections, or in a location that is harmful to trees or other plantings;*
 - c. *Comply with applicable state and federal laws regarding accessibility.*
 12. *Equipment for the service of customers, including but not limited to trays or carts, eating or drinking utensils, linens, and cooking appliances shall not be placed or maintained on any portion of the sidewalk, unless the sidewalk café is adequately separated from pedestrian traffic;*
 13. *At least one (1) covered outdoor trash container shall be provided in the sidewalk café area during the hours of operation and shall be maintained in a clean and sanitary condition;*
 14. *The business shall maintain the sidewalk cafe in a clean and sanitary condition at all times;*

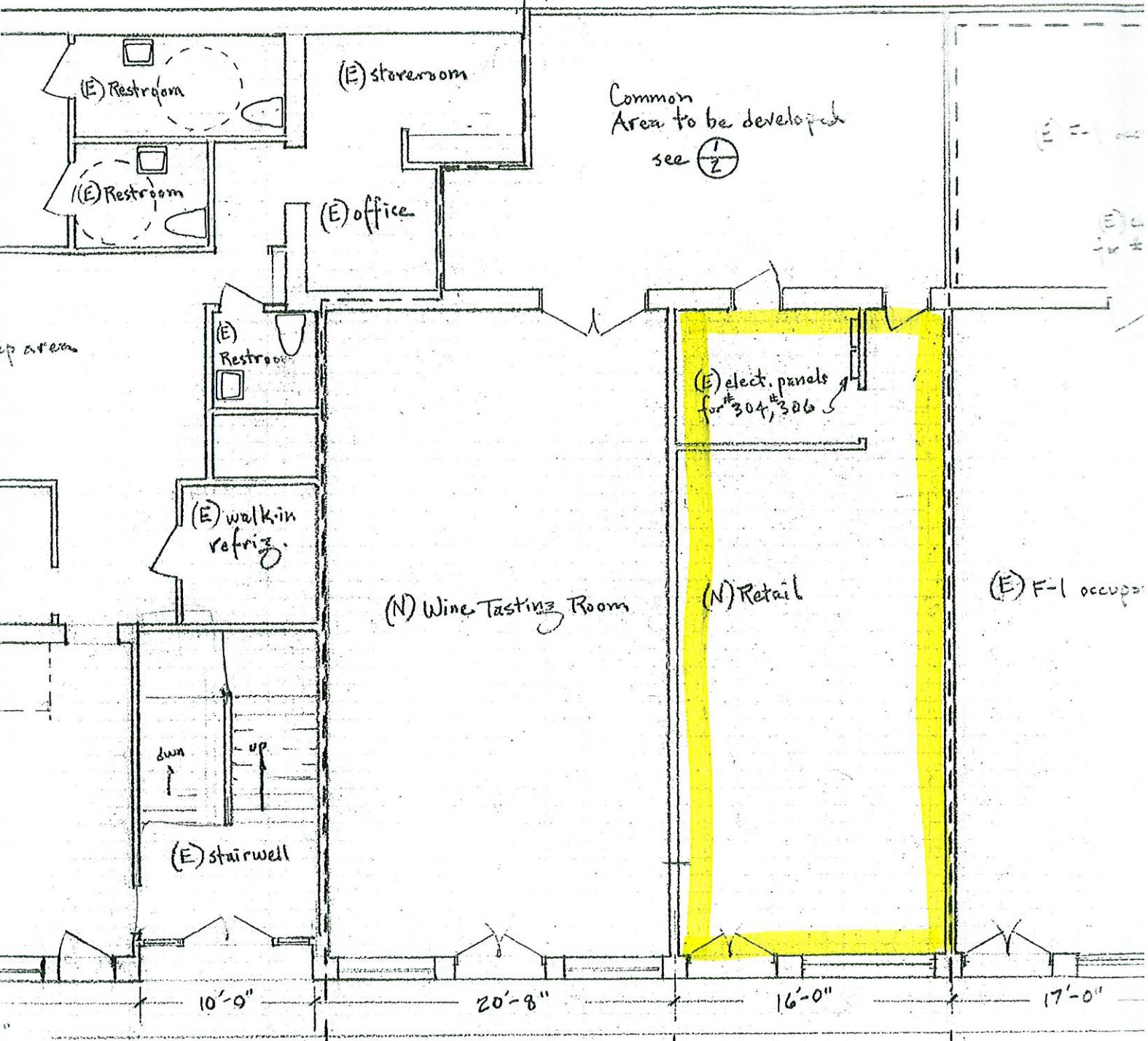
15. *The applicant shall submit to the City Manager a signed agreement, in a form approved by the City Attorney, to defend, indemnify, save, and hold harmless the city and all of its officers, agents, or employees from any liability for damages resulting from any and all operations directly related to the sidewalk care*
16. *No public sidewalk shall be painted, landscaped or altered in any way without prior written approval of the community development director and City Engineer;*
17. *The sidewalk café permit does not constitute a deed or grant of an easement by the city and is revocable or may be suspended by the community development director at any time, with or without cause.*
18. *A sidewalk café shall not be open for business when the interior part of the permanent food service establishment is not open for business, unless the sidewalk café is being used by the permanent alcoholic beverage service or food service establishment for a private party.*
19. *Alcoholic beverages shall be consumed only on the permittee's premises. The permittee shall not allow patrons to leave the confines of the premises with any alcoholic beverage and shall not allow patrons to give or sell alcoholic beverages to any person outside the premise.*

