

CITY OF WINTERS PLANNING COMMISSION AGENDA  
-SPECIAL MEETING-

Tuesday, July 13, 2010 @ 5:00 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](mailto: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** 5:00 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 June 22, 2010 regular meeting of the Planning Commission.

**V. STAFF/COMMISSION REPORTS**  
Current Projects List

**VI DISCUSSION ITEMS:**

A. *Public Hearing and Consideration of a Parcel Map 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)*  
**(THIS ITEM IS CONTINUED TO THE JULY 27, 2010 PLANNING COMMISSION MEETING.)**

B. *Public Hearing and Consideration of the Adoption of an Ordinance amending Chapter 17.96 (Alcoholic Beverage Establishments) of the Winters Municipal Code.*  
Staff has received inquiries from potential business owners concerning the City's regulations governing alcoholic beverage establishments in the central business district, which is also known as the Downtown Form Based Code area as defined in Chapter 17.58 of the Winters Municipal Code. Presently, the Winters Municipal Code states that no on-sale liquor establishments shall be authorized or maintained within 200 feet of sensitive uses in the central business district. Sensitive uses include schools (public and private); established churches or places of worship; hospitals, clinics, or other health care facilities; public parks, playgrounds, or other recreational uses; or other on-sale liquor establishments. With the current businesses/uses in the downtown in combination with the current municipal code, it is difficult for additional on-sale liquor establishments (including wine tasting rooms) to locate in the downtown. Based upon this, City staff is of the opinion that the Winters Municipal Code should be amended to offer appropriate regulations for these businesses in the downtown.

**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 JULY 8, 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 June 29, 2010**  
**(530) 795-4910, extension 114, [www.cityofwinters.org](http://www.cityofwinters.org)**

\* *New information in italics*

<b>PROJECT</b>	<b>DESCRIPTION &amp; PROCESS</b>	<b>LAST ACTION</b>	<b>NEXT ACTION</b>
(1) Winters Highlands, Meyer Crest, Bert Meyer (530) 242-2010	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	City Council approved the Second Amendment to the Development Agreement on January 6, 2009.	Applicant submittal of Final Map and Improvement Plans.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(4) Creekside Estates, Jim Wirth (916) 617-4248	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	-Planning Commission approved Tentative Subdivision Map on November 23, 2004. -City Council approved the applicant's request for infrastructure funding on November 3, 2009.	Applicant submittal of Final Map and Improvement Plans.
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council at its January 15, 2008 meeting took final action by approving the Rezone Ordinance.	Applicant submittal of Final Map and Improvement Plans.

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

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<p>(14) St. Anthony's Catholic Church Parish &amp; Rectory, Roman Catholic Church of Sacramento/McCandless &amp; Associates (530) 662-9146</p>	<p>Proposal to construct a new Catholic Church and associated site work at the corner of Main &amp; Grant Streets.</p>	<p>was filed on February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting. Applicant submitted improvement and building plans in October 2009.          -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.</p>	<p>Issuance of Building Permit(s)</p>
<p>(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214</p>	<p>Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.</p>	<p>Planning Commission approved the Design Review (Site Plan) on February 24, 2009.</p>	<p>Complete</p>
<p>(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767</p>	<p>Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue</p>	<p>Application was filed on January 29, 2009. Planning Commission approved the Conditional Use Permit for the project on March 24, 2009.</p>	<p>Complete</p>
<p>(17) The Tree House Children's Center, 418 Haven Street, (530) 304-8248</p>	<p>Application for a Conditional Use Permit to operate a children's center at 418 Haven Street</p>	<p>Application was filed on March 19, 2009. Planning Commission approved the Conditional Use Permit for the project on April 28, 2009.</p>	<p>Complete</p>
<p>(18) Winters Community Church, 113 Main Street, (530) 795-5530</p>	<p>Application for a Conditional Use Permit to operate a religious institution at 113 Main Street</p>	<p>Application was filed on April 6, 2009. Planning Commission approved the Conditional Use Permit on May 26, 2009.</p>	<p>Complete</p>
<p>(19) Turkovich Family Winery, 22-A Main Street, (530) 795-2767</p>	<p>Application for a Conditional Use Permit to operate a winery at 22-A Main Street</p>	<p>Application was filed on June 6, 2009. Planning Commission approved the</p>	<p>Complete</p>

