

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, May 25, 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: 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 Minutes from the April 27, 2010 regular meeting of the Planning Commission.

V. STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. *Public Hearing and Consideration of a Site Plan (Design Review) Application Submitted by Jack McDowell for the Construction of a Parking Lot at 15 & 19 East Grant Avenue (APN 003-321-004 & 003-321-003)-*
CONTINUED OFF CALENDAR

B. *Public Hearing and Consideration of a Tentative Parcel Map Application Submitted by Bryan Bonino of Laugenour and Meikle Civil Engineers for the property located in the Southwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) (APNs 038-070-028, 029, 030, 031 & 032)*

The City of Winters Community Development Department prepared an Initial Study for the project and found that although the proposed project could have a significant effect on the environment, nothing is further required because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR and Negative Declaration pursuant to applicable standards; and (b) have been avoided or mitigated pursuant to the earlier EIR and Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.

C. *Public Hearing and Consideration of a Site Plan (Design Review) Application Submitted by Bill Hailey, Richard Kleeberg, and Will Merchand to construct an "art park" at 23 Main Street (APN 003-204-012)*

The City of Winters Community Development Department has determined that the application is exempt from CEQA review under the provisions of Sections 15303 "New Construction or Conversion of Small Structures" and 15304 "Minor Alterations to Land".

D. *Informational Item – Mobile Food Vendors*

City Staff has received inquiries concerning our regulations governing mobile food vendors. Because of our revitalization efforts and successful attraction of numerous special events in Downtown Winters, entrepreneurs are viewing mobile food vending as a viable business in our commercial area. Our present Municipal Code generally regulates "stationary vendors", "stands", and "motor vehicles" under "street vendors", but does not offer the specific language and rules that would normally address "mobile food vendors". Staff is of the opinion that our code should be amended to offer appropriate regulations for this emerging business in our community and we are seeking directional policy guidance from the Planning Commission prior to drafting a proposed amendment.

E. *Informational Item – Signs along State Route 128 (Grant Avenue)*

City Staff will provide a brief presentation on plans for signs along State Route 128 (Grant Avenue).

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 MAY 20, 2010.


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".

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

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

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of May 20, 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.

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of May 20, 2010
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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, CVC/AH/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>

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of May 20, 2010
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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.	
(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
(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

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of May 20, 2010
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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	Issuance of Building Permit
(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	Decision by City Council

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<p>Map for Jordan Family (530)662-1755</p>	<p>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.</p>	<p>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.</p>	
<p>(27) Kristensen Drywall and Pearce Heating & Air Conditioning, 27990 CR 90, (530) 795-8800</p>	<p>Application for a Conditional Use Permit 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. PC approved the CUP.</p>	
<p>(28) Briggs & Co., 820 Railroad Avenue, (530) 795-9505</p>	<p>Application for a Conditional Use Permit 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.</p>	<p>Public Hearing and decision by Planning Commission</p>
<p>(28) Preserve, Inc., 200 and 202 Railroad Avenue, (530) 795-3816</p>	<p>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</p>	<p>Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting. The public hearing was continued to a special PC meeting on April 5, 2010. PC approved the CUP.</p>	<p>Building Permit issued.</p>
<p>(29) Main Street Plaza, 111 Main Street, (530)</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</p>	<p>Issuance of Building Permit for Sign</p>

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of May 20, 2010
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795-3214		the application was scheduled for the March 23, 2010 Planning Commission Meeting. PC approved the variance.	
(30) New Single Family Home, 415 First Street, (916) 600-5401	Application for a Site Plan (Design Review) application for the construction of a new single-family, single-story house at 415 First Street	Application was filed on April 2, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission Meeting. PC approved the Design Review application.	Issuance of Building Permit
(31) Addition to Existing Single-Family Residence, 455 Russell Street, (530) 867-6444	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	Application was filed on April 9, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission Meeting. PC approved the Design Review application.	Issuance of Building Permit
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.	City Council approved the extension on September 1, 2009. Staff prepared and presented the Work Plan resulting from the extension to the Planning Commission on October 27, 2009	
Affordable Housing Ordinance	Preparation of an Ordinance to add Chapter 17.200 to the Winters Municipal Code (Zoning) pertaining to Affordable Housing Requirements	-Reviewed favorably by Affordable Housing Steering Committee on November 3,	

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
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		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
- 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

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
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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

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, APRIL 27, 2010**

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

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

ABSENT: Commissioners DeVries and Tramontana

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

Commissioner Guelden led the Pledge of Allegiance.

CITIZEN INPUT: None

COMMUNICATIONS:

Staff Reports: Community Development Director Dyer reported that the second Grant Avenue/State Route 128 "Complete Streets" meeting will be held on May 6th at the Community Center from 6:30-8:30 pm. At this meeting, the public will be able to review the conceptual plan based on comments from the first community meeting and previous studies of the transportation facility. Ms. Dyer also noted that a Zoning Administrator Public Hearing will be held on May 10th at City Hall at 10 am to hear an application for a stationary vendor on Railroad Avenue between Grant and Baker. Ms. Dyer also reported back on the Preserve Inc. item from last meeting, stating that the parking signs had been installed, and the City is exploring lighting options. Ms. Dyer showed a plan of the pedestrian improvements at Railroad Avenue and Russell Street that are part of the car bridge replacement project.

Commission Reports: None

CONSENT ITEM

Approve minutes of the April 5, 2010 special meeting of the Planning Commission.

Motion by Commissioner Guelden, Second by Commissioner Martinez to approve the minutes for the April 5, 2010 special meeting of the Planning Commission. Motion carried with the following roll call vote:

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

NOES: None

ABSTAIN: None

ABSENT: Commissioners Tramontana and DeVries

DISCUSSION ITEM

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, APRIL 27, 2010**

- A. PUBLIC HEARING AND CONSIDERATION OF A SITE PLAN (DESIGN REVIEW) APPLICATION SUBMITTED BY JACK MCDOWELL FOR THE CONSTRUCTION OF A PARKING LOT AT 15 & 19 EAST GRANT AVENUE (APN 003-321-04 AND 003-321-03) – ITEM CONTINUED TO THE MAY 25TH PLANNING COMMISSION MEETING
- B. PUBLIC HEARING AND CONSIDERATION OF A SITE PLAN (DESIGN REVIEW) APPLICATION SUBMITTED BY HARMONY BUILDERS FOR THE CONSTRUCTION OF A 1,689 SQUARE FOOT SINGLE STORY, SINGLE-FAMILY HOME AT 415 FIRST STREET (APN 003-155-111) THIS PROJECT IS EXEMPT FROM CEQA REVIEW UNDER THE PROVISIONS OF SECTION 15302 "REPLACEMENT OR RECONSTRUCTION".

At this time, Commissioner Martinez recused herself due to proximity issues.

