

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, July 14, 2009 @ 7:30 PM

City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #112
Email: jen.michaelis@cityofwinters.org

Chairman: TBD
Vice Chairman: TBD
Commissioners: Wade Cowan, Bruce Guelden,
Corinne Martinez, Philip Meisch, Pierre Neu, Dave
Rodriguez Jr., Glenn DeVries
Administrative Assistant: Jen Michaelis
Community Development Director: Nelia Dyer

I CALL TO ORDER 7:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III COMMUNICATIONS:

- A. Staff Reports
- B. Commission Reports

IV 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.

V CONSENT ITEM

Approve minutes of the June 23, 2009 regular meeting of the Planning Commission

VI DISCUSSION ITEMS:

- A. Swearing in of new Planning Commissioners
- B. Selection of Chairman & Vice-Chairman
- C. Recommendation to Re-Appoint Pierre Neu as the Planning Commission Liaison to the Winters Putah Creek Committee
- D. Public Hearing and consideration of a Conditional Use Permit application (2009-04-CUP) submitted by Chris Turkovich for a proposed winery located at 22 Main Street (APN 003-204-011)

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, 2009.



JEN MICHAELIS - ADMINISTRATIVE ASSISTANT

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

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

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

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

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JUNE 23, 2009**

Chairman Vallecillo called the meeting to order at 7:30 p.m.

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

ABSENT: None

STAFF: Community Development Director Nellie Dyer, City Attorney John
Wallace, Administrative Assistant Jen Michaelis

Commissioner Tramontana led the Pledge of Allegiance.

COMMUNICATIONS:

Staff Reports: Community Development Director Dyer mentioned the highlights of the Current Projects List, noted the TANC comment period extension, reported on the upcoming Quilt Show, and stated that benches in front of the quilt shop have been bolted down and the downtown streetlights have been fitted with aluminum caps for light direction.

Commission Reports: None

CONSENT ITEM

Approve minutes of the May 26, 2009 regular meeting of the Planning Commission. Commissioner Neu asked for a couple of minor revisions.

Motion by Commissioner Neu, Second by Commissioner Martinez to approve the minutes as amended for the May 26, 2009 meeting of the Planning Commission. Motion carried with the following roll call vote:

AYES: Commissioners, Cowan, DeVries, Guelden, Martinez, Neu,
Tramontana, and Chairman Vallecillo

NOES: None

ABSTAIN: None

ABSENT: None

DISCUSSION ITEM

- A. Public Hearing and consideration of a Design Review application (2009-01-DR) submitted by Mary Bajakian for the Façade Improvement of the building located at 1 & 7 Main Street and 302-308 Railroad Avenue (APN 003-204-081)

At this time, Commissioner Vallecillo stepped down on item A due economic interests in proximity to the subject project location, and Commissioner Martinez stepped down for items A & B for the same reason as Commissioner Vallecillo.

Community Development Director Dyer provided an overview of her staff report. Mrs. Melanie Bajakaian stepped forward on behalf of the applicant, Mrs. Mary

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TUESDAY, MAY 26, 2009**

Bajakian, to present an overview of the project details. Vice Chairman Neu opened the public hearing at 7:45PM. Mr. Chris Turkovich, one of the leaseholders in the subject building, spoke in favor of the project. Commissioner Neu closed the public hearing at 7:47PM.

Motion by Commissioner Cowan, Second by Commissioner Guelden to approve the Design Review application (2009-01-DR) submitted by Mary Bajakian for the Façade Improvement of the building located at 1 & 7 Main Street and 302-308 Railroad Avenue (APN 003-204-081)

AYES: Commissioners, Cowan, DeVries, Guelden, Neu, Tramontana
NOES: None
ABSTAIN: Martinez, Vallecillo
ABSENT: None

At this time, Commissioner Vallecillo returned to his seat at the dais.

B. Informational Item- Peekaboo Hills Winery at 22 Main Street

Community Development Director Dyer outlined her staff report and asked the Commission for feedback on the proposed use of the building as a winery. Mr. Chris Turkovich, representing the applicant, provided additional background on the winery.

Commissioner DeVries voiced his concerns over waste and odors resulting from the production of the wine. Mr. Turkovich stated that the wine production would be conducted inside the building. Commissioner Vallecillo asked if the winery would have waste removal daily. Mr. Turkovich replied that waste would be removed daily since the space is too small to store the waste.

Commissioner DeVries asked Mr. Turkovich where the tanks would be located in the building. Mr. Turkovich stated that they would be located on the first floor, specifically on the concrete portion of the first floor.

Commissioner Neu asked about the frequency of truck traffic. Mr. Turkovich responded that trucks would be used for fruit delivery, peaking between August and October from 6 to 7AM.

Commissioner Tramontana asked about the amount of water the winery would use. Director Dyer responded that she spoke to the Public Works staff and that they indicated that the City's sewer and water system at its current configuration can accommodate this use. Mr. Turkovich added that most of the water use would be during the months of August-October from 6-7AM.

Commissioner Guelden asked why the applicant has selected this downtown location. Mr. Turkovich responded that he was having trouble finding a location,

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and this space was appropriate for what he needed. Commissioner Guelden asked if any of the operation would be open to the public. Mr. Turkovich responded that the location is a good marketable space for events.

COMMISSION/STAFF COMMENTS:

Director Dyer noted the addition of a special August meeting on the 11th. Commissioner DeVries asked when the Form Based Code would be coming back for review. Director Dyer responded that the meeting on the 11th is for the Form Based Code among other items.

Director Dyer congratulated and thanked Commissioner Vallecillo for his 14 years of service to the Planning Commission and the City of Winters. Commissioner Neu stated that Commissioner Vallecillo has provided a lot of insight to the commission and voiced his appreciation. Commissioner Tramontana thanked Commissioner Vallecillo for his years of service, as well as being a good neighbor. Commissioner DeVries stated that he hoped that he could work with Commissioner Vallecillo in the future. Commissioner Cowan thanked Commissioner Vallecillo for his years of service and wished him luck in future endeavors. The formal recognition will be at the next City Council Meeting.