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		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.	
(26) Tentative Parcel Map for Jordan Family	Application for Tentative Parcel Map for property located southwest of I-505/SR 128 to realign the proposed	-Application was filed on December 16, 2009. The	

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(530)662-1755	Gateway Drive street alignment and reconfigure the lots to match the new alignment.	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. <b>The Planning Commission recommended approval of the Tentative Parcel Map to the City Council.</b> <b>- The City Council held a public hearing and approved the tentative parcel map on June 5, 2010.</b>	
(27) Kristensen Drywall and Pearce Heating & Air Conditioning, 27990 CR 90, (530) 795-8800	Application for a Conditional Use Permit (CUP) to operate light general manufacturing uses in a Light Industrial (M-1) zone at 27990 CR 90.	Application was filed on February 18, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting. The Commission approved the CUP at the March 23, 2010 meeting.	
(28) Briggs & Co., 820 Railroad Avenue, (530) 795-9505	Application for a Conditional Use Permit (CUP) for extension of a non-conforming use at 820 Railroad Avenue.	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.	Public Hearing and decision by Planning Commission
(28) Preserve, Inc., 200 and 202 Railroad Avenue, (530) 795-3816	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	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010	Building Permit issued.

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		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.	
(29) Main Street Plaza, 111 Main Street, (530) 795-3214	Application for a Sign Permit and Variance to modify a nonconforming sign location at 111 Main Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. PC approved the variance at the meeting on March 23, 2010.	<b>Building Permit issued</b>
(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 (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.	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 (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.	Issuance of Building Permit
(32) Parcel Map for 101 East Grant Avenue, (530) 668-5883	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)	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	

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		meeting in July due to the need for additional time to process the preliminary map with Yolo County.	
<b>(33) 22 Main Street, (530) 795-2060</b>	<b>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</b>	<b>Application was filed on June 10, 2010. A public hearing will be scheduled for August/September 2010.</b>	
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, 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

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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
- 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 SPECIAL MEETING  
HELD ON TUESDAY, JUNE 22, 2010**

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

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

**ABSENT:** Commissioner Martinez

**STAFF:** Community Development Director Nelia Dyer, Contract City  
Attorney Laura Hollender, Administrative Assistant Jenna Moser

Commissioner Tramontana led the Pledge of Allegiance.

**CITIZEN INPUT:** None

**COMMUNICATIONS:**

**Staff Reports:** Community Development Director Dyer noted a special Planning Commission meeting to be held at 5 pm on Tuesday, July 13<sup>th</sup> at City Hall to discuss the proposed parcel map for the Walnut Lane realignment and the amendments to the Alcoholic Beverage Establishments Ordinance to be followed immediately by a joint City Council and Planning Commission meeting to discuss the Caltrans Complete Streets project for Grant Avenue (SR 128) and Russell Boulevard.

**Commission Reports:** None

**CONSENT ITEM**

Approve minutes of the May 25, 2010 regular meeting of the Planning Commission.

**Motion by Commissioner Cowan, Second by Commissioner Guelden to approve the minutes for the May 25, 2010 meeting of the Planning Commission. Motion carried with the following roll call vote:**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Martinez

**DISCUSSION ITEM**

**A. PUBLIC HEARING AND CONSIDERATION OF A PARCEL MAP 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)**

This item has been continued to the July 13, 2010 special Planning Commission meeting.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING  
HELD ON TUESDAY, JUNE 22, 2010**

**B. INFORMATIONAL ITEM – WATER EFFICIENT LANDSCAPE ORDINANCE**

Contract City Attorney Laura Hollender provided an overview of the staff report. In the overview, Ms. Hollender stated that the State's Model Ordinance only applies to "homeowner-provided and/or homeowner-hired projects" to the extent there is at least 5,000 (rather than 2,500) square feet of landscaping area.

