

**CITY OF WINTERS PLANNING COMMISSION AGENDA
SPECIAL MEETING**

Wednesday, March 13, 2013 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #111
Email: maryjo.rodolfa@cityofwinters.org

Chairman: Bill Biasi
Vice Chairman: Pierre Neu
Commissioners: Lisa Baker, Richard Kleeberg, Luis Reyes, Patrick Riley, Joe Tramontana
City Manager: John W. Donlevy, Jr.
Planner: Jim Bermudez
Mgmt. Analyst: Mary Jo Rodolfa

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV CONSENT ITEM

Approval of Minutes from the February 12, 2013 special meeting of the Winters Planning Commission (pp 1-20)

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

- A. Public Hearing and Consideration of approval of Site Plan/Design Review for Dollar General (pp 21-34)
- B. Public Hearing and Consideration of Approval of a Conditional Use Permit for 112 Main Street for a change in use from Commercial to Residential (pp 35-39)

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON MARCH 4, 2013.



MARY JO RODOLFA, MANAGEMENT ANALYST

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
SPECIAL MEETING HELD
FEBRUARY 12, 2013**

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

PRESENT: Commissioners Lisa Baker, Richard Kleeberg, Pierre Neu, Patrick Riley, Joe Tramontana and Chairman Bill Biasi

ABSENT: Commissioner Reyes

STAFF: City Manager John W. Donlevy, Jr., Planner Jim Bermudez and Management Analyst Mary Jo Rodolfa

PLEDGE: Commissioner Neu led the Pledge of Allegiance.

CITIZEN INPUT: None

CONSENT ITEM:

1. Approval of Meeting Minutes of the January 22, 2013 Regular meeting of the Planning Commission.

Chair Biasi asked that the minutes be amended to include the discussion relating to the use of the fields for organized sports and voiced concerns that based on the proposal organized sports programs will be using the field for games. City Manager Donlevy stated that the field would not be used by organized sports programs for games, that it is a large grassy area that may be used for scratch games.

Commissioner Baker moved to approve the Meeting Minutes of the January 22, 2013 Planning Commission Meeting with the addition of the comments relating to organized sports programs not using the field for games. Seconded by Commissioner Neu. Unanimously approved. (The revised minutes of the January 22, 2013 meeting of the Winters Planning Commission are attached.)

COMMISSION REPORTS: None

STAFF REPORTS: None

DISCUSSION ITEM:

A. Public Hearing and Consideration of Approval of Conditional Use Permit and Design Review for Orchard Village Park Site Located Between Dutton Street and Walnut Lane (APN: 003-360-028)

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City Manager Donlevy introduced the item and stated that there are two key parts to it; one is public hearing then the consideration of CUP and design review. He then turned the presentation over to Shawn Rohrbacker of Melton Design Group and staff planner Jim Bermudez. Rohrbacker said he would first walk the Commissioners through design and budget, and then have Bermudez respond to questions. Commissioner Riley asked how this is different from what they saw at the joint meeting. Rohrbacker said he would provide a brief summary of master plan as it is now and the changes and then some items that were looked at in the budget. He pointed out that the plan now shows handicap accessible parking at both primary entries on Walnut Lane and Dutton Street, and ADA accessible ramps at all 4 corners and parking stalls. Additionally the path at the south end is now 10 feet wide, they have scaled back the size of natural play area at north east section of the park to get away from the neighbors. The slide has been removed to save on the budget. He also indicated that they put together a street section of Walnut Lane to show parking on both sides of the street. In response to a concern voiced regarding the height and density of trees, they will limit number and keep as shade trees and low shrubs for a clear view of neighbor properties to north and south. Chair Biasi asked about lighting. Rohrbacker responded that the plan now shows lighting, there are light pole standards in 6 locations, 3 on each side and small bollard lighting on the trail on the north and south sides. Also there are electrical outlets at both shade structures and street lights. It has been designed so that close to neighbor properties the lights are lower. Commissioner Baker asked if there is any solar power for the bollards. Rohrbacker responded that it would be nice but is cost prohibitive. Chair Biasi wanted to more about the water play area mister now in the plan. Rohrbacker said they are trying to see if they can add a pushbutton mister on the water tower element or some other mister push button element. Commissioner Riley –asked if there will be a non slipping surface. Rohrbacker said yes, it would be in the cushioned play area. Chair Biasi noted that the skate elements have been removed. Rohrbacker said yes, there was not enough room. Chairman Neu asked if the seat wall had been changed to somehow incorporate skating. Rohrbacker replied no, he added that they are looking to see if the local quarry can donate some boulders. Commissioner Baker asked if the tall lights are down shaded. Rohrbacker said yes.

Rohrbacker went on to say that a few other items to be addressed that were not part of the first meeting are in relation to the budget. There had been a request for some alternate material options. A handout was distributed that was easier to view than what had been provided in the packet. Rohrbacker reviewed the construction budget with 4 alternate material options, he pointed out that the last page of the handout has the alternate material options. Options A and B have to do with the paths, the first is if the DG pathway is changed to concrete instead, that adds \$38k to project, the second is if asphalt, that adds \$17k. Item C is bark mulch in the planters -\$2.4k – that is not much but we may be able to get walnut shells donated. The last item, D, is poured in place recycled rubber fall material for the play area, that adds \$22k to budget.

Chair Biasi asked about sidewalks along Walnut and Dutton, none are shown along the street. Rohrbacker replied that the sidewalks are off of the street. Chair Biasi commented so then they are the DG portion of the path. Rohrbacker said yes, we are now proposing on Walnut to have DG paths between the planters instead of walnut mulch. Commissioner Riley asked if the plants would be in the dg. Rohrbacker- no, it would go around them. Chair Biasi asked if there was a border to the plants. Rohrbacker, no, the dg will go right up to them, there will be a bubbler system for well and water. Commissioner Riley said that does not seem like a good idea. Rohrbacker replied that for the trees there

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would be a deep water system. Chair Biasi voiced concerns regarding Walnut Lane with no sidewalk and having going through dg in the rain, it is messy. Chair Biasi asked about the handicap parking. Rohrbacker commented that there will be a concrete pad next to the handicap parking area. Chair Biasi noted that the park entry comes out right across from Colby Lane, and asked if a crosswalk would be placed there. City Manager Donlevy replied no, that we only have crosswalks if we have a controlled intersection. Normally we have crosswalks in uncontrolled intersections only in school zones. Chair Biasi replied that it is a neighborhood park and that it seems dangerous to him, there will be lots of kids cutting through the park to school. Commissioner Baker asked about Walnut Lane as not a collector street. City Manager Donlevy said that it is now but it will not be with the build out of the city. In the future it will be a residential street. Commissioner Baker asked if there is a sidewalk on other side of Walnut. Rohrbacker replied yes, there is one. Commissioner Riley asked why wouldn't the city put a sidewalk in. Rohrbacker replied that we do have sidewalks but they are set back and are of decomposed granite. They do run the entire length of the park on both sides except the north west corner where there is a turn out, right now there is curb and gutter for drainage and then dg for the sidewalk. Commissioner Riley commented that so long as pedestrians are not in the street then he is good with it. Commissioner Baker wanted to make sure that it will be compacted dg and not loose. Rohrbacker replied yes that would be the case. Chair Biasi stated that he would prefer concrete or asphalt for the paths. Rohrbacker said there were two reasons for the use of DG, one is to keep with the natural feel of the park and the second is budget considerations. Commissioner Neu commented that we supposed to have permeable materials. Commissioner Riley said that dg is okay if it does not get too wet. Rohrbacker commented that with the new state standards irrigation will be 2 feet off of the path. Commissioner Baker said she is okay with dg since there is a concrete sidewalk on the other side of street. Chair Biasi asked about discussing add ons and deducts. City Manager Donlevy suggested the Commission open public hearing first and then go back to the minutiae afterwards.

Chair Biasi opened the public hearing at 7:02 p.m.

Citizen Alison Portello residing at Almond Drive commented that seniors and children need a way to walk across the area now and not in the second stage of development of the park. She asked if a temporary boardwalk or something could be put in place now. She added that otherwise the plan looks nice. Rohrbacker said that they did talk about that. He indicated on the map that at the south end of the park the dark line is the set back but that they could put a temporary path in, but it would be close to the neighbors. A raised path through the area would require going back to the state and that could hold things up. Chair Biasi - no grading of that area initially? Rohrbacker that is right. City Manager Donlevy commented that we will find a way to put some path there, yes, but will we grade? No.

At 7:05 p.m. Chair Biasi closed the public hearing

Rohrbacker reviewed the first page of handout distributed at the meeting indicating the total amount of grant funding, and how it is divided for Prop 84 funding and the CDBG grant. Chair Biasi - Out of \$1.2 million we have \$855k for construction? Rohrbacker, yes, there may be a little that can come back. Commissioner Baker commented that labor compliance would not be under pre construction administration. She asked how NEPA is being handled. City Manager Donlevy stated that what we are doing right now we are taking care of it and we are absorbing it. Rohrbacker reviewed page 2 of the handout showing the deducts and explained that as it is right now in terms of cost there are two big deduct items - the basketball court and the dg paths in the detention area, it would be graded and a dry creek bed but no coble and dg, just hydro seeded. Also the shade structure would be simplified, and the

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decorative fence would become a split rail fence there would be fewer seat walls and the steel arch sign would not be included. Commissioner Baker – there would be one less drinking fountain and no interpretive paths? Rohrbacker - yes. Commissioner Baker asked if collaboration with Yolo Arts had been considered. Rohrbacker replied they have not addressed that yet but it is the same concept as the boulders, but if we can then we will come closer to full build out. Chair Biasi wanted to know if we do then who makes the decisions of what is added or left out. City Manager Donlevy replied that if you want to give us some priorities you can do so. City Manager Donlevy said that most likely the first three items would be the ones that go, that when the bids come in a call will need to be made as to what is included or deducted. Commissioner Riley asked about the current bidding climate. City Manager Donlevy replied that we need to get out to bid before the economy gets any better. Commissioner Riley commented that for awhile things were coming in under estimated amount. Donlevy said he did not expect that now. Commissioner Baker stated that she would like to see it go out to bid with add alts, commenting that they work well in bidding. City Manager Donlevy replied that we can have the top three items all as add alts and let the bids determine the priority. Chair Biasi said he would like to see concrete or asphalt pathway as an add alt. City Manager Donlevy said okay. Chair Biasi pointed out that the steel arch could be lower on the list, others could do possibly do it cheaper. He added that there are several \$15k items and they add up, we are on a low budget. City Manager Donlevy replied so add alts are bb, court, shade structure, dg in the retention basin, concrete or asphalt path, and the steel arch. Chair Riley commented that he would like to see functional rather than artistic things first. Chair Biasi said he agrees with Commissioner Riley, we may get the artistic items some other way later. Rohrbacker agreed. Chair Biasi noted that the bollard lights are not in the budget and said he was curious how much those will add to the budget, indicating that he would rather see those than the archway or water tower. Commissioner Riley asked if the 6 light poles will illuminate just the walking paths and not the entire park. He also asked if there is a lighting standard. Rohrbacker replied yes with regards to only the paths being illuminated and that there is an electrical engineer who will look at the spacing. City Manager Donlevy added that these are not street lights, they are more practical walkway lights, we want them useful but subdued.

