

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, October 26, 2010 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #113
Email: jenna.moser@cityofwinters.org

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

I CALL TO ORDER 6:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV CONSENT ITEM
Approval of Meeting Notes from the October 12, 2010 special meeting of the Planning Commission.

V. STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of an application for a Conditional Use Permit for on-site wine tasting at 22 Main Street in Winters, California.

The applicant, Corinne Martinez, is proposing to provide on-site wine tasting at Root Stock, located at 22 Main Street. Presently, Root Stock is a boutique that sells local art, linens, pottery, and other specialty gifts. The location of the business is in the Downtown Form Based Code Area, which is governed by Chapter 17.58 of the Winters Municipal Code (WMC). According to WMC Chapter 17.58, "bars, pubs, and cocktail lounges" require Planning Commission approval of a conditional use permit. While the business will not be primarily an alcoholic beverage establishment, the storage and sale of alcoholic beverages (including wine) is included in the previously-noted classification. In addition, the recently amended WMC Chapter 17.96 requires Planning Commission approval of a conditional use permit for wine tasting rooms.

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 OCTOBER 21, 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".

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

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

THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD OCTOBER 12, 2010

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

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

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

ABSENT: Commissioners DeVries, Tramontana, and Martinez

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

Ms. Dyer led the Pledge of Allegiance.

CITIZEN INPUT: None

COMMUNICATIONS: None

STAFF REPORTS: Community Development Director Dyer provided the latest Current Projects List. She also mentioned that she received a letter addressed to the Planning Commission from Mr. John Simmons, the co-owner of 805 Railroad Avenue. She made hard copies of the letter available to the Commissioners and stated that she would provide the letter to them in an e-mail. Ms. Dyer also reminded commissioners about the upcoming SACOG workshop at UC Davis regarding the Metropolitan Transportation Plan for 2035. Ms. Dyer also added that the upcoming gateway conceptual plan would be on the agenda at the next City Council meeting, and reported on recent California Air Quality Board actions.

COMMISSION REPORTS: None

CONSENT ITEM: Approve minutes of the August 10, 2010 Special Meeting of the Planning Commission and the August 24, 2010 Regular Meeting.

Motion by Commissioner Cowan, Second by Commissioner Meisch to approve minutes of the August 10, 2010 Special Meeting of the Planning Commission and the August 24, 2010 Regular Meeting, as amended.

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

NOES: None

ABSTAIN: None

ABSENT: Commissioners DeVries, Martinez, and Tramontana

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD OCTOBER 12, 2010

DISCUSSION ITEM:

- A. Public Hearing and Consideration of an application for a Conditional Use Permit for a gym to be located at 113 and 115 Main Street in Winters, California.

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

Commissioner Guelden asked if re-striping the parking lot was part of the project. Ms Dyer responded yes, the lot needs to be restriped with accessible spaces.

Reid Tileston, applicant, stated he was excited to open the gym in Winters.

Commissioner Meisch asked if Mr. Tileston would be adopting all of the security measures and policies that are listed in the manual. Mr. Tileston responded that yes, they will be using all of the measures listed, including wall and personal alarms and cameras.

Commissioner Meisch asked Mr. Tileston about policies regarding minors entering the gym. Mr. Tileston responded that those underage patrons under 16 will only be allowed in the gym with parental supervision, and those patrons ages 16 through 18 would be allowed in the gym with parental supervision, or on a trial basis alone after assuring the gym that they can be responsible in the gym alone.

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

Richard Kleeberg stated concerns about the 24/7 concept in a residential neighborhood. Mr. Kleeberg also stated concerns about the safety impact to our police force with a 24/7 operation, and concerns about teens getting into trouble. Mr. Kleeberg stated that he thinks the idea of a gym is good, but would suggest they close at 9 or 10 pm and open up at 5 or 6 am.

Hearing no other comments, Chairman Neu closed the Public Hearing at 6:53PM.

Chairman Neu asked staff if Police Chief Muramoto had signed off on this project. Ms. Dyer responded yes, and asked the applicant to elaborate. Mr. Tileston stated that he had two conversations with Chief Muramoto and they had decided to have cameras monitor the parking lot as well as the entry and interior.