Commissioner Cowan asked if the 5,000square feet excluded hardscape. Ms Hollender responded that it does exclude hardscape.

Commissioner Cowan added that the exclusion helps, but that he expressed that he feels like this ordinance is a burden on homeowners. He also mentioned that the Model Ordinance requires the installation of a second water meter for landscape water and he does not support that requirement.

Commissioner DeVries asked if City staff could speak to a landscape architect to see how staff can put this ordinance into action with burdening staff and potential applicants.. Staff concurred. Ms Dyer reiterated that the City has two options: 1) Adopt the State's Model Ordinance as is; or 2) Create an ordinance that requires the same level of efficiency as the State's Model Ordinance. She added that the City has very few staff to develop and review a packet for developers or homeowners regarding this issue.

Commissioner Guelden stated he was skeptical that the state would sign off on a plan we created anyway.

**C. INFORMATIONAL ITEM – ALCOHOLIC BEVERAGE ESTABLISHMENT ORDINANCE**

Community Development Director Dyer provided an overview of the staff report and proposed changes – namely, excluding hospitals, clinics, and other establishments serving alcohol and including wine tasting rooms.

Dan Martinez of Berryessa Gap, stated that he would support amendments to the current ordinance based on the type of license issued by the California Department of Alcoholic Beverage Control (ABC). He encouraged staff to review the types of ABC licenses and their related restrictions.

Commissioner Guelden asked if the proposed "art park" would be considered a park under this ordinance. If so, he stated that all downtown businesses would be restricted, and he encouraged more thought on this issue.

Chris Turkovich of Turkovich Family Wines, stated that the ABC defers to cities regarding the concentration of alcoholic beverage establishments. Ms Dyer said that this item would return at the July 13<sup>th</sup> special meeting.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING  
HELD ON TUESDAY, JUNE 22, 2010**

**D. INFORMATIONAL ITEM – MOBILE FOOD VENDORS**

Ms Dyer stated that this item draws from the May 25<sup>th</sup> meeting, and provided an overview of the staff report and some examples of other cities' ordinances.

Commissioner DeVries commented that he would like to see a limit of the number of vendors allowed in certain areas, and prefers mobile vendors to stationary vendors.

Stan Lester of Lester Farms Bakery and Lester Farms, provided an outline to the Commission with several examples of other cities' regulations. Mr. Lester spoke in opposition of mobile food vendors except on special occasions such as Youth Day or Earthquake Festival.

Commissioner Meisch stated that he preferred mobile vendors with short stopping periods to service customers, and would support regulations similar to those in Davis and Woodland. He added that he did not support prohibition of these vendors.

Commissioner DeVries suggested a review period of 6 months for mobile vending businesses, and encouraged enforcement of these regulations 7 days a week.

Chairman Neu asked if the Form Based Code addressed vendors. Ms Dyer stated it does not address mobile food vendors.

Ms Dyer stated that this item would return on the agenda for the regular meeting in July.

**COMMISSION/STAFF COMMENTS:**

None

The meeting was adjourned at 7:45 p.m.

**ATTEST:**

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Jenna Moser, CDD Admin

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Pierre Neu, Chairman



PLANNING COMMISSION  
STAFF REPORT

TO: Chairman and Planning Commissioners

DATE: July 13, 2010

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

SUBJECT: Public Hearing and Consideration by the Winters Planning Commission of the City of Winters for Adoption of an Ordinance, Amending Chapter 17.96 (Alcoholic Beverage Establishments) of the Winters Municipal Code

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**RECOMMENDATION:** Staff recommends that the Planning Commission: 1) Receive the staff report; 2) Conduct a public hearing; and 3) Recommend approval to the City Council of the adoption of an Ordinance amending Chapter 17.96 (Alcoholic Beverage Establishments) of the Winters Municipal Code.

