

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, May 26, 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](mailto:jen.michaelis@cityofwinters.org)

Chairman: Albert Vallecillo  
Vice Chairman: Pierre Neu  
Commissioners: Joe Tramontana, Wade Cowan,  
Bruce Guelden, Corinne Martinez, 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:**

1. Staff Reports  
Current Projects List
2. 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 April 28, 2009 regular meeting of the Planning Commission.

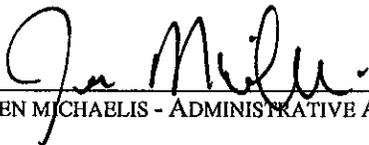
**VI DISCUSSION ITEMS:**

1. Public Hearing to consider a Conditional Use Permit for the Winters Community Church at 113 Main Street (2009-03-CUP)
2. Workshop on Allowed Uses for Downtown Winters for the Proposed Form-Based Code for Downtown

**VII COMMISSION/STAFF COMMENTS**

**VIII ADJOURNMENT**

**POSTING OF AGENDA:** PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON MAY 20, 2009.



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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**

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of May 18, 2009**  
**(530) 795-4910, extension 112, [www.cityofwinters.org](http://www.cityofwinters.org)**

\* *New information in italics*

<b>PROJECT</b>	<b>DESCRIPTION &amp; PROCESS</b>	<b>LAST ACTION</b>	<b>NEXT ACTION</b>
(1) Winters Highlands, 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 &amp; RV storage, sale &amp; repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat &amp; RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.</p>
<p>(10) Pearse Parcel Map, Thomas Pearse (530) 795-5901</p>	<p>Proposal for 4-unit parcel map at the south end of Third Street.</p>	<p>Planning Commission on October 9, 2007 approved project.</p>	<p>Applicant submittal of Final Map and Improvement Plans.</p>
<p>(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855</p>	<p>Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.</p>	<p>Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008.</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 &amp; 08) adjacent to County Road 88 and within the City's General Plan Area.</p>	<p>City issuance of incomplete application letter on February 1, 2008.</p>	<p>Applicant response to City's February 1, 2008 incomplete application letter.</p>
<p>(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033</p>	<p>Proposal to construct 74 multifamily (workforce housing) units on 10.6 acres between Railroad Ave, and Dutton Street extension, north of East Grant Ave. To include 1-, 2-, 3-, and 4-bedroom units + a community center.</p>	<p>Planning Commission approved Site Plan (Design Review) and adopted MND and MMP on January 27, 2009. Appeal of PC's decision 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.	Applicant has submitted improvement and building plans.
(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. On April 28, 2009, the Planning Commission continued the public hearing for the project to the May 26 <sup>th</sup> 2009 Planning Commission Meeting.	Public Hearing scheduled for the May 26th, 2009 Planning Commission Meeting.
Safe Routes to School	Installation of sidewalks at Winters HS and Waggoner Elementary School	Notice of Exemption filed 5/7/08. Trees removed in Sept. 2008. Project complete.	
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

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Monticello Mixed-Use Project	Application for Site Plan Review and Design Review, and CUP for the construction of a mixed-use project (commercial/retail, office and residential) on 0.42 acre on the east side of Railroad Ave. between Abbey St. and Main St, in downtown Winters CBD.	CDA at its September 2, 2008 meeting approved the DDA for the project	Applicant submittal of improvement and building plans.
Public Safety Facility	Application for Site Plan Review and Design Review, CUP and Variance for the construction of the City's public safety facility on 2.78 acres of the Ogando-Hudson Subdivision (Grant Ave @West Main Street)	Planning Commission hearing on 7/22/08 – PC approved project subject to COAs presented in staff report.	City to prepare Lot Line Merger and Swainson's hawk mitigation. Applicant submittal of improvement and building plans.

**Affordable Housing Units**

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

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, APRIL 28, 2009**

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

**PRESENT:** Commissioners, DeVries, Guelden, Neu, and Chairman Vallecillo  
**ABSENT:** Tramontana, Cowan, Martinez  
**STAFF:** Community Development Director Nellie Dyer, City Attorney John Wallace

Commissioner DeVries led the Pledge of Allegiance.

**COMMUNICATIONS:**

**Staff Reports:** Community Development Director Dyer noted the Current Projects List, noted the upcoming TANC meetings and gave an update, provided that the Sidewalk Café Ordinance, St. Anthony's Church both passed on 4/21/09 at City Council, and noted that the Winters Farmer's Market would debut on 5/2/09.

Howard Hupe reported on the Downtown Vision Committee and upcoming signage.

**Commission Reports:** None

**CONSENT ITEM**

Approve minutes of the March 24, 2009 regular meeting of the Planning Commission.

**Motion by Commissioner Guelden, Second by Commissioner DeVries to approve the minutes for the March 24, 2009 meeting of the Planning Commission. Motion carried with the following roll call vote:**

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

**DISCUSSION ITEM**

A. Public Hearing to consider a Conditional Use Permit for the Three House Children's Center, 418 Haven Street (2009-02-CUP)

Community Development Director Dyer provided an overview of the staff report. Chairman Vallecillo opened the public hearing at 8:06PM.

Applicant Cheryl Moore spoke on behalf and in support of the project. Pamela Core, 405 Columbia, spoke in support. Charlotte Mehl, 727 Lupine, spoke in support. Mat Archebaque, 315 Rosa, spoke in support. Debbie Clifford, 18 E. Baker, spoke in support. Stacey Stowe, 717 Taylor, spoke in support.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON  
TUESDAY, FEBRUARY 24, 2009**

Chairman Vallecillo closed the Public Hearing at 8:15PM.

**Motion by Commissioner Neu, Second by Commissioner Guelden to approve a Conditional Use Permit for The Tree House Children's Center, 418 Haven Street (2009-02-CUP). Motion carried with the following roll call vote:**

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

At this time Commissioner DeVries recused himself from the remaining item due to financial and proximity issues causing the Commission to not have a quorum. After discussion, City Attorney Wallace recommended continuing the item to the May 26, 2009 meeting. Commissioners concurred.

**COMMISSION/STAFF COMMENTS:**

Guelden reminded those in attendance of the Citywide Garage Sales of the Rich & Famous on May 9<sup>th</sup>. Chairman Vallecillo spoke on his intention to resign from the Commission effective June 30<sup>th</sup>.

The meeting was adjourned at 8:30 p.m.

**ATTEST:**

\_\_\_\_\_  
Jenna Michaelis, CDD Admin

\_\_\_\_\_  
Albert Vallecillo, Chairman



**PLANNING COMMISSION STAFF REPORT  
May 26, 2009**

**TO:** Chairman and Planning Commissioners  
**BY:** Nelia Dyer – Community Development Director  
**SUBJECT:** Public Hearing and Consideration of a Conditional Use Permit for a Church at 113 Main Street (2009-03-CUP) (Continued from the April 28, 2009 Planning Commission Meeting)

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**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 approve the Conditional Use Permit submitted by Winters Community Church for the operation of a religious institution at 113 Main Street (APN 003-201-15).