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Public Hearing Notice (mailed copy)



Location Map – 304 Railroad Avenue



up area

in St

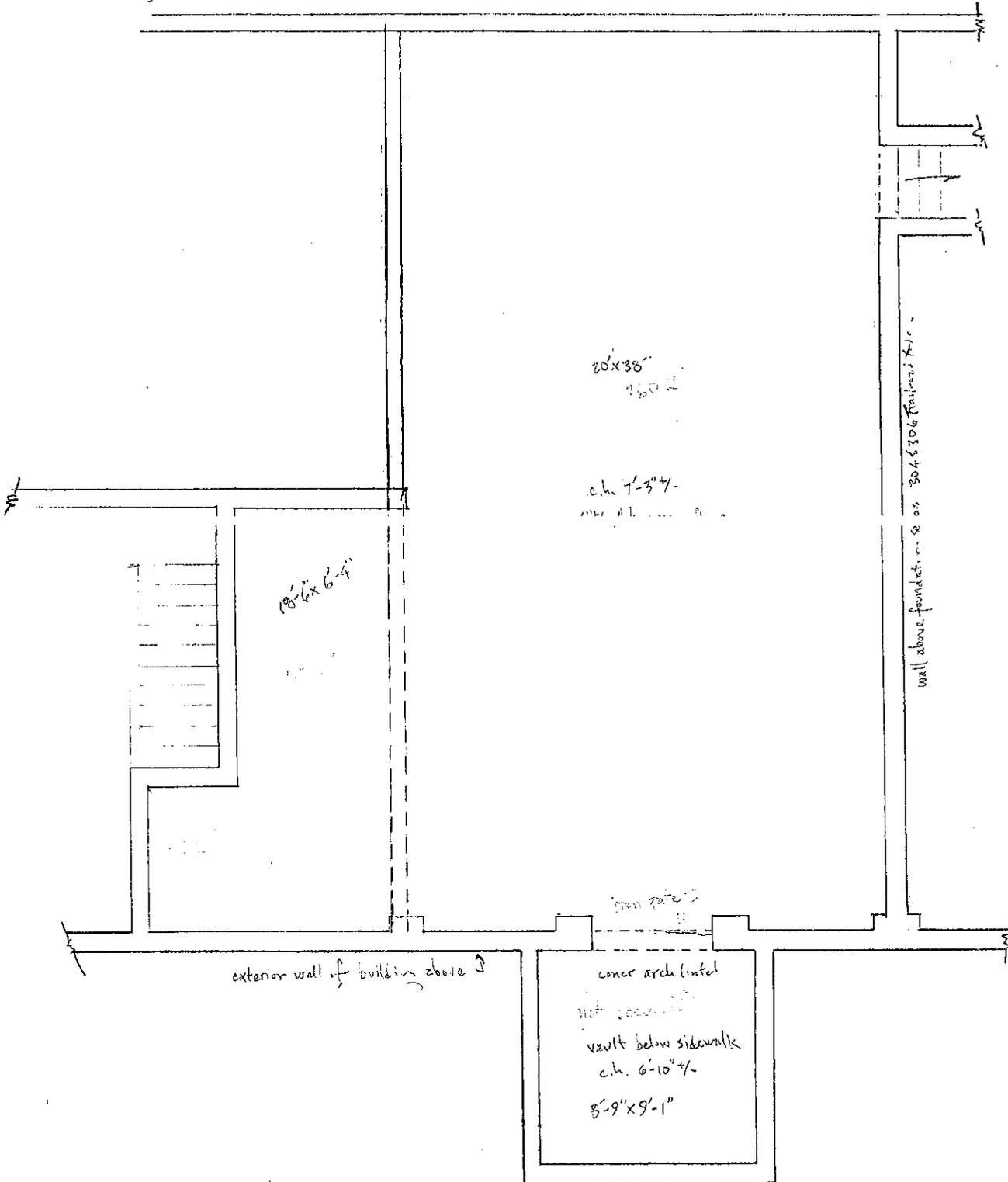
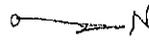
Railroad Ave.