Commissioner Cowan asked staff how many houses are across the street from the proposed gym are presently used as residences. Ms. Dyer responded three houses. He also asked whether they were notified regarding the public hearing for this permit. Ms. Dyer stated that those properties within 300 feet of the subject property were notified of the public hearing.

Commissioner Guelden asked staff if the parking lot would be better lit. Ms. Dyer stated that the entrance to the gym and the gym itself would be lit 24 hours per day.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD
OCTOBER 12, 2010**

Commissioner Guelden added that those citizens who are members of the gym may be out and about at night, which could be beneficial to safety with more eyes on the street. He added that he supports the project.

Motion by Commissioner Cowan, Second by Commissioner Guelden to approve application for a Conditional Use Permit for a gym to be located at 113 and 115 Main Street in Winters, California.

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

NOES: None

ABSTAIN: None

ABSENT: None

COMMISSIONER/STAFF COMMENTS: None

The meeting was adjourned at 7:00PM.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: October 26, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of a Conditional Use Permit Application Submitted by Corinne Martinez for On-Site Sale and Consumption of Alcoholic Beverages at 22 Main Street (APN 003-203-09)

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 planning application submitted by Corinne Martinez for a Conditional Use Permit at 22 Main Street.

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

	<u>GENERAL PLAN LU DESIGNATION</u>	<u>ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	CENTRAL BUSINESS DISTRICT (CBD)	MAIN STREET DA	RETAIL SHOPS/OFFICES
EAST	CBD	MAIN STREET DA	RETAIL SHOPS/OFFICES
SOUTH	CBD	MAIN STREET DA	RETAIL SHOPS/OFFICES
WEST	CBD	MAIN STREET DA	RETAIL SHOPS/OFFICES

STATEMENT OF ISSUES: The project applicant is seeking approval of a use permit for on-site sale and consumption of alcoholic beverages within a 1,108 square foot space at 22 Main Street. According to Winters Municipal Code, Section 17.96.010, a use permit must be obtained from the City for all on-sale liquor establishments, including wine tasting rooms.

BACKGROUND: The subject location formerly housed Chris' Florist & Gifts.

PROJECT DESCRIPTION: The applicant is requesting the approval of a conditional use permit for the on-site sale and consumption of alcoholic beverages within a 1,108 foot space at 22 Main Street. Presently, the subject location houses Root Stock, a retail store that sells local art, linens, pottery, antiques, and other specialty gifts. As part of the retail store, Ms. Martinez is proposing to offer wine tasting of local and regional wines. It will not be a wine bar, and no other alcoholic beverages or food will be served.

According to the application, the proposed hours of operation for the business location are from 10 am to 6 pm, Monday through Wednesday; 10 am to 8 pm, Thursday through Saturday; and 10 am to 4 pm, Sunday. There will be approximately two employees for Root Stock per shift. Ms. Martinez anticipates approximately 35 visitors at the business at the busiest time.

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.*

A retail store with wine tasting is consistent with the uses allowed in the Central Business District (CBD) land use designation in the Winters General Plan. According to the General Plan, the CBD designation provides for restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses.

The proposed use also satisfies the following goals of the General Plan:

I.B.4. First priority for ground floor uses in the Central Business District shall be given to retail uses. New residential and office uses shall be permitted on a case-by-case basis over ground floor retail uses.

I.D.1. The City shall promote expansion of the range of retail goods and services offered in Winters to capture a larger share of expenditures by Winters' residents and minimize the need for Winters' residents to shop outside the city.

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.*

According to Chapter 17.96 (Alcoholic Beverage Establishments), a use permit must be obtained from the city for all on-sale liquor establishments, including wine tasting rooms. Use permits for on-sale liquor establishments, unless specified otherwise in the Zoning Title, require approval from the Planning Commission.