The meeting was adjourned at 8:14 p.m.

ATTEST:

Jenna Michaelis, CDD Admin

Chairman

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of July 7, 2009
(530) 795-4910, extension 112, www.cityofwinters.org

* *New information in italics*

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

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<p>(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>Applicant declined option to purchase project property.</p>	<p>Project not active.</p>
<p>(9) Anderson Place, Eva Brzeski (415) 887-9300</p>	<p>Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.</p>	<p>First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat & RV storage, sale & repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.</p>
<p>(10) Pearse Parcel Map, Thomas Pearse (530) 795-5901</p>	<p>Proposal for 4-unit parcel map at the south end of Third Street.</p>	<p>Planning Commission on October 9, 2007 approved project.</p>	<p>Applicant submittal of Final Map and Improvement Plans.</p>
<p>(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855</p>	<p>Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.</p>	<p>Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008.</p>	<p>Applicant submittal of Final Map, Improvement Plans, and building plans.</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 was filed on February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting.</p>	<p>Applicant submittal of improvement and building plans.</p>

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(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 submittal of improvement and building plans.
(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.	Under Construction
(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.	Under Construction
(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.	Under Construction
(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.	
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.

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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.	City to prepare Lot Line Merger and Swainson's hawk mitigation. Bid Opening on 7/21/09
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Affordable Housing Units

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



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairperson and Commission Members
DATE: July 14, 2009
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Approval of Recommendation to Re-Appoint Pierre Neu as the Planning Commission Liaison to the Winters Putah Creek Committee

RECOMMENDATION: Staff recommends the approval to Re-Appoint Pierre Neu as the Planning Commission Liaison to the Winters Putah Creek Committee.

BACKGROUND:

Pierre Neu has been the liaison from Planning Commissions since the creation of Winters Putah Creek Committee October of 2006. His term expires in August 2009 and Pierre has expressed interest in continuing to serve as the liaison for the Commission for another 4 year term. The members of the WPCC are also agreeable to Pierre's remaining on the WPCC.



PLANNING COMMISSION STAFF REPORT
July 14, 2009

TO: Chairman and Planning Commissioners

BY: Nelia Dyer – Community Development Director *ND*

SUBJECT: Public Hearing and Consideration of a Conditional Use Permit application for a Winery at 22 Main Street (APN 003-204-11)

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report; 2) Conduct the Public Hearing to solicit public comment; and 3) approve the Conditional Use Permit application submitted by Chris Turkovich for the operation of a winery at 22 Main Street (APN 003-204-11).

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject location of the proposed use is designated CBD (Central Business District) by the General Plan and is zoned C-2 (Central Business District). The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	CBD	C-2	Retail/Commercial
EAST	CBD	C-2	Retail/Commercial
SOUTH	CBD	C-2	Retail/Commercial/Residential
WEST	CBD	C-2	Retail/Commercial

STATEMENT OF ISSUES: The project applicant, Chris Turkovich, is seeking approval of a use permit to allow for the operation of a winery at 22 Main Street (formerly Chris' Florist). The current zoning matrix in the Winters Municipal Code (Chapter 17.52) is silent on wineries or, in general, agricultural processing; however, according to Winters Municipal Code, Section 17.20.030 (Use Permits), a determination can be made by the community development director or planning commission that the proposed use would require a use permit where an interpretation is necessary. Staff considers the proposed use to be an off-sale liquor establishment. According to the Winters Municipal Code,

Section 17.96.040 (Off-sale liquor establishments defined) an "off-sale liquor establishment " means any establishment which is applying for or has obtained a liquor license from the California Department of Alcoholic Beverage Control for selling alcoholic beverages in an unopened container for the consumption off the premises. The Winters Municipal Code requires a use permit to be obtained from the city for all on- and off-sale liquor establishments. Wine sold to wine club members at the wine tasting room at 304 Railroad Avenue will be obtained from the winery at 22 Main Street.

Moreover, according to the draft Form Based Code for Downtown, specialized agriculture and processing is a conditional use for the entire Downtown Form Based Code Area. Specifically, the draft Form Based Code defines specialized agriculture and processing as establishments that provide locally produced foods and spirits including but not limited to produce, cheese, beer, and wine for retail, on-site sale. This use includes on-site agricultural processing in support of the on-site retail activities. While the Form Based Code has yet to be adopted, staff has determined that the subject use must be considered and conditionally approved by the Planning Commission prior to the commencement of operation since the winery is a type of specialized agriculture and processing establishment.

PROJECT DESCRIPTION: The applicant intends to use the space at 22 Main Street to produce, bottle, and store table wines and dessert wines as well as other agricultural products such as cheese. The winery is proposing to use approximately 2,890 square feet of the building at 22 Main Street. Specifically, the applicant is proposing to use the south half of the first floor for active wine production (1,212 square feet). Active production includes but is not limited to crushing, fermenting, bottling, storage of dry goods, and finished products. The main floor is also proposed to include a laboratory for wine analysis and quality control as well as an office space. The applicant is proposing to use the entire basement of the building (1,678 square feet) for barrel and wine storage.

The primary months of wine production are between August and October. During these months, the applicant intends to operate from early morning through early evening, seven days per week. In the off season, the production hours will be limited to two to three days per week with less than six hours of operation per day.

If the Conditional Use Permit is approved, the applicant estimates that 36 tons of grapes will be crushed, resulting in approximately 20,000 liters of wine in 2009. In addition, the applicant states that the winery is estimated to grow production at a rate of 4,500 liters per year, reaching maximum production in 2018 with an annual maximum production of 54,000 liters.