304 Railroad Ave. 2 306 Railroad Ave. 2 308 Railroad Ave.

Project area

Basement Area beneath 304 Railroad Ave.

scale 1/4" = 1'



20' x 38'

c.h. 7'-3 1/4"

18'-6" x 6'-4"

wall above - foundation as 304 Railroad Ave.

exterior wall of building above

coner arch lintel
vault below sidewalk
c.h. 6'-10 1/2"
5'-9" x 9'-1"



PROOF OF SERVICE BY MAIL

I am Jenna Moser, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On April 13, 2011 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows: See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on April 13, 2011 at Winters, California.

A handwritten signature in cursive script that reads "Jenna Moser".

Jenna Moser, Community Development Administrative Assistant



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a public hearing by the **Planning Commission on Tuesday, April 26, 2011 at 6:30 p.m. at the City Hall, City Council Chambers, 318 First Street, Winters, California,** to consider an application for a modification of an existing conditional use permit for Turkovich Family Wines at 304 Railroad Avenue to include the space at 306 Railroad Avenue, the basement of 304 Railroad Avenue, and the sidewalk in front of 304 and 306 Railroad Avenue in Winters, California. The location of the business is in the Downtown Form Based Code Area, which is governed by Chapter 17.58 of the Winters Municipal Code (WMC). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) of the CEQA Guidelines. The Planning Commission will take final action on the project unless appealed to City Council.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Agency, 318 First Street, Winters, CA 95694 or nelia.dyer@cityofwinters.org. In addition, the staff report is available on the City's website at http://cityofwinters.org/administrative/admin_council.htm.

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

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

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

For more information regarding this agenda item, please contact Nelia Dyer, Community Development Director at (530) 795-4910, ext. 114.