Community Development Director Dyer provided an overview of the staff report, noting that Condition #3 be removed.

Commissioner Meisch asked the applicant about the timing of landscaping and the placement of the HVAC unit. The applicant, Bart Edises of Harmony Builders, responded that the landscaping would be completed by the homeowner, and the HVAC unit would be on the east side of the building using a split unit.

Commissioner Cowan added that the project looks nice, fits nicely on the lot, and is a great improvement.

Chairman Neu opened the Public Hearing at 6:48PM. Hearing no comments, the Public Hearing was closed at 6:49PM.

Motion by Commissioner Cowan, Second by Commissioner Meisch to approve the site plan/design review application. Motion carried with the following roll call vote:

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

- C. PUBLIC HEARING AND CONSIDERATION OF A SITE PLAN (DESIGN REVIEW) APPLICATION SUBMITTED BY BRIAN HORN FOR THE CONSTRUCTION OF A 1,500 SQUARE FOOT, ATTACHED, TWO-STORY GARAGE AT 455 RUSSELL STREET (APN 003-183-150) THIS PROJECT IS EXEMPT FROM CEQA REVIEW UNDER THE PROVISIONS OF SECTION 15301 "EXISTING FACILITIES".

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, APRIL 27, 2010**

At this time, Commissioner Martinez returned to her seat at the dais, and Commissioner Cowan recused himself due to a conflict.

Community Development Director Dyer provided an overview of the staff report.

Commissioner Martinez asked the applicant about plans for exterior lighting. Mr. Horn, the applicant, stated that the exterior lighting would be on the garage, on each side of the garage door, and that he would relocate his house numbers to that side for better visibility.

Chairman Neu opened the Public Hearing at 6:55pm. Hearing no comments the Public Hearing was closed at 6:56pm.

Motion by Commissioner Martinez, Second by Commissioner Meisch to approve the site plan/design review application. Motion carried with the following roll call vote:

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

D. INFORMATION ITEM – MEDICAL CANNABIS ORDINANCE

Contract City Attorney Hollender provided a presentation about a possible City Ordinance regarding Medical Cannabis.

Chairman Neu asked what most cities do, whether it's a Business License process or a Conditional Use Permit. Ms. Hollender responded that she has found that most cities use a Business Licensing process, as it is easier to revoke a Business License in case of problems with the business.

Commissioner Cowan asked about revenue possibilities for Winters. Ms. Hollender responded that Oakland has Business License Tax on dispensaries, but most cities receive revenue through licenses, permits, and sales taxes.

Commissioner Guelden stated that he preferred we wait until after the election to make a decision about what route to take. Commissioner Martinez echoed Commissioner Gulden's comments.

E. INFORMATION ITEM – ART PARK

City Manager Donlevy outlined the conceptual plan for the Art Park on Main Street.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, APRIL 27, 2010**

Chairman Neu asked about the walls at the entrance to the park from Main Street. City Manager Donlevy responded that the walls would be low, a low seat wall.

Commissioner Martinez asked why they plan to take away the fence and ivy at that entrance, stating it provided a nice character. City Manager Donlevy stated that the plan was to open up the area, so that people could see what is back there and use the space.

Commissioner Martinez asked who would be responsible for security and maintenance of the park. City Manager Donlevy responded that the City would be maintaining the park, and that the Police Department would be securing it – the City is looking seriously into some kind of camera system.

City Manager Donlevy stated that this item would be coming back to the Commission for site plan approval of a conceptual plan.

COMMISSION/STAFF COMMENTS:

Commissioner Guelden reminded the community that the Garage Sale of the Rich and Famous would be held on May 8th starting at 8am.

The meeting was adjourned at 8:10 p.m.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: May 25, 2010
FROM: Nelia C. Dyer, Community Development Director *ncd*
SUBJECT: Public Hearing and Consideration of a Tentative Parcel Map Application Submitted by Bryan Bonino of Laugenour and Meikle Civil Engineers for the property located in the southwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) (APNs 038-070-028, 029, 030, 031 & 032)

REQUEST: The applicant requests approval of a proposed new Tentative Parcel Map for the property located in the southwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) to: 1) realign Gateway Drive and narrow it from a 70-foot ROW to a 60-foot ROW; and 2) reconfigure the lot layout to match the new roadway alignment. The result will be three front lots on larger acreage than the prior front four, plus the right-of-way parcel for realigned Gateway Drive and a smaller back parcel.

Applicant: Bryan Bonino
Laugenour and Meikle Civil Engineers
608 Court Street
Woodland, CA 95695

Owner: Jordan Family Partnership IV (Mary Jordan)
1600 Executive Court
Sacramento, CA 95825

SUMMARY RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- 1) Receive the staff report;
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend to the Winters City Council Approval of the Tentative Parcel Map for the property located in the southwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) to realign Gateway Drive and narrow it from a 70-foot ROW to a 60-foot ROW and reconfigure the lot layout to match the new roadway alignment subject to the findings and conditions of approval specified in the staff report.

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

- North: SR 128 (Grant Avenue); Chevron Gas Station; vacant Highway Commercial property
- East: Interstate 505
- South: Putah Creek
- West: Vacant Industrial/Business Park property (within the Gateway Master Plan)

Historically, the site has been used for agriculture and riparian open space. It is currently fallow. The most recent crop was winter wheat. The general topographic character is flat with less than one foot of elevation change across the property (elevation 127 ft to 128 ft). There is no natural vegetation on the portion of the site planned for development. There are three cottonwood trees (16 inches, 18 inches, and 24 inches) within the right-of-way along SR 128 (Grant Avenue).

LAND USE DESIGNATIONS: General Plan ~ The General Plan land use designation for the property is Planned Commercial/Business Park (PCB) with a band of Open Space (OS) along the Putah Creek corridor. The PCB designation covers 11.47 acres of the property and the OS designation covers 0.25 acres (of the Remainder Parcel) adjoining Putah Creek (see Exhibit 4, General Plan and Zoning Designations). PCB is described as follows in the General Plan (GP, page I-3):

Planned Commercial/Business Park (PCB)

This designation provides for restaurants, service stations, hotels and motels, retail and amusement uses, which are oriented principally to highway and through traffic, offices, light industrial, and wholesale commercial uses, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.40.

All development under this designation shall be approved pursuant to an adopted master development plan (e.g., specific plan). As these master development plans are approved, the Planned Commercial/Business Park designation shall be replaced through a general plan amendment with the Highway Service Commercial, Business/Industrial Park, Open Space, or Public Quasi-Public designations as the City deems appropriate based on the approved master development plan.