**BACKGROUND:** Staff has received inquiries from potential business owners concerning the City's regulations governing alcoholic beverage establishments in the central business district, which is also known as the Downtown Form Based Code area as defined in Chapter 17.58 of the Winters Municipal Code. Presently, the Chapter 17.96 of the Winters Municipal Code states that no on-sale liquor establishments shall be authorized or maintained within 200 feet of sensitive uses in the central business district. Sensitive uses include schools (public and private); established churches or places of worship; hospitals, clinics, or other health care facilities; public parks, playgrounds, or other recreational uses; or other on-sale liquor establishments. With the current businesses/uses in the downtown in combination with the current municipal code, it is difficult for additional on-sale liquor establishments, such as wine tasting rooms, to locate in the downtown.

Based upon this, City staff is of the opinion that the Winters Municipal Code should be amended to offer appropriate regulations for these businesses that wish to locate in the downtown. Below are the proposed amendments.

**PROPOSED AMENDMENTS:**

***17.96.020 On-sale liquor establishments defined.***

An "on-sale liquor establishment" means any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any facility which has obtained a California Department of Alcoholic Beverages Control license. Typical on-sale uses include, but are not limited to, the following establishments: ballrooms, dance halls/bars, **taverns**, piano bars, billiard and/or game parlors, night clubs, **wineries**, **wine tasting rooms**, **breweries** or other private clubs. This definition shall not include restaurants as defined in Chapter [17.08](#), veterans' clubs, or the following fraternal organizations: Elks Club, Moose club, or Eagle Club, **Lions Club**, or **Rotary**

*Club. Fraternal organizations not listed may be exempt upon planning commission approval. (Ord. 97-03 § 2 (part): prior code § 8-1.6009(B))*

**17.96.030 Requirements for on-sale liquor establishments.**

A. No on-sale liquor establishments shall be authorized or maintained within five hundred (500) feet of sensitive uses. Sensitive uses include schools (public and private); established churches or places of worship; hospitals, clinics, or other health care facilities; public parks, or playgrounds or other park or recreational uses; or another on-sale liquor establishment. ~~The separation requirement between on-sale liquor establishments and a sensitive use shall be reduced to two hundred (200) feet within the central business district.~~ **There shall be no separation requirement between on-sale liquor establishments and a sensitive use within the Regulating Plan Area for the Form Based Code for Downtown as defined in Chapter 17.58.** For the purposes of this section, distance shall be measured from the nearest entrance used by patrons of such establishments along the shortest route intended and available for public passage to the entrance of other such establishments, or to the nearest property line of any of the other sensitive use. Veterans' clubs, fraternal organizations and restaurants are excluded from the separation requirement of this section. ~~The separation requirement shall not be applicable to Rotary Park and Rotary Park is expressly excluded from the definition of a sensitive use.~~

**PROJECT NOTIFICATION:**

Public notice 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. A legal notice was published in the Winters Express on Thursday, July 1, 2010. 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, July 8, 2010.

**ENVIRONMENTAL ASSESSMENT:**

The proposed Ordinance is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3).

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of the proposed Ordinance to the City Council by making the affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE CITY OF WINTERS OF AN ORDINANCE AMENDING CHAPTER 17.96 OF THE WINTERS MUNICIPAL CODE PERTAINING TO ALCOHOLIC BEVERAGE ESTABLISHMENTS.

**ALTERNATIVES:**

The Planning Commission may recommend modifications or recommend denial of the Ordinance to the City Council.