318 First Street
Winters, CA 95694
Phone.530.795.4910
Fax. 530.795.4935

COUNCIL MEMBERS
Cecilia Aguiar-Curry
Harold Anderson
Tom Stone

MAYOR
Michael Martin
MAYOR PRO TEM
Woody Fridae

CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Doulevy, Jr

APN	SITUS	AssesseeNa	AddressStr	AddressCit	Address:
003 204 05	318 RAILROAD AVE	CODY REV FAM TRUST	109 EGLOFF CIR	FOLSOM	CA 95630
003 204 06	314 RAILROAD AVE	CODY S BUILDING PARTNERS	314 RAILROAD AVE	WINTERS	CA 95694
003 224 02	8 E ABBEY ST	PICKEREL JOHN R AND MELANIE B	10 MAIN ST	WINTERS	CA 95694
003 155 06	5 ABBEY ST	PISANI JOAN B D ESTATE AND 2000 REV LIV TRUST	P O BOX 691	WINTERS	CA 95694
003 203 02	MAIN ST	MUKAND BAL	40 SUNSTONE CIR	SACRAMENTO	CA 95834
003 155 05	400 RAILROAD AVE	BARBOSA JUAN	8944 GADDINI RD	WINTERS	CA 95694
003 155 07	11 ABBEY ST	GONELLA AUGUST AND JULIA TR	11 ABBEY ST	WINTERS	CA 95694
003 203 17	18 MAIN ST	BARBOUR MICHAEL G AND WHITWORTH VALERIE TR	P O BOX 757	WINTERS	CA 95694
003 203 09	22 MAIN ST	MARTINEZ CORINNE Y	115 BAKER ST	WINTERS	CA 95694
003 155 08	15 ABBEY ST	ANDERSON SYBIL J ESTATE OF	P O BOX 752	WINTERS	CA 95694
003 204 07	310-312 RAILROAD AVE	WALLACE JAMES N AND IDA B	312 RAILROAD AVE	WINTERS	CA 95694
003 160 25	8 E EDWARDS ST	MARIANI NUT COMPANY	P O BOX 808	WINTERS	CA 95694
003 204 08	1 - 7 MAIN ST	BAJAKIAN TRUST	1460 WESTMINSTER DR	FAIRFIELD	CA 94533
003 204 02	311 1ST ST	WINTERS COMMUNITY DEV AGENCY	318 1ST ST	WINTERS	CA 95694
003 204 04	12 ABBEY ST	WINTERS FIRE DISTRICT	318 FIRST ST	WINTERS	CA 95694
003 204 16	37 MAIN ST	KIMES RICHARD L AND JANET L AND KIMES REV LIV TRUST	803 APRICOT AVE	WINTERS	CA 95694
003 204 17	41-47 MAIN ST	PICKEREL JOHN AND BAJAKIAN PICKEREL MELANIE	488 MAIN ST	WINTERS	CA 95694
003 224 01		WINTERS CITY OF	318 FIRST ST	WINTERS	CA 95694
003 224 04	9 E MAIN ST	SIRACUSA JOHN AND ELIZABETH	7 E MAIN ST STE D	WINTERS	CA 95694
003 204 18	317 1ST ST	WINTERS CITY OF	318 FIRST STREET	WINTERS	CA 95694
003 204 09	7-11 MAIN ST	WINTERS OPERA HOUSE	8 E ABBEY ST	WINTERS	CA 95694
003 222 24	201 RAILROAD AVE	WINTERS CITY OF	318 FIRST ST	WINTERS	CA 95694
003 204 13	31 MAIN ST	KIMES RICHARD L AND JANET L AND KIMES REV LIV TRUST	803 APRICOT AVE	WINTERS	CA 95694
003 204 14	33 MAIN ST	KIMES RICHARD L AND JANET L AND KIMES REV LIV TRUST	803 APRICOT AVE	WINTERS	CA 95694
003 204 10	15 A & B MAIN ST	DOUD ERIC AND MARTINEZ EXEMPTION TRUST	15 MAIN ST	WINTERS	CA 95694
003 203 14	9 RUSSELL ST	LIS EDMUND AND DIANE M GRAVES	9 RUSSELL ST	WINTERS	CA 95694
003 203 08	26 MAIN ST	IRELAND TIMOTHY W AND YVONNE D	P O BOX 518	WINTERS	CA 95694
003 203 07	30 MAIN ST	ESTRADA MIGUEL A AND CARMEN C	30 MAIN ST	WINTERS	CA 95694
003 203 06	34 MAIN ST	JOHNSON DALE B AND ELAINE E TR	164 ROBLES WAY NUM 120	VALLEJO	CA 94503
003 203 15	11 RUSSELL ST	WALKER CLAYTON OLAND	324 CALLA AVE	IMPERIAL BEACH	CA 91932
003 204 11	19-23 MAIN ST	CRADWICK BUILDING PARTNERSHIP	520 COTTONWOOD ST NUM 3	WOODLAND	CA 95695
003 204 12	23 MAIN ST	WINTERS COMMUNITY DEV AGENCY	318 FIRST ST	WINTERS	CA 95694
003 204 15	35 MAIN ST	KIMES RICHARD L AND JANET L AND KIMES REV LIV TRUST	803 APRICOT AVE	WINTERS	CA 95694
003 203 10	14 MAIN ST	PADILLA CECIL ETAL	7 E MAIN ST	WINTERS	CA 95694