OS is described as follows in the General Plan (GP, page I-4):

Open Space (OS)

This designation provides for agricultural uses, recreational uses, riparian vegetation and wildlife habitat protection, water retention, public and quasi-public uses, and similar and compatible uses consistent with the open space purposes of this designation. The FAR shall not exceed 0.05. The precise location of the boundary of the Open Space designation along Putah and Dry Creeks shall be determined by the City in conjunction with individual project proposals based on creek setback requirements and site-specific conditions.

GATEWAY MASTER PLAN - The property lies within the boundaries of the Gateway Master Plan (GMP). It comprises the eastern portion of the property intended for highway commercial development, as opposed to the western portion of the GMP intended for industrial/business park

development The GMP designates the property as Highway Commercial (GMP, p. 7). The GMP defers to the General Plan regarding allowed uses (GMP, p. 9)

ZONING - The zoning for the property is Highway Service Commercial–Planned Development Overlay (C-H/P-D). The C-H zone designation is described as follows in the Zoning Code:

Section 8-1.5109 Highway Service Commercial (C-H) Zone.

A. Purpose. The purpose of the Highway Service Commercial (CH) Zone is to provide for commercial services and transient residential uses which are appropriate to highway locations and dependent upon highway travel. Principal permitted uses include minor automobile repair, restaurants including drive-thrus, service station, and minor utility services.

The P-D zone designation is described as follows in the Zoning Code:

Section 8-1.5117 Planned Development (P-D) Overlay Zone

A. Purpose. In order to achieve the General Plan goal “to promote the development of a cohesive and aesthetically pleasing urban structure for Winters”, the P-D Overlay Zone has been included within the scope of the Zoning Ordinance to allow for the maximum flexibility consistent with the minimum development standards within each underlying zone category. Principal permitted uses include any uses or combination of uses which are found to be in overall conformity with the standards, regulations, intent, and purposes of the General Plan applicable to the project site, pursuant to an approved P-D permit.

BACKGROUND: The entire Gateway Master Plan (GMP) area, of which this property is a part, was annexed (the Matz Annexation) into the City on August 4, 1992 (City Council Resolution No. 92-46). The GMP was approved by the Planning Commission on June 29, 1993 (Planning Commission Resolution No. 93-04). A Mitigated Negative Declaration was prepared for CEQA clearance. The GMP was approved by motion of the City Council on July 22, 1993 (as evidenced in the minutes of that meeting).

The GMP is comprehensive for the first phase of development (defined as the front four highway commercial lots). Infrastructure and utility planning contained in the GMP is provided only for Phase 1 (commencing with page 13) although the Preliminary Utility Plan exhibit appears to address the entire plan area. The Traffic analysis (including the Wilbur Smith Traffic Study, September 18, 1992) addresses only Phase 1 (commencing with page 16).

The GMP includes Building and Signage Design Themes (commencing on page 19) that appear to be intended to apply to the entire commercial highway area (page 25). The Landscape Design Elements component (commencing on page 29) together with the Putah Creek analysis (commencing on page 39) appear to address the entire plan area. The Flood Hazard Map Revision Study (Yolo Engineers September 1992) appears to address the entire plan area.

The original Parcel Map for the subject property (Exhibit 3, Matz Parcel Map No. 4057, October 1993) was approved at the same time as the approval of the GMP. The Mitigated Negative Declaration prepared for the GMP also covered the Matz Parcel Map.

PROJECT DESCRIPTION: The application is for a proposed new Tentative Parcel Map (Exhibit 2, Jordan Tentative Parcel Map No. 4975) to: 1) realign Gateway Drive and narrow it from a 70-foot ROW to a 60-foot ROW; and 2) reconfigure the lot layout to match the new roadway alignment. The result will be three front lots on larger acreage than the prior front four, plus the right-of-way parcel for

realigned Gateway Drive and a smaller back parcel.

A summary of differences between the existing lot layout (Matz Parcel Map No. 4057, October 1993) and proposed modified layout (Jordan Tentative Parcel Map No. 4975) are as follows:

<u>Existing</u>	<u>Proposed</u>	<u>Net Change</u>
Parcel 1 APN 038-070-032 (0.84 ac)	Parcel 1 (1.71 ac)	+0.87ac (104% inc)
Parcel 2 APN 038-070-029 (0.87 ac)	Parcel 2 (2.00 ac)	+1.13ac (130% inc)
Parcel 3 APN 038-070-031 (0.87 ac)	Parcel 3 (1.03 ac)	+0.16ac (18% inc)
Parcel 4 APN 038-070-030 (0.84 ac)	Absorbed into other parcels	-0.84 ac (100% dec)
Parcel A Gateway Drive right-of-way (0.80 ac)	ROW (0.88 ac)	+0.08 ac (10 % inc)
Subtotal 4.22 acres	5.62 acres	+1.40 ac (33% inc)
Remainder Parcel APN 038-070-028 (7.50 ac)	Parcel 4 (6.10 ac)	-1.40 ac (19% dec)

The applicant has indicated that the project is necessary to accommodate a future planned stormwater diversion channel outlet and sewer lift station easement along the west side of the property that would limit development on existing Parcels 3 and 4. The applicant also wishes to create larger parcels overall along the freeway frontage indicating that they would be better suited for potential development.

In order for development to proceed on resulting parcels 1 through 3, the applicant is required to submit a development proposal (Zoning Ordinance, Section 8-1.5117.E.2) for purposes of design review and secure a P-D Permit. As a part of the design review process and in order to grant the P-D Permit, the City will confirm consistency with applicable design requirements and guidance for development along Grant Avenue, the GMP design requirements, Citywide Design Guidelines, and the Putah Creek Nature Area Master Plan (adopted June 23, 2008). Following approval, construction of the subject parcel and the first segment of the Gateway Drive loop could be undertaken. So long as the proposed development on the front parcels is consistent with the assumed land uses and does not exceed the trip “budget” as discussed in the transportation/circulation section of the Initial Study, the development will fall within the prior CEQA clearances.

Access to the back parcel is proposed to occur via a 30-foot driveway access easement. A 25 x20 foot easement for future signage is also proposed adjoining I-505 within the proposed new back parcel. As previously noted, however, while the back parcel was covered programmatically under the General Plan EIR, it does not have site specific clearance under the GMP/Matz Parcel Map Mitigated Negative Declaration. As such, development or any other discretionary actions involving the back parcel (new Parcel 4) will require subsequent site-specific CEQA clearance and is not addressed in the Initial Study.

The proposed new Parcel Map includes one half (50 feet) of an anticipated new 100-foot stormwater diversion channel outlet to Putah Creek, along the western boundary of the property. The new outlet is a separate project identified in the City’s adopted Putah Creek /Dry Creek Subbasins Drainage Report. Construction will require subsequent project-specific CEQA clearance and is not addressed in the Initial Study.

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, May 13, 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, May 20, 2010.