The applicant is proposing to use the facility in conjunction with the Peekaboo Hills Winery Tasting Room located at 304 Railroad Avenue to host wine club-related events and private functions. These activities will be limited to the ground level of the winery

(first floor). Although the main point of sales for Peekaboo Hills Winery will be located at the tasting room, the winery will provide significant revenue in sales during the planned events.

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

1. *The requested use will be in conformity with the general plan.*

The General Plan does not specify "wineries" as a use under the Central Business District (CBD). The CBD designation provides for restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The Berryessa Gap Wine Tasting Room at 15 Main Street used to be the location of Berryessa Gap Winery, where wine was produced on the alley (according to the one of the owners). Similar to the proposed winery, the primary months of production were between August and October. Thus, the production did not interfere with the day-to-day functions of the surrounding businesses for the entire year. In addition, the winery at 15 Main Street had a retail component, which made it compatible with the surrounding businesses. Based on the past operation of a winery in the Downtown and the similarities between the past use and the proposed use, staff considers the proposed use to be compatible with other uses in the Central Business District, and, therefore, conforms to the General Plan.

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

As mentioned previously, the current zoning matrix in the Winters Municipal Code (Chapter 17.52) is silent on wineries or, generally, agricultural processing; however, according to Winters Municipal Code, Section 17.20.030 (Use Permits), a determination can be made by the community development director or planning commission that the proposed use would require a use permit where an interpretation is necessary. Staff considers the proposed use to be an off-sale liquor establishment. According to the Winters Municipal Code, Section 17.96.040 (Off-sale liquor establishments defined) an "off-sale liquor establishment" means any establishment which is applying for or has obtained a liquor license from the California Department of Alcoholic Beverage Control for selling alcoholic beverages in an unopened container for the consumption off the premises. The Winters Municipal Code requires a use permit to be obtained from the city for all on- and off-sale liquor establishments. Wine sold to wine club members at the wine tasting room at 304 Railroad Avenue will be obtained

from the winery at 22 Main Street. In addition, while staff views this use as potentially desirable to the community, particularly the Downtown, staff recognizes that this proposed use could have a detrimental effect on the community. Thus, staff has determined that the subject use must be considered and conditionally approved by the Planning Commission prior to the commencement of operation.

While the Form Based Code for the Downtown has yet to be adopted, staff must call attention to the fact that the draft Code identifies specialized agriculture and processing as a conditional use for the entire Downtown Form Based Code Area. Specifically, the draft Form Based Code defines specialized agriculture and processing as establishments that provide locally produced foods and spirits including but not limited to produce, cheese, beer, and wine for retail, on-site sale. The draft Form Based Code also states that this use includes on-site agricultural processing in support of the on-site retail activities. The winery is a type of specialized agriculture and processing establishment. Further, the applicant has stated that the winery will operate in conjunction with the wine tasting room at 304 Railroad Avenue, and together, they will provide retail sales for the Peekaboo Hills Wine Company.

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

Wine production will occur inside the building at 22 Main Street. The primary months of production are proposed to be between August and October. During these months, the applicant intends to operate the winery from early morning through early evening, seven days per week. During the off season, the production hours will be limited to two to three days per week with less than 6 hours of operation per day. Access to the winery is proposed to be off the alley, which would limit the potential of increased vehicular and pedestrian traffic on Main Street if the primary access to the winery was on Main Street. For these reasons, staff has determined that the proposed use will not conflict with the operation of the adjacent business, and further, will not detrimentally impact the character of the downtown.

According to Winters Municipal Code Section 17.44.080, the purpose of the central business district (C-2) zone is to stabilize, improve, and protect the central business district of the city, including the downtown area. Staff has determined that an active retail space as opposed to an empty retail space would help to stabilize the central business district. In addition, during working hours, employees of the winery may take the opportunity to visit the local businesses downtown such as the Putah Creek Café, El Pueblo or Chuy's Taqueria for lunch or Ace Hardware to purchase a necessary item, which can help to stabilize the downtown.

Agriculture was historically and remains today the primary source of commercial activity for Winters. The economy of Winters is contingent on the health of the local agricultural community in and around Winters. Permitting specialized agricultural processing such as the proposed use in the downtown will contribute to the agricultural heritage and character of Winters as well as improve and protect the central business district.

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

The applicant is proposing to produce the wine inside an existing building. As mentioned previously, the primary months of production are proposed to be between August and October. During these months, the winery intends to operate from early morning through early evening, seven days per week. During the off season, the production hours will be limited to two to three days per week with less than 6 hours of operation per day. Access to the winery is proposed to be off the alley, which would limit the potential of increased vehicular and pedestrian traffic on Main Street if the primary access to the winery was on Main Street. Thus, staff has determined that the proposed use will not adversely impact the nearby residents or businesses.

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

The Winery will require the City's sewer and water infrastructure to operate. The City's water system will be utilized during wine production, and wastewater will be put into the City's system. According to the Public Works staff, there is enough water and space at the wastewater treatment plant to accommodate for the demand from this proposed use during the peak production months. In addition, Peekaboo Hills Winery proposes to take measures to monitor wastewater going into the City's system on an ongoing basis as a standard operating procedure.

Since the size of the proposed location of the winery is small, containment and/or storage of solid waste could be difficult. Further, storing the solid waste on the alley could become a problem, particularly with the odors generated by the waste and the potential attraction of animals and vermin. The applicant has assured the City that the solids will be disposed of off site everyday. In addition, when removed from the site, the applicant intends to recycle the waste off site when possible.

The applicant proposes to use the alley for pick-up and delivery of the fruit, equipment, solid waste, wine and other wine products. To alleviate traffic and idle trucks on the alley during the operating hours of the surrounding businesses, the applicant has assured the City that the delivery and pick-up of

wine-related goods will be limited between 6 am and 8 am.