003 160 64	MARIANI NUT COMPANY	P O BOX 808	WINTERS	CA	95694
003 204 03 14	ABBREY ST WINTERS FIRE DISTRICT	318 FIRST ST	WINTERS	CA	95694
003 203 13 7	RUSSELL ST LEWIS KEVIN A	7 RUSSELL ST	WINTERS	CA	95694
003 224 03 5 & 7	E MAIN ST SIRACUSA JOHN	7 E MAIN ST STE D	WINTERS	CA	95694
003 203 12 200-208	RAILROAD AVE OGANDO JOSEPH E AND KAREN M TR	102 WOLFSKILL	WINTERS	CA	95694
003 203 04 42-44	MAIN ST MUKAND BAL	40 SUNSTONE CIR	SACRAMENTO	CA	95834
003 203 05 36	MAIN ST QUINTERO SALVADOR ETAL	36 MAIN ST	WINTERS	CA	95694
003 203 11 2-10	MAIN ST/210 RAILRC HOUKAN DISSBEE PARTNERSHIP	210 RAILROAD AVE	WINTERS	CA	95694



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: April 26, 2011
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of an Application for Design Review Approval for a Temporary, Pre-Manufactured Office Structure at Access Manufacturing located at 1801 Railroad Avenue

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 Design Review Application submitted by John Neil for the construction/installation of a temporary, pre-manufactured office structure at Access Manufacturing located at 1801 Railroad Avenue.

PROJECT DESCRIPTION: The project applicant, John Neil, is seeking approval of a design review application to allow the installation/construction of a temporary, pre-manufactured office structure at Access Manufacturing located at 1801 Railroad Avenue in Winters. The proposed temporary structure is 1,440 square feet in size, and will serve as a main office of the business during the remodel of the existing office space in the existing building on the property. The timeline proposed for the completion of the remodel is approximately one year.

BACKGROUND:

Property Description: The subject site is approximately six (6) acres in size and is developed with a warehouse structure that is approximately 36,500 square feet. It is the northern most property in the city limits on Railroad Avenue (County Road 89). It is surrounded on all sides by vacant, agricultural land.

General Plan Land Use and Zoning: The subject property is designated LI (Light Industrial) in the City's current General Plan. According to the General Plan, this designation provides for industrial parks, warehouses, light manufacturing, public and quasi-public uses, similar and compatible uses. The floor area ratio (FAR) shall not exceed .40.

The zoning of the property is M-1 (Light Industrial). According to Winters Municipal Code, Section 17.44.120 (Light Industrial (M-1) Zone), the purpose of the light industrial zone is to provide for light industrial development in a manner which will not result in public nuisances related to the operation.

STATEMENT OF ISSUES: According to the Winters Municipal Code Section 17.36.020 (Requirements for Design Review), design review shall be required before the Planning Commission for the construction of non-residential buildings or structures of five hundred (500) square feet or more. Since the proposed structure is 1,440 square feet, design review approval by the Planning Commission is required for this project prior to construction.

ANALYSIS: The applicant is requesting approval to install a 24-foot by 60-foot (1,440 square foot) temporary commercial coach on the property to provide office space, two bathrooms, break room and conference space for the company's employees. The proposed modular building will be located in an existing, paved, parking lot. There will be a sewage connection or running water to the coach.

The proposed modular building will provide temporary office space while the existing office space in the warehouse facility is remodeled. As stated previously, the timeline for the remodel is one year. Staff has included a Condition of Approval for the project that allows this structure for a maximum three year term limit. At the end of the three years, the coach must be removed. Staff believes the proposal is consistent with the General Plan and Zoning, in that the proposal accommodates an industrial facility and will not generate negative effects on adjoining parcels.

For office space, City of Winters Zoning Code parking standards require that one parking space be provided for each 250 square feet of office space. As the requested office is 1,440 square feet, 6 parking spaces are required. More than adequate parking was provided by Access Manufacturing at the time of their construction improvements. Based on the intended use of the building as office, break room and construction space for existing employees, staff does not expect the proposed building to generate additional traffic or result in an increase in parking demand. Staff therefore believes the existing parking provided on-site is adequate to serve the use. However, staff has included a Condition of Approval for the project that requires that ADA van accessible parking be provided per Winters Municipal Code.