Planner Bermudez discussed the action that the Planning Commission could take. He commented that there was discussion as to what to do dependent on budget and it would be wise for the Planning Commission to direct staff to draft a condition that ensures we are going to deduct or want some key elements. We want to be sure we are mindful of what needs to be maintained and what can be eliminated.

Commissioner Baker moved that the City of Winters Planning Commission approve staff's recommended action with the additional condition that add alternates are pursued as identified by the Planning Commission and reflected in the minutes with a prioritization on practical items and explore potential future partnerships for aesthetic and artistic items. Seconded by Commissioner Tramontana.

Additional discussion, Commissioner Tramontana asked if the City staff could handle the additional park maintenance that will be required. City Manager Donlevy replied that the public works staff has been involved in the design, and that taken into consideration are plant selections that are easy to maintain. We

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have tried to make this park as low maintenance as possible. Commissioner Riley asked if the City had thought of contracting the work out. City Manager Donlevy said no, that it would add cost. We are in the stage of as we add things we may need to add positions in unless we contracted everything out. Commissioner Riley – you think you can absorb this with existing staff? City Manager Donlevy replied yes, we fill in with two cycles of seasonal employees, and that works well for us, we will manage this.

AYES: Commissioners Baker, Kleeberg, Neu, Riley, Tramontana and Chairman Biasi.

NOES: None

ABSTAIN: None

ABSENT: Commissioner Reyes

DISCUSSION ITEM:

B. Appointment of Planning Commissioner to Affordable Housing Steering Committee

City Manager Donlevy introduced the item stating that with former Commissioner Guelden who had served as the representative to the Affordable Housing Steering Committee now on the City Council we need someone else to step up. The first meeting is next Wednesday on February 20th, the group meets infrequently and sometimes does not meet for months. Currently Commissioner Baker serves on it in another capacity. Commissioner Riley asked when the meetings are held. City Manager Donlevy replied that they are typically on Wednesdays. Commissioner Baker commented that usually the members are surveyed to find a date and time. Commissioner Riley said he could not make the February 20th meeting but he will give serving on the committee a try and see how it works for him. City Manager Donlevy said the reason for a liaison appointment is the need to keep the Planning Commission informed in case things come back to the commission and there is a need for an explanation as to what was considered. Chair Biasi - so Commissioner Baker will also be there but not as a Planning Commissioner? He said he would be interested in doing it if the meetings were in the evening. Commissioner Baker stated that the meetings are usually in the evenings, she added that as the Executive Director she provides technical assistance for the Affordable Housing Steering Committee so it would not be appropriate for her to serve as the representative from the planning commission.

Commissioner Neu moved that the City of Winters Planning Commission appoint Pat Riley to the Affordable Housing Steering Committee. Seconded by Commissioner Kleeberg.

Additional Discussion – Chair Biasi stated that he may be able to serve as an alternate later down the road.

AYES: Commissioners Baker, Kleeberg, Neu, Riley, Tramontana and Chairman Biasi.

NOES: None

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ABSTAIN: None

ABSENT: Commissioner Reyes

COMMISSIONER/STAFF COMMENTS: Commissioner Tramontana reported that the tree located in front of the silo at the Burger King was finally cut down. No one admitted to knowing who did it.

ADJOURNMENT: Chair Biasi adjourned the meeting at 7:36 p.m.

ATTEST:

Bill Biasi, Chairman

Mary Jo Rodolfa, Management Analyst

**CONDITIONS OF APPROVAL FOR THE ORCHARD VILLAGE PARK PROJECT
LOCATED BETWEEN DUTTON STREET AND WALNUT LANE
(APN 003-360-028)**

FINAL CONDITIONS OF APPROVAL

Approved by the Winters City Council on February 12, 2013

The following conditions of approval are required to be satisfied by the Developer prior to operation of the park, unless otherwise stated.

General

1. The project is as described in the February 12, 2013 Planning Commission staff report. The project shall be constructed in two phases as depicted on the maps and exhibits included in the February 12, 2013 Planning Commission staff report, except as modified by these conditions of approval. Substantive modifications require public hearing(s) and Planning Commission action.
2. The approval of the use permit will expire on February 12, 2014 (one year) if the project has not commenced construction. According to Winters Municipal Code Section 17.20.060 (Extension of time for use permits), 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.
3. The applicant / owner shall pay all applicable fees and charges at the rate and amount in effect at the time such fees and charges become due and payable.
4. The applicant shall comply with requirements of all other agencies of jurisdiction.

Community Development Conditions

5. Include/identify an area for park signage that includes park hours and rules - smoking, drinking, etc.
6. Prior to operation, street signage – slow for pedestrian traffic signage shall be installed per the guidance of the Police Department.
7. Prior to operation, speed signs for streets on both sides of the park shall be installed by the Public Works Department.

8. Provide a Grading Plan, Utility (W,SS,SD) Plan, and Street Frontage (Walnut Lane) Cross-Section/Plan, for City Engineer review.
9. The project shall operate in a manner to limit noise exposure to those levels set forth in the Winters Municipal Code and General Plan.
10. Bike racks shall be provided per Winters Municipal Code and be located adjacent to each building. Locations shall be approved by the Community Development Department.
11. Project shall be subject to 2010 CBC Chapter 11B - Sec. 1114B1.1 and 1132B.
12. Project shall be subject to 2010 Title II Dept. of Justice ADA Standards for Accessible Design 2010 - Chapter 2 and Section 240, Chapter 10 and Section 1008.
13. Review and inspection of the project shall be performed by a qualified certified access specialist CASp plan reviewer and inspector.
14. All playground equipment shall comply with the California Playground Safety Regulations, inspected and certified by the National Playground Safety Institute of National Recreation and Park Association.

Public Works Department/City Engineering Conditions

15. Project applicant shall pay all development impact fees adopted by the City Council at the rate in effect at the time of building permit issuance and shall pay fees required by other entities.
16. The applicant shall satisfy all agencies of jurisdiction and satisfy all City of Winters requirements for development.
17. Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The City Engineer shall review the design of all improvements, during the plan check process and shall be revised, as needed, at the discretion of the City Engineer.
18. The applicant shall, on a monthly basis, reimburse the City for all costs which are not otherwise provided for in the approval of this project including permit fees, inspections for work in public right-of-way, materials testing, construction monitoring, plan checks and reviews, and other hard costs incurred by the project.

19. A signage and striping plan is required and shall be approved by the City Engineer. All striping shall be thermoplastic.
20. The applicant shall contact the City Engineer prior to beginning construction for a pre-construction meeting.
21. The City Engineer and Fire Chief shall review and approve the location, number, and specifications of the backflow devices.
22. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
23. The applicant shall submit to the City Engineer for review and approval a storm drainage plan for the project area, prior to the approval of the improvement plans. The applicant shall be responsible for acquisition of all storm drain or other easements from adjacent property owners, if applicable, which are required for the construction and maintenance of perimeter and off-site improvements.
24. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
25. At the time of making the survey for the development, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the project shall be set or referenced prior to final acceptance of project.
26. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. In addition to grading information, the grading plan shall indicate all existing trees and trees to be removed as a result of the proposed development, if any.
27. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to grading, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
28. The development shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.

29. Construction of the project disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
30. Construction of the project disturbing less than one acre of soil shall implement BMP's to prevent and minimize erosion. The improvement plans for construction of less than 1 acre shall include a BMP to be approved by the City Engineer.
31. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measure such as benching, sedimentation basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by the City Engineer.
32. Applicants for projects draining into water bodies shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board prior to commencement of grading.
33. Final Joint Trench utility plans shall be included with the improvement plans, prior to approval by the City Engineer.
34. Existing public and private facilities damaged during the course of construction shall be repaired by the applicant, at the applicant's sole expense, to the satisfaction of the City Engineer.
35. Appropriate easements and rights of way shall be required for City maintained facilities located outside of City-owned property or the public right-of-way. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
36. All work within public right-of-way or easement shall comply with the City of Winters Public Works Improvement Standards and Construction Specifications, subject to the approval of the City Engineer.
37. The applicant shall submit a landscape, irrigation, lighting, and fencing, plan to City for review and approval prior to approval of the improvement plans.

38. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
39. Developer shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.
40. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be signed by the soils engineer for conformance to the geotechnical report prior to approval by the City.
41. The applicant shall minimize the dust generated by construction of the project. Dust generated from construction shall not exceed standards established by the Yolo-Solano Air Quality Management District and the Community Development Department.
42. Tarpaulins or other effective covers should be used for haul trucks.
43. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
44. Grading shall not occur when wind speeds exceeds 15 MPH over a one hour period.
45. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
46. Construction equipment and engines shall be properly maintained.
47. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
48. Construction practices should be augmented to minimize vehicle idling.
49. Potentially windblown materials will be watered or covered.
50. Construction areas and streets will be wet swept on a daily basis.
51. Applicant shall provide refuse enclosure detail showing bin locations, pad detail, and recycling facilities to the approval of the Public Works Department.
52. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention

assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.

53. Landscaping and irrigation plans shall be prepared by a registered landscape architect, and included as part of the improvement plans and/or site plans. These plans shall be per City Standards and the Water Conservation in Landscaping Act of 2006 (AB 1881) and shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the public right-of-way of SR 128 and CR 90. Drought tolerant native plant species shall be incorporated into landscaping plans to the maximum extent possible and drip irrigation systems shall be used in the landscaping of new public and private open space areas. No substantial change to an approved landscaping or irrigation plan may be made without written approval by the original approving person or body.

54. All conditions identified herein shall be fully satisfied prior to occupancy/operation, unless otherwise stated.

55. The applicant will pursue additive alternates as identified by the Planning Commission and as reflected in the minutes of the February 12, 2013 meeting, with prioritization on practical items and the exploration of potential future partnerships for aesthetic and artistic items. (Added at the February 12, 2013 Planning Commission meeting)

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD
JANUARY 22, 2013**

**(Revised per February 12, 2013 meeting of the Winters Planning Commission)
(This meeting was held jointly with the Winters City Council)**

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.