6. *The requested use will not create a nuisance or enforcement problem within the neighborhood; and*

Potential nuisances or enforcement problems within the neighborhood that could be created by the requested use are odor and noise resulting from the wine production. The applicant has assured staff that the production will occur inside the building. Therefore, these potential nuisances will be limited to a confined space. Another potential nuisance or enforcement problem is the traffic generated by the proposed use on the alley. To alleviate traffic and idle trucks on the alley during the operating hours of the surrounding businesses, the applicant has assured the City that the delivery and pick-up of wine-related goods will be limited between 6 am and 8 am.

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

No fiscal impact is anticipated from the proposed use.

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

- 1) Confirmation of CEQA exemption finding - Section 15332
- 2) Approval of the Conditional Use Permit 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, July 2, 2009 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, July 9, 2009.

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

RECOMMENDED FINDINGS FOR 22 MAIN STREET (CONDITIONAL USE PERMIT)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 32 – In-Fill Development Projects.
 - a. The project is consistent with the General Plan designation (Central Business District) for the project site and all applicable General Plan policies as well as the zoning designation (Central Business District) and regulations.
 - b. The proposed project occurs within the City Limits on a project site (3,000 square feet) of five acres or less and is substantially surrounded by urban uses.
 - c. The project site has no value as habitat for endangered, rare, or threatened species.
 - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - e. The project site can be adequately served by all required utilities and public services.
2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 32 In-Fill Development Projects exemption for the 22 Main Street Project.

General Plan and Zoning Consistency Findings:

1. The use is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Central Business District and principal uses for this designation include restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The use will provide for the production and on-site sale of wine, which is considered a compatible use in the Central Business District.
2. The use is consistent with the provisions of the Zoning Ordinance. According to Winters Municipal Code, Section 17.20.030 (Use Permits), a determination can be made by the community development director or planning commission that the proposed use would require a use permit where an interpretation is necessary. Staff considers the proposed use to be an off-sale liquor establishment. According to the Winters Municipal Code, Section 17.96.040 (Off-sale liquor establishments defined) an "off-sale liquor establishment " means any establishment which is applying for or has obtained a liquor

license from the California Department of Alcoholic Beverage Control for selling alcoholic beverages in an unopened container for the consumption off the premises. Wine sold to wine club members at the wine tasting room at 304 Railroad Avenue will be obtained from the winery at 22 Main Street. The Winters Municipal Code requires a use permit to be obtained from the city for all on- and off-sale liquor establishments.

3. The use will not be detrimental to the public health, safety, or general welfare.
4. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities or services will be provided;
5. The use will not create a nuisance or enforcement problem within the neighborhood.
6. The requested use will not result in a negative fiscal impact upon the city.

RECOMMENDATION

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 22 MAIN STREET PROJECT (CONDITIONAL USE PERMIT) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

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

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

CONDITIONS OF APPROVAL FOR THE 22 MAIN STREET (CONDITIONAL USE PERMIT) LOCATED ON ASSESSOR PARCEL NUMBER 003-204-11, WINTERS, CA 95694.

1. This Conditional Use Permit is based upon and limited to compliance with the project description, attachments, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be reviewed and approved by the Community Development Director for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. The permittee shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Winters, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeals boards, or legislative body concerning this approval Conditional Use Permit 2009-04-CUP. This City will promptly notify the permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense.
3. If necessary, the applicant must obtain approval from the State of California, Department of Alcoholic Beverage Control (ABC) before commencing use.
4. No off-sale liquor establishments shall be maintained within five-hundred feet from such consideration points as schools (public and private); established churches or other places of worship; hospitals, clinics, or other health care facilities; public parks and playgrounds and other similar uses, except that veterans clubs, fraternal organizations and bona fide restaurants may be closer than five-hundred feet from one another or any of the reference points. The distance of five-hundred shall be measured between the nearest entrances used by patrons of such establishments along the shortest route intended and available for public passage to other such establishments, or to the nearest property line of any above referenced consideration points. The separation requirement shall be reduced to two-hundred feet for operations located within the Central Business District.
5. Signs shall be posted both inside and outside the premises in conspicuous places, which state "It is unlawful for any person to sell, drink, or consume beer, wine, or other alcoholic beverage, as defined in Business and Professions Code Section 23004, in or upon the public streets, alley-ways, or other public places in the city, including private parking lots held open to the public," Winters Municipal Code Section 9.08.010.
6. The noise generated by the operation of such establishment shall not exceed 50 d.b.a. during daytime and 45 d.b.a. during nighttime on adjoining properties zoned for residential purposes, and 63 d.b.a. at daytime and 45 d.b.a. at nighttime for commercially zone property.
7. It shall be the responsibility of the applicant to provide all staff with the training necessary to gain the knowledge and skills that will enable them to comply with their responsibilities under the law. The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to the following topics and skills development:

- a) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws.
 - b) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - c) The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle.
 - d) Methods for dealing with intoxicated customers and recognizing under-aged customers.
8. The Community Development Director may approve minor modifications to the conditional use permit.
 9. Upon six (6) months after ceasing the use granted by the permit, the permit shall be void and a new conditional use permit shall be required.
 10. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such establishments shall remove trash and debris, including waste generated by the wine production, on a daily basis.
 11. No person shall stop, stand, or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley.
 12. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall only take place between six a.m. and eight a.m.
 13. Fire extinguishers with a minimal fire rating of 2A-20BC shall be mounted at locations designated by the Fire Department.
 14. Only wine barrels shall be stored in the basement area. No other use of the basement area shall be permitted unless the entire building is fitted with an approved fire suppression system.
 15. The building electrical, HVAC, and exiting requirements shall be up to current codes and approved by the Building Division.

16. The address of the use shall be clearly posted to City standards and visible from the front and rear of the building.
17. The occupancies shall be posed as to the maximum occupant load that will be allowed on the first floor and the basement will be posted "Employees Only".
18. The attic area of the building shall be used as an occupancy where people, staff, or others work, gather, or assemble. Access to the attic shall be provided as required by building codes and approved by the Building Division.
19. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit.