The Zoning Code requires that the color and materials of the proposed building be compatible with that of the existing building on the property. The color of the unit is quite close to that of the permanent facility, a white and grey. The skirting has not yet been placed and will be required to be compatible with the colors and materials of the building and must be maintained at all times.

As the use of the coach is temporary, a maximum three year use term and the location is within a paved parking lot, staff has not required any additional landscaping conditions. Regardless, the applicant plans to position and maintain potted plants around the temporary unit.

METHODOLOGY: Two actions are required to process the proposed project:

- 1) Confirmation of CEQA exemption finding - Section 15303 (New Construction or Conversion of Small Structures)
- 2) Approval of the Design Review Application and the attached conditions

APPLICABLE REGULATIONS: This project 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 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, April 14, 2011 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, April 21, 2011.

ENVIRONMENTAL ASSESSMENT: The proposed project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures).

RECOMMENDED FINDINGS FOR THE TEMPORARY, 1,440-SQUARE FOOT MODULAR OFFICE STRUCTURE AT 1801 RAILROAD AVENUE (DESIGN REVIEW APPLICATION)

CEQA Findings:

1. The proposed project is exempt from CEQA review under §15303 (New Construction or Conversion of Small Structures)
2. The Planning Commission has considered the comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 3 New Construction or Conversion of Small Structures exemption for temporary, 1,440-square foot modular office structure at 1801 Railroad Avenue.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan.
2. The project is consistent with the provisions of the Zoning Ordinance.

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 TEMPORARY, 1,440-SQUARE FOOT MODULAR OFFICE STRUCTURE AT 1801 RAILROAD AVENUE BASED ON THE IDENTIFIED

FINDINGS 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 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 DESIGN REVIEW APPLICATION FOR THE TEMPORARY, 1,440-SQUARE FOOT MODULAR OFFICE STRUCTURE AT 1801 RAILROAD 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 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 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 proposed 24 foot by 60 foot (1,440square feet) commercial coach for office, break room and conference space is approved to be located as shown on the approved site plan.
4. The commercial coach shall bear the tag or seal of the State as required by the Health and Safety Code of the State.
5. The commercial coach shall carry a current State license.

6. The commercial coach shall be kept mobile.
7. The proposed commercial coach shall be skirted on all sides. Said skirting shall be compatible with the colors and materials of the modular and shall be maintained at all times.
8. There shall be no storage of materials under the modular building.
9. Applicant shall obtain all necessary permits from the Community Development Department, Building Division.
10. Accessibility standards as required by the Uniform Building Code, Chapter 11, shall be addressed.
11. All new development within a special flood hazard area, as defined by Federal Emergency Management Agency (FEMA), shall comply with the County Flood Damage Prevention Ordinance and Regulations. A development permit (FEMA Flood Zone Elevation Certificate) must be completed for any structure constructed in this special flood hazard area. Finished floor must be 1 foot above base flood elevation. Structure in flood plain must be flood proof material, skirting must have flow through vents.
12. The maximum term of the temporary building is three (3) years. At the end of the three years, the coach shall be removed.
13. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense.
14. The applicant shall provide ADA van accessible parking spaces, in accordance with the Winters Municipal Code.
15. Failure to comply with the above conditions may result in the immediate revocation of the design review approval.

ATTACHMENTS:

- A. Location Map
- B. Site Plan
- C. Example Modular Buildings
- D. Public Hearing Notice