**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 existing tenant space is approximately 2,400 square feet with one entry on Main Street. 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	Residential
EAST	CBD	C-2	Buckhorn Catering
SOUTH	CBD	C-2	Retail Buildings
WEST	CBD	C-2	Curves Gym

**STATEMENT OF ISSUES:** The project applicant, Winters Community Church, is seeking approval of a use permit to allow for a religious institution in an existing building at 113 Main Street. According to the Winters Municipal Code Section 17.52.020, the C-2 zone requires issuance of a use permit for a religious institution.

**PROJECT DESCRIPTION:** The applicant, Winters Community Church (WCC), is requesting a conditional use permit to locate within an existing building at 113 Main Street. Specifically, the WCC will lease a 2,400 space from the property owner between Buckhorn Catering and Curves Gym, where WCC intends to carry out religious services. Presently, WCC has a congregation of approximately 12 adult members. On special occasions, up to 25 people could be in attendance at one time. WCC has informed City staff that baptisms will not be held at 113 Main Street.

The congregation of WCC plans to meet on Sunday mornings for Sunday School at 10:00 a.m. and Worship Service at 11:00 a.m. According to the applicant, there will be times when special services are conducted such as Good Friday, Christmas Eve, and other dates with special significance. A mid-week Bible Study is also planned to take place on Tuesday evening after 7:00 p.m., and youth group meetings are planned to be conducted after 6:00 p.m. on Wednesdays.

The subject space will consist of a lobby, a "cry room" (a room for parents and their children who need some quiet time away from the sanctuary during a worship service), a small classroom space for Sunday School, a sanctuary with 7 pews, a small office, and an Americans with Disabilities Act (ADA) compliant unisex bathroom. As mentioned previously, the leased space is in a building shared between co-tenants Curves Gym and Buckhorn Catering. A private parking lot is shared between the three tenants. Since church hours do not coincide with their regular business hours, the two co-tenants have offered their empty parking space for the church's use. There are 26 total parking spaces in the parking lot.

**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.*

Religious Institutions are allowed in the Central Business District (CBD) land use designation. According to the General Plan, the CBD designation provides for single-family, detached homes, secondary residential units, public and quasi-public uses, and compatible uses. Religious Institutions are considered public/quasi-public uses in 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.*

Religious Institutions are listed as conditional uses in the Central Business District (C-2) zone.

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.*

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. Since the church will operate primarily on Sunday mornings, Tuesdays evenings, and Wednesday evenings, the use will not conflict with the operation of either Buckhorn Catering or Curves Gym. Therefore, the proposed use would not disrupt or negatively impact the current adjacent businesses. In addition, staff has determined that an active retail space as opposed to an empty retail space would help to stabilize the central business district. Moreover, after Sunday services, members of the congregation 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. Therefore, 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.*

Since the requested use is proposing to occupy an existing building and the hours of operation occur mainly on Sundays, 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;*

As mentioned previously, an accessible, unisex bathroom will be provided. In addition, 26 off-street parking spaces are available to the proposed use on Sundays. According to Winters Municipal Code Section 17.72.020 (Number of Parking Spaces Required), one (1) parking space per 50 square feet of seating area is required for religious institutions. The proposed seating area is approximately 1,200 square feet; therefore, 24 off-street parking spaces are required. Overall, adequate facilities and services are available for the use.

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

The only potential enforcement problem within the neighborhood that could be created by the requested use is parking. However, with 26 off-street parking spaces and 12 adult members at this time, staff does not foresee any enforcement problems in the near future. In addition, the Winters Community Church has indicated that the subject space is a temporary location for their use until they find another space.

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 15301 (Existing Facilities)
- 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, May 14, 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, May 21, 2009.

**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 113 MAIN STREET (CONDITIONAL USE PERMIT)**

### **CEQA Findings:**

1. The proposed project is exempt from CEQA review under §15301 (Existing Facilities)
2. The CEQA Guidelines §15301 (Existing Facilities) exempts projects that involve minor alterations to existing facilities where negligible or no expansion occurs to the current use. The proposed use will not expand the facility.

### **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 public and quasi-public uses such as religious institutions.

2. The use is consistent with the provisions of the Zoning Ordinance. Conditionally permitted uses of the C-2 Zone include religious institutions.
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 113 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 113 MAIN STREET (CONDITIONAL USE PERMIT) LOCATED ON ASSESSOR PARCEL NUMBER 003-201-15, WINTERS, CA 95694.**

1. This Conditional Use Permit is based upon and limited to compliance with the project description, Attachments 1-4, 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 2009-03-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. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. CUP renewals must be applied for prior to expiration of the CUP.
4. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
5. Within 12 months after the effective date of this permit, the use shall commence.
6. The Zoning Administrator may approve minor modifications to the conditional use permit.
7. 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.
8. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit.
9. The church shall only be permitted to operate between 10:00 a.m. and 2:00 p.m. on Sundays, 6:30 p.m. to 9:30 p.m. on Tuesdays, and 6:00 p.m. to 8:30 p.m. on Wednesdays. Any expansion of the church operating hours shall be subject to review by the Community Development Director for possible amendment of the conditional use permit.
10. Off-street parking for this use was determined on the basis of Winters Municipal Code Chapter 17.72 (Off-Street Parking and Loading) and requires a minimum of 24 spaces.

**ATTACHMENTS:**

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

**Project Description**  
**Winters Community Church**  
113 Main Street, Winters, CA

Winters Community Church (WCC) is a Bible believing, preaching, teaching fellowship. This body is "Non-denominational," choosing not to affiliate with any denominational organization requiring its churches to embrace a statement of doctrine written by mere men. Instead, Winters Community Church looks to the Holy Bible for direction on all matters, including but not limited to, issues regarding church membership, organization, outreach, spiritual gifts, and eschatology.

Our core congregation has been praying that the Lord would open a door for us to a facility in Winters so that we could serve the members of the community in which we live, learn, work, and play. When we learned that the Lorenzo family was willing to rent their facility to us on a month-to-month basis, we were ecstatic. Although we are unsure of how long this door will remain open to us, we understand that once the facade improvement is complete new tenants will likely be anxious to move in resulting in our moving out, but we have faith that the Lord will open a new facility for us when that day comes.

WCC will be located at 113 Main Street, between First Street and Second Street. WCC is a very small congregation, with hopes of growing. Currently there are approximately 12 adult members of the church, and several families that attend on a sporadic basis. On special occasions, we have had as many as 25 people in attendance at one time.

WCC's leased space consists of a lobby, cry room, a small classroom space for Sunday School, a sanctuary with 7 pews, an area with tables and chairs to be used for Bible Study, a small office and an ADA compliant unisex bathroom. We do not plan on holding baptisms in the facility; we perform our baptisms in Putah Creek.

The leased space is in a building shared between co-tenants Curves Gym and Buckhorn Catering; a private parking lot is shared between the three tenants. Since church hours do not coincide with their regular business hours, our neighbors have graciously offered their empty parking spaces for our use to accommodate our future needs as our congregation grows. There are 26 total spaces in the parking lot.

The church plans to meet on Sunday mornings for Sunday School at 10:00 a.m. and Worship Service at 11:00 a.m. There will be times that special services are conducted: such as Good Friday, Christmas Eve, and other dates with special significance. A mid-week Bible study is also planned to take place on Tuesday evenings after 7:00 p.m.