Mayor Aguiar-Curry called the joint meeting to order at 5:30 p.m. and welcomed Patrick Riley to the Planning Commission.

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Bruce Guelden, Mayor Cecilia Aguiar-Curry, Planning Commissioners Lisa Baker (arrived at 5:32) Richard Kleeberg, Pierre Neu, Luis Reyes, Patrick Riley, and Chairman Bill Biasi

Absent: Planning Commissioner Joe Tramontana

Staff: City Manager John Donlevy, City Attorney John Wallace, Director of Financial Management Shelly Gunby, Planner Jim Bermudez, Economic Development and Housing Manager Dan Maguire and Management Analysts Mary Jo Rodolfa and Tracy Jensen.

John Carrion led the Pledge of Allegiance.

CITIZEN INPUT: None

DISCUSSION ITEM:

1. AMBULANCE SERVICES AGREEMENT

City Manager Donlevy gave an overview. An interim lease agreement with Medic Ambulance Service, Inc. contains provisions to park the ambulance at Station 26, personnel assigned to the dorms while stationed at Station 26, \$250/month payable to the City of Winters for lease of space, and provides a 10-day termination clause. A similar agreement has also been offered to AMR (American Medical Response) for a rotation between the two companies. When AMR is not in town, Medic will provide ambulance service. City Manager Donlevy asked for feedback from the Council and asked if the terms of the interim lease agreement were acceptable. The City of Winters has been authorized to enter into a one-week lease with Medic, which was developed through the City's legal department. The one-week lease will be brought back to Council on February 5th for official approval.

Mayor Aguiar-Curry asked what area would be covered. City Manager Donlevy said this was a significant legal issue because Medic will collide with Sacramento Sierra Valley. Medic Ambulance has been able to respond only to those calls within the City limits and has not been allowed to respond to calls at Yolo Housing/El Rio Villa. Medical aid calls coming in from outside the City limits must be dispatched from Davis, which is 12 miles away. The City is working with legal staff to potentially move forward to litigate

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against Sacramento Sierra Valley. A two-minute response time versus a twelve-minute response time is a life safety issue. Mayor Aguiar-Curry voiced her anger over everyone not having the same medical service opportunity.

City Manager Donlevy said a temporary lease agreement currently enables Medic Ambulance to park at the Public Safety Facility 24/7. The City is trying to negotiate with Sacramento Sierra Valley, and if they don't respond, the City may present our case to a judge in the Yolo County Superior Court as early as Monday. There is no judge that would deny medical treatment. Under Sacramento Sierra Valley, Winters has been living with a 20-minute response time. Sacramento Sierra Valley didn't disclose that Winters was in a non-exclusive area for ambulance service. Winters is the only city in the area who had the ability to go out to bid, which has made Winters extremely popular. This has reverberated throughout the Sacramento Valley Region and has set the tone for Yolo County.

City Attorney Wallace said the State of California governs ambulance services and allows counties to establish LEMSA's, or Local Emergency Medical Services Agencies, which usually includes 4-5 counties. The upside of the temporary lease was Medic Ambulance Service immediately began leaving an ambulance in Winters on their day, so we had local ambulance service on alternate days.

Council Member Cowan asked if AMR was allowed to go anywhere in Yolo County. City Manager Donlevy said the closest available resource will be dispatched. Council Member Guelden said this appears to be a turf war and asked if it was just about money. City Manager Donlevy said Medic is now competing with AMR, who has enjoyed an exclusion contract. Sacramento Sierra Valley didn't have an ambulance in Winters 24/7 because they didn't have to. Council Member Anderson asked how big Medic Alert is. City Manager Donlevy said they are a national company who operates throughout California and is the largest provider in Solano County. Council Member Fridae said the City should press the issue and create a little competition, making them willing to be here and to be sure the former fire district area is covered.

The Council agreed unanimously to approve staff recommendation, allowing City Manager Donlevy to execute the interim ten-day lease with Medic. City Manager Donlevy said the agreements with AMR and Medic will be brought to Council on February 5. Mayor Aguiar-Curry said we should move forward and represent the entire rural area, including Yolo Housing, as they are all part of the Winters Community. Council Member Fridae recommended including the Horseshoe and Golden Bear Estates as well and to schedule an executive session if needed. Council Member Guelden said Solano County is ¼ mile south of Winters and asked if we were excluding Solano County. City Manager Donlevy said Medic is already serving Solano County, and as part of the "greater Winters area", we can roll on Solano County calls. Council Member Fridae said the nearest ambulance to respond serves the City best.

City Attorney Wallace said AMR's contract allows them to call for mutual aid, but they don't. City Manager Donlevy said this was not an AMR issue, but a Sacramento Sierra Valley issue.

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JOINT WORKSHOP OF THE WINTERS CITY COUNCIL AND THE WINTERS PLANNING COMMISSION

1. RECEIVE PUBLIC COMMENT AND CONSIDER THE CONCEPTUAL DESIGN OF THE ORCHARD VILLAGE PARK PROJECT PRIOR TO THE PROJECT GOING BEFORE THE PLANNING COMMISSION FOR APPROVAL ON FEBRUARY 12, 2013.

City Planner Jim Bermudez gave a brief overview of the project and asked the Council and Planning Commission members to receive the project briefing and presentation on the Orchard Village Park site and provide comments, questions and direction to staff.

Housing Program Manager Dan Maguire further discussed aspects within the project, including a 1.6 acre site dedicated to the City by the Central Valley Coalition for Affordable Housing (CVCAH) that will be developed utilizing Community Development Block Grant Funds, which meets the requirements for parkland in conjunction with the development of the Orchard Village Apartments.

Consultants Doug Melton and Shawn Rohrbacker of Melton Design Group and Steve Greenfield of Cunningham Engineering were present, fielding questions and providing information to Council and Planning Commission members, staff, and Winters residents.

Council Member Fridae asked if the turf area could be used for a 100 year flood area. He liked the sensitivity to the area neighbors' concerns and liked the water tower and orchard as local themes.

Mayor Aguiar-Curry asked about the playground surface area, whether the planned community garden will include raised beds, what type of lighting would be used, whether security cameras can be installed, and whether electricity and internet hotspot will be available.

Planning Commissioner Baker requested the use of passive security measures and line of sight, ADA accessibility of the turf/meadow area and has concerns over the longevity of the logs and replacement of them. She prefers the poured recycled rubber surface for playgrounds rather than sand as shown on the diagrams provided.

Planning Commissioner Riley prefers wood chip playground surfacing, which would result in fewer long bone fractures than the rubber surface in Davis which was poured over concrete. The sun also degrades the rubber surface and is more expensive initially. Mr. Riley was also concerned about whether the height of the mounds would allow for view over neighborhood fences and asked if the 2nd phasing could begin as soon as the wetlands issue is resolved. This is a neighborhood park so hopefully the athletic field is not regulation size for games.

Planning Chairman Biasi asked if the wetlands area was to be used for the detention pond if the project could move forward developing the other areas. How does water enter detention basin? Is basin big

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enough to handle the flow from the turf area? Mr. Biasi is not a fan of decomposed granite (DG) for pathways and would like a circular concrete path. He asked about the proposed width of path and said the Fire Department wanted a wider path when they reviewed the plans for the Nature Trail. Mr. Biasi asked about the location of curb cuts on Walnut and Dutton and said one is needed at the main entrance to the park (center) on Dutton and then later one to at the north. Mr. Biasi also had concerns over street parking and the use of the park for organized sporting events as there is no parking other than street parking. Biasi also had concerns of the wording regarding the multi-use field since it states in the staff report that it would be used for an "organized sports program that needs a practice or game field." City Manager Donlevy responded that the field is a big grass play area and it would not be used for organized sports games, but that it may be used for scratch games.

Council Member Anderson said the orchard area looked dense and had a concern regarding visibility. He would like to see more shade along the street.

Council Member Guelden wondered if too much was included in the restricted area of the park, i.e.: play areas, community garden, basketball court, etc.

Environmental Services Manager Carol Scianna said low impact development is desired in order to minimize water use and runoff.

Winters resident Alice Martinez, who lives in the neighboring apartments, wants to see doggie bag dispensers.

Winters resident Scott Moore lives nearby and likes to hear the frogs croaking from the park area. He was also concerned that since there is no place to turn around on Walnut, people will be turning around at his driveway. Mr. Moore asked if there was a curfew for the park (10:00 p.m.)

Winters resident Shelly Harrington lives on Carrion Court and her backyard backs up to park. She was concerned about security and someone being able to hide in the trees/shrubs and worried about people in the park at night. She was also concerned about parking and asked where it would be and how early people will be able to use the park.

Winters resident Brandi Wingard lives at end of Walnut, where the street dead ends at her house. Having people turning around at the end of the street is a concern. She would like to see a water feature for kids to cool off when playing in the summer. She likes the concrete pathway, giving kids an easier access to school. She is a runner and likes an asphalt path at nature trail, or DG rather than concrete, and she also likes the basketball court area.

Mayor Aguiar-Curry adjourned the City Council meeting and joint workshop of the City Council and Planning Commission at 7:07 p.m. The Planning Commission continued with their regular meeting.

CONTINUATION OF REGULAR MEETING OF THE WINTERS PLANNING COMMISSION MEETING

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CONSENT ITEM:

1. Approval of Meeting Minutes of the November 27, 2012 Regular meeting of the Planning Commission.

Commissioner Baker moved to approve the Meeting Minutes of the November 27, 2012 Planning Commission Meeting. Seconded by Commissioner Neu. Unanimously approved with one absent.

DISCUSSION ITEM:

- A. Second Report on the Winters Bikeway System Master Plan Update, Re-Affirm the Previously Certified and Approved 1998 Negative Declaration for the Winters Bikeway System Master Plan and Consideration of Recommendation of Approval to the Winters City Council

Management Analyst Rodolfa introduced staff interns Maricela Salazar and Frederik Zavala-Lambers explaining that they are here to review the revision of the Bikeway System Master Plan Update prior to the final edits cleaning up typographical errors and formatting.

Salazar reported that there are new sections since the last time the Planning Commission reviewed the update – Sections 2.1 and 2.2 maps. She also reported that the land use maps and bicycle parking maps needed to be inserted into the document. Salazar also reported that the survey period had ended having been available from November 27, 2012 through January 10, 2013. She reported that the public comment period on the draft is now open and the update is scheduled to go before the City Council on February 19, 2013 for approval of a resolution adopting the BSMP update. Once adopted by the City Council the updated plan will then go to SACOG for their approval and listing as eligible for funding.