ENVIRONMENTAL ASSESSMENT: Staff has prepared an Initial Study for the project and has concluded that the Statutory Exemption provided in Section 15183 of the CEQA Guidelines (Projects Consistent with a Community Plan, General Plan, or Zoning) is most applicable to the subject project.

All mitigation measures in the Gateway Master Plan/Matz Parcel Map Mitigated Negative Declaration (adopted June 29, 1993) shall be included as conditions of approval, with the exception that the following "Suggested Mitigation Measures" shall be revised to read as follows:

#19. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way Highway 128 and Gateway Drive. Said plans shall call for sleeves under the sidewalk and driveway, at each lot, for a future automatic irrigation system in the parkway strip.

#25. An updated Biological Resources Assessment shall be prepared subject to City acceptance, prior to commencement of any onsite work, to assess the potential for, and identify any current populations of, sensitive species and/or habitats on the front acreage. Habitats shall be quantified and standard mitigations/survey protocol requirements shall be imposed, including compliance with Yolo NCCP/HCP JPA Swainson's Hawk Interim Mitigation Fee Program for loss of Swainson's hawk foraging land, and applicable requirements for impacts to nesting raptors and burrowing owls.

#28. The developer shall implement all traffic conditions contained herein prior to issuance of any certificates of occupancy for buildings within the project area. The developer shall commission an appropriate traffic study of Highway 128 from the north bound off-ramps of I-505 to the intersection of Main street inclusive. This study shall recommend mitigation measures which will leave this stretch of roadway and all intersecting streets at LOS "C" or better, as required by the General Plan. Said study shall be completed and approved by the City Engineer prior to approval of any development, parcel or tentative parcel maps for the Parcel #4. Traffic improvement costs shall be paid in an equitable manner by the end users of the project, as approved by the City.

#33 Delete

#41 Delete

All mitigation measures in the Mitigation Monitoring and Reporting Program for the Matz Parcel Map, First Phase of the Gateway Master Plan (adopted June 29, 1993) shall be included as conditions of approval; with the exception that the following Measures shall be revised to read as follows:

#4. Landscaping and irrigation plans shall be prepared by a landscape architect, who is approved by the City, and included as part of the subdivision improvement plans and/or site plans. These plans shall be subject to review and approval by the City. The improvement plans shall include landscaping and

automatic irrigation for the public right-of-way of Highway 128 and Gateway Drive. Said plans shall call for sleeves under the sidewalk and driveway, at each lot, for a future automatic irrigation system in the parkway strip as well as to the median islands. Drought tolerant and native plant species shall be incorporated into landscaping plans to the maximum extent possible and drip irrigation systems shall be used in the landscaping of new public and private open space areas.

#8. The developer shall commission an appropriate traffic study based on 100% build-out of the General Plan area, performed by a Traffic Engineer acceptable to the Public Works Director, of HWY 128 from the North bound off-ramps of I-505 to the intersection of Main Street inclusive. This study shall recommend mitigation measures which will leave this stretch of roadway and all intersecting streets at LOS "C" or better, as required by the General Plan. Said study shall be completed and approved by the Public Works Director prior to approval of any development permit, parcel or tentative parcel maps for the Parcel #4.

#11. A minimum 12' median island shall be installed in Gateway Drive. Gateway Drive shall include turn pockets six foot sidewalks. A free right turn lane 165 feet in length, shall be added onto East bound Hwy 128. There shall be a minimum landscape width of ten feet behind the sidewalks which shall be privately maintained.

#12. Median island geometries, including location and sizes of median cuts and stacking lanes, shall be determined at the time of improvement plan submittal. The median island in Gateway Drive shall run from Hwy 128, south a minimum of 180 feet. Driveway access to all Parcels shall be limited in size, location, and number to allow for safe and efficient flow of traffic. Several parcels, depending on their use and layout may be limited to a single driveway, per parcel. All access points are subject to the approval of the Director of Public Works. In the event that access is provided through common driveways, a common access and maintenance agreement for such common facilities shall be recorded concurrent with Parcel Map. The form and content of these agreements shall be subject to approval by the Director of Public Works. These agreements shall include a clause which prohibits their modification after recordation with prior written approval by the City.

#24. Delete

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Development on parcels 1 through 3 cannot exceed a trip "budget" of 5,310 daily trips and/or 434 PM peak hours trips, and requires the following approvals:

- Approval of Design Review for Development Plan for Parcels 1-3
- Approval of Planned Development Permit for Parcels 1-3
- Finding of Consistency with Gateway Master Plan
- Finding of Consistency with Putah Creek Nature Area Master Plan

Development or any other discretionary actions involving the back parcel (new Parcel 4) will require subsequent site-specific CEQA clearance and is not addressed in the Initial Study for this project.

RECOMMENDED FINDINGS FOR THE TENTATIVE PARCEL MAP FOR THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF INTERSTATE 505 AND STATE ROUTE 128 TOTALING 11.72 ACRES

CEQA Findings:

1. The Tentative Parcel Map qualifies for statutory exemption provided in Section 15183 of the CEQA Guidelines (Projects Consistent with a Community Plan, General Plan, or Zoning).
2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms that a Statutory Exemption for the Tentative Parcel Map for the property located at the southwest quadrant of Interstate 505 and State Route 128 totaling 11.72 acres.

General Plan, Gateway Master Plan and Zoning Consistency Findings

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Planned Commercial/Business Park (PCB) and this designation provides for restaurants, service stations, hotels and motels, retail and amusement uses, which are oriented principally to highway and through traffic, offices, light industrial, and wholesale commercial uses, public and quasi-public uses, and similar and compatible uses. The property owner anticipates developing the newly created parcels for highway commercial uses.
2. The project is consistent with the goals and recommendations of the Gateway Master Plan. The Gateway Master Plan designates the project site as Highway Commercial (Highway Service Commercial) and this designation provides for restaurants, service stations, hotels and motels, retail and amusement uses, which are oriented principally to highway and through traffic, offices, light industrial, and wholesale commercial uses, public and quasi-public uses, and similar and compatible uses. The property owner anticipates developing the newly created parcels for highway service commercial uses.
3. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Highway Service Commercial (CH) and this zone provides for commercial services and transient residential uses which are appropriate to highway locations and dependent on highway travel. The property owner anticipates developing the newly create parcels for highway commercial uses.