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

The use is located in the Main Street Downtown-A (D-A) Zone. According to the Winters Municipal Code Section 17.58.040 (Form-Based Code), Main Street is "the historic commercial heart of downtown Winters and the social soul of the community." It also states that "the area benefits from the presence of specialty retail businesses, restaurants, nightlife, and tourism-oriented services." Moreover, the Form Based Code specifies permitted and conditional uses for Main Street D-A including, but not limited to, neighborhood and retail commercial, hotel or motel, and sit-down restaurants. Staff has determined that the proposed 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;*
When reviewing a conditional use permit application, the Planning Commission must consider potential impacts to public health, safety, or general welfare. The Police Department has reviewed the applicant's proposed use and supports the venture and a use permit from the Planning Commission, subject to the proposed conditions of approval for the use permit.

The proposed use must comply with a list of standard conditions from Winters Municipal Code Chapter 17.96 (Alcoholic Beverages Establishments). These conditions are included in the Recommended Conditions of Approval for the proposed business.

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

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

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

There is no on-site parking available. Table 17.58-15 (Parking) in the Chapter 17.58 (Form Based Code) requires 1 space per 400 square feet for a commercial use. For 1,108 square feet of space, approximately 3 off-street parking spaces are required.

With no physical space available on-site, parking demand is handled either by on-street parking along Main Street or off-street parking in parking lots within the Downtown area, such as the Community Center parking lot or the parking lot adjacent to Steady Eddy's Coffee House. This is a situation faced by most other businesses in the Downtown area, where on-site parking options typically do not exist because of building coverage. The demand has historically been met by on-street parking or off-street parking on City-owned sites.

To alleviate potential nuisance or enforcement problems that are related to parking resulting from this business, staff recommends that the business encourage their patrons to parking on Main Street or in the City-owned parking lots.

6. *The requested use will not create a nuisance or enforcement problem within the neighborhood.*
As mentioned above, there is no on-site parking available for this use. To alleviate potential nuisance or enforcement problems that are related to parking resulting from this business, staff recommends that the business encourage their patrons to parking on Main Street or in the City-owned parking lots.
7. *The requested use will not result in a negative fiscal impact upon the City.*
The requested use will not result in a negative fiscal impact upon the City.

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

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

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

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department’s Administrative Assistant in accordance with notification procedures set forth in the City of Winters’ Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, October 14, 2010 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight’s hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, October 22, 2010.

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

RECOMMENDED FINDINGS FOR 22 MAIN STREET (CONDITIONAL USE PERMIT)

CEQA Findings:

- 1) The planning application is exempt from CEQA review under Section 15301 (Existing Facilities).
- 2) The CEQA Guidelines Section 15301 (Existing Facilities) exempts projects that involve permitting of existing private structures involving negligible or no expansion to the current use. The applicant is proposing to provide wine tasting in an existing retail store. Staff has determined that the expansion of the use is negligible.

General Plan and Zoning Consistency Findings:

- 1) The use is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Central Business District and uses for this designation include restaurants, retail and similar uses.
- 2) The use is consistent with the provisions of the Zoning Ordinance. The Winters Municipal Code requires Planning Commission approval of use permits for on-site sale and consumption of alcoholic beverages.
- 3) The 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 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 are provided.

- 6) The use will not create a nuisance or enforcement problem within the neighborhood.
- 7) The requested use will not result in a negative fiscal impact upon the City.

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE THE CONDITIONAL USE PERMIT FOR ON-SITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES (WINE TASTING) FOR 22 MAIN STREET BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

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

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

CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT FOR 22 MAIN STREET ON ASSESSOR PARCEL NUMBER 003-203-09, WINTERS, CA 95694.