Our goal is to make a difference in the community for the better, and to demonstrate true Christian love, the kind of love that Jesus exhibited, reaching out to those who need Him most. We also want to support the leadership of our city in their endeavors to meet the needs of our population and improve our community.

Title 17 ZONING

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**Chapter 17.20 USE PERMITS**17.20.010 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 >>](#)

**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 May 13, 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 May 13, 2009 at Winters, California.

A handwritten signature in cursive script, appearing to read "Jen Michaelis".

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**Jen Michaelis, Community Development Administrative Assistant**

**NOTICE OF PUBLIC HEARING OF THE PLANNING COMMISSION OF THE CITY OF WINTERS ON PROPOSED CONDITIONAL USE PERMIT FOR WINTERS COMMUNITY CHURCH AT 113 MAIN STREET**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Winters ("Planning Commission") will hold a public hearing on **Tuesday, May 26, 2009, at 7:30 p.m.**, or as soon thereafter as the matter may be heard, in the **City Council Chambers located at the City Hall, 318 First Street, Winters, California**, to consider a proposed Conditional Use Permit for a church located at 113 Main Street.

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 also be available on the City's website at [www.cityofwinters.org](http://www.cityofwinters.org).

Interested persons may submit written comments addressed to Nellie Dyer, City of Winters, 318 First Street, Winters, California, 95694 or [nelia.dyer@cityofwinters.org](mailto:nelia.dyer@cityofwinters.org) prior to the hour of 5:00 p.m. on May 26, 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.

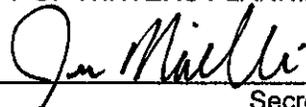
If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

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: May 11, 2009.

CITY OF WINTERS PLANNING COMMISSION



Secretary

003 156 17  
PEREZ MARY M  
31091 RUSSELL BLVD  
WINTERS, CA 95694

003 202 17  
BARKER JAMES R MILDRED T TR  
105 RUSSELL ST  
WINTERS, CA 95694

003 201 08  
SKAGGS JUANITA L TR  
1008 HILLVIEW LN  
WINTERS, CA 95694

003 202 13  
LOPEZ ABRAHAM C KATHERN  
LOPEZ 2006 REV LIV T  
114 MAIN ST  
WINTERS, CA 95694

003 202 07  
BOISROME YVES ETAL  
4116 CENTRAL LN  
WINTERS, CA 95694

003 156 07  
BERDALL SUZANNE L RANGEL  
DAVID  
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WINTERS, CA 956941901

003 193 12  
SCIANNA ED CAROL M  
310 2ND ST  
WINTERS, CA 95694

003 193 05  
BRANSCUM CARL J LILLIE M  
206 ABBEY ST  
WINTERS, CA 95694

003 204 18  
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318 FIRST STREET  
WINTERS, CA 95694

003 204 16  
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REV LIV TRUST  
803 APRICOT AVE  
WINTERS, CA 95694

003 201 15  
L  
121 E GRANT ST  
WINTERS, CA 95694

003 146 17  
KOVACH MICHAEL RITA  
205 ABBEY ST  
WINTERS, CA 95694

003 201 13  
UCHIDA MIYO GROBERMAN HUGH  
50 PALM AVE  
WOODLAND, CA 95695

003 202 03  
ARCE BALDOMERO ELIA  
201 WHITE OAK LN  
WINTERS, CA 95694

003 194 05  
SCHUBERT RICK  
8307 QUAIL CANYON RD  
VACAVILLE, CA 95688

003 204 02  
PORTELLO WILLIAM L MARY  
PORTELLO FAM TRUST  
2721 ANZA AVE  
DAVIS, CA 95616

003 203 02  
BECK DONALD V ETAL  
4635 BECK LN  
VACAVILLE, CA 95688

003 203 01  
FIRST NATL BANK DIXON TTN  
ASST CONTROLLER  
195 N 1ST ST 2ND FLOOR  
DIXON, CA 95620

003 156 10  
SKAGGS JUANITA L TR  
1008 HILLVIEW LN  
WINTERS, CA 95694

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

003 201 14  
WINTERS CITY OF  
318 FIRST ST  
WINTERS, CA 95694

003 201 02  
REYES FERNANDO MARY ELLEN  
RHODES JEANNE  
P O BOX 1082  
WINTERS, CA 95694

003 202 14  
LOPEZ ABRAHAM C KATHERN  
LOPEZ 2006 REV LIV T  
114 MAIN ST  
WINTERS, CA 95694

003 202 02  
DEVRIES 2002 REV LIV TRUST  
410 VILLAGE CIR  
WINTERS, CA 95694

003 156 21  
SIRACUSA JOHN ELIZABETH A  
206 RUSSELL ST  
WINTERS, CA 95694

003 202 04  
LORENZO ALADDIN C LYNDA R T  
1507 GRAND PHEASANT LN  
LINCOLN, CA 95648

003 201 12  
GRAF BUILDING PARTNERS LLC  
119 MAIN ST  
WINTERS, CA 95694

003 156 09  
BRESHEARS JILL P  
119 ABBEY ST  
WINTERS, CA 95694

003 194 06  
NEU PIERRE GIBBS MARCIA  
204 MAIN ST  
WINTERS, CA 95694

003 156 20  
DOUGHTY BILL N ANNA M  
DOUGHTY 2000 REV LIV T  
120 LIWAI VILLAGE CT  
WINTERS, CA 95694

003 202 12  
PEDERSON ALLEN ETAL  
129 RUSSELL ST  
WINTERS, CA 95694

003 146 19  
SIRACUSA JOHN ELIZABETH  
7 E MAIN ST  
WINTERS, CA 95694

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003 156 11  
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003 201 04  
WINTERS CITY OF YOLO CO OF  
318 FIRST ST  
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003 193 13  
MCMASTER STONE THOMAS  
CAROL  
204 ABBEY ST  
WINTERS, CA 95694

003 203 03  
TC PROPERTY MANAGEMENT LTD  
P O BOX 38  
DAVIS, CA 95617

003 202 06  
FURRIER JEANNE REICH KELLE TR  
P O BOX 2558  
PARADISE, CA 959672558

003 193 07  
INTERNATIONAL CH OF  
FOURSQUAR  
205 MAIN ST  
WINTERS, CA 95694

003 202 05  
MANNERS NOEL  
825 BEACH RD  
SHELTER COVE, CA 95589

003 193 08  
INTL CH OF THE FOURSQUARE GSP  
205 MAIN ST  
WINTERS, CA 95694

003 203 16  
YOLO COUNTY OF  
625 COURT ST RM 203  
WOODLAND, CA 95695

003 202 15  
SULLIVAN WILLIAM R SULLIVAN  
WILLIAM R LINDA  
101 RUSSELL ST  
WINTERS, CA 95694

003 202 10  
BARKER JAMES R MILDRED T TR  
105 RUSSELL ST  
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003 194 07  
JORDAN PATSY J  
226 2ND ST  
WINTERS, CA 95694