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL OF THE CITY OF WINTERS APPROVE THE TENTATIVE PARCEL MAP FOR THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF INTERSTATE 505 AND STATE ROUTE 128 TOTALING 11.72 ACRES

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

ATTACHMENTS:

1. Vicinity Map
2. Jordan Tentative Parcel Map No.4975
3. Matz Parcel Map No. 4057, October 1993
4. Conditions of Approval
5. Environmental Checklist and Initial Study

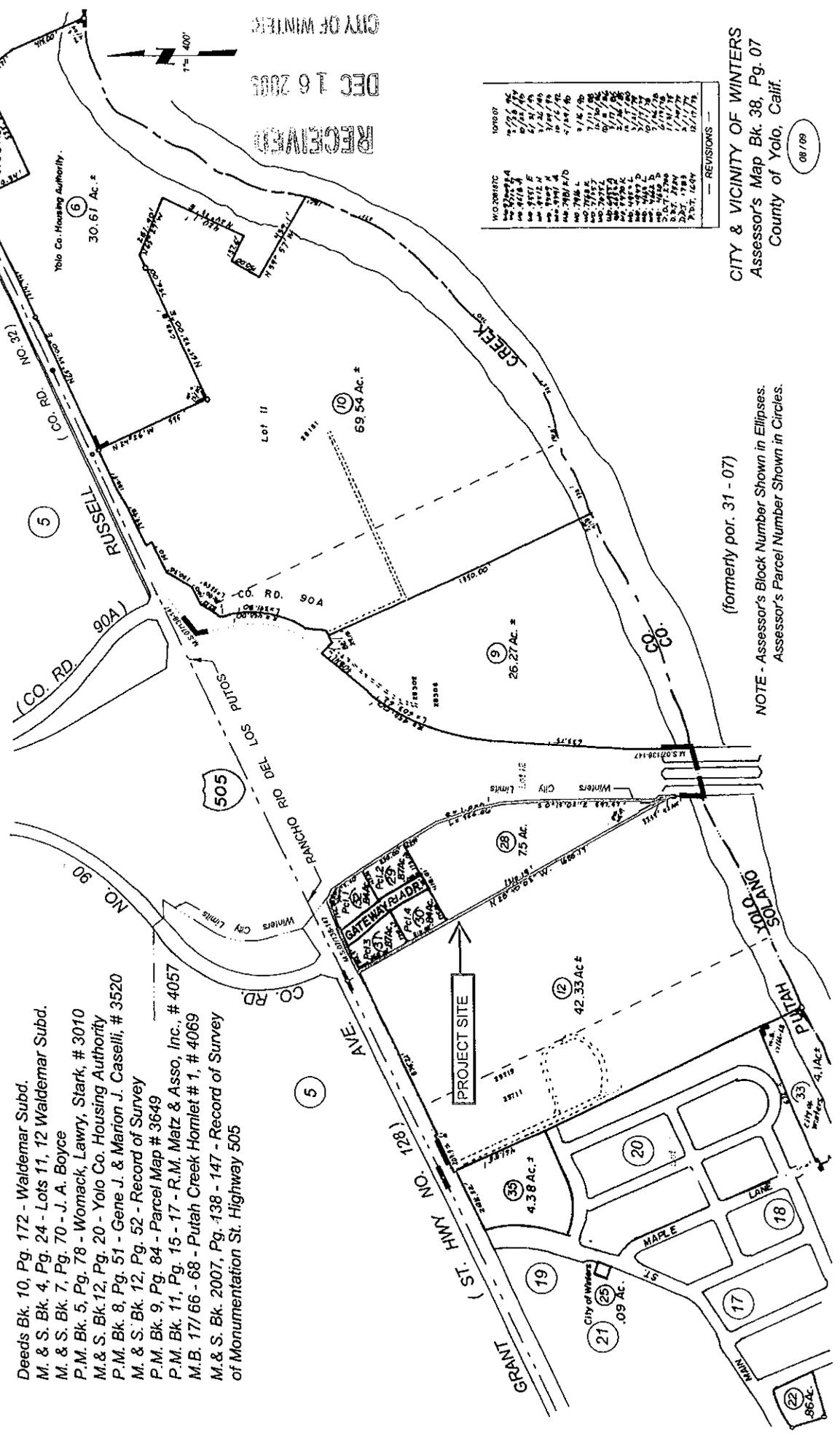
ATTACHMENT 1

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CAUTION - These Maps ARE NOT to be used for legal descriptions.

**POR. OF RANCHO RIO DEL LOS PUTOS
LOTS 11, 12, 13 WALDEMARS SUBD. T. 8N., R. 1W., M.D.B. & M.**

- Deeds Bk. 10, Pg. 172 - Waldemar Subd.
- M. & S. Bk. 4, Pg. 24 - Lots 11, 12 Waldemar Subd.
- M. & S. Bk. 7, Pg. 70 - J. A. Boyce
- P.M. Bk. 5, Pg. 78 - Womack, Lawry, Stark, # 3010
- M. & S. Bk. 12, Pg. 20 - Yolo Co. Housing Authority
- P.M. Bk. 8, Pg. 51 - Gene J. & Marlon J. Caselli, # 3520
- M. & S. Bk. 12, Pg. 52 - Record of Survey
- P.M. Bk. 9, Pg. 84 - Parcel Map # 3649
- P.M. Bk. 11, Pg. 15 - 17 - R.M. Matz & Asso, Inc., # 4057
- M.B. 17/66 - 68 - Putah Creek Homlet # 1, # 4069
- M. & S. Bk. 2007, Pg. 138 - 147 - Record of Survey of Monumentation St. Highway 505



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DEC 16 2008
CITY OF WINTERS

NO.	DATE	REVISIONS
1	11/16/07	PREPARED
2	11/16/07	REVISED
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(formerly por. 31 - 07)

NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.

CITY & VICINITY OF WINTERS
Assessor's Map Bk. 38, Pg. 07
County of Yolo, Calif.

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ATTACHMENT 2

ATTACHMENT 3

ATTACHMENT 4

CONDITIONS OF APPROVAL FOR THE TENTATIVE PARCEL MAP FOR THE PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF INTERSTATE 505 AND STATE ROUTE 128 TOTALING 11.72 ACRES

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.
2. All mitigation measures in the Gateway Master Plan/Matz Parcel Map Mitigated Negative Declaration (adopted June 29, 1993) shall be included as conditions of approval. (See Exhibit 5 of Staff Report Attachment 5) with the exception that the following "Suggested Mitigation Measures" shall be revised to read as follows:

#19. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way Highway 128 and Gateway Drive. Said plans shall call for sleeves under the sidewalk and driveway, at each lot, for a future automatic irrigation system in the parkway strip.

#25. An updated Biological Resources Assessment shall be prepared subject to City acceptance, prior to commencement of any onsite work, to assess the potential for, and identify any current populations of, sensitive species and/or habitats on the front acreage. Habitats shall be quantified and standard mitigations/survey protocol requirements shall be imposed, including compliance with Yolo NCCP/HCP JPA Swainson's Hawk Interim Mitigation Fee Program for loss of Swainson's hawk foraging land, and applicable requirements for impacts to nesting raptors and burrowing owls.