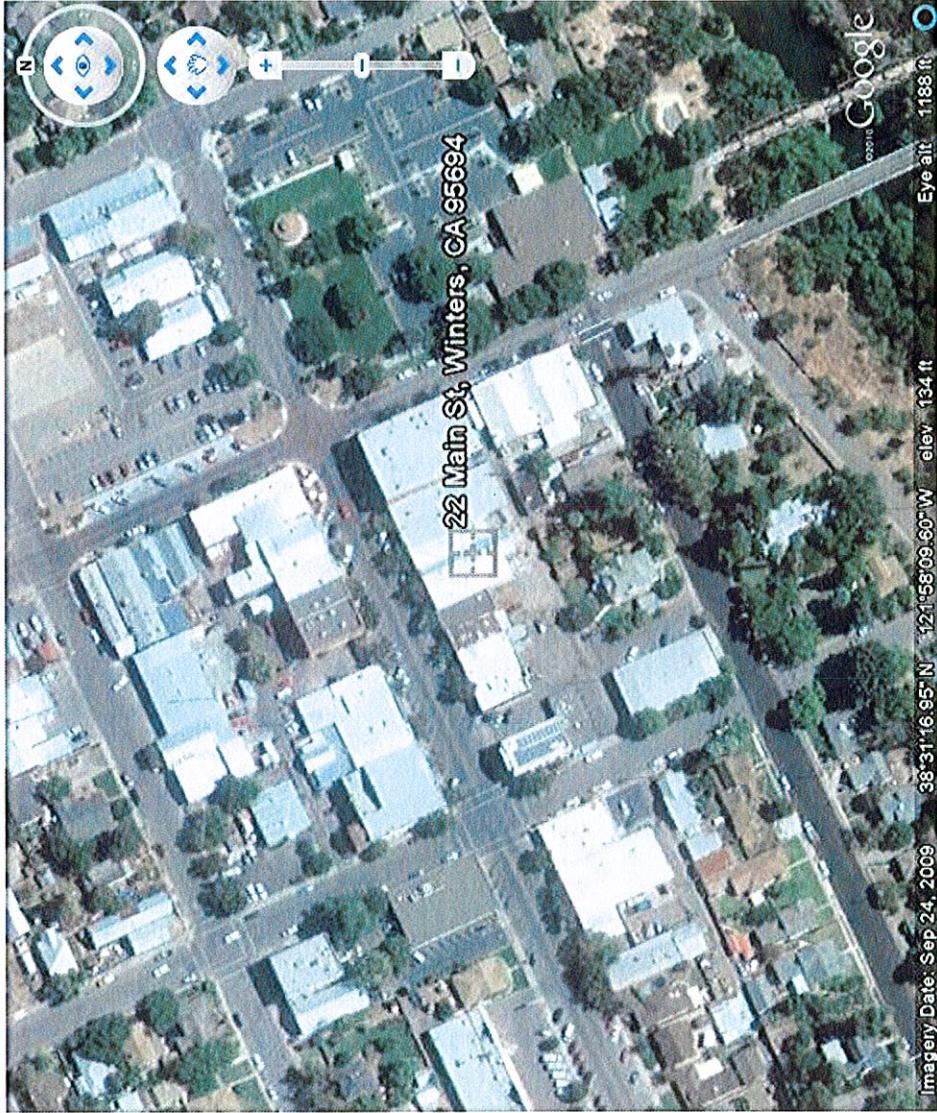
1. This Conditional Use Permit is based upon and limited to compliance with the project description, Attachments 1-2, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be reviewed and approved by the Planning Commission for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
2. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.

3. The use permit shall expire one year from the Planning Commission approval date, unless prior to the expiration, a business license is issued, a building permit is issued for any tenant improvements (if applicable) and construction is commenced and diligently pursued toward completion, the use is initiated, or an extension for the use permit is requested and approved.
4. The applicant's acceptance of this permit and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
5. Upon six (6) months after ceasing the use granted by the permit, the permit shall be deemed to be null and void, and a new conditional use permit shall be required.
6. Hours of operation shall be limited to 10 am to 6 pm, Monday through Wednesday; 10 am to 8 pm, Thursday through Saturday; and 10 am to 4 pm, Sunday.
7. The applicant shall obtain approval from the State of California, Department of Alcoholic Beverage Control (ABC) before commencing the use.
8. Parking for the operation shall be allowed to utilize on-street parking spaces as well as off-street parking spaces within the City-owned parking lots.
9. This business shall be required to have a public telephone listing
10. Special security measures such as security guards, robbery and burglar alarm systems may be required.
11. It shall be the responsibility of the applicant/licensee to provide all staff with the training necessary to gain the knowledge and skills that will enable them to comply with their responsibilities under the law. The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include, but not be limited to, the following topics and skills development:
 - a) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws.
 - b) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - c) The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle.
 - d) Methods for dealing with intoxicated customers and recognizing under-aged customers. Methods for preventing customers from becoming intoxicated.
12. As per Winters Municipal Code Chapter 17.116, the applicant shall apply for a Sidewalk Café Permit prior to the installation of a sidewalk café.

13. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit under Winters Municipal Code Section 17.20.050.

ATTACHMENTS:

- A. Location Map
- B. Project Description
- C. Notice of Public Hearing



Location Map

Root Stock

22 Main Street
Winters, CA 95986
916.938.1111

Background

- 22 Main Street is located in the Historic Downtown Core of Winters
- In November of 2009 I completed a 9 month building restoration project that involved creating two tenant spaces; 22 Main and 22-A Main (the alley facing space)
 - Occupancy permits were granted in November for the 22 Main space (M-1; mercantile) and 22-A Main (S-1 and F-1; a bonded 02 Winegrower winery)
- Turkovich Family Wines LLC is the tenant in 22-A Main Street
- 22 Main Street is ideally located in the historic downtown core as will best serve the downtown with a business that is open to the public both during normal business hours as well as evenings and weekends.
- As a Winters resident, business owner and commercial property owner Corinne Martinez is working to bring the best possible outcomes to Winters; a great place to live and a popular destination for visitors/tourists.

Summary of Business

- Retail gifts and boutique
 - Items sold in the store will include local art, linens, pottery, antiques, dishware, books, music, and other specialty gifts
 - The theme of the store is “Roots”
 - Roots as in history
 - Roots as in roots to trees and vines and other plants
 - Roots as in routes or journeys
- Local/regional winery tasting room
 - All wines offered will be from wineries who have secured a duplicate O2 winegrower license for the 22 Main Street address
 - This is not a wine bar; no other alcoholic beverages will be served
 - No food is prepared onsite; breadstick or crackers may accompany wine tasting

Business Activities

- Selling of gifts and merchandise
 - The retail store will be open six days a week
- Artist receptions
 - Local artists will be featured and “openings” for those artist may occur every other month
- Wine tasting
 - Wine tasting will be offered during normal store hours
 - As will selling wine by the glass and/or by the bottle for on or offsite consumption
 - As allowed by Type O2 winegrower license
 - Exact winery participation has not yet been determined
 - At least one and no more than four wineries may participate

Our Vision

- Having a tasting room in a retail store is not a new concept (see downtown Sonoma) and both retailers and wineries benefit from such a relationship.
- Our hypothesis is that if there is 1 tasting room in town (which Berryessa Gap was for 5 year), most of the customer would be local and only 5 people would drive more than 30 minutes for a visit; if there are two tasting rooms in town (which there now are with Berryessa Gap and Turkovich Family Wines), a more regional audience will emerge and up to 50 people would drive more than 30 minutes for a visit; but if there are three tasting rooms in town (which is we are trying to establish), the reach is much broader and the opportunity exists to get up to 500 people to drive more than 30 minutes for a visit.
- Adding a third winery tasting room to downtown Winters goes a long way to making Winters a wine tasting destination
- We believe that by attracting wine tasting groups to Winters we also have the opportunity to capture their interest in securing unique and local appropriately themed gifts when they get here.
- We believe that in cooperation with the other wineries in town we can effectively market and deliver a boutique/gift shopping experience as well as a wine destination experience.

Continuing the Restoration

- When the building at 22 Main was renovated in 2009 a number of steps were taken to be restorative and to preserve and reuse where possible.
 - The back of the original building (redwood) which was not visible because of an enclosure that was built was completely rebuilt using the redwood boards that had been saved during demolition
 - A false second story had been added and when it was removed reveal a previous skylight which was opened up and now has windows visible from within the winery
 - Period lighting was installed in the mercantile section of the building that upon examination of a 1920's photo almost precisely match that which was hanging when the building was run as a bakery and dry goods store
 - Fur wood floors that were discovered under carpet and tiles were revealed and simply polished leaving some scars of history.
- As we approach the opening of a retail store we are continuing to restore where possible.
 - The front door from the 1920-30s with brass hinges has been stripped down to original wood and is being retrofit with tempered glass and the original brass plates and hinges
 - Windows are proposed to replace pieces of corrugated metal in the façade
 - No walls are being constructed; we are using antiques and other furniture as space dividers
 - The original bar/back door of the building has been rebuilt with left over redwood boards
- 22 Main is part of this town's rich history and we are doing our best to honor that

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 non-parcil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit : October 14, 2010.
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 14th day of October, 2010.