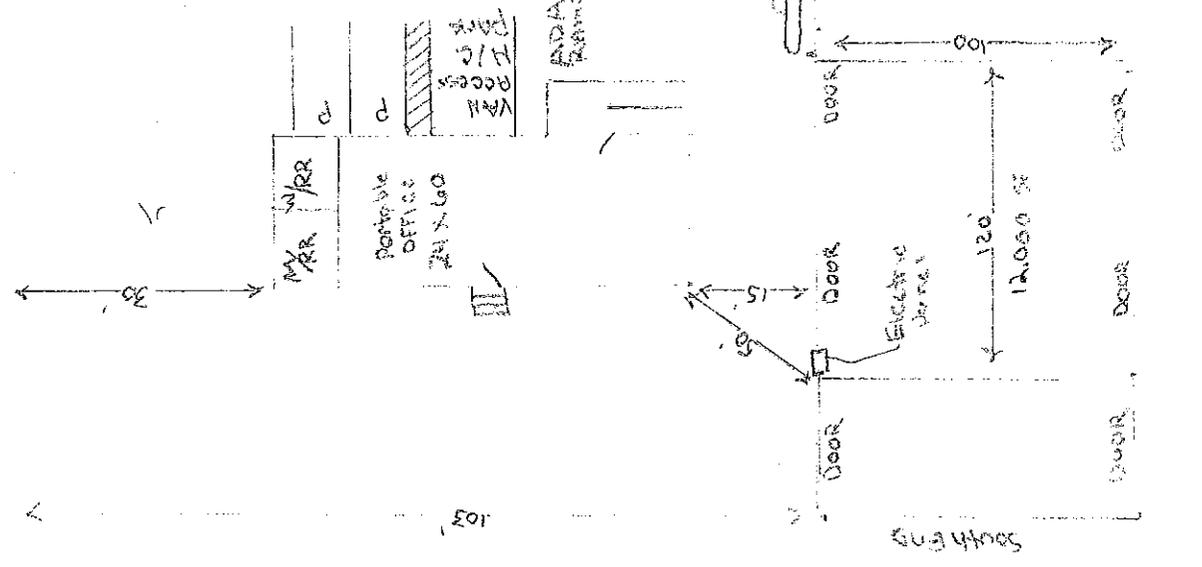


Location Map/Existing Site Plan – 1801 Railroad Avenue

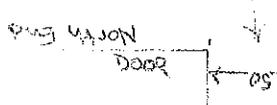
DATA ENTRY



FIRE ACCESS



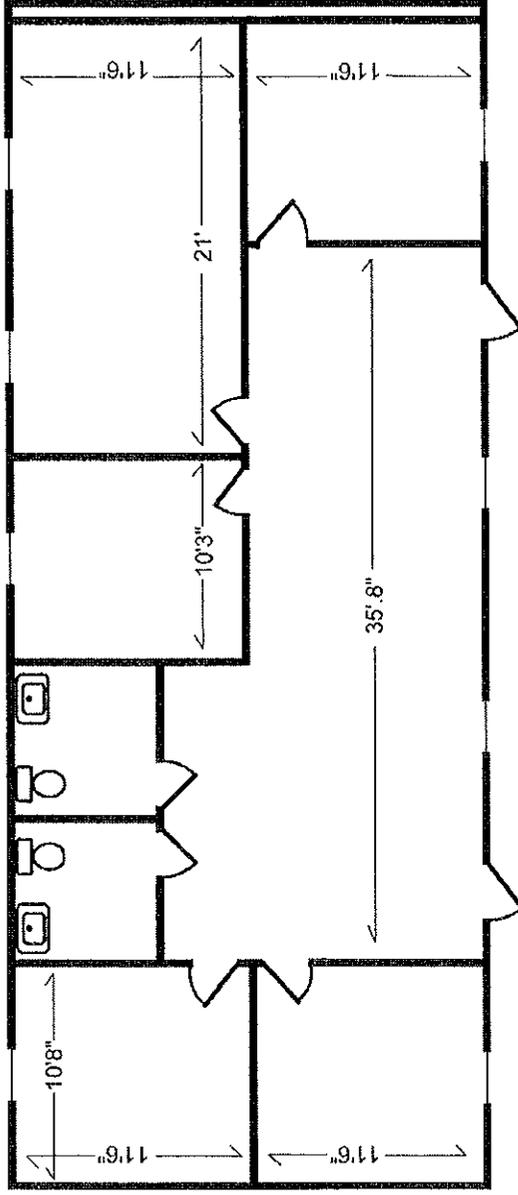
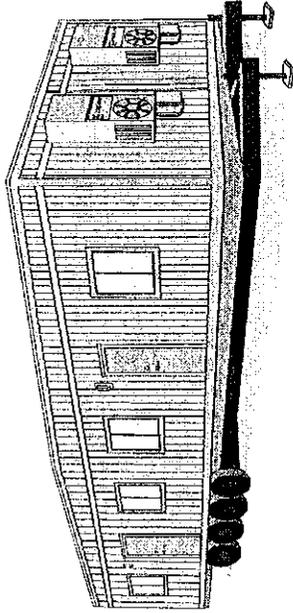
FIRE ACCESS