#28. The developer shall implement all traffic conditions contained herein prior to issuance of any certificates of occupancy for buildings within the project area. The developer shall commission an appropriate traffic study of Highway 128 from the north bound off-ramps of I-505 to the intersection of Main street inclusive. This study shall recommend mitigation measures which will leave this stretch of roadway and all intersecting streets at LOS "C" or better, as required by the General Plan. Said study shall be completed and approved by the City Engineer prior to approval of any development, parcel or tentative parcel maps for the Parcel #4. Traffic improvement costs shall be paid in an equitable manner by the end users of the project, as approved by the City.

#33. Delete

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3. All mitigation measures in the Mitigation Monitoring and Reporting Program for the Matz Parcel Map, First Phase of the Gateway Master Plan (adopted June 29, 1993) shall be included as conditions of approval (See Exhibit 6 of Staff Report Attachment 5); with the exception that the following Measures shall be revised to read as follows:

#4. Landscaping and irrigation plans shall be prepared by a landscape architect, who is approved by the City, and included as part of the subdivision improvement plans and/or site plans. These plans shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way of Highway 128 and Gateway Drive. Said plans shall call for sleeves under the sidewalk and driveway, at each lot, for a future automatic irrigation system in the parkway strip as well as to the median islands. Drought tolerant and native plant species shall be incorporated into landscaping plans to the maximum extent possible and drip irrigation systems shall be used in the landscaping of new public and private open space areas.

#8. The developer shall commission an appropriate traffic study based on 100% build-out of the General Plan area, performed by a Traffic Engineer acceptable to the Public Works Director, of HWY 128 from the North bound off-ramps of I-505 to the intersection of Main Street inclusive. This study shall recommend mitigation measures which will leave this stretch of roadway and all intersecting streets at LOS "C" or better, as required by the General Plan. Said study shall be completed and approved by the Public Works Director prior to approval of any development permit, parcel or tentative parcel maps for the Parcel #4.

#11. A minimum 12' median island shall be installed in Gateway Drive. Gateway Drive shall include turn pockets six foot sidewalks. A free right turn lane 165 feet in length, shall be added onto East bound Hwy 128. There shall be a minimum landscape width of ten feet behind the sidewalks which shall be privately maintained.

#12. Median island geometries, including location and sizes of median cuts and stacking lanes, shall be determined at the time of improvement plan submittal. The median island in Gateway Drive shall run from Hwy 128, south a minimum of 180 feet. Driveway access to all Parcels shall be limited in size, location, and number to allow for safe and efficient flow of traffic. Several parcels, depending on their use and layout may be limited to a single driveway, per parcel. All access points are subject to the approval of the Director of Public Works. In the event that access is provided through common driveways, a common access and maintenance agreement for such common facilities shall be recorded concurrent with Parcel Map. The form and content of these agreements shall be subject to approval by the Director of Public Works. These agreements shall include a clause which prohibits their modification after recordation with prior written approval by the City.

#24. Delete

#25. Delete

4. Development on parcels 1 through 3 cannot exceed a trip "budget" of 5,310 daily trips and/or 434 PM peak hours trips, and requires the following approvals:
 - a. Approval of Design Review for Development Plan for Parcels 1-3
 - b. Approval of Planned Development Permit for Parcels 1-3
 - c. Finding of Consistency with Gateway Master Plan
 - d. Finding of Consistency with Putah Creek Nature Area Master Plan
5. Development or any other discretionary actions involving the back parcel (new Parcel 4) will require subsequent site-specific CEQA clearance and is not addressed in the Initial Study for this project.
6. The applicant shall provide the City with an initial deposit of \$2500.00 to cover City Engineering, Yolo County Surveyor, and internal City administrative costs incurred by the City for the parcel map plan check. The parcel map check shall not begin until the deposit is received. The applicant shall deposit additional funds should the parcel map check expenses incurred by the City exceed the initial deposit. The City shall refund the applicant any deposit funds in excess of the City's parcel map check expenses.
7. The applicant shall submit a current title report to the City prior to recordation of the parcel map. The title report shall include the entire legal boundary of property being divided.
8. The applicant shall provide the City with one mylar and four paper copies of the recorded map.
9. The applicant shall pay all applicable taxes, fees, and charges at the rate amount in effect at the time of such taxes, fees, and charges become due and payable.
10. All street and other required public improvements shall be constructed concurrently, in a single phase operation.
11. The full access intersection into the project shall be permitted on a temporary basis. This intersection shall be eliminated by the City by installing a continuous median island down the center of HWY 128 in the event that any intersection between the North bound off ramps to I-505 and Main Street drops below level of service "C" in the future or as required by Caltrans due impacts to the Caltrans I-505.
12. On Hwy 128 median islands will be striped pursuant to City and Caltrans requirements, as part of improvements. Subdivider shall pay the City the cost of constructing, including landscaping and irrigation, for future median islands in Grant Avenue along the frontage of the property. Said fees shall be approved by the City Engineer and paid in full prior to the approval of the parcel map.
13. A comprehensive storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design

features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Public Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures and (detention basins if required). The Storm Drainage Plan shall be submitted for approval prior to submittal of the first final map and/or construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan.

14. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
15. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
16. Applicant shall be required to coordinate with FEMA through the City's Floodplain Administrator to determine if a CLOMR or LOMR is needed for the project as a result of possible impacts to Dry Putah Creek Flood Plain. Applicant shall obtain all necessary permits and CLOMRs/LOMRs as required prior to First Final Map approval.
17. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
18. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
19. All projects shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
20. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.

21. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral required for each parcel, in accordance with City of Winters Public Improvement standards and Construction Standards.
22. A comprehensive Sewer Collection System Plan shall be submitted for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. A registered civil engineer for project shall prepare the sewer collection system plan. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
23. All materials and installation of the water system shall be at the applicant's expense per City of Winters Public Improvement Standards and Construction Standards.
24. If required, per the Subdivision Map Act, project Applicant shall obtain a Water Verification (WV) prior to approval of final map that addresses the following:
 - a) Actual water service to the subdivision will be predicated upon satisfaction of terms and conditions set by the water supplier
 - b) The WV is non-transferable, and can only be used for the specific tentative map for which it was issued.
 - c) The WV shall expire along with the tentative map subdivision map if a final map is not recorded within time allowed under law
 - d) Until such time as actual service connections are approved for the subdivision, the water agency may withhold water service due to a water shortage declared by the water agency.
25. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection Fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
26. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.
27. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the applicant's expense. Required location, service size and flow-rate for the fire protection system must be submitted. Actual location is subject to the

review and approval of the Public Works Department, Fire Department, and Community Development Department.

28. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
29. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
30. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District.
31. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Woodland Fire Department for replacement purposes.
32. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.
33. Prior to approval of the first final map, a comprehensive water system plan shall be prepared by a registered civil engineer for project, and shall be submitted to the City Engineer for review and approval. The master plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan.
34. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
35. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
36. When the fire protection facilities are in the City of Winters, the developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
37. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.
38. Submit three sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to the issuance of each building permit.
39. Fire suppression sprinkler systems shall meet or exceed NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems.

40. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.
41. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
42. A subdivision map (Final or Parcel) shall be processed and shall be recorded prior to issuance of a Building Permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.
43. A registered landscape architect shall design landscape and privacy wall improvements and improvements shall be per City Standards, as applicable.
44. Joint trench/utility/composite plans shall be submitted to the City Engineer for review, prior to approval of the final map and improvement plans.
45. All existing and proposed utilities (Electric, phone/data, and cable) within 100 feet of the project boundary shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
46. Street lighting location plan shall be submitted and approved by the Department of Engineering, prior to approval of improvement plans and final recordation of Map.
47. Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City of Winters City Engineer and Fire Department.
48. Occupancy shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
49. If relocation of existing facilities is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
50. A Subdivision Improvement Agreement shall be entered into and recorded prior construction of improvements, issuance of any building permits, or recordation of a final map.
51. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and

Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.

52. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
53. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
54. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City.
55. Project proponents shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
56. Applicant of multi-family residential, commercial and industrial project shall provide refuse enclosure detail showing bin locations and recycling facilities to the approval of the Public Works Department.
57. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer.
58. Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.
59. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.
60. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
61. Encroachment permits if necessary from will be acquired from Yolo County, Caltrans, and PG&E.
62. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.
63. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.

64. If improvements are constructed and/or installed by a party or parties other than the Applicant, which improvements benefit Applicant's property, prior to issuance of a building permit (approval of the final map) on Applicants property, Applicant shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) (approval of the final map) to Applicant.



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: May 25, 2010
FROM: Nelia C. Dyer, Community Development Director *ND*
SUBJECT: Public Hearing and Consideration of a Site Plan Review Application for the Construction of an "Art Park" Located at 23 Main Street (APN 003-204-12)

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 Site Plan Review Application submitted by Bill Hailey, Richard Kleeberg, and Will Merchand for the construction of an "art park" at 23 Main Street (APN 003-204-12) with the attached conditions of approval.

BACKGROUND: In March 2006, the City Council adopted the *Downtown Master Plan*, which recommends a mid block pedestrian walkway, or "paseo" at the location of the proposed art park. The mid block paseo would extend from the existing Downtown Mini-Park through the vacant property to the alley and the proposed mid-block parking area (See Attachment 3). In the *Downtown Master Plan*, it states that the "westerly portion (of the paseo) could be reserved for display space for the gallery (Community Expressions Gallery) with the remaining 15 feet for a public walkway that has benches, lighting, and landscaping." The paseo would also link to the Main Street mid-block crossing, which is an improvement included in the approved Downtown Streetscape Project, Phase 2.

In November 2006, the City of Winters Community Development Agency purchased 23 Main Street from Valerie Whitworth and Michael Barbour. The purchase of the property came with a number of terms including the submittal of a development proposal for an Art Center building on the site and interim site improvements such as an art garden and display areas.

On March 27, 2010, a community workshop was held to solicit ideas on the design of an art park at 23 Main Street. The conceptual plan developed at the community workshop was presented to the Planning Commission on April 23, 2010. At that meeting, the Planning Commission provided feedback to the applicants regarding the conceptual plan.

PROJECT DESCRIPTION: The project applicants intend to construct an art park at 23 Main Street based upon the conceptual plan dated March 27, 2010. The plan depicts landscaping, including a mounded picnic lawn, a decomposed granite area, and a variety of flowering trees planted throughout the site. The plan also shows granite blocks that could double as benches and pedestals, streetscape columns at the entrance from Main Street, and a low screen fence at the entrance from the alley. An 8-foot by 14-foot stage area or “covered area” and wall mounted projection cabinet are also shown on the plans. This area could include a movie screen on the wall and removable seating. The “art” aspect of this concept plan would be accomplished through a mural frame/attachment for rotating community artwork.

ANALYSIS: The proposed plan is consistent with the *Downtown Master Plan*. Specifically, it would accomplish the recommended project (or one of the Capital Improvements) of the mid block paseo planned for 23 Main Street. In addition, the plan is consistent with the Development & Design Guidelines of the *Downtown Master Plan* because it provides a variety of landscape elements such as plazas and planters “to provide pedestrian-oriented spaces between buildings, along street and parking frontages, and at other similar locations.” Moreover, the project addresses the recommended project of art in public places by providing space for rotating art on the walls of the adjacent buildings.

It appears that lighting is not included in the proposed project. To provide security, staff recommends that lighting be installed as part of the project (See Condition 2). The proposed project is located in the Form Based Code Area. The Form Based Code recommends that the parking lot fixtures not exceed 20 feet in height.

In addition to lighting, trash receptacles and drinking fountains are not included on the plans. Trash receptacles and drinking fountains are two amenities that were recommended by the Planning Commission at the meeting on April 27, 2010. Staff recommends that the plan be revised to include trash receptacles and drinking fountains (See Condition 3).

The building and landscaping materials are generally identified on the proposed plan. Prior to installation of any improvements as part of this project, staff recommends that the applicants provide a detailed list of building and landscaping materials, materials board, and a detailed landscaping plan with the location and choice of landscaping materials to the Community Development Director for review and approval by the Planning Commission (See Condition 4). Specific attention should be given to water conservation through the use of drought-tolerant plants and other landscaping materials.

As mentioned previously, the plan shows a mural/frame attachment for rotating community artwork as well as a wall-mounted projection cabinet. Prior to the installation of these wall-mounted devices, staff recommends that the applicant work with a structural engineer/architect to assess the structural integrity of the walls of the adjacent buildings (See Condition 5). In addition, the applicant will be required to seek authorization from the property owners of the adjacent buildings to attach any wall mounted objects to their structures.

Staff is in the process of preparing Public Art Policies and Guidelines for the city. At this time, staff has tentatively scheduled to present the guidelines to the Planning Commission at the June 22, 2010

meeting and a City Council meeting in July 2010. Prior to the installation of artwork in the park, the artwork shall be required to go through the process prescribed by the Public Art Policies and Guidelines.

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

- a. Confirmation of CEQA exemption finding - Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land)
- b. Approval of the Site Plan Review Application and the attached conditions

APPLICABLE REGULATIONS: This project is subject to several regulations:

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, May 13, 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 Friday, May 21, 2010.

ENVIRONMENTAL ASSESSMENT: The proposed project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land).