**ATTACHMENT:**

An Ordinance amending Chapter 17.96 of the Winters Municipal Code pertaining to Alcoholic Beverage Establishments

## ORDINANCE No. 2010-XX

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 17.96 OF THE WINTERS MUNICIPAL CODE PERTAINING TO ALCOHOLIC BEVERAGE ESTABLISHMENTS

WHEREAS, Chapter 17.96 of the Winters Municipal Code governs alcoholic beverage establishments in the City of Winters; and

WHEREAS, the Winters Municipal Code Section 17.96.030 states that no on-sale liquor establishments shall be authorized or maintained within 200 feet of sensitive uses in the central business district. Sensitive uses include schools (public and private); established churches or places of worship; hospitals, clinics, or other health care facilities; public parks, playgrounds, or other recreational uses; or other on-sale liquor establishments; and

WHEREAS, due to the spatial limitation imposed by the Chapter 17.96 of the Winters Municipal Code in combination with already existing on-sale liquor establishments, it is difficult for additional on-sale liquor establishments, such as wine tasting rooms, to locate in the downtown; and

WHEREAS, City staff is of the opinion that the Winters Municipal Code should be amended to offer appropriate regulations for these businesses that wish to locate in the downtown area; and

WHEREAS, in accordance with the above, Chapter 17.96 of the Winters Municipal Code was revised by City staff and is hereby submitted to City Council for adoption as the City's Alcoholic Beverage Establishment Ordinance; and

WHEREAS, the amendments to the Chapter 17.96 are exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3); and

WHEREAS, on July 13, 2010, the Planning Commission of the City of Winters held a noticed public hearing and recommended approval of Ordinance 2010-XX to the City Council; and

WHEREAS, the City Council of the City of Winters conducted a duly noticed public hearing on August 3, 2010, at City Hall, 318 1<sup>st</sup> Street, Winters, CA 95694. Notice of the time, place, and purpose of the aforementioned meeting was duly noticed in accordance with Government Code 65090.

THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DOES HEREBY  
ORDAIN AS FOLLOWS:

#### SECTION 1. AMENDMENT.

- A. Chapter 17.96, Section 17.96.020 (On-sale liquor establishments defined) is amended to read as follows:

An "on-sale liquor establishment" means any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any facility which has obtained a California Department of Alcoholic Beverages Control license. Typical on-sale uses include, but are not limited to, the following establishments: ~~ballrooms, dance halls/bars, taverns, piano bars, billiard and/or game parlors,~~ night clubs, *wineries, wine tasting rooms, breweries* or other private clubs. This definition shall not include restaurants as defined in Chapter [17.08](#), veterans' clubs, or the following fraternal organizations: Elks Club, Moose club, or Eagle Club, *Lions Club, or Rotary Club*. Fraternal organizations not listed may be exempt upon planning commission approval. (Ord. 97-03 § 2 (part): prior code § 8-1.6009(B))

B. Chapter 17.96, Section 17.96.030 (A) is amended to read as follows:

A. No on-sale liquor establishments shall be authorized or maintained within five hundred (500) feet of sensitive uses. Sensitive uses include schools (public and private); established churches or places of worship; hospitals, clinics, or other health care facilities; public parks, or playgrounds or other park or recreational uses; or another on-sale liquor establishment. ~~The separation requirement between on-sale liquor establishments and a sensitive use shall be reduced to two hundred (200) feet within the central business district. There shall be no separation requirement between on-sale liquor establishments and a sensitive use within the Regulating Plan Area for the Form Based Code for Downtown as defined in Chapter 17.58.~~ For the purposes of this section, distance shall be measured from the nearest entrance used by patrons of such establishments along the shortest route intended and available for public passage to the entrance of other such establishments, or to the nearest property line of any of the other sensitive use. Veterans' clubs, fraternal organizations and restaurants are excluded from the separation requirement of this section. ~~The separation requirement shall not be applicable to Rotary Park and Rotary Park is expressly excluded from the definition of a sensitive use.~~

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption it shall be posted in two (2) public places within the City of Winters and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Winters prior to the effective date.

INTRODUCED on the 3rd day of August, 2010.

PASSED AND ADOPTED as an ordinance of the City of Winters at a regular meeting of said Council on the 17th day of August, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Woody Fridae, MAYOR

ATTEST:

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Nanci G. Mills, CITY CLERK