DOOR

SEWER EAST SIDE (BACK OF BLDG)

South End



24 x 60 modular office building

- 1440 square feet of spacious office building; and includes six private offices,
- One large conference room
- More than 800 square feet of wide open common office area
- Two handicapped accessible restroom
- This office building provides ample office space for 10 to 13 people.
- All offices are oversized, no need to conserve on the size of your office furniture.
- Central Heating and Air Conditioning systems, provides a comfortable working environment
- Carpet floors offer an almost maintenance free office building
- Upgraded interior wall coverings and decorative wood siding, provides for a contemporary and professional appearance
- Acoustical T-bar ceiling, decreases the noise traveling from room to room
- Energy efficient fluorescent lighting, won't put a squeeze on your utility budget

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PROOF OF SERVICE BY MAIL

I am Jenna Moser, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On April 13, 2011 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows: See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on April 13, 2011 at Winters, California.

A handwritten signature in cursive script, appearing to read "Jenna Moser", is written above a horizontal line.

Jenna Moser, Community Development Administrative Assistant



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a public hearing by the **Planning Commission on Tuesday, April 26, 2011 at 6:30 p.m. at the City Hall, City Council Chambers, 318 First Street, Winters, California,** to consider an application for a design review to construct a 1,440 square foot modular office building at Access Manufacturing at 1801 Railroad Avenue in Winters, California. The zoning classification for the site is M-1 (Light Industrial) and the General Plan land use designation is LI (Light Industrial). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. The Planning Commission will take final action on the project unless appealed to City Council.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Agency, 318 First Street, Winters, CA 95694 or nelia.dyer@cityofwinters.org. In addition, the staff report is available on the City's website at http://cityofwinters.org/administrative/admin_council.htm.

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

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

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

For more information regarding this agenda item, please contact Nelia Dyer, Community Development Director at (530) 795-4910, ext. 114.

318 First Street
Winters, CA 95694
Phone.530.795.4910
Fax. 530.795.4935

COUNCIL MEMBERS
Cecilia Aguiar-Curry
Harold Anderson
Tom Stone

MAYOR
Michael Martin
MAYOR PRO TEM
Woody Fridae

CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Donlevy, Jr

APN	SITUS	AssesseeNa	DBA	AddressStr	AddressCit	AddressSta	AddressZip
038 050 27	CR 89	S P GROUP INC		1428 E 6TH ST	CORONA	CA	92881
030 210 04	0 CR 89	GREYHAWKE I LLC		P O BOX 2050	FAIR OAKS	CA	95628
038 050 68	CR 89	GREYHAWKE I LLC		P O BOX 2050	FAIR OAKS	CA	95628
038 050 52	CR 89	S P GROUP INC		1428 E 6TH ST	CORONA	CA	92881
038 050 67	27981 WALNUT LN	OWNER		27981 WALNUT LANE	WINTERS		95694
030 210 09	27482 CR 89	OWNER		27482 CR 89	WINTERS	CA	95694
038 050 39	27287 CR 89	OWNER		27827 CR 89	WINTERS	CA	95694



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: April 26, 2011
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Information Item - Winters Self Storage Expansion, 807 Railroad Avenue

RECOMMENDATION: None. The purpose of this information item is to provide an overview and gain preliminary feedback on the proposed project. Project information will be provided at the Planning Commission meeting.



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: April 26, 2011
FROM: Nelia C. Dyer, Community Development Director
Kit Faubion, Assistant City Attorney, Meyers Nave
SUBJECT: Information Item - Conflict of Interest

RECOMMENDATION: None. The purpose of this information item is to provide an overview of Conflict of Interest. Kit Faubion of Meyers Nave will present the item to the Planning Commission.