RECOMMENDED FINDINGS FOR THE CONSTRUCTION OF AN ART PARK AT 23 MAIN STREET (SITE PLAN REVIEW)

CEQA Findings:

1. The proposed project is exempt from CEQA review under §15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land).
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 and Class 4 Minor Alterations to Land for the construction of an art park at 23 Main Street.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan requires the City to prepare and adopt a Central Business District Plan that includes a detailed land use plan, design guidelines, parking plan, and list of proposed public improvements. The City accomplished this action by adopting the Downtown Master Plan in March 2006. The Downtown Master Plan includes the installation of a mid-block paseo that incorporates display space for art and a public walkway that has benches, lighting, and landscaping. The proposed project would achieve this goal of the Downtown Master Plan and ultimately, the City's General Plan.
2. The project is consistent with the provisions of the Zoning Ordinance. The project is location within the Form Based Code Regulating Area, specifically the Main Street D-A zone, where paseos are allowed. In the Form Based Code, paseos are defined as local pathways serving pedestrians and bicyclists only, which may include areas for outdoor dining, retail space, patio, art garden, and related uses. The proposed project is consistent with this description.

RECOMMENDATION

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE SITE PLAN REVIEW APPLICATION FOR THE CONSTRUCTION OF AN ART PARK AT 23 MAIN STREET 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 Site Plan 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 SITE PLAN REVIEW APPLICATION FOR THE CONSTRUCTION OF AN ART PARK AT 23 MAIN STREET LOCATED ON ASSESSOR PARCEL NUMBER 003-204-12, WINTERS, CA 95694.

1. This Site Plan Review Application is based upon and limited to compliance with the project description, Attachments 1-3, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be brought to the attention of, reviewed and approved by the Community Development Director for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
2. The applicants shall install lighting in the art park. Lighting shall provide both security and visual interest. The light fixtures shall not exceed 20 feet in height. The lighting shall be consistent with the historic small town character of Winters. The location and detail of the

lights are subject to approval by the Planning Commission. Prior to the commencement of the construction, the applicants shall revise the plan to show the location and detail of the lights for the art park.

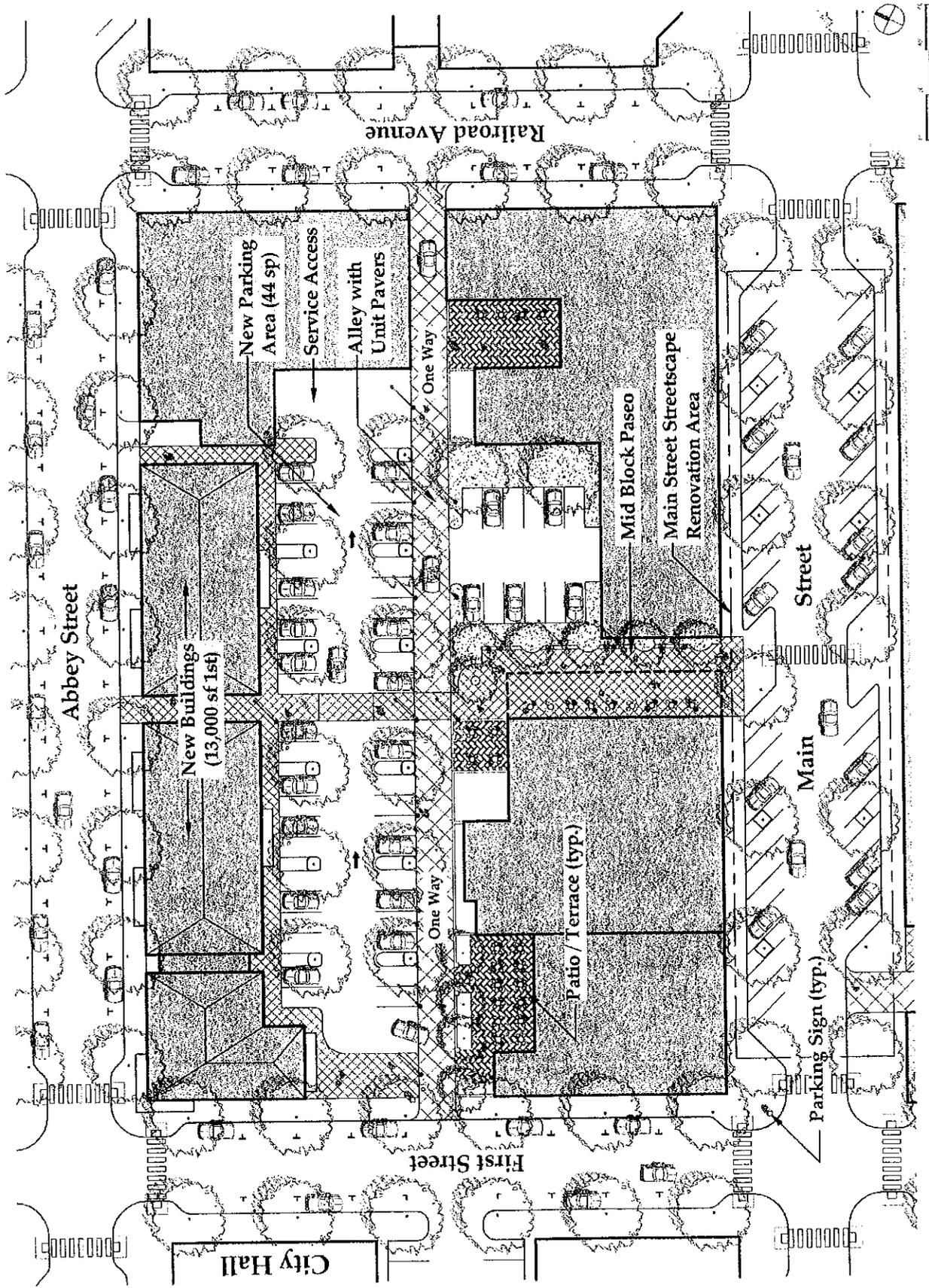
3. Prior to the installation of the any improvements as part of this project, the applicants shall revise the site plan to incorporate drinking fountains and trash receptacles in the art park. The revised plan shall be submitted to the Community Development Department for review and approval by the Planning Commission.
4. Prior to installation of any improvements as part of this project, the applicants shall provide a detailed list of building and landscaping materials, materials board, and a detailed landscaping plan with the location and choice of landscaping materials to the Community Development Department for review and approval by the Planning Commission. Specific attention should be given to water conservation through the use of drought-tolerant plants and other landscaping materials.
5. Prior to the installation of these wall-mounted devices, the applicant shall work with a structural engineer/architect to assess the structural integrity of the walls of the adjacent buildings. In addition, the applicant shall seek authorization from the property owners of the adjacent buildings to attach any wall mounted objects to their structures.
6. The project shall meet both State and Federal accessibility requirements
7. Prior to commencement of any improvements as part of this project, the applicants shall obtain all required City permits and pay all applicable fees.

ATTACHMENTS:

1. Vicinity Map
2. Site Plan
3. Core Block A (From the Downtown Master Plan, Approved in March 2006)



Vicinity Map



Core Block A