ATTACHMENTS:

1. Project Narrative
2. Site Plan
3. Winters Municipal Code Chapter 17.20 (Use Permits)
4. Public Hearing Notice (mailed copy)

Attachment 1

Peekaboo Hills Winery

Downtown Production Facility:

Turkovich Family Wines LLC (DBA: Peekaboo Hills Winery) intends to use the location of 22A Main Street to produce, bottle, and store table wines and dessert wines as well as other agricultural products such as cheese. The facility will also be utilized in conjunction with the Peekaboo Hills Winery tastingroom located at 304 Railroad Ave. to host events and private functions.

Basement

Hours of operation:

The primary hours of production will be between August-October during these months the winery will operate from early morning through early evening, seven days per week. Outside of these months the production hours will be limited to two-three days per week with less than 6 hours of operation per day.

Usage

The winery will occupy the south half of 22 Main Street and the basement located below units 22A and 22B. The 2890 square foot facility includes 1212 square feet on the ground floor and 1678 square feet of basement. The property will be accessed solely from the alley located south of main street. The majority of active production will take place on the main floor. This includes but is not limited to: crushing, fermenting, bottling, storage of dry goods and finished products. The main floor also includes asquare foot space which will be used as a laboratory for wine analysis and quality control and as an office space. The basement area of the building will be primarily (but not limited to) barrel/wine storage.

In 2009 Peekaboo Hills estimates to crush 36 tons of grapes, resulting in approximately 20,000 liters of wine. The winery is estimated to grow production at a rate 4500 liters per year reaching maximum production in 2018 with an annual maximum production of 54,000 liters.

Local impact

The Winery will require the city infrastructure to operate. The city water system will be utilized for production and drain water will be put into the city system. Extensive measures within the winery will be taken to reduce the amount of water need during production, and thus reducing the volume of waste water. Peekaboo Hills Winery will also as a common operating procedure take measures to monitor waste water on an ongoing basis. In addition measures will be taken to reduce solids in the waste water and these solids will be disposed of appropriately, by recycling (off site) when possible. Due to the constraints of access through the alleyway there will not be significant increase commercial vehicles traffic to the area.

Sales/Events:

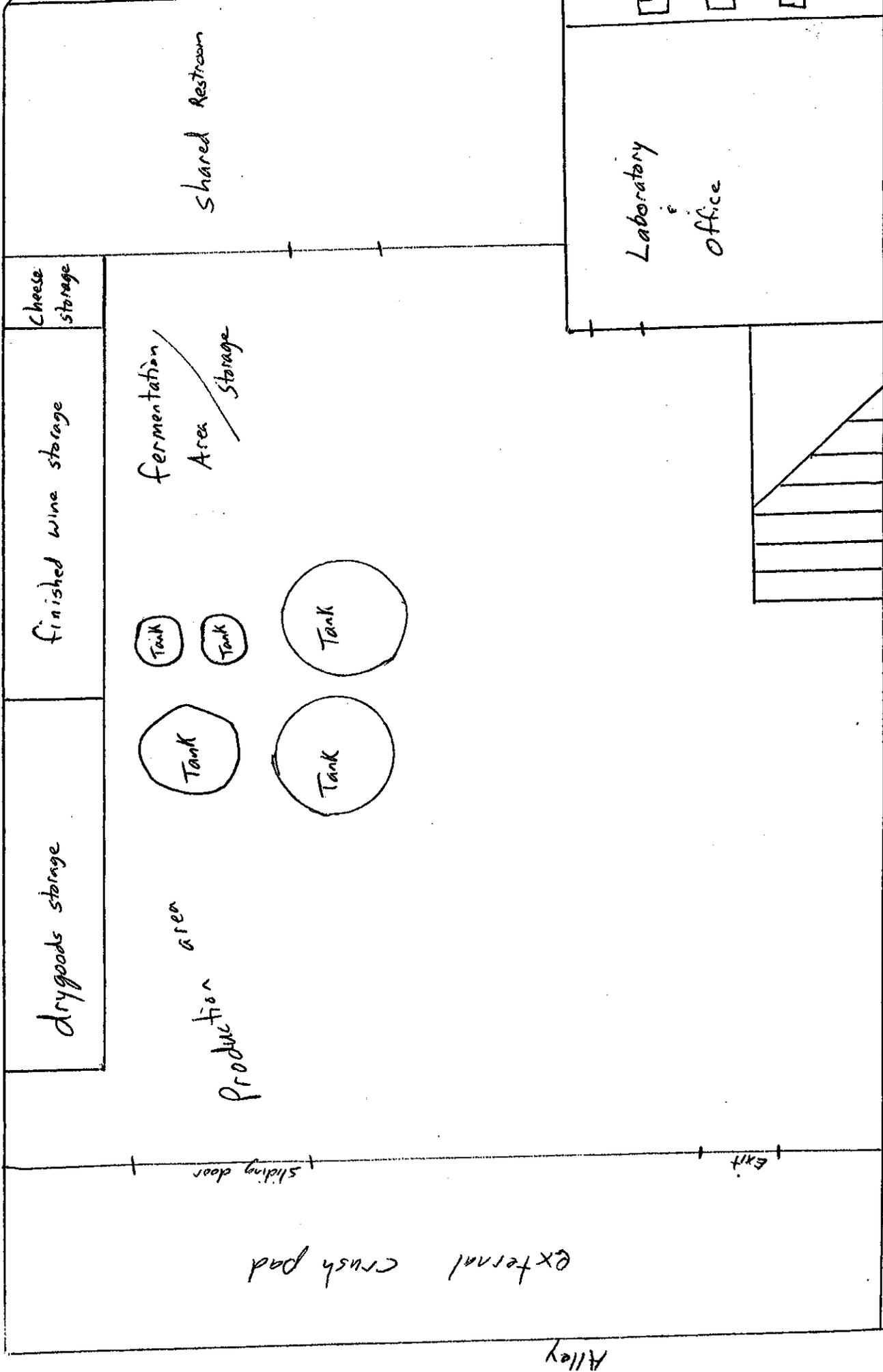
In conjunction with the Peekaboo Hills Winery Tastingroom the winery will be used periodically to host event and private functions. These activities will be limited to the ground level of the winery. Although the main sales point for Peekaboo hills will be located in the tastingroom located at 304 Railroad Ave. the winery will provide significant revenue in sales during these planned events.