003 202 11  
GALE LAURA  
123 RUSSELL ST  
WINTERS, CA 95694

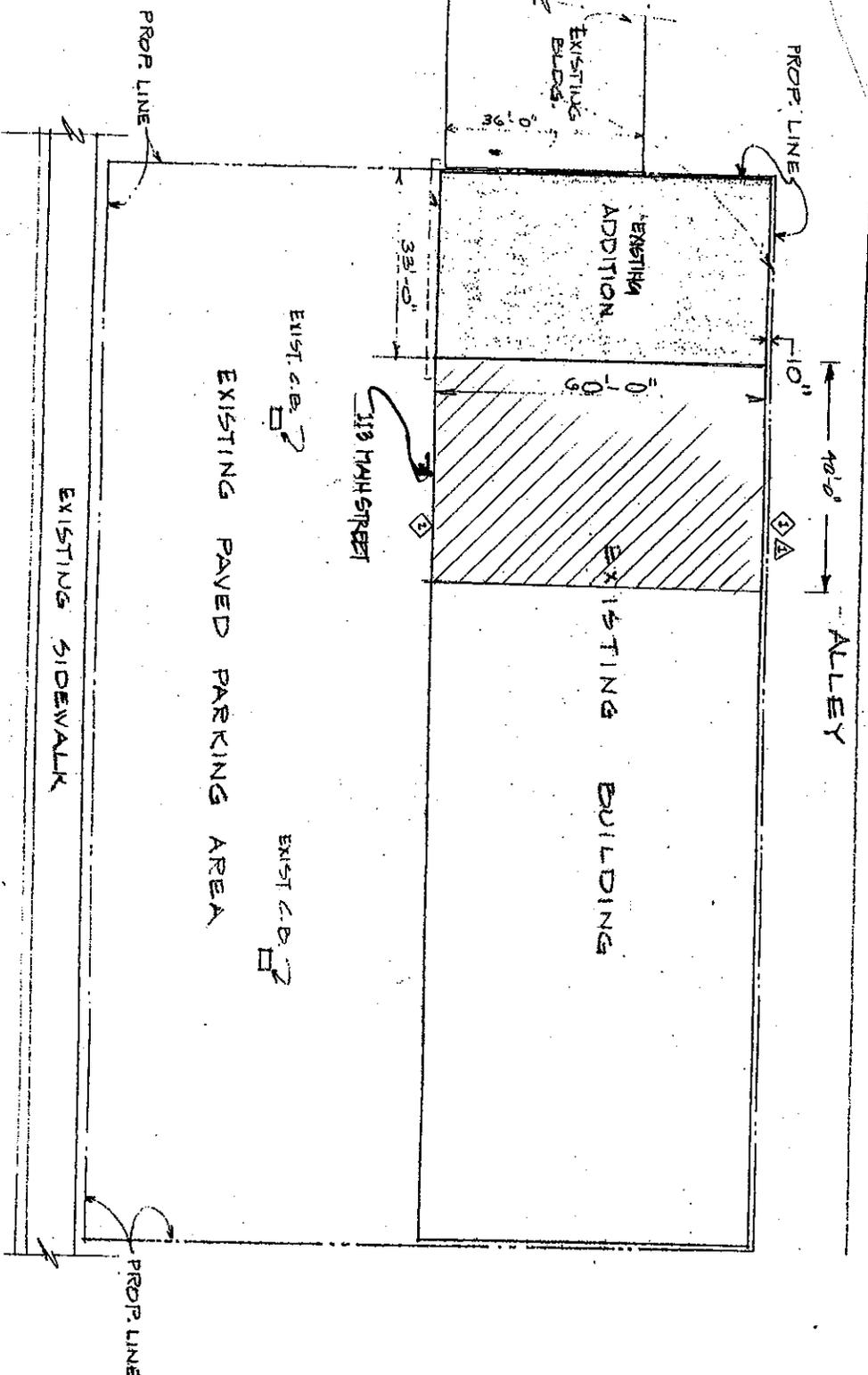
003 156 18  
THOMPSON ROBERT T CHERYL J  
390 GRANDVIEW DR  
VACAVILLE, CA 95688

003 203 04  
BECK DONALD V ETAL  
4635 BECK LN  
VACAVILLE, CA 95688

003 146 20  
PURTILL JAMES P  
869 DERRY CIR  
VACAVILLE, CA 95688

003 201 01  
HEILMAN STEVE MARIE  
116 ABBEY ST  
WINTERS, CA 95694

003 201 16  
BERTAGNOLLI GARY L K K  
BERTAGNOLLI FAMILY TR  
P O BOX 688  
WINTERS, CA 95694



ALLEY

10'-0"

40'-0"

EXISTING ADDITION

EXISTING BUILDING

EXISTING PAVED PARKING AREA

EXISTING SIDEWALK

MAIN ST.

**STREET SIGNAGE**

- Address numbers visible from public street, 6" high

**FIRE SUPPRESSION NOTES**

Note: Building has fire sprinklers thru out. Any alteration to the existing fire sprinkler plans to be a deferred submission.

**EGRESS WIDTH Table 1005.1**

- 1677 Occupants @ 15' - 25.1' minimum door width.

**EXIT ILLUMINATION**

- Exterior landing at exit discharge shall be provided with lighting not less than 1 ft. candle @ walk surface.
- Emergency illumination shall be provided with independent power supply for a min. of 90 min. duration.

**ACCESSIBLE MEANS OF EGRESS**

- Per CBC Chapter 11B not required in existing buildings.
- CBC 1009.4.1

**DOOR HARDWARE**

- Exit doorways to be out swinging with minimum net width of 22".
- Exit doorways equipped with code compliant ADA hardware such that the deadbolt is active w/ lever type knob.
- Plastic hardware not required in places of religious worship.
- CBC 1008.1.8.3 Item 2. Provide signage "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED"

**EXIT SIGNAGE**

- Provide visual "EXIT" sign above exit way. CBC 1011
- Exit sign to be internally or externally illuminated at all times with emergency power backup for 90 minutes min.
- Provide tactile "EXIT" signage w/ Grade 2 Braille at each grade level exit door where possible mounted on the latch side of door per signage w/ raised characters to be 5/8" high min. & 2" max. height. CBC 1011.3 & 1117B.5.1
- Signage available from: Tactile Signage, 916.967.6050, www.tactile-sign.com

**EXITS REQUIRED**

- Total Occupant Load @1677 = 2 Exits Required.
- Front (Existing) Exit and Rear (New) Exit to Public Alley

**SYMBOL KEY**

- ◻ = Architectural Note, see this Sheet
- ◻ = Door Designation, see Door Schedule.

- Specific new (N) door location to be field determined by contractor.
- Existing front door location

**FIRST FLOOR PLAN**

1" = 20.0'

4.02.09





**PLANNING COMMISSION  
STAFF REPORT  
May 26, 2009**

**TO:** Chairman and Commission Members  
**FROM:** Kate Kelly, Contract Planner  
**SUBJECT:** Workshop on Allowed Uses for Downtown Winters for the Proposed Form-Based Code for Downtown

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**Recommendation:** That the Planning Commission take the following actions:

1. Receive Staff Report
2. Conduct Workshop on the proposed Allowed Uses for Downtown Winters to be Incorporated into the Proposed Form-Based Code for Downtown
3. Provide Feedback to Staff on proposed Allowed Uses in the Downtown for the Proposed Form-Based Code.

**Background:** The City of Winters General Plan calls for a Central Business District Plan (Implementation Program 1.6). In March 2006, after a lengthy public process, the City adopted the Downtown Master Plan, which provides the vision for the development and redevelopment of the downtown core of Winters. The Downtown Master Plan focuses on:

- concentrating specialty commercial businesses in the downtown core
- supporting infill development along Railroad Avenue
- improving the Railroad Avenue streetscape
- creating an attractive north gateway to the downtown
- establishing downtown-oriented parking policies
- retaining downtown's historic building character
- improving the Rotary Park/Downtown Green and expanding the Putah Creek Nature Park

The Downtown Master Plan identified several tools for fulfilling the vision in the Plan. One of those tools is the creation, adoption and use of a Form-Based Code for the Downtown Master Plan Area.

Cities use Form-Based Codes to control the look and type of buildings, streets, landscaping and building details such as signs, awnings, and storefronts to create and maintain an interesting, attractive and livable town. Standards for land use, density, setbacks, and design are presented in a consolidated, graphical format that can be used easily by landowners, applicants, business owners, and City staff and officials.

For the past year, the City has been working on developing a Form-Based Code for Downtown Winters which would regulate both the design of buildings and remodels in the downtown and what businesses, residential uses and activities can be located in the downtown. The Form-Based Code is focused on creating a vibrant, architecturally complementary and pedestrian-oriented commercial district and infill residential areas in the downtown for the Winters community.

**Public Outreach and Community Input:** Three workshops have been held over the past year to introduce the draft Form-Based Code and gather feedback from the community. City staff has refined the draft Form-Based Code in response to community comments regarding the proposed permitted uses with the intent of facilitating a lively, retail focused downtown which retains dynamic, small town community businesses and activities that currently exist in the downtown. The Allowed Use Regulations in the

proposed Form-Based Code would change some of the types of businesses and activities currently allowed in the downtown to “conditional uses” while other uses such as live/work and specialized agricultural processing are being proposed for the downtown in the Form-Based Code.

The proposed Allowed Uses is the subject of this workshop. Staff requests Planning Commission review and provide feedback on the proposed Allowed Uses for the Downtown Form-Based Code Area.

**Rezoning the Downtown:** There are a total of 65+/- acres of Central Business District/C2 in Winters. The area zoned C2 is shown on the City’s Zoning Map (Exhibit A). The uses currently allowed in the C2 zone are found in Section 17.52.020 - Land Use/Zone Matrix of the City’s Municipal Code (Exhibit B).

Adoption of the Form-Based Code would include rezoning the Downtown Master Plan Area to street specific D-A and D-B zones as shown in the Regulating Plan (Exhibit C). The proposed draft Form-Based Code for Downtown would be incorporated into the City Zoning Ordinance as Chapter 17.58 and would become the Zoning Code for the Downtown Master Plan Code Area.

The Form-Based Code for Downtown would apply to the area shown as DA and DB in the Regulating Plan (Exhibit C) which is situated along Main Street (from Second to Elliot) and Railroad Avenue (from Wolfskill Street to Anderson Avenue) and includes portions of Abbey, East Abbey, East Edward, East Baker, and Wolfskill Streets. It encompasses approximately 33.5 acres including the historic commercial downtown core. The City’s Zoning Map would also be revised to incorporate the Regulating Plan. The proposed changes to the zoning are:

Current Zoning	Proposed Zoning
C2	Main Street DA
C2	Railroad Avenue DA
C2 and O-F	Railroad Avenue DB
C2	Grant Avenue DA
C2 and PQP	Grant Avenue DB
C2	Secondary Street DA
C2	Secondary Street DA

The PQP zoning for the City Hall, Fire Station, Library, Rotary Park, and Community Center properties would remain the same.

**Proposed Allowed Use Regulations:** The proposed Allowed Uses are listed by zoning district within the Downtown Form-Based Code Area. The zoning districts are shown on the Regulating Plan (Exhibit C). These proposed Allowed Use regulations would be unique to the Downtown Form-Based Code Area and are intended to implement the vision of the 2006 Winters Downtown Master Plan (Exhibit D).

**PROPOSED PERMITTED USES FOR DOWNTOWN FORM-BASED CODE AREA**

Uses	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Attached Single-Family Residential	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	C	P	P
Bed and Breakfast Inn	P <sup>1</sup>	P <sup>1</sup>	P	P	P	P <sup>1</sup>	P

Uses	Main Street	Railroad Avenue		Secondary Streets		Grant Avenue	
		D-A	D-B	D-A	D-B	D-A	D-B
Child Day Care	N	N	N	C	C	N	C
Commercial Recreation and Entertainment	C	C	C	N	N	C	C
Detached Single-Family Residential	N	N	N	N	P	N	N
Government/Institutional	P	P	P	P	C	P	P
Hotel or Motel	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P	P <sup>1</sup>	P
Live/Work Unit	C	P	P	p	C	N	C
Mixed-Use	P	P	P	P	C	C	P
Multi-Family Residential	C <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	N	P <sup>1</sup>
Neighborhood Commercial	P	P	P	P	C	C	N
Offices	P	P	P	P	C	P	P
Personal Services	P	P	P	P	C	C	P
Religious Institutions	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	N	P	P
Service Station	N	C	C	N	N	C	C
Sit-Down Restaurants	P	P	P	C	N	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C

P – Permitted Use  
C – Conditionally Permitted Use  
N – Not Permitted

Notes:

1. Only on the second floor or above.

**Proposed Definitions of Allowed Uses**

**1. Attached Single-Family Residential.** A building designed exclusively for occupancy by one family on a single lot that has zero side yard setbacks, and shares a party wall with the adjacent building(s) (e.g., townhouse).

**2. Banks and Financial Institutions.** Financial institutions such as banks and trust companies, credit agencies, holding companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATMs).

**3. Bed and Breakfast Inns.** Residential structures with up to four bedrooms rented for overnight

lodging, where meals may be provided subject to applicable Health Department regulations. A Bed and Breakfast Inn with more than four guest rooms is considered a hotel or motel.

**4. Child Day Care.** A State licensed facility which provides non-medical, care, protection and supervision, to children under 18 years of age, on a less than 24-hour basis. Commercial or non-profit child day care facilities include infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use

**5. Commercial Recreation and Entertainment.** Establishments providing indoor or outdoor recreation and entertainment services including: bars, movie theaters, dance halls, electronic game arcades, bowling alleys, billiard parlors, ice/rolling skating rinks, health clubs, skateboard parks.

**6. Detached Single-Family Residential.** A building designed exclusively for occupancy by one family on a single lot. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007).

**7. Government/Institutional.** This use includes government agency and service facilities (e.g. post office, civic center, police department, fire department), as well as public educational facilities, and publicly owned parkland.

**8. Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**9. Live/Work Unit:** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- a. Complete kitchen space and sanitary facilities in compliance with the city building code; and
- b. Working space reserved for and regularly used by one or more occupants of the unit.

**10. Mixed-Use.** Mixed-Use facilities are characterized by commercial retail use on the ground floor, and office, hotel, or residential uses on the upper floors.

**11. Multi-Family Residential.** A building designed and intended for occupancy by two or more families living independent of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., duplex, triplex, quadplex, apartment, apartment house, condominium). Also includes senior housing.

**12. Neighborhood Commercial.** A pedestrian oriented market store oriented to the daily shopping needs of the surrounding residential areas. Neighborhood markets are less than 8,000 square feet in size and operate no more than 18 hours a day. Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use. Alcohol sales are allowed for off-site consumption, or on-site consumption as part of the beverage tasting facility only.

**13. Offices.** This use includes businesses providing direct services to consumers (e.g. insurance companies, utility companies), professional offices (e.g. accounting, attorneys, doctors, dentists, employment, public relations, real estate), and offices engaged in the production of intellectual property (e.g. advertising, architectural, computer programming, photography studios).

**14. Personal Services.** Establishments providing non-medical services as a primary use, including,

but not limited to barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, day spas, laundromats (self-service laundries), printing and reproduction, business support services, shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided.

**15. Religious Institutions.** Facility operated by religious organizations for worship, or the promotion of religious activities (e.g. churches, mosques, synagogues, temples) and accessory uses on the same site (e.g. living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (e.g. recreational camp) are classified according to their respective activities.

**16. Retail Commercial.** Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site, sales), clothing and accessories, collectibles, department stores, drug stores, dry goods, fabrics and sewing supplies, florists and houseplant stores, furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, and stationery stores.

**17. Service Stations.** A retail business selling motor vehicle fuels, related products and providing vehicle services. Body work is not permitted. Boundary landscaping is required along all property lines abutting streets, except for driveways. Landscaped areas shall have a minimum width of five feet, and shall be separated from abutting vehicular areas by a wall or curbing at least six inches higher than the abutting pavement. Planters at the pump islands are encouraged.

**18. Sit-Down Restaurants.** A retail business selling food and beverages prepared and/or served on the site, for on-premise consumption where most customers are served food at tables, but may include providing food for take-out. Also includes coffee houses, and accessory cafeterias as part of office and industrial uses. Alcohol sales are allowed for on-site consumption only.

**19. Specialized Agriculture and Processing.** 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.

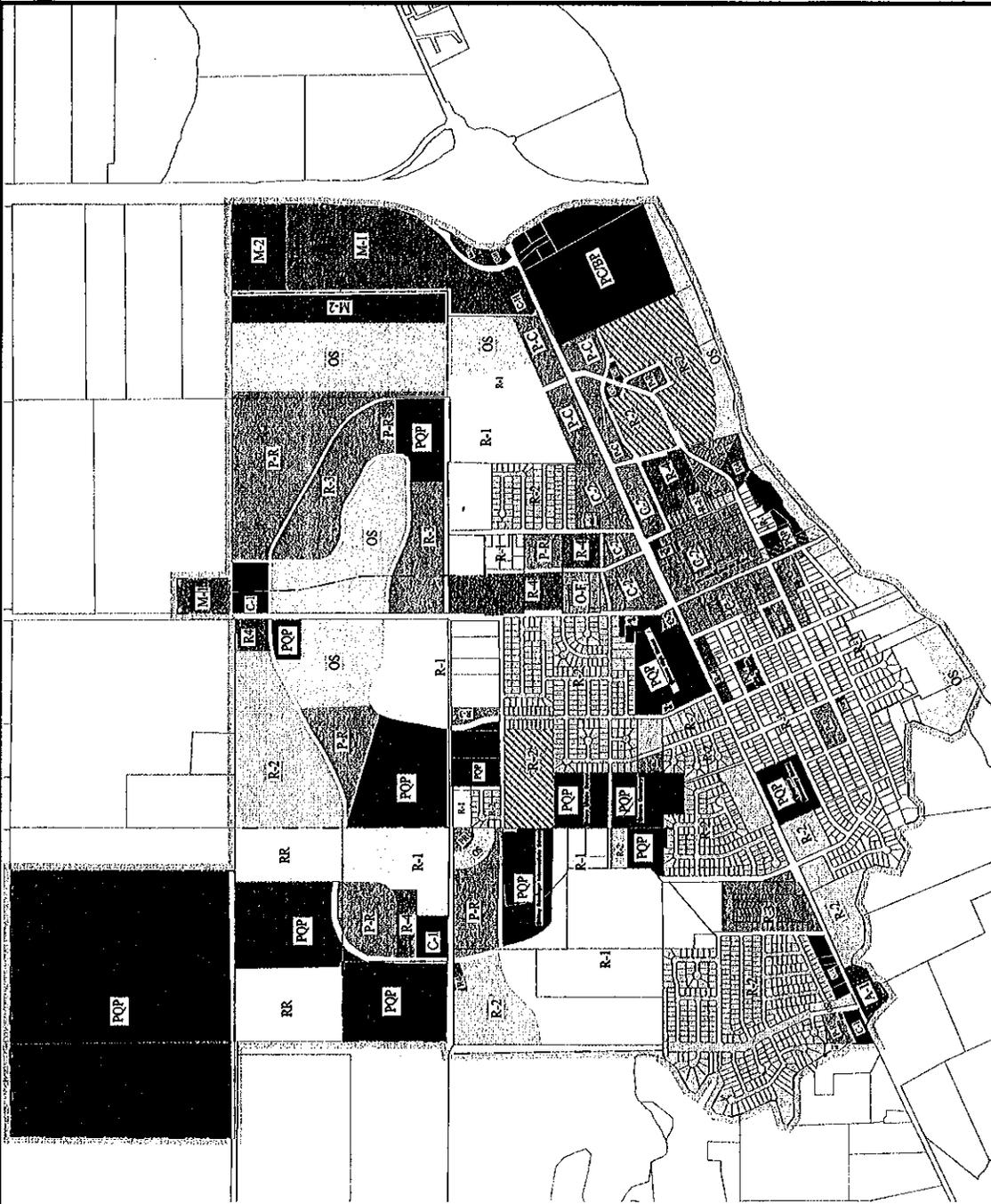
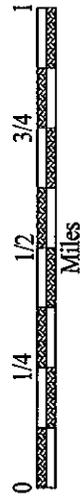
**Staff Recommendation:** Staff requests Planning Commission review and provide feedback on the proposed Allowed Uses for the Downtown Form-Based Code Area.

**Attachments:**

- Exhibit A Current City of Winters Zoning Map
- Exhibit B Current Land Use/Zone Matrix of the City's Municipal Code (Section 17.52.020)
- Exhibit C Regulating Plan showing delineation of Downtown Master Plan Area, proposed Form-Based Code Area, and proposed land use zones
- Exhibit D Adopted Downtown Master Plan Land Use Vision

**ZONING DESIGNATIONS**

- General Agriculture (A-1)
- Rural Residential (RR)
- Single-Family Residential 7,000 SF. Ave. Min. (R-1)
- Single-Family Residential 6,000 SF. Ave. Min. (R-2)
- Multi-Family Residential (R-3)
- High Density Multi-Family Residential (R-4)
- Neighborhood Commercial (C-1)
- Central Business District (C-2)
- Highway Service Commercial (C-2)
- Office (O-F)
- (Planned) Commercial (P-C)
- Planned Commercial/Business Park (PC/BP)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Public/Quasi-Public (POP)
- Parks & Recreation (PR)
- Open Space (OS)
- Planned Development Overlay (PD)
- URBAN LIMIT LINE
- CITY LIMITS



DESIGNED BY	DATE	DESCRIPTION	BY	APPD

**PONTICELLO ENTERPRISES**  
 CONSULTING ENGINEERS  
 1216 Forth Avenue  
 Woodland, CA 95695  
 Tel : (530) 668-3833  
 Fax : (530) 668-3893

**CITY Zoning MAP**  
**JUNE 2003**  
 CITY OF WINTERS

SCALE: 1" = 1/4 Mile  
 FILE: Zoning Map  
 DATE: Jun. 2003  
 JOB NO. 099001

SHEET 1 OF 1

**Chapter 17.52  
LAND USE REGULATIONS: ZONING MATRIX**

**Sections:**

- 17.52.010 Range of uses.
- 17.52.020 Land Use/Zone Matrix.

**17.52.010 Range of uses.**

Uses within the city shall be consistent with the land use zone matrix, contained in Table 2 set out in Section 17.52.020.

**A. Permitted Uses.**

Permitted uses are included on the land use/zoning matrix by the letter "P" in the box defined by a use and zone designation. These uses are allowed in the zones indicated without discretionary review, subject to compliance with the development, parking, landscaping and other standards of the zoning ordinance.

**B. Conditional Uses.**

Conditional uses are indicated on the land use/zoning matrix by the letter "C" in the box defined by a use and zone designation. Conditional uses may be permitted subject to obtaining a use permit from the planning commission or zoning administrator, as regulated elsewhere in this title.

**C. Temporary Uses.**

Temporary uses are indicated on the land use/zoning matrix by the letter "T" in the box defined temporary uses. These temporary uses are allowed subject to obtaining a temporary activity permit from the zoning administrator.

**D. Accessory Uses.**

Accessory uses are secondary to a primary or principal use on a site. Accessory uses are permitted in all zoning districts.

**E. Uses Not Listed.**

The land use/zoning matrix is not intended to be a comprehensive list of all possible uses, but rather the more common uses likely to be proposed in the city. Uses not specifically covered by any use category but which appear to be similar in nature to permitted or conditional uses shall be reviewed by the community development director, who shall determine the use classification based upon activity characteristics of the proposed use. A proposed use shall otherwise be considered a prohibited use where it is not provided for within a zone. (Ord. 97-03 § 2 (part); prior code § 8-1.5201)

**17.52.020 Land Use/Zone Matrix.**

**LAND USE/ZONE MATRIX**

KEY: Zoning Designations:

C= Conditional Use (A-1) General Agricultural (R-4) High Density Residential (B/P) Business Industrial Park

P= Permitted Use (R-R) Rural Residential (C-1) Neighborhood Commercial (M-1) Light Industrial

T= Temporary Use (R-1) Single-Family Residential (C-2) Central Business District (M-2) Heavy Industrial

(R-2) One-and Two-Family Residential (C-H) Highway Service Commercial (PQP)

Public/Quasi-Public

(R-3) Multifamily Residential (O-F) Office (PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C														P	

Animal Production	P																	C
COMMERCIAL AND OFFICE USES																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Adult Entertainment											C	C						
Automobile Repair, Major							C	C			C	C	P					
Automobile Repair, Minor							P	P	P		P							
Bar, Cocktail Lounge							C	C										
Bed and Breakfast Inn			C	C	C	C		C										
Business Service							P	P		P	P							
Financial Institutions							P	P		P	P							
Equipment Sales, Rental, Repair							P	P			P							
Funeral Parlor								P			C							
Hotel, Motel								C	C									
Nurseries	P						P	P			C	C						
Office, Business and Medical							P	P		P	P							
Outdoor Sales							C	C			C							
Personal Storage								C			C	C			C	C		
Recreation, Indoor or Outdoor							C	C			C	C						
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Recreational Vehicle Park									C		C							
Restaurant							P	P	P		C							
Restaurant, Drive-Through							C	C	P									
Retail Sales, General							P	P	C		C							
Roadside Stand	P	C					C	C										
Service Station							P	P	P		P							
Veterinary Hospital, Kennel	C						C	P										
INDUSTRIAL USES																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Finished Goods Assembly											P	P	P					



Day Care, Limited		P	P	P	P	P											
Dwelling, Multiple Family					P	P	C	C <sup>3</sup>		C							
Dwelling, Single Family	P	P	P	P	C	C		C <sup>2,3</sup>								C	
Dwelling, Two-Family or Duplex			P <sup>1</sup>	P	C	C											
Mobile Home Park		C	C	C	C	C											
Residential Care Facility		C	C	C	C									C			
<b>TEMPORARY USES</b>																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Arts and Crafts Show	T						T	T	T	T	T	T	T	T	T	T	T
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T													T	T	T	T
Seasonal Sales	T	T					T	T	T		T	T		T	T	T	T

**Footnotes:**

1. Affordable or market rate duplexes are allowed on all corner lots in the R1 and R2 zones citywide. 2003-01 §5
2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
3. A single residential unit is allowed at a business located in the Central Business District Zone (C-2) upon planning commission approval of a Conditional Use Permit (CUP), while multi-family residential is allowed above a business in the C-2 Zone upon planning commission approval of a CUP. A residential unit proposed for a first floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size, and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.

\* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

\*\* A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

(Ord. 2006-06 § 1; Ord. 2006-02 § 1; Ord. 2004-01; Ord. 2003-01 § 5; Ord. 2001-08; Ord. 97-03 § 2 (part); prior code § 8-1.502)

**This page of the Winters Municipal Code is current through Ordinance 2008-09.**

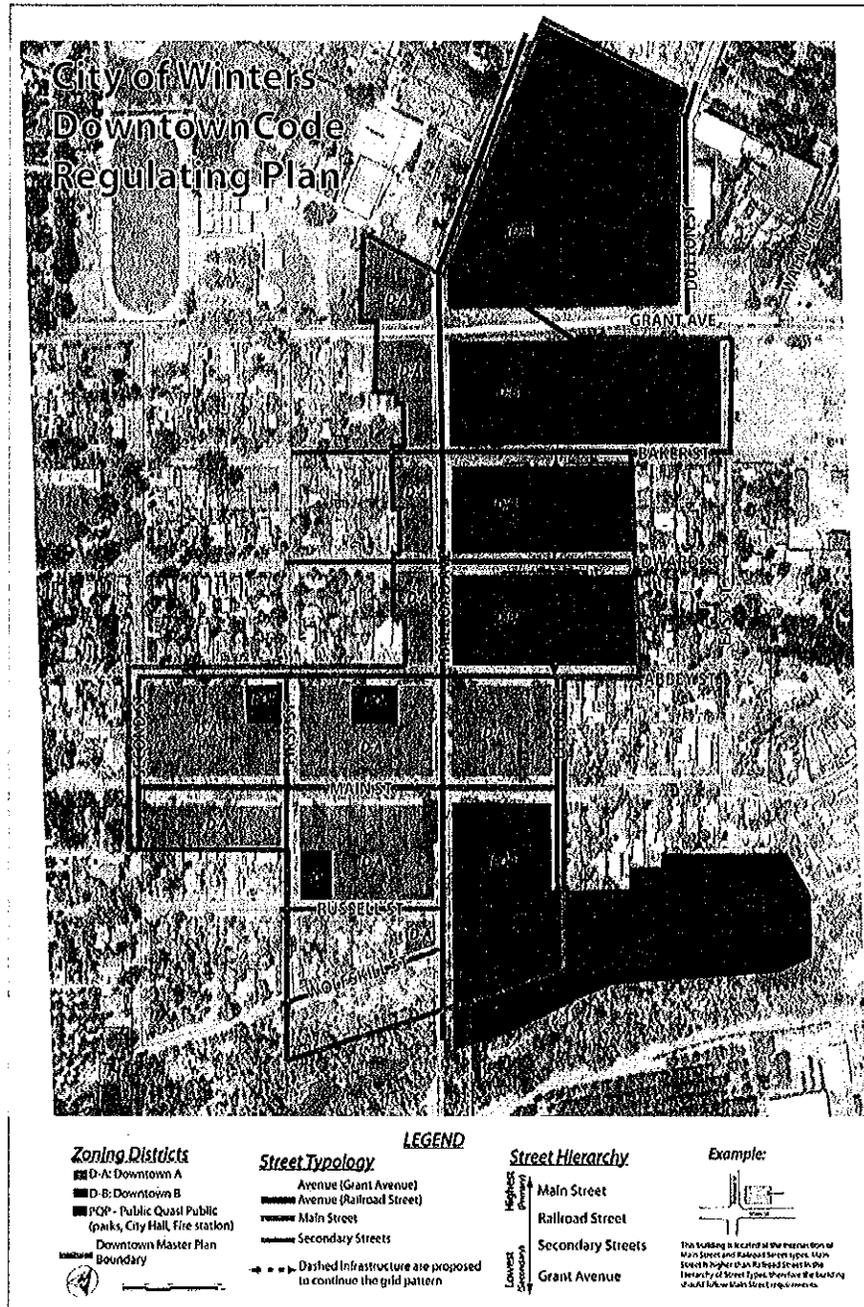
Disclaimer: The City Clerk's Office has the official version of the Winters Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

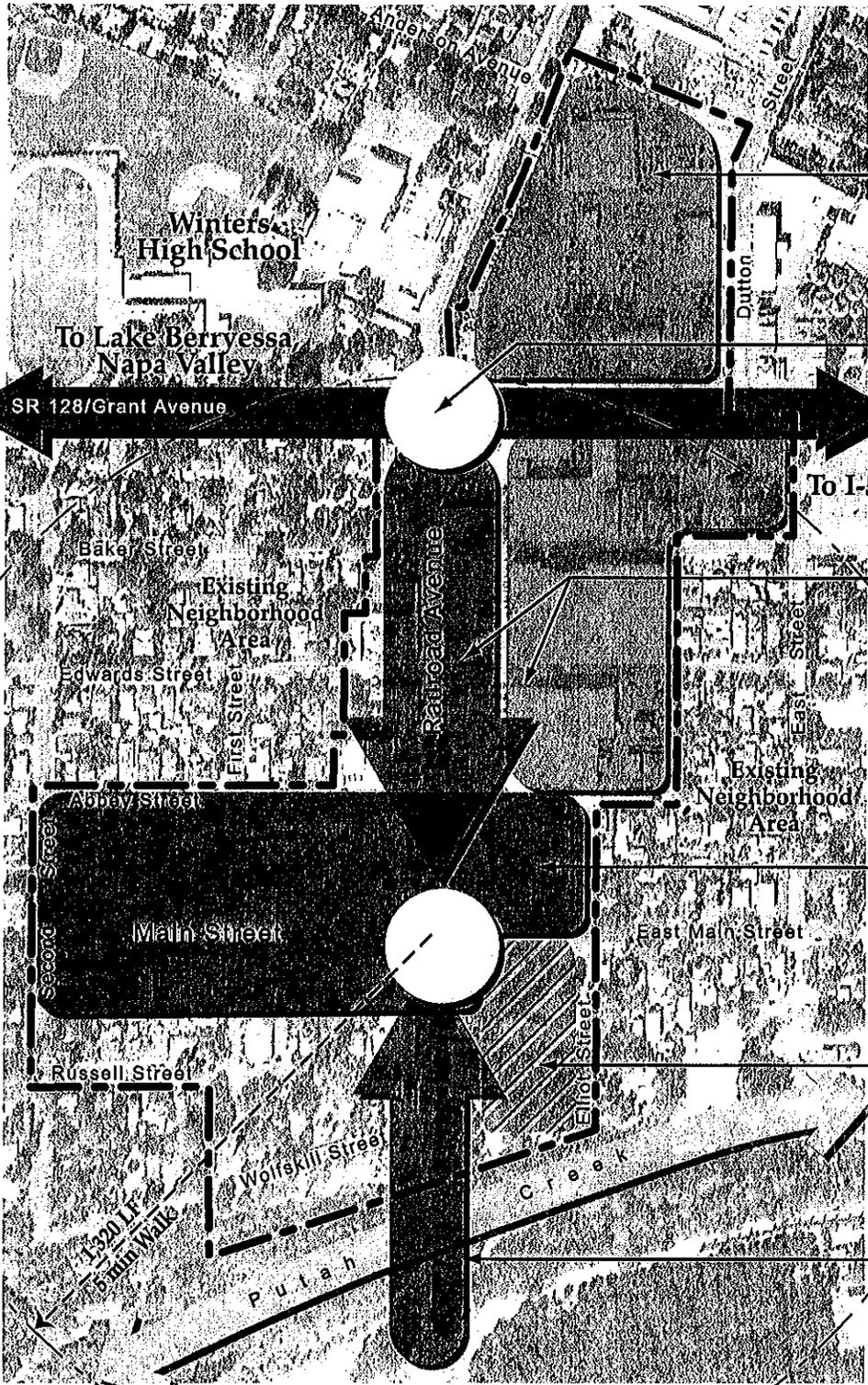
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# CITY OF WINTERS FORM BASED CODE FOR DOWNTOWN

FIGURE 17.58-1: THE REGULATING PLAN





**North Downtown Gateway  
Infill Development**  
- Supports Downtown Core  
- Core Creates Attractive  
Frontage

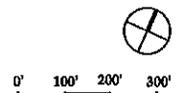
**Downtown Entrance  
@ Railroad Avenue**

**Railroad Avenue Corridor**  
- Expansion Commercial  
- Infill Residential

**Downtown Core**  
- Specialty Shops / Restaurants  
- Pedestrian Oriented  
- Historic Character

**Downtown Green &  
Putah Creek Park**

**Creek Park / Bridge  
Downtown Gateway**



## Downtown Vision Concept