Commissioner Neu stated that he had reviewed the maps and asked where the bike path will be once someone crosses over the bridge on Railroad Avenue. City Manager Donlevy said that it currently goes up the sidewalk but there will be changes as we begin construction of the car bridge project, what is now the intersections of Railroad with Wolfskill will be transformed. It will be widened with a median and entry way monument. Traffic calming measures will be put in place. While the area is under construction and the temp bridge is in place it will be a challenge. During the construction phase it will probably easier to go over the temporary bridge. Commissioner Kleeberg –asked if there will there be signage. Donlevy said they probably won't sign it, that it will be open to all traffic. He added that once the construction is done the “S” turn will be redesigned and it will be much friendlier. Commissioner Neu commented that many cyclists do not like using the trestle bridge because people come off of it and they do not know where to go, they do not like using the sidewalk. Donlevy stated that currently neither the old car bridge or trestle bridge work for hard core bikers, the new bridge will be much

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better. Commissioner Baker thanked the staff interns for including the complete streets concepts, but mentioned that they forgot to add the Grant Avenue design guidelines. Salazar said she would add that in prior to the document going to the City Council. Chair Biasi asked if there were general themes in the survey responses. Salazar commented that generally there were concerns over crossing Grant Avenue, bicycling education, safety concerns for kids. Respondents also indicated that they want more bicycle lanes that are separated from vehicle traffic, or at the least improved lane markings that identify them better. She reported that 74 surveys were received, 20 were from outside Winters. Those from out of town expressed concern over the availability of downtown parking and the education of motorists. Commissioner Biasi wanted to know where they would like to have more bike parking. Salazar responded that the surveys indicated a need for additional parking at the post office, downtown area and parks. Commissioner Neu commented that the Grant Avenue complete streets plan is a few years down the road and asked if striping could be done for people trying to cross Grant to get to Lorenzo's Market or some other method of slowing vehicles down. Donlevy replied that would be tough because it is a state highway. Caltrans won't approve it unless we put in a signal. The big improvement we are trying to get is the roundabout at Walnut Lane, that will have a pedestrian crossing. The geometric plan for the roundabout is in design right now and it is actually designated for people to walk through the roundabout. The reality is that people tend to think they are safe in a crosswalk and they are not. Commissioner Baker agreed, if you do some striping then people will think they have a sense of entitlement. Chair Biasi asked how we got the crosswalk at the Public Safety Facility. Donlevy responded that we took out the one by the trailer park and as a compromise we were able to move it to the Public Safety Facility as a school safety issue. Chair Biasi commented that he felt recommending approval of the updated plan to the City Council would be a good step to forward.

Commissioner Baker moved that the Bikeway System Master Plan update be sent to the City Council with a recommendation from the Planning Commission for approval. Seconded by Commissioner Kleeberg.

AYES: Commissioners Baker, Kleeberg, Neu, Reyes, and Riley and Chairman Biasi.

NOES: None

ABSTAIN: None

ABSENT: Commissioner Tramontana

DISCUSSION ITEM:

B. Information Item – Update on Development Agreement Amendments for Hudson/Ogando, Callahan and Winters Highlands

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City Manager Donlevy indicated that this item was to provide update on the modernization of the development agreements. He indicated that some of these agreements have been around for awhile. The Creekside amendment was approved in December 2011. The key elements in the amendments are a clean up some key infrastructure items; the library, well 7, pool, public safety facility and financing things were removed. As the real estate economy opens up again Donlevy stated that developers need clean agreement to shop around. Also removed were funding requirements for development that do not have a direct nexus to that particular development. For Creekside Estates we created flexibility, financing for residential development will be challenging and flexibility will help. Also removed are the level 3 school impact fees, the schools will tell you that they need students. The level 3 fee was above and beyond what the schools would normally receive. Donlevy added that a key thing in these agreements is fiscal neutrality, in lieu of a Mello Roos they will pay into a service reserve for city services, that remains in the agreements. Donlevy went on to say that Winters Highlands - 441 units, Callahan - 120 units and Hudson-Ogando - 75 units are good projects created sustainable, high quality developments. What needs to be put in place so they can go independently is a joint easement development and reimbursement agreement. If one goes first and another receives a benefit from it then they will get reimbursed. We also have to look at the affordable housing implementation plan for these projects, push some of the units down and perhaps have a sweat equity project or bring in a developer that does that kind of thing. Commissioner Neu asked if the phasing will still take place, that affected the affordable housing going in. Donlevy replied that he wants to move much of the affordable housing onto the Hudson-Ogando piece, the City is not necessarily looking at the phasing of the affordable housing element.

Donlevy indicated that the most controversial issue in the amendments is the removal of the phasing that we had put in for the developments, pulling out the phasing would allow more of a natural flow for the developments to move forward. Also, in the Winters Highlands agreement we have taken out that they advance \$8 million for the waste water treatment plant, that is a deal killer and we can use the units. Donlevy added that what will most likely happen if we keep it in the agreement is then the developments will not happen. The things that have been kept are important, there are no changes to the projects, pedestrian amenities, energy efficiency or design elements. The affordable housing is not necessarily spread out. Commissioner Neu commented that the planning commission spent a lot of time discussing that as an important part of the projects. Commissioner Baker stated that we are currently wrestling with that, the fiscal reality means we have to look at how we can get a financially available project to occur. Donlevy stated that it will be easier to compress the affordable housing into one street, kind of like what we have with Redbud Lane. The only exception is we are negotiating for the very low is for them to pay an in lieu fee. The only way very low housing is being built is through tax credit programs. He added that the park development stuff remains as do the mitigation requirements, waste water pump station, traffic improvements on Grant Avenue. The one thing you would see almost instantaneously would be a traffic signal at Grant and Main. Donlevy stated that it is a different world and he does not expect to see any of these developments soon, if we could get 20 units in a year that would be exciting. Right now we are positioning ourselves. Chair Biasi asked why the advance funding for the waste water treatment plant was removed. Donlevy said that amount was to completely expand

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the existing waste water treatment facility; \$8 million was pie in the sky. Commissioner Baker asked if the City was retaining construction of the lift station. Donlevy replied yes, the development of the waste station there would be important, it would allow bypassing of East Street station. Commissioner Riley asked if there would be enough capacity for treatment and spraying onto the fields if these developments are built. Donlevy replied yes, and that we have a farmer interested in using the treated water, that only a little tweaking is necessary to make it useable to him and other farms out there. Donlevy does not see us ever discharging into Putah Creek. Chair Biasi commented that he liked cleaning up these agreements to encourage some projects. Donlevy indicated that these agreements will come to the planning commission at a future date, the biggest issue is the reimbursement agreement and that is what we are holding over their heads right now.

COMMISSIONER/STAFF COMMENTS: None

ADJOURNMENT: Chairman Biasi adjourned the meeting at 8:01 p.m.

ATTEST:

Mary Jo Rodolfa, Management Analyst

Bill Biasi, Chairman



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: March 13, 2013
FROM: Jim Bermudez, Planner
SUBJECT: Public Hearing and Consideration of Design/Site Plan Review for a Dollar General Store located on the south side of Grant Avenue between Morgan Street and East Street (APN: 003-370-028, 029, 030)

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 Design/Site Plan Review for the Dollar General Store located on the south side of Grant Avenue between Morgan Street and East Street.

BACKGROUND: In May 2009, the Winters CDA (“Redevelopment Agency”) purchased the Grant Avenue lot on the south side of Grant Avenue between East Street and Morgan Street formerly known as Granite Bay Commercial. The CDA subsequently authorized the issuance of an RFP for potential developers to offer proposals for development of the site. Although the CDA did enter into an Exclusive Negotiation Agreement (“ENA”) with the Yackzan Group, that ENA did not result in any development on the property.

In March 2011, the City Council adopted Resolution 2011-15 approving a Purchase and Sale Agreement with the Winters CDA with respect to the property. The Resolution laid out the findings for the transfer of this property in consideration of the debt owed to the City by the Winters CDA, and authorized staff to contract with Bartholomew and Associates to have the property appraised to determine fair market value. The appraised value for the 4.5 acre property was determined to be \$980,000 as of the date of the appraisal.

The City has continued to pursue commercial development on the property, consistent with the original intent of the acquisition. On October 2, 2012 the City executed Purchase and Sale Agreement with Cross Development for the purchase of a Dollar General Store. Dollar General is one of the largest retailers in the U.S., with 10,000 stores in 40 states. They offer customers general merchandise, along with limited food lines.

PROJECT DESCRIPTION: The applicant, Cross Development is requesting Design/Site Plan Review of a 9,100 square foot Dollar General Store on a 0.72 acre site located on the south side of Grant Avenue between Morgan Street and East Street. The proposed store would be located adjacent to the commercial site which includes a Round Table Pizza, Food Mart and Subway. Access to the site would be via an existing ingress/egress driveway along Grant Avenue. The planned parking for the site will front Grant Avenue with a drive aisle connecting to a future development project west of the project site. The trash collection area and service loading areas are located on the east side of the building adjacent to the existing drive-aisle. The planned HVAC unit will be located on the ground and screened by a 6-foot tall metal lattice that will be setback 15-foot from the edge of the building. The metal designed lattice will serve as a vegetative screen that compliments the planned ground cover landscaping. (See Attachment A, Site Plan)

DESIGN/SITE PLAN REVIEW: According to Winters Municipal Code, Chapter 17.36 (Design Review), design review is required before the Planning Commission for the construction of nonresidential buildings or structures of five hundred (500) square feet or more. According to the Design Review provisions, the Planning Commission shall consider the following aspects for design review of a site plan:

- The overall visible mass of the structure, which includes height, roofline profiles and overall scale of a building; and
- The proposed use and quality of exterior construction materials striving for long-term compatibility with the general setting of the subject property and visual character of the general neighborhood; and
- Avoidance of buildings which are characterized by large, blank or unbroken wall planes, as well as buildings which exhibit general lack of architectural detailing, shadow lines, etc. which generally lack interest; and
- Effective screening of ground - and - roof mounted equipment; and
- The use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development, as necessary; and
- Achieve conformity with the Grant Avenue Design Guidelines.

The Planning Commission shall make findings relative to compliance with the above provisions prior to approving a site plan for design review.

Building Design

The prototypical design of the proposed structure has been modified significantly to satisfy the City of Winters architectural design standards and the California Green Building Code. Rather than utilize the typical pre-engineered metal building, the applicant has chosen to construct this building out of wood. Thus, providing the ability to be more creative and flexible in the materials and applications in which they are used in an effort to improve the exterior look of the building while also making use of a more sustainable building material.

Vertical and horizontal articulation defines the building design of the structure through layering of geometric forms and accent colors, including stone veneer columns which strategically provide building relief. The building's exterior consists of a contrast of textures, including but not limited

to, metal projection canopies, dark bronze aluminum storefronts and stucco accents. The proposed structure will have a veneer compiled of metal, glass and stucco. Building color will consist of earth tones that will be used for the stucco accents and veneers working together to create a symbiotic relationship with its surroundings. All exterior structures that are not encapsulated within the building footprint, i.e. dumpster enclosures and mechanical equipment, will be fully enclosed utilizing materials and colors matching those of the building and will maintain a clean and organized look. The site they will be met with a varied landscape of native vegetation consisting of; Sawleaf Zelkova, Blue Oat Grass, Yellow Trailing Lantana, California Lilac and California Coffeeberry. (See Attachment B, Elevations)

ANALYSIS: The proposed project is located along the Grant Avenue corridor which is a key entry and gateway to the city. Therefore, the expectation is that site planning and building design requires a higher level of commitment to ensure the project reinforces and supports the special qualities of the community. To reinforce these special qualities and assist with project design, the city developed the Grant Avenue Design Guidelines (design guidelines). This planning document assists with site layout, architectural design, parking, landscape design, lighting and site functionality. The analysis below reflects the applicant's effort to meet the intent of the design guidelines and in some cases staff is recommending further refinements to the project.

Modular building - The design guidelines state that building design shall utilize design elements to alleviate a building that represents a box structure and utilitarian design. There needs to be variety and rhythm, repetitive design approaches need to be at a minimum. The building shall be designed with a sense of identity on all sides and it should be sited to reinforce the public street network by incorporating active facades, with windows, doors and other arch elements, this is to provide interest from the corridor. The design guidelines state that chain or franchise uses shall adapt their exterior standards designs and materials to the unique qualities of the City of Winters. (See Attachment C - Floor Plan)

The proposed building design applies dimensional relief to all building façades and avoids the use of large bland walls. The building design provides a number of façade layers (e.g. front of columns, wall plane, window frame, projecting canopies and window glass). The addition of the metal lattice on the rear portion of the building provides visual relief and breaks up what would be a long blank wall which is not visible from Grant Avenue.

Building elements/details - The design guidelines state that building elevations need to include specifics related to basic elements such as lighting concepts and fixture design, trim patterns and finished building material. The building shall consider finish wall tops with overhangs, projecting cornices, and column caps that provide strong visual terminus to the structure. It is recommended that integrated design elements such as exposed rafter tails, on sloped roofs, cornice moldings, applied medallions, etc. be incorporated into the design.

The proposed building design consists of subtle cornice features at the top of each stone column and the roofline features a cornice band that avoids the appearance of a long unarticulated roofline. The projecting metal canopies add visual relief and balance the building on all three sides. The use of stone at the building entry is an integrated design element that reinforces the unique scale and character of the community.

Lighting – The design guidelines state that exterior lighting shall be designed as an integral part of the building and landscaping design. All site lighting standards shall be attractive and the fixtures shall complement the architecture of the adjacent development. Traditional box light standards are discouraged. Building attached light fixtures need to complement the building design and be affixed to the building façade.

The proposed site and building design plans do not include lighting fixture details. Staff has included a condition that light standards and building attached fixtures will need to be a decorative and of a superior design quality. This design detail will be required during the building plan submittal period.

Site Design/Landscaping – The design guidelines state that the scale and character of the landscape materials selected shall be appropriate to the site and/or architecture, large scale structures or projects require a sufficient amount of landscaping within the project area. Site landscaping shall be used to define entrances and walkways, screen parking and loading areas, for micro climate control, and enhance views of the site from inside the structure.

The Landscape Plan (Attachment D) reflects parking planter and frontage landscaping. Additional landscaping has been added to the west and south sides of the building. Landscaping can be used to enhance project design, staff encourages additional landscape planters along the perimeter of the north and east side of the buildings.

The design guidelines state that screening of possible service areas, utility areas and trash enclosure, screening is integral into the overall building and landscape design. Screening may integrate lattice work, dense flowering vines, and additional architectural elements and materials used in the building design. The planned lattice screening provides a natural screening effect of the ground level HVAC and utilities at the rear of the building. Although the applicant is providing adequate screening of the HVAC unit, staff is encouraging the unit be located within the rooftop well and screened by the parapet, this would reduce noise and minimize potential safety and security issues.

The design guidelines state that service areas and trash enclosure areas shall be adequately screened. The Landscape Plans reflect a limited amount of screening vegetation within the service area. Furthermore, staff is concerned with the placement of the trash enclosure and the functionality of the service area given its proximity to the existing drive aisle. Staff has communicated its concern to the applicant and encouraged the relocation of the service area to the west side of the building. This location would minimize vehicular conflicts with larger service trucks and create a more pleasing eastern elevation considering the west side of the building will have limited visibility from Grant Avenue when a future commercial building is constructed. After sharing this recommendation with the applicant, the applicant contends that relocating the service to the west side of the building would require significant redesign of the prototypical Dollar General Store. The applicant offered to improve the aesthetics of this area by providing a projecting canopy over the door and painting the door and frame to match the adjacent stucco walls.

Parking – The planned parking for the site will be located along the Grant Avenue frontage. The design guidelines state that primary surface parking should be provided behind buildings with limited parking in front or sides of the site.

During the preliminary design phase of the project, staff strongly encouraged limiting the amount of frontage parking by adding side and rear parking and explored the concept to site the building in a different location which would move the building closer to Grant Avenue.

The applicant has stated that the location of parking in the front of the retail building is optimum given the general merchandise type of use; maintaining the parking in front of the building adjacent to the main entry is the most ideal. The applicant states that many customers purchase items in bulk at these stores and need convenient access to the parking lot and to load their cars and return the shopping cart. Direct access to the majority of the parking also improves safety and maintenance for the store management.

Compatibility - The design guidelines state that while each development should be considered unique, compatibility with surrounding properties is encouraged to provide a visually pleasing corridor. Staff recognizes that there is limited design context surrounding the planned project area and concludes the proposed design integrates local or regional design influences with the use of stone and metal canopies which follow elements required from the design guidelines.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst 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, February 14, 2013 for a public hearing to take place on February 26, 2013. Notices were mailed to all property owners who own real property within three hundred feet of the project boundaries on February 12, 2013, more than ten days prior to the scheduled February 26, 2013 hearing.

The hearing was subsequently canceled and notice of the cancellation was published in the Thursday, February 21, 2013 edition of the Winters Express in addition to being posted at City Hall and on the City's website. A public hearing was then noticed for tonight's meeting through publication in the Thursday, February 28, 2013 edition of the Winters Express and through a mailing on February 22, 2013 to all property owners who own real property within three hundred feet of the project boundaries. 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, March 7, 2013.

ENVIRONMENTAL ASSESSMENT: Design Review is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects).

ALTERNATIVES: The Planning Commission can elect to modify any aspect of the approval at which time the applicant can either accept the proposed modification to the project or request to continue the project to consider further refinements. Should the Planning Commission choose 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 modified project which at that time; the applicant would have ten (10) days to file an appeal with the City Council for final action.

RECOMMENDED FINDINGS FOR THE DOLLAR GENERAL STORE (APN 003-370-028, 029, 030807)

CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects.

Design Review Findings:

- 1) The proposed project's overall visible massing, which includes height, roofline profiles and overall scale of the building meets the intent of the Grant Avenue Design Guidelines.
- 2) The proposed project's use of quality of exterior construction materials is compatible with the general setting of the subject property and visual character of the general neighborhood.
- 3) The proposed project avoids the use of large, blank or unbroken wall planes and architectural detailing such as shadow lines, etc. which generally lack interest.
- 4) The proposed project provides effective use of screening of ground - and - roof mounted equipment.
- 5) The proposed project provides effective use of landscaping decorative site paving, etc which provides effective visual screening or softening of the development.
- 6) The proposed project achieves conformity with the Winters design guidelines and Grant Avenue Design Guidelines.

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

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE DESIGN REVIEW/SITE PLAN FOR THE CONSTRUCTION OF DOLLAR GENERAL STORE LOCATED ON THE SOUTH SIDE OF GRANT AVENUE BETWEEN MORGAN STREET AND EAST STREET BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Approve Design Review/Site Plan subject to the conditions of approval attached hereto.

CONDITIONS OF APPROVAL FOR CONSTRUCTION OF DOLLAR GENERAL STORE (APN: 003-370-028, 029, 030)

1. This approval is based upon and limited to compliance with the project description, Attachments A, B, C and D, 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 includes 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 Design Review/Site Plan approval shall expire in one year from its date of approval unless the applicant begins construction of the infrastructure improvements necessary for the project or requests and receives an extension from the Community Development Director. The applicant shall bear all expenses for any extension request submitted to the Community Development Director.
4. The applicant / owner shall pay all applicable fees and charges at the rate and amount in effect at the time such fees and charges become due and payable.
5. The applicant shall comply with requirements of all other agencies of jurisdiction.
6. Light standards and building attached fixtures need to be a decorative and of a superior design quality. Design details shall be required during the building plan submittal period.
7. A stop sign shall be installed exiting onto Grant Avenue.
8. The applicants shall obtain all required City permits (building, encroachment (City and State) for work within the public right-of-way, etc.) and pay all applicable fees (building, impact, encroachment, etc.).
9. Review Cordes Parcel Map (September, 1993) and all associated Easements and Agreements, and adhere to requirements.
10. The improvement plans for construction of less than 1 acre shall include a WPCP, or SWPPP if greater than 1 acre, to be approved by the City Engineer. Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.
11. The applicant shall submit complete infrastructure improvement plans prepared by a

registered civil engineer to the City for review and approval by the City Engineer and Public Works Director. No building permits will be issued prior to the City's review and approval of the improvement plans. The plans shall be in compliance with the City of Winters' Engineering Design and Construction Standards.

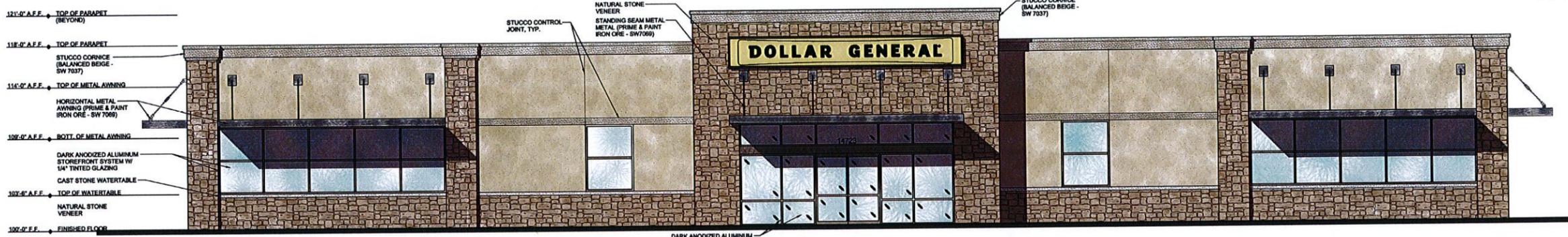
12. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.
13. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any.
14. Appropriate easements shall be required for City-maintained facilities located outside of City-owned property or the public right-of-way.
15. The applicant shall submit a landscaping plan for review and approval by the Public Works Department and Community Development Department.
16. Applicant, at its own expense shall construct frontage improvements on Grant Avenue, to include curb, gutter, sidewalk, street widening, storm drainage, utilities and landscaping along the complete frontage of the project boundaries and tie into existing roadway way improvements where they exist adjacent to the project boundaries.
17. Complete frontage improvements for Grant Avenue have not been submitted or reviewed at this time. These improvements shall be submitted to the City for review and approval by the City Engineer and Public Works Director and shall be in compliance with the City of Winters' Engineering Design and Construction Standards. As part of these improvements, the applicant may be required to incorporate a bio-swale into the planting strip on the Railroad frontage.
18. The number and location of the water meters and sewer cleanouts shall be approved by the Public Works Director. All cleanouts for connection to the City lateral(s) shall be two-way cleanouts. The water meters and sewer cleanouts shall comply with the specifications of the City of Winter's Engineering Design and Construction Standards. The applicant shall also install backflow devices on all domestic and fire service lines in compliance with the specifications of the City of Winters' Engineering Design and Construction Standards. The applicant shall obtain approval from the Public Works Director on the type, number, and location of the devices.
19. The applicant shall install fire suppression systems for all buildings that meet or exceed the requirements of NFPA 13-D. The applicant shall submit four sets of plans for each fire

suppression system to the Winters Fire Protection District for review and approval prior to the issuance of each building permit. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression systems.

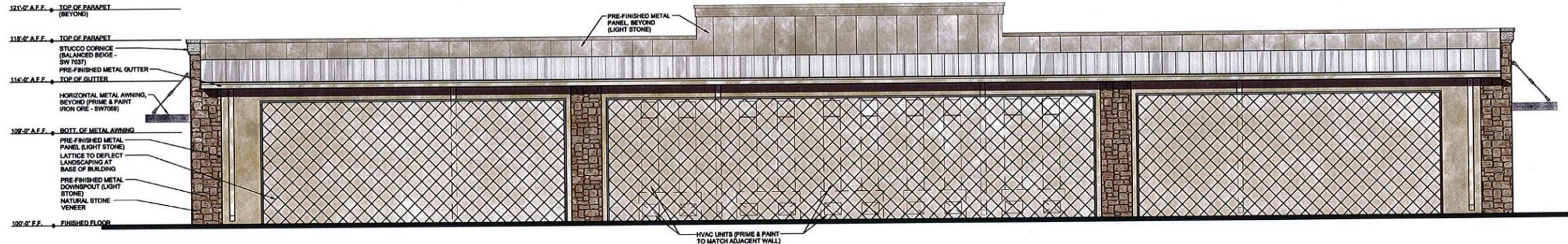
20. The applicant shall also install one or more fire hydrants within the project site and/or on the frontages of the project site. The number and location of the fire hydrants shall be approved by the Fire Chief and in compliance with the specifications of the City of Winters' Engineering Design and Construction Standards. Any fire hydrant installed will require, in addition to the blue reflector noted in the City's Engineering Design and Construction Standards, an additional blue reflector and glue kit that is to be supplied to the Winters Fire Protection District for replacement purposes.
21. The complete storm water system for the project has not been reviewed or approved by the City at this time. The applicant shall submit a complete storm water system to the City for review and approval by the City Engineer and Public Works Director. The applicant may be required to install an oil/water separator prior to any ponds/swales/vaults and may be required to meter flows into the City's storm drain collection system.
22. A hydrant use permit shall be obtained from the Public Works Department for water used in the course of construction.
23. The applicants shall obtain all required City permits (building, encroachment for work within the public right-of-way, etc.) and pay all applicable fees (building, impact, encroachment, etc.).
24. The applicants shall provide the City with proof of payment receipts for Winters Joint Unified School District mitigation and Yolo County facilities and services authorization fees at building permit issuance.
25. The applicants shall report to the City building materials diverted from land filling during the course of their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.
26. Final inspection for the buildings shall not be scheduled nor occupancy authorized until the public improvements (sewer laterals, sewer cleanouts, water laterals, water meters, driveway aprons on Grant Avenue, fire hydrants installation, etc.) have been have been installed, inspected, and accepted by the City. Other infrastructure necessary for the project such as paving, striping of parking spaces outside of the buildings, construction of an on-site flood control facility, landscaping, etc. shall be completed prior to final inspection of the buildings.
27. The payment of City of Winters' monthly utility billing charges shall commence after the buildings have passed final inspection. The applicant shall pay the City of Winters monthly utility charges at the metered rate for water and sewer.
28. The internal roadway shall have a minimum width of 20-feet and be free of any obstructions. The roadway shall be free of any obstructions for a vertical distance of at least 14-feet.

ATTACHMENTS:

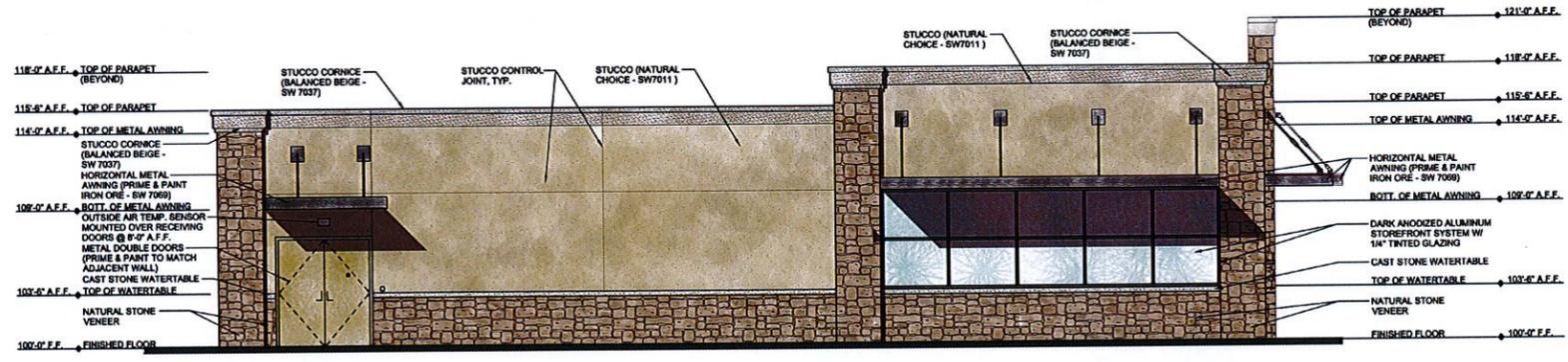
- A. Site Plan
- B. Elevations
- C. Floor Plan
- D. Landscape Plan



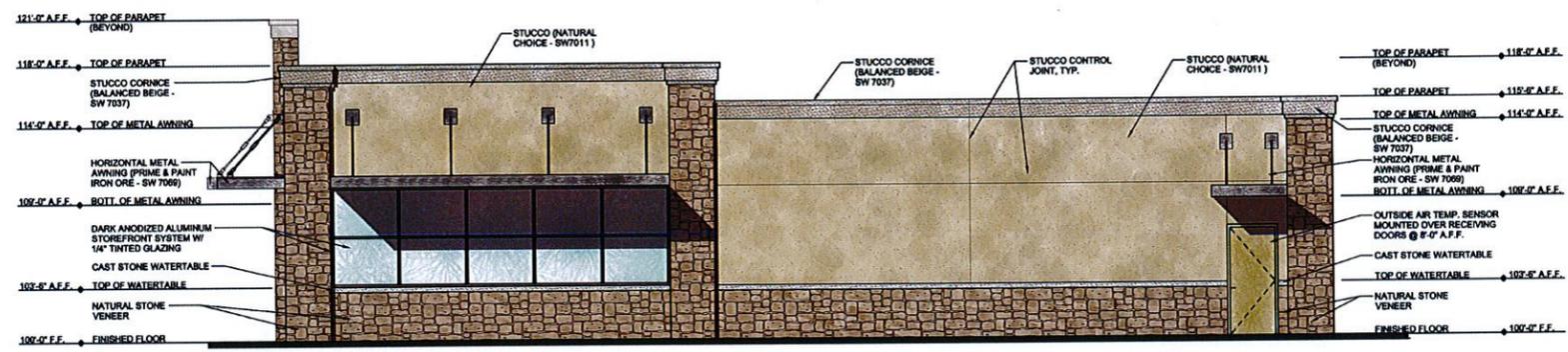
01 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



02 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



03 EAST ELEVATION
SCALE: 3/16" = 1'-0"



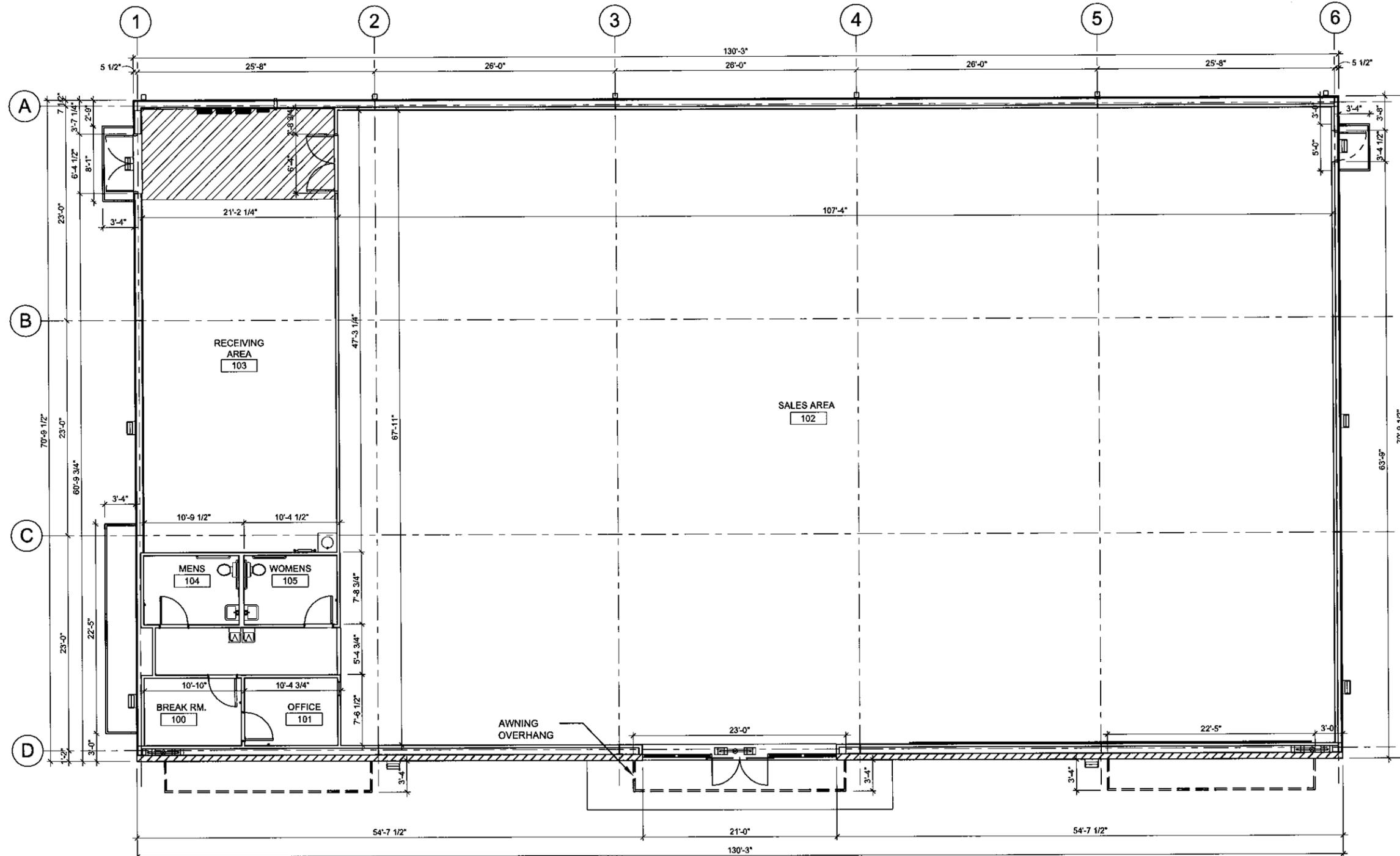
04 WEST ELEVATION
SCALE: 3/16" = 1'-0"

DOLLAR GENERAL - WINTERS
 EAST GRANT AVE.
 WINTERS, CALIFORNIA
 RANCHO RIO DE LOS PUTOS
 SEC. 22, TOWNSHIP 8 NORTH, RANGE 1 WEST
 MOUNT DIABLO MERIDIAN
 CITY OF WINTERS, YOLO COUNTY, CALIFORNIA
 APN: 003-370-028, 029 & 030

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 bflory@crossarchitects.com

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 FAX: 214.556.1110
 dan@crossdevelopment.com

DRAWN	DATE	PROJECT NO.	SCALE	SHEET NO.
S.G.M.	04MAR13	12094	AS NOTED	A2.0 BUILDING ELEVATIONS Copyright © 2012
REVISION	DATE	DESCRIPTION		



1 FLOOR PLAN
3/16" = 1'-0"



DOLLAR GENERAL - WINTERS
 EAST GRANT AVE.
 WINTERS, CALIFORNIA
 RANCHO RIO DE LOS PUTOS
 SEC. 22, TOWNSHIP 8 NORTH, RANGE 1 WEST
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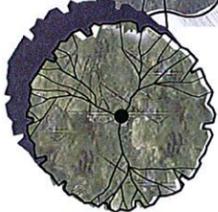
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DRAWN	DATE	PROJECT NO.	SCALE	SHEET NO.
S.G.M.	04MAR13	12094	AS NOTED	
REVISION				
DATE	DESCRIPTION			

A1.0
 FLOOR PLAN
 Copyright © 2012

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	CONT
		Common Hackberry / <i>Celtis occidentalis</i>	15 gal
	2	Sawleaf Zebrava / <i>Zelkova serrata</i>	15 gal

SHRUBS	QTY	COMMON NAME / BOTANICAL NAME	CONT
	113	Blue Oat Grass / <i>Helictotrichon sempervirens</i>	1 gal
	12	Yellow Trailing Lantana / <i>Lantana montevidensis</i> 'Spreading Sunset'	1 gal
	11	New Zealand Flax / <i>Phormium tenax</i> 'Maori Queen'	5 gal
	9	New Zealand Flax / <i>Phormium</i> x 'Allison Blackman'	5 gal
	7	California Coffeeberry / <i>Rhamnus californica</i> 'Eve Case'	5 gal
	51	Ballerina Indian Hawthorn / <i>Raphiolepis indica</i> 'Ballerina'	5 gal
	40	Huntington Carpet Rosemary / <i>Rosmarinus officinalis</i> 'Huntington Carpet'	1 gal

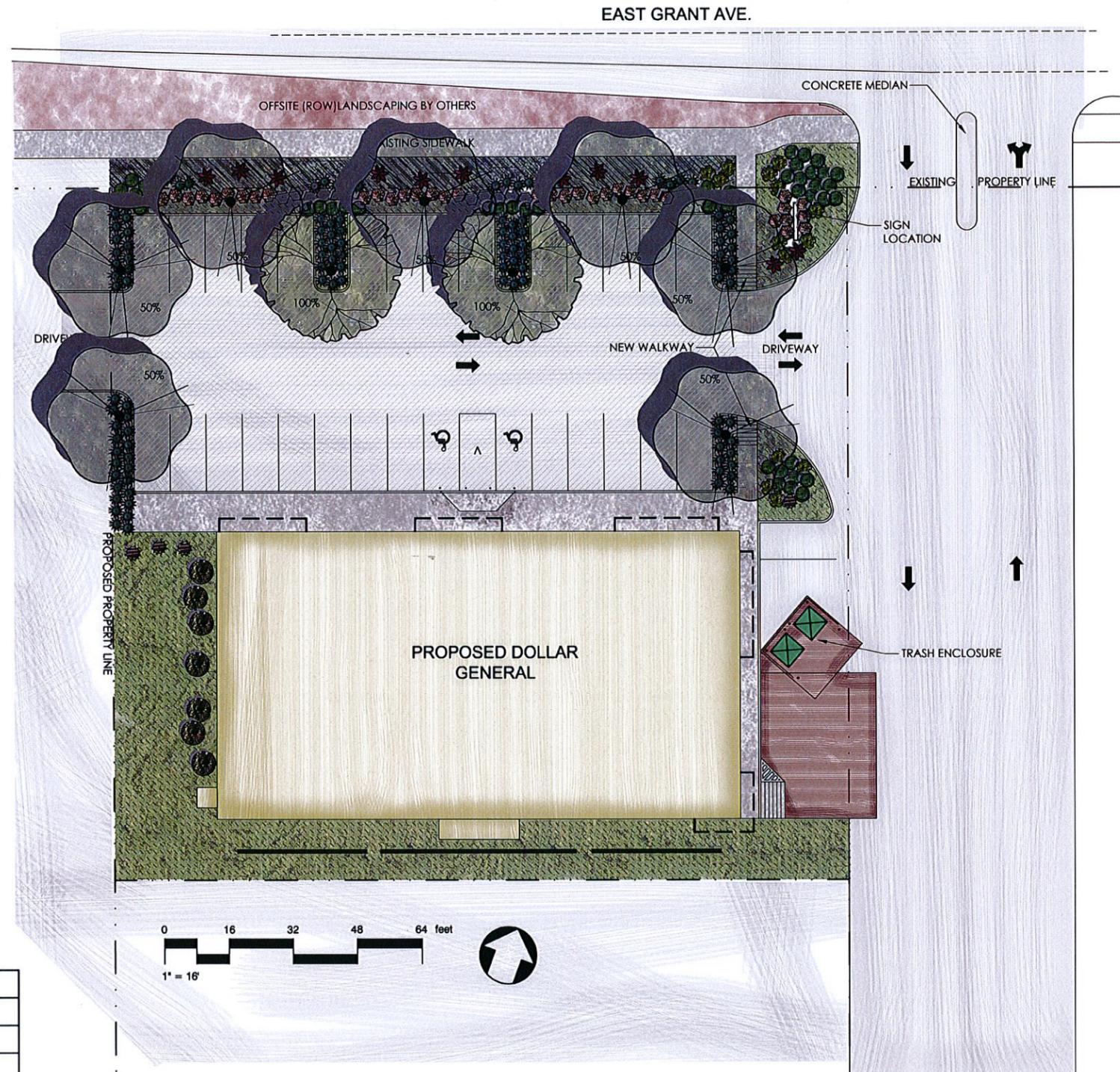
GROUND COVERS	QTY	COMMON NAME / BOTANICAL NAME	CONT
	38	California Lilac / <i>Ceanothus griseus horizontalis</i> 'Yankee Point'	1 gal @ 60" oc
	143	Trailing Myoporum / <i>Myoporum parvifolium</i>	1 gal @ 72" oc

GENERAL NOTES

- All landscape planting areas shall receive a uniform 3"-4" layer of organic mulch top dressing.
- Planting plan shall conform to City of Winters water efficiency guidelines.

PARKING LOT SHADE CALCULATIONS

Symbol	Botanical Name/ Common Name	Qty. @ full shade (Sq. Ft.)	Qty. @ 3/4 Shade (Sq. Ft.)	Qty. @ 1/2 shade (Sq. Ft.)	Qty. @ 1/4 shade (Sq. Ft.)	Total (Sq. Ft.)
	Accent Trees	0 @ 314 SF	0 @ 238 SF	0 @ 157 SF	0 @ 79 SF	- SF
	Accent Trees	0 @ 491 SF	0 @ 368 SF	0 @ 246 SF	0 @ 123 SF	- SF
	Parking Lot Tree	0 @ 706 SF	0 @ 530 SF	0 @ 354 SF	0 @ 177 SF	- SF
	Large Shade Tree	2 @ 962 SF	0 @ 722 SF	7 @ 481 SF	0 @ 240 SF	5,291 SF
TOTAL SHADE PROVIDED						5,291 SF
Parking Lot (see hatched area on plan)		TOTAL PARKING AREA =				9,785 SF
		SHADE AREA REQUIRED =				4,893 SF
		TOTAL SHADE PROVIDED =				5,291 SF
		PERCENT SHADE =				54 %



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 TOWN CENTER ONE, SUITE 108
 VANCOUVER, WA 98683
 Ph. (360) 834-6536
 e-mail: kmcCracken@pmdginc.com
 Ken McCracken, Architect

ROD SCACALOSI
 LANDSCAPE ARCHITECT
 707-280-8990
 rscac@sbcglobal.net



MARK	DATE	REVISION
	1-16-13	CITY PRELIMINARY REVIEW

DOLLAR GENERAL
 EAST GRANT AVE (NEAR MORGAN ST.)
 WINTERS, CA

Project Number
 Sheet Name
PRELIMINARY LANDSCAPE PLAN
 Sheet Number
L1



**PLANNING COMMISSION
STAFF REPORT**

TO: Honorable Chairman Biasi and Commission Members
DATE: March 13, 2013
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Mary Jo Rodolfa, Management Analyst
SUBJECT: Public Hearing and Consideration of Approval of a Conditional Use Permit for 112 Main Street (APN: 003-202-000)

RECOMMENDATION

Subject to the attached conditions of approval, staff recommends that the Planning Commission take the following action:

1. Certify that the Planning Commission has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15332 (In-Fill Development Projects) of the CEQA Guidelines.
2. Approve a Conditional Use Permit to allow a residential use in a commercial zone (D-B (Downtown-B) (FBC)).

BACKGROUND

The site originally was used for residential purposes and the 1,000 ± square foot structure located on the site is a former residence constructed in 1911 designed in the Bay Area Craftman style. The structure is listed in the City of Winters Cultural Resources Inventory Project Report.

On January 27, 1981 the Winters Planning Commission approved a conditional use permit to change the use from residential (it's zoning designation at that point in time) to commercial. On October 6, 2009 the Winters City Council adopted Ordinance No. 2009-10 adding Chapter 17.58 to the Municipal Code putting in place a Form Based Code for downtown and rezoning areas in the downtown central business district. The adoption of the ordinance resulted in the subject property being rezoned to D-B (Downtown-B) and being incorporated into the Form Based Code Regulating Plan. At the time of adoption, the City Council specified that Main Street D-B would allow Detached Single Family Residential as a conditional use.

Most recently the property has been has been used commercially by Solano Construction.

PROPOSED PROJECT

The subject property was recently sold and the new owners desire to use the property for residential purposes, it should be noted that the neighboring properties immediately adjacent to the subject property are currently used as residences. It is the owners' belief that in order to make the property economically viable in the short term it is necessary to allow its use as a residence. They acknowledge that in the future best use of the property may be for commercial purposes.

It is also the intent of the owners to build an approximate 500 square foot addition on the back of the existing structure. Given that the structure will most likely be used commercially in the future, the owners have been advised to incorporate the applicable building code regulations for commercial use into their design. The planned addition will come forward in a separate Planning Application Form and the Design Review/Site Plan review will be completed in-house by City staff as long as the project meets the criteria for staff review. Tonight the Planning Commission is solely tasked with determining whether or not a Conditional Use Permit should be granted allowing residential use of the subject property in a commercial zone.

POLICY ANALYSIS

The project site is designated in Chapter 17.58 of the Winters Municipal Code as D-B or Downtown B). This designation provides for commercial uses of varying types as designated in Table 17.58-2 of the Form Based Code. Detached Single Family Residences are a conditional use in the D-B zone and are subject to obtaining a Use Permit from the Planning Commission per Chapter 17.58.050 of the Winters Municipal Code.

Although the site is zoned D-B the neighboring properties on either side of the subject property are currently used as residences. A proposed change in use must fulfill conditions according to Chapter 17.20 (Use Permits) of the Winters Municipal Code. Staff analysis of the project is that at this point in time the project meets all those conditions as set forth and will not be detrimental to the neighborhood.

Staff is recommending that if the property is used commercially more than twelve months after the approved residential use permit the property not be allowed to revert back to a residential use without going through the conditional use permit process again. Over time the development of the downtown business district and the neighborhood in which the subject property is located may change. The recommendation will ensure that the subject property would be reviewed to determine if the conditions in Chapter 17.20 (Use Permits) of the Winters Municipal Code are fulfilled prior to again becoming a residential use. This would prevent the flip-flopping of the property between residential use and commercial without any type of review process taking place.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst 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, February 28, 2013 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, March 7, 2013.

CEQA CLEARANCE

Staff has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15332 (In-Fill Development Projects) of the CEQA Guidelines.

PLANNING COMMISSION ACTION

Subject to the attached conditions of approval, the staff recommends that the Planning Commission take the following action:

1. Certify that the Planning Commission has determined that the project is categorically

exempt from the California Environmental Quality Act (CEQA) per Section 15332 (In-Fill Development Projects) of the CEQA Guidelines.

2. Approve a Conditional Use Permit to allow a residential use in a commercial zone (D-B (Downtown-B) (FBC)).

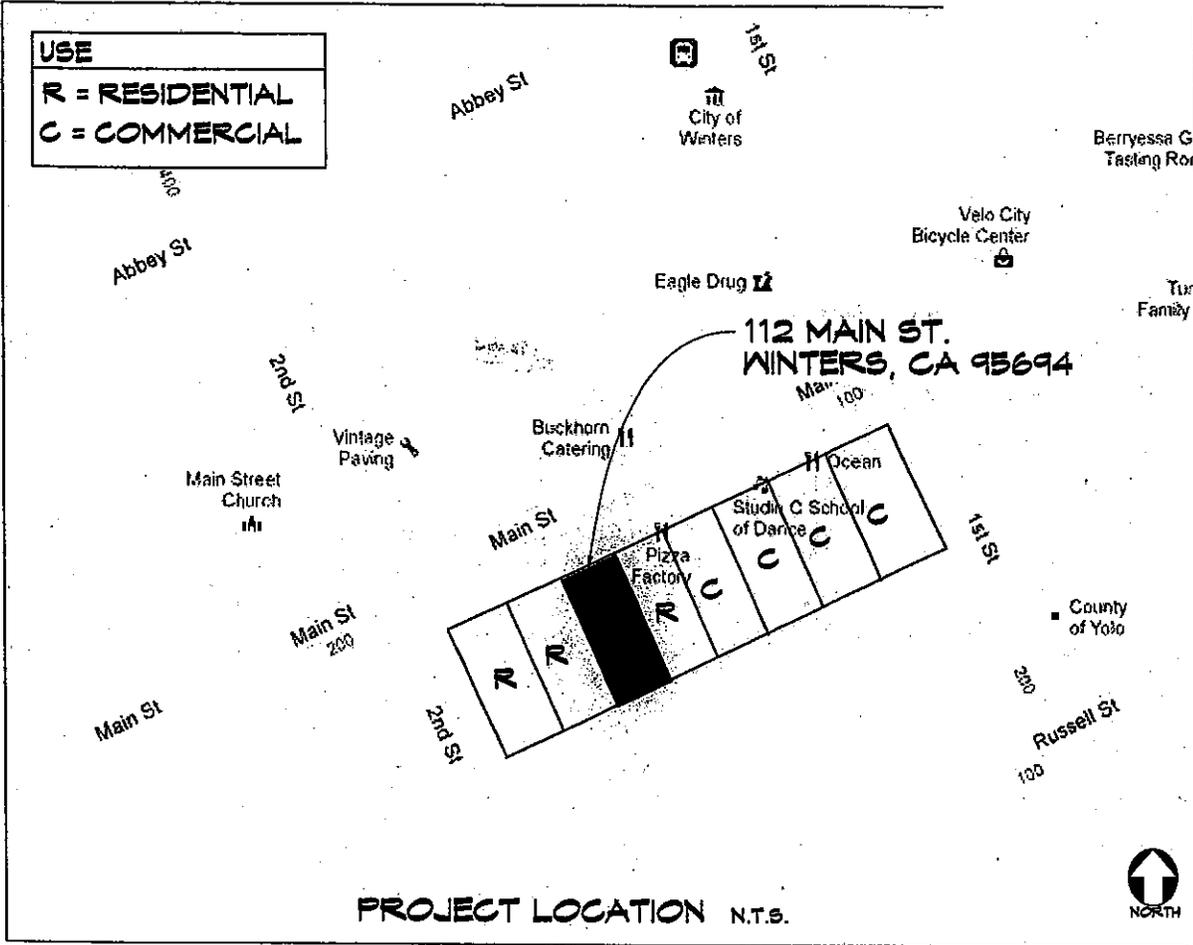
ATTACHMENTS

A. Conditions of Approval for 112 Main Street

B. Project Location and Description

CONDITIONS OF APPROVAL FOR 112 MAIN STREET (APN 003-202-000)

1. This approval is based upon and limited to compliance with the project description. Any deviations from the project description 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 includes 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 no 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. If not executed for the use that was approved, the Conditional Use Permit shall expire one year from its date of approval unless the applicant requests and receives an extension from the Community Development Director. The applicant shall bear all expenses for any extension request submitted to the Community Development Director.
4. The Conditional Use Permit shall run with the property for as long as the property continues to be used as a residence. The property may be reverted to a permitted commercial use at any point in time. In the event that the property reverts to commercial use the following will apply:
 - Within 12 months of the effective date of the Conditional Use Permit the use of the property may revert from a commercial use back to a residential use under this approved Conditional Use Permit.
 - If the property is being used commercially 12 months after the effective date of this Conditional Use Permit the use of the property may not revert to a residential use under this approved Conditional Use Permit and the approved CUP is considered null and void. A new application for a Conditional Use Permit must be submitted and approved allowing for residential use.
5. All applicable residential building code regulations must be adhered to if the property is to be used for residential purposes.
6. All applicable commercial building code regulations must be adhered to if the property is used for commercial purposes.



Project Description:

The project is an approximately 1,000 sq. ft. single-family house located at 112 Main Street, Winters, CA 95694. According to city of Winters Planning staff, the property's current use is commercial. The house was built in 1911, and throughout most of its history was used as a residence. In recent years, the property was re-zoned to allow for commercial and live/work usage and was last used as the business office for Solano Construction. The current zoning allows for residential use subject to a conditional use permit.

The house owners are preparing to take out a permit to add an approximately 500 sq. ft. addition to the rear of the property and remodel the existing structure. In order for the owners to justify the substantial investment needed in the current economic climate, they have determined that the only way to make the property economically viable in the near term is to request a conditional use permit to allow the property to be used as a residence. However, the property owners recognize that the best use of the property will be commercial at some point in the future. Consequently, the residential design includes features that anticipate eventual commercial use.

Currently, both of the adjacent structures are used as residences, so a change of use to residential is consistent with current adjacent uses. In addition, the allowable live/work use reinforces the idea of a mixed-use neighborhood that includes residential use in this area of Main Street.

JOB TITLE	ALTERNATIONS FOR:	
	GRANT & JONI DAVIDS, 112 MAIN STREET, WINTERS, CA 95694	
JOB NO.	DATE	DATE
	3/28	3/27/14
DRAWN	DATE	DATE
	NS	04/08/14
SHEET		

DESIGNWORKS
 ARCHITECTURE + PLANNING

15 MAIN STREET
 WINTERS, CA 95694
 530.795.3506 PF.

www.dsgnwks.com