CHARLES WALLACE


.....
Signature

This space is for the County Clerk's Filing Stamp

Notice of Public Hearing

Notice of Public Hearing

NOTICE OF PUBLIC HEARING

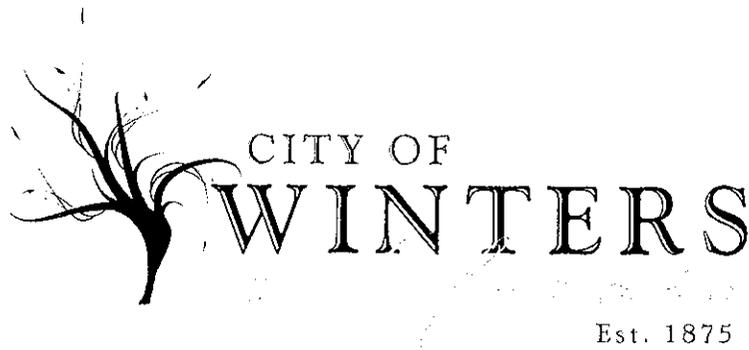
NOTICE IS HEREBY GIVEN that the City of Winters will conduct a public hearing by the Planning Commission on Tuesday, October 26, 2010 at 6:30 p.m. at the City Hall, City Council Chambers, 318 First Street, Winters, California, to consider an application for a conditional use permit for on-site wine tasting at Root Stock, located at 22 Main Street in Winters, California.

The applicant, Corinne Martinez, is proposing to provide on-site wine tasting at Root Stock, located at 22 Main Street. Presently, Root Stock is a boutique that sells local art, linens, pottery, and other specialty gifts. The location of the business is in the Downtown Form Based Code Area, which is governed by Chapter 17.58 of the Winters Municipal Code (WMC). According to WMC Chapter 17.58, "bars, pubs, and cocktail lounges" require Planning Commission approval of a conditional use permit. While the business will not be primarily an alcoholic beverage establishment, the storage and sale of alcoholic beverages (including wine) is included in the previously-noted classification. In addition, the recently amended WMC Chapter 17.96 requires Planning Commission approval of a conditional use permit for wine tasting rooms.

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

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

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court



Rootstock

PROOF OF SERVICE BY MAIL

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

On October 11, 2010 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 October 11, 2010 at Winters, California.

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

Jenna Moser, Community Development Administrative Assistant



NOTICE OF PUBLIC HEARING

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

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

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

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003 203 15
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003 204 06
CODY S BUILDING PARTNERS
314 RAILROAD AVE
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WINTERS FIRE DISTRICT
318 FIRST ST
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AND SURVIVOR S
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003 204 09
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9 RUSSELL ST
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003 243 05
FRIDAE KEITH W AND REBECCA G
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003 203 02
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40 SUNSTONE CIR
SACRAMENTO, 95834CA 95834

003 203 09
MARTINEZ CORINNE Y
115 BAKER ST
WINTERS, 95694CA 95694

003 204 02
WINTERS COMMUNITY DEV AGENCY
318 1ST ST
WINTERS, 95694CA 95694

003 204 17
PICKEREL JOHN AND BAJAKIAN PICKEREL
MELANIE
488 MAIN ST
WINTERS, 95694CA 95694

003 222 24
WINTERS CITY OF
318 FIRST ST
WINTERS, 95694CA 95694

003 204 10
DOUD ERIC AND MARTINEZ EXEMPTION
TRUST
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003 203 07

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003 203 06

JOHNSON DALE B AND ELAINE E TR
164 ROBLES WAY NUM 120
VALLEJO, 94589CA 94589

003 203 16

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

003 204 11

CRADWICK BUILDING PARTNERSHIP
520 COTTONWOOD ST NUM 3
WOODLAND, 95695CA 95695

003 204 12

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WINTERS, 95694CA 95694

003 204 15

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OGANDO JOSEPH E AND KAREN M TR
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003 201 16

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