Floor plan: (see attachments)

Attachment 2

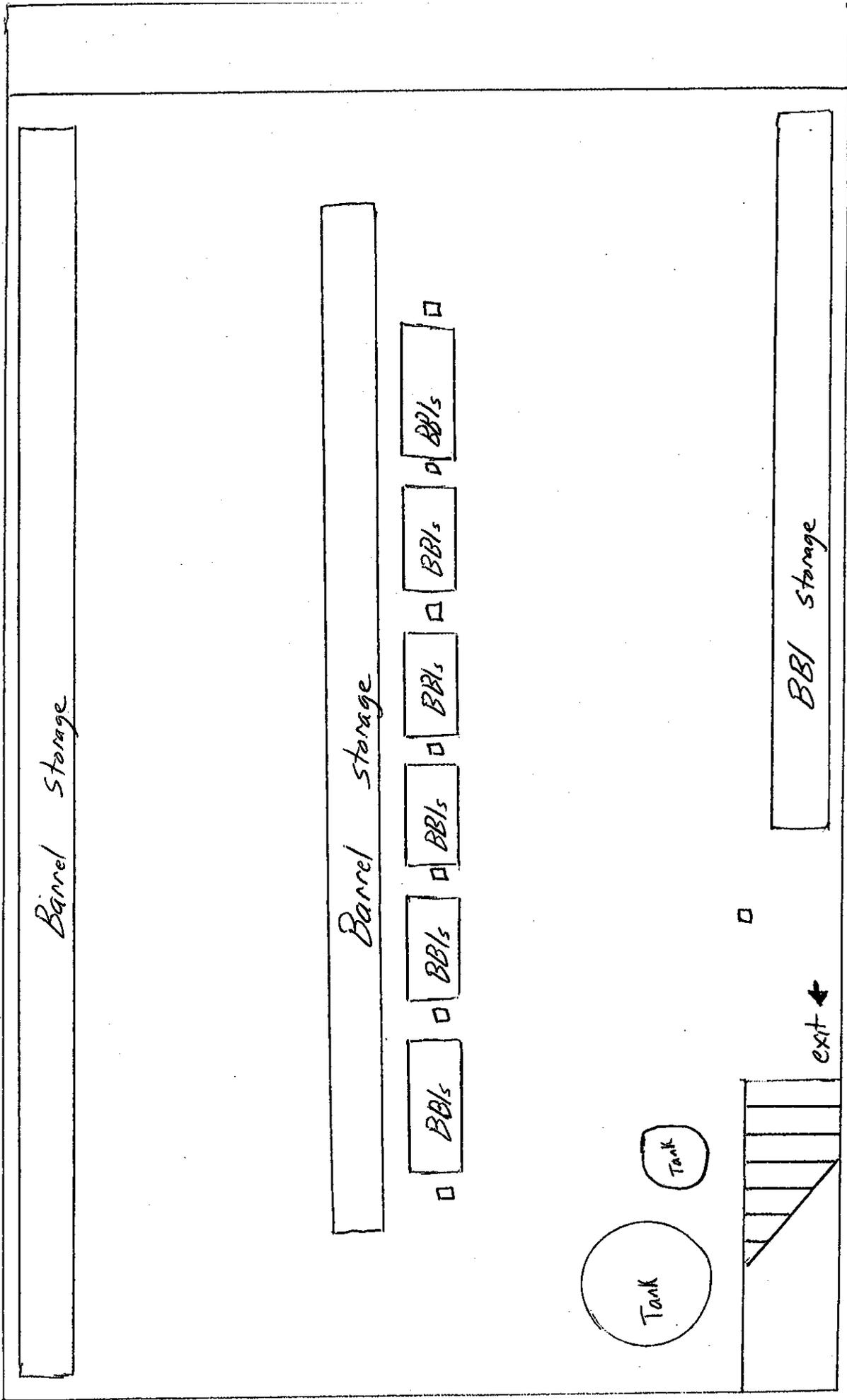
Floor 1 (not to scale) 12/12 ft

→ N



Basement floor (not to scale) 1678 sqft

→ N



Attachment 3

Title 17 ZONING

Chapter 17.20 USE PERMITS17.20.010 Purpose.17.20.020 Environmental review.17.20.030 Action on application.17.20.040 Issuance.17.20.050 Revocation—Expiration.17.20.060 Extension of time for use permits.17.20.070 Minor modifications to use permits.**17.20.010 Purpose.**

The purpose of a use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if the uses are designed or arranged out on the site in a particular manner. (Ord. 97-03 § 2 (part); prior code § 8-1.4205(A))

17.20.020 Environmental review.

Action on applications involving projects for which a negative declaration or environmental impact report is required shall occur only upon completion of environmental assessment procedures required by the California Environmental Quality Act, as amended. Incomplete applications awaiting the submission of additional environmental information required by the city shall be deemed denied if the required information is not submitted within one year after the date the information was requested. (Ord. 97-03 § 2 (part); prior code § 8-1.4205(B))

17.20.030 Action on application.**A. Planning Commission Action.**

After noticing and conducting a public hearing in accord with Section 17.16.040, the planning commission may approve, conditionally approve or disapprove an application for a use permit, subject to making the required findings set forth in subsection C.

B. Zoning Administrator Action.

In some instances, as specified in this title, the zoning administrator shall consider use permit applications. The zoning administrator shall conduct a public hearing and make findings in accord with the provisions of this title. The planning commission shall be advised of the application in advance of zoning administrator action.

C. Findings.

In granting a use permit, the planning commission or zoning administrator, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the general plan, shall find all of the following general conditions to be

fulfilled:

1. The requested use will be in conformity with the general plan;
2. The requested use is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit;
3. The requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood;
4. The requested use will not be detrimental to the public health, safety or general welfare;
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided;
- 6 The requested use will not create a nuisance or enforcement problem within the neighborhood; and
7. The requested use will not result in a negative fiscal impact upon the city.

Where one or more of these findings cannot be made, the use permit application shall be denied.

D. The planning commission or zoning administrator may impose such conditions as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which ensure that such conditions run with the land. However, conditions may not be imposed which by their nature would effectively preclude the development of the project. (Ord. 97-03 § 2 (part): prior code § 8-1.4205(C))

17.20.040 Issuance.

No use permit which has been approved by the planning commission or zoning administrator shall be issued prior to the expiration of the ten (10) day appeal period, as set forth in the Municipal Code, or the final action on an appeal to the city council. (Ord. 97-03 § 2 (part): prior code § 8-1.4205(D))

17.20.050 Revocation—Expiration.

A. Revocation.

In the event the conditions of a use permit have not been or are not being complied with, the community development director shall give the permittee written indication of intention to revoke the use permit as least ten (10) days prior to planning commission or (depending upon who issued the use permit) zoning administrator review thereon. Notice of a public hearing to consider use permit revocation shall be provided in the same manner as the public hearing for the original use permit application. After the conclusion of the review, the planning commission or zoning administrator may revoke the use permit if it finds that one or more conditions of approval have not been complied with.

B. Expiration.

1. In the event the project or use for which the use permit was granted has not commenced within the time limit set by the planning commission or zoning administrator, or within one year after the date of the hearing if no specific time has been set, the use permit shall be deemed to be null and void without further action.

2. Exercise of a use permit shall be deemed to have occurred when a building or grading permit has been issued in conjunction with the use or, if no such permits are necessary, when clear and visible evidence as to its beginning and reasonable progress toward completion is demonstrated,

as determined by the community development director. (Ord. 97-03 § 2 (part); prior code § 8-1.4205(E))

17.20.060 Extension of time for use permits.

A. The community development director may approve a one-time extension of time for use permits. Such extension shall be approved for not more than one year.

B. Finding. Such extension shall be approved only when it is found that the circumstances under which the permit were granted have not substantially changed. (Ord. 97-03 § 2 (part); prior code § 8-1.4205(F))

17.20.070 Minor modifications to use permits.

A. The community development director may approve minor modifications to existing use permits.

B. Findings. Such minor modifications shall be approved only if it is found that the modifications substantially conform with the approved use permit plans or standards; that the intensity of the use is not increased beyond that originally approved under the use permit; and that the appearance and function of the development and the surrounding neighborhood will not be adversely affected as a result of such modification. (Ord. 97-03 § 2 (part); prior code § 8-1.4205 (G))

[<< previous](#) | [next >>](#)

Attachment 4

MAYOR:
Michael Martin
MAYOR PRO TEM:
Woody Fridae
COUNCIL:
Tom Stone
Harold Anderson
Cecilia Aguiar-Curry



MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Michael Sebastian
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Donlevy, Jr.

PROOF OF SERVICE BY MAIL

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

On July 2, 2009 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows: See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on July 2, 2009 at Winters, California.

A handwritten signature in black ink, appearing to be "Jen Michaelis". The signature is written in a cursive style with a large initial "J" and "M".

Jen Michaelis, Community Development Administrative Assistant

NOTICE OF PUBLIC HEARING

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, July 14, 2009, or as soon as possible thereafter, in the Council Chambers, City Hall, 318 First Street, Winters, California, 95694.

PROJECT LOCATION: 22 Main Street

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Conditional Use Permit application for the proposed Peekaboo Hills Winery located at 22 Main Street (APN 003-203-009).

PROJECT DESCRIPTION: The project applicant, Turkovich Family Wines LLC, proposes to use the location of 22 Main Street (specifically, the back half of the building) to produce, bottle and store table wines and dessert wines as well as other agricultural products.

Interested persons may inspect and, upon the payment of the costs of reproduction, obtain copies of the staff report, and any other information pertaining thereto at the Community Development Department at the City of Winters, City Hall, 318 First Street, Winters, California, or at the office of the City Clerk, City Hall, 318 First Street, Winters, California, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. Copies of the Staff Report will be available on the City's website at www.cityofwinters.org.

Interested persons may submit written comments addressed to Nellie Dyer, City of Winters, 318 First Street, Winters, California, 95694 prior to the hour of 5:00 p.m. on July 14, 2009.

In compliance with the American with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Nellie Dyer at (530) 795-4910 ext 114. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

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

For more information regarding this project, please contact Nellie Dyer at (530) 795-4910 ext. 114.

At the time and place noted above, all persons interested in the above matters may appear and be heard.

DATED: June 30, 2009

CITY OF WINTERS PLANNING COMMISSION


Secretary

Publish: July 2, 2009

003 203 17

BARBOUR MICHAEL G WHITWORTH VALERIE TR
P O BOX 757
WINTERS, CA 95694

003 243 02

HEMENWAY DEBORAH SCHOLAR HEMENWAY
DEBORAH SCH
8 RUSSELL ST
WINTERS, CA 95694

003 202 07

BOISROME YVES ETAL
4116 CENTRAL LN
WINTERS, CA 95694

003 204 08

BAJAKIAN LEON MARY L M BAJAKIAN TRUST
1460 WESTMINSTER DR
FAIRFIELD, CA 94533

003 203 01

FIRST NATL BANK DIXON TTN ASST CONTROLLER
195 N 1ST ST 2ND FLOOR
DIXON, CA 95620

003 222 24

WINTERS CITY OF
318 FIRST ST
WINTERS, CA 95694

003 204 17

PICKEREL JOHN BAJAKIAN PICKEREL MELANIE
488 MAIN ST
WINTERS, CA 95694

003 204 14

KIMES RICHARD L JANET L KIMES REV LIV TRUST
803 APRICOT AVE
WINTERS, CA 95694

003 204 10

MARTINEZ DANIEL TR ETAL
15 MAIN ST
WINTERS, CA 95694

003 204 15

KIMES RICHARD L JANET L KIMES REV LIV TRUST
803 APRICOT AVE
WINTERS, CA 95694

003 203 09

MARTINEZ CORINNE Y
115 BAKER ST
WINTERS, CA 95694

003 243 07

MICKEL DANIEL D
6 RUSSELL ST
WINTERS, CA 95694

003 204 04

WINTERS FIRE DISTRICT
318 FIRST ST
WINTERS, CA 95694

003 204 02

PORTELLO WILLIAM L MARY PORTELLO FAM TRUST
2721 ANZA AVE
DAVIS, CA 95616

003 203 13

LEWIS KEVIN A
7 RUSSELL ST
WINTERS, CA 95694

003 243 06

CASTRO GEORGE J CASTRO GEORGE J SURVIVOR'S
8552 HOLMES LN
WINTERS, CA 95694

003 204 06

CODY'S BUILDING PARTNERS
314 RAILROAD AVE
WINTERS, CA 95694

003 204 07

WALLACE JAMES N IDA B
312 RAILROAD AVE
WINTERS, CA 95694

003 204 11

CRADWICK BUILDING PARTNERSHIP
520 COTTONWOOD ST 3
WOODLAND, CA 95695

003 203 10

PADILLA CECIL ETAL
7 E MAIN ST
WINTERS, CA 95694

003 243 03

HEMENWAY DEBORAH SCHOLAR HEMENWAY
DEBORAH SCH
8 RUSSELL ST
WINTERS, CA 95694

003 243 08

BRANSCUM LESTER C
2 RUSSELL ST
WINTERS, CA 95694

003 243 05

FRIDAE KEITH W REBECCA G
12 RUSSELL ST
WINTERS, CA 95694

003 203 02

BECK DONALD V ETAL
4635 BECK LN
VACAVILLE, CA 95688

003 204 09

WINTERS OPERA HOUSE
8 E ABBEY ST
WINTERS, CA 95694

003 204 16

KIMES RICHARD L JANET L KIMES REV LIV TRUST
803 APRICOT AVE
WINTERS, CA 95694

003 204 13

KIMES RICHARD L JANET L KIMES REV LIV TRUST
803 APRICOT AVE
WINTERS, CA 95694

003 224 01

WINTERS CITY OF
318 FIRST ST
WINTERS, CA 95694

003 204 12

WINTERS COMMUNITY DEV AGENCY
318 FIRST ST
WINTERS, CA 95694

003 203 08

IRELAND TIMOTHY W YVONNE D
P O BOX 518
WINTERS, CA 95694

003 203 07

ESTRADA MIGUEL A CARMEN C
30 MAIN ST
WINTERS, CA 95694

003 203 03

TC PROPERTY MANAGEMENT LTD
P O BOX 38
DAVIS, CA 95617

003 203 16

YOLO COUNTY OF
625 COURT ST RM 203
WOODLAND, CA 95695

003 203 12

OGANDO JOSEPH E KAREN M TR
102 WOLFSKILL
WINTERS, CA 95694

003 201 16

BERTAGNOLLI GARY L K K BERTAGNOLLI FAMILY TR
P O BOX 688
WINTERS, CA 95694

003 203 06

JOHNSON DALE B ELAINE E TR
164 ROBLES WAY 120
VALLEJO, CA 0

003 202 06

FURRIER JEANNE REICH KELLE TR
P O BOX 2558
PARADISE, CA 959672558

003 204 03

WINTERS FIRE DISTRICT
318 FIRST ST
WINTERS, CA 95694

003 203 04

BECK DONALD V ETAL
4635 BECK LN
VACAVILLE, CA 95688

003 203 14

LIS EDMUND DIANE M GRAVES
9 RUSSELL ST
WINTERS, CA 95694

003 203 15

WALKER CLAYTON OLAND
324 CALLA AVE
IMPERIAL BEACH, CA 91932

003 203 05

QUINTERO SALVADOR ETAL
36 MAIN ST
WINTERS, CA 95694

003 203 11

HOUKAN DISSBEE PARTNERSHIP
210 RAILROAD AVE
WINTERS, CA 95694

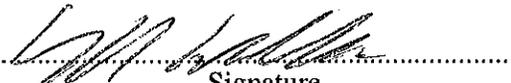


PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF YOLO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of THE WINTERS EXPRESS, a newspaper of general circulation, printed and published in the City of Winters, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of December 24, 1951, Case Number 12461; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: July 2, 2009.
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 2nd day of July, 2009.


Signature

This space is for the County Clerk's Filing Stamp

Notice of Public Hearing

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APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Conditional Use Permit application for the proposed Peekaboo Hills Winery located at 22 Main Street (APN 003-203-009).

PROJECT DESCRIPTION: The project applicant, Turkovich Family Wines LLC, proposes to use the location of 22 Main Street (specifically, the back half of the building) to produce, bottle and store table wines and dessert wines as well as other agricultural products.

Interested persons may inspect and, upon the payment of the costs of reproduction, obtain copies of the staff report, and any other information pertaining thereto at the Community Development Department at the City of Winters, City Hall, 318 First Street, Winters, California, or at the office of the City Clerk, City Hall, 318 First Street, Winters, California, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. Copies of the Staff Report will be available on the City's website at www.cityofwinters.org.

Interested persons may submit written comments addressed to Nelle Dyer, City of Winters, 318 First Street, Winters, California, 95694 prior to the hour of 5:00 p.m. on July 14, 2009.

In compliance with the American with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Nelle Dyer at: (530) 795-4910 ext 114. Please make your request as early as possible and at least one full business day before the start of the hearing.

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

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