

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

Tuesday, April 23, 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.
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 March 13, 2013 special meeting of the Winters Planning Commission

V STAFF/COMMISSION REPORTS

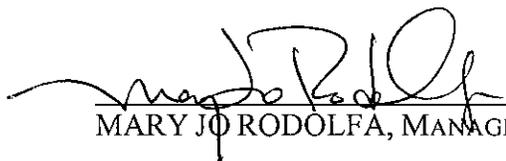
VI DISCUSSION ITEMS:

A. Design/Site Plan Review Process

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 APRIL 5, 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

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***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 *Bill Biasi* called the meeting to order at 6:00 p.m.

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

ABSENT: None

STAFF: City Manager Donlevy, Planner Jim Bermudez and Management Analyst Mary Jo Rodolfa

Commissioner Riley led the Pledge of Allegiance.

CITIZEN INPUT: None

CONSENT ITEM:

1. Approval of Meeting Minutes of the February 12, 2013 Special Meeting of the Winters Planning Commission

Commissioner Kleeberg moved to approve the Meeting Minutes of the February 12, 2013 Special Meeting of the Winters Planning Commission. Seconded by Commissioner Neu. Unanimously approved.

COMMISSION REPORTS: None

STAFF REPORTS: None

DISCUSSION ITEM:

A. Public Hearing and Consideration of approval of Site Plan/Design Review for Dollar General

City Manager Donlevy introduced the item and gave a review of the history of the project area, commenting the past four years. First the City's redevelopment agency purchased the 4.5 acre site on Grant Avenue to cultivate the retail development along the stretch. There were two key planning projects that took place in relation to the property, one the

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Complete Streets program and two the Grant Avenue Design Guidelines developed as part of the Economic Development Advisory Committee (EDAC). This is the first project to come to the Planning Commission after the development of those guidelines. EDAC held several meetings in the development of the guidelines. The guidelines take in the litany of things someone would go through for a project, the key

Components and there is a checklist of them at the back of the guidelines. Also all buildings have to meet the California Green Code for energy efficiency and water efficiency and many other building standards. This is the first project to go through the process and staff has taken it seriously and worked with the applicant, walking through the checklist. Donlevy then asked Planner Bermudez to present the Dollar General project to the Planning Commission.

Bermudez reported that he has been working with Cross Development for 3 months, going over the Grant Avenue Guidelines with them. He indicated that Cross Development architects are here today to speak in detail about the design that veers from their usual prototypical design. The property is a .7 acre site that takes access off of Grant Avenue and allows for another access when future development occurs. Bermudez referred to the site plan (Attachment A) that shows the access areas. He commented that variations in the design are stone elements, wainscoting, cornice work, and they took stone a step further up the entrance. The design shows the rear of the building as stucco with lattice work, vines will be planted to grow on the lattice work which will be stepped back from the building. There may eventually be a driveway or another building behind it. The HVAC is located on ground level, in California we usually see it on the roof but they have a reason for the ground location. Bermudez said he also discussed the trash container location with the applicant - he had recommended a location on the west side of the building however the applicant has submitted the project with it on the east side. He reported that it will however be screened and cosmetically pleasing. Another concern reported by Bermudez concern the lighting and light standards on site. He said that concern is addressed in the recommended conditions and will go through plan check review. Bermudez indicated that we moved in a positive direction from Dollar General's prototypical design to a design that is required by the guidelines. Although the guidelines recommend parking behind buildings the project being submitted with parking in front of the building. The reason for this location of the parking is due to the type of business. Customers need to have easy access to their cars with large purchases. Bermudez finished that he is recommending approval of the project with the conditions listed in the staff report.

Cross Development architects Bret Flory and Dan Dover introduced themselves and said they were available to answer questions. They indicated that Dollar General was under a contract to purchase the land and had a due diligence period. They pointed out a poster board of the design they began with and indicated that they spent a lot of time working with the guidelines and code to come up with a building that fits well with the Grant Avenue Design Guidelines.

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At 6:47 p.m. Chairman Biasi opened the public hearing.

Resident Sally Brown commended planner Bermudez for a well written staff report document and appreciated his references of where the project fell short of the design guidelines. She commented that this is the test whether we mean the design guidelines or not. The one piece she wants focused on is the parking, the guidelines say primary surface parking is to be in the back. She commented that was important to the EDAC and she wants a nice entrance coming into town. She would like to see limited out front parking for handicap but suggested the main parking can be on the side or in the rear.

Resident Michael Sears said he is disappointed in the project and the parking not being on Grant Avenue might help things.

There being no additional public comments Chairman Biasi closed the public hearing at 6:52 p.m.

Commissioner Neu - regarding the back of the building, he is glad there is a trellis to grow things on it as long as they are kept growing. He voiced concern that a big gap between the building and trellis, could attract people as a hiding place, that the police can't see what is happening in there. He added we do not want a big flat wall, that it would be difficult to look at if you lived on Baker Street. He would like to see more done with the back wall. He asked if this project will initiate sidewalks on Baker. Donlevy - yes, though not full length, we are currently working with multiple developers regarding the site. The Affordable Housing Steering Committee heard proposal for project for the full length of the back portion of the property. Neu - is there a pylon sign in the middle of the driveway dividing incoming and outgoing traffic? He was concerned about people on Grant traveling east and turning. Bermudez - sign location would require a separate approval. Neu - wants lighting features on the back of the building. He also commented that at the EDAC meetings they did talk about parking at the rear of buildings and HVAC on the roof. Dover of Cross responded - the building core is metal and HVAC units cause leakage if mounted on the roof, also large units mounted on the roof would be visible, they will be completely screened on the ground. Commissioner Baker - in some instances there are requirements that they be on an elevated pad to avoid flooding. Bermudez - it is on elevated pad, if it was on the roof it would have to be screened. There is nothing in our requirements that relate to flooding and units being damaged.

Commissioner Tramontana - Bermudez said it was a wood building, he is curious about metal comment. Bermudez referred to Dover to answer. Dover - we looked at multiple variations, one was with a wood frame but had to go to a steel truss structure because Dollar General does not want columns internally, and that is why it went back to steel.

Commissioner Baker - EDAC did spend a lot of time on parking, to take items to cars customers can go out a side door. She also commented that the back of the building is

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unarticulated, they need to dress up the exterior. She added the parking also bothers her and that she is glad the lighting will have to come back. She also asked about irrigation to make sure the vines along the back wall will grow.

Commissioner Kleeberg - indicated he spoke to design review committee members and each one had been specific of their understanding of the design review guidelines in that they are the minimum qualifications with expectation that quite a bit more would be done. Page, 23, of the design review guidelines recognizes a higher level of commitment to the community. He does not see this project as reinforcement of the special uniqueness that relates to Winters. The use of stone reinforces the character of the community, but it is fake stone and when he sees fake stone, it tends to look like fake stone. We should consider if this building is going to be seen as an asset to the community in 20 or 50 years. This building would be fine in another city. He expressed concern about the design of other recent buildings that have gone up in this town, library and public safety facility as examples.

Commissioner Baker - stated she was a member of EDAC and acknowledged that some of the conversations were difficult. There is a desire to attract business and have them make a profit and meet design guidelines. The buildings downtown are unique and a treasure, we want something different from downtown that does not take away from downtown. The guidelines are the entry level and it should be the level people are allowed to meet for business to do business here.

Commissioner Riley - said he does not have much problem with the building design but he would like to mitigate the parking in front. The building right next to it has parking in the back. He also asked if this is a LEED building. Bermudez - it is not. Riley, commented on the big flat roof and asked if solar panels can be located on it he also asked about the shade tree calculation and wanted to know how the shade tree ordinance would be monitored. When trees die or get removed and not replaced you no longer meet it. Bermudez - the shade requirement is standard everywhere, generally it is left up to the leasing agency or development company to maintain. Donlevy - since these ordinances were adopted nothing in Winters has been built except the community center parking lot. This would be the first project since these ordinances that requires landscaping and trees. Riley said he is fine with what is proposed but he wants to find a way to enforce the trees are still growing down the road.

Commissioner Reyes - commented that he thinks the building's appearance looks good and that he likes the parking out front. He added that this area gets busy and he is concerned about traffic issues. Donlevy - this is part of a 4.5 acre site and it is one business out of about six that are going in. A round about at Walnut is in design review with Caltrans and is part of the adopted completed streets plan. Donlevy added that with parking on the 4.5 acre site you do not want all of the parking in the back and a sheer wall of buildings going down Grant Avenue that blocks other views. He mentioned that Cross Development has

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another project planned to come in and is looking at offsetting it. The issue of parking is you are going to have deviations in it, some towards front and some in back. On the back of the property we are working with a housing developer, if all the parking goes in back we may have to go back to the drawing board on the other development. There are six buildings that most likely will be on site. 6-7 years ago the Grant Avenue commercial project had the same thing of parking varied front and back and we did not want buildings to try and replicate the downtown Tramontana - that project had a lot of buildings and we said we wanted something representing farming, such as silos and they came back with something pretty nice. This is flat and not as exciting and he feels it does not reflect the character of Winters. Tramontana added some parking in front is nice, if you have any in back then you need to also have a door in the back.

Commissioner Riley - so projects to the west may have buildings closer to Grant Avenue so parking will be intermingled? Donlevy - yes, not only will there be parking but more detailed landscaping. He added that this project brings a lot of benefits to the community, it is the first retail store to bring comparison goods to Winters, and there are 400 affordable housing and senior housing apartments in walking distance of the project. The trip to Vacaville is expensive for a lot of folks. In terms of where you can get the same bargains, Dollar General is an exceptional business. It will create opportunity. Tonight's meeting is important as to whether we have other projects coming in. Burger King/Arco was first in 14 years.

Commissioner Kleeberg - he does not object to Dollar General and thinks it is a good location but he believes the design guidelines are supposed to support a higher level of commitment, he is not convinced that this is the best that the applicant can do. He does not think this represents Winters' special qualities, he is not expecting the Buckhorn or First Northern Bank building but the qualities that make this place special are more special than this design.

Commissioner Neu- we need economic development and is in favor of bringing more business in but says we have to maintain the character of our town. If we maintain the character he thinks people will come here. He does not see this design as having character. Neu added that if other projects are coming along with parking in front and back it would be helpful to the Planning Commission to have that information beforehand. Neu thinks it is a good business but that hard work went into the development of the design guidelines and we don't want to throw that out.

Chairman Biasi - EDAC came up with how to attract business to town and spent time on design guidelines of what we wanted to see, it does not feel they have met what we had in mind. Parking in front is a problem and he wanted to know if the applicants had considered rotating the building 90 degrees. Dover - initially they had but it does not work with the development in back, rotate it and then sliding it may limit the development of other buildings in the shopping center. Donlevy - passed out a map of the entire parcel and

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pointed out where the affordable housing would go in the back to gives you an idea of what is being talked about. The site is not a perfect square, it is a rectangle. Biasi - other comments, he would like to see the parking off of Grant, and would like to see rotated 90 degrees. He was surprised they were not agreeable to having the HVAC on top and would prefer the trash not be right off the driveway and instead relocated like city staff recommended. He also wants to see lights standard detailing go before the Planning Commission. Regarding condition number 16 - the improvements on Grant Avenue, he does not see any changes in the area in the plans. Bermudez - it would be required, they would have to go into further engineering and they have not got to that level of detail yet, such as a slow down lane. Biasi said he is disappointed there are not more green building elements. Donlevy - this has to meet the green code, no other building in Winters meets this, solar on roof is not economical. The insulation, energy star items, lighting are considerably higher than the title 24 requirements. The California green code drives the overall efficiency of this building. When the library was built solar was not recommended, other things could be done to address energy use instead. Biasi - he is not thrilled with the back wall. but could live with it. He would like to know if the checklist was met. Bermudez - we went back and forth over it in the development of the project. Biasi would like to see the checklist as to what they met and how. Commissioner Tramontana asked why solar is not recommended for this building but it is for you say no solar but individual homeowners encouraged to have it and also residential subdivisions. Donlevy - many things have to be considered in calculating energy efficiency. The tax breaks for residences are not the same for commercial.

Donlevy - staff requests direction. Biasi he heard positive and negative about the project but he is not yet ready to move forward. Kleeberg- turning bldg. gives more space on east and west. Dover - responded then service entrance gets moved around to rear and that is putting the parking on the side. You don't want the service area on Grant or in front of the building. Currently there is no drive aisle on the rear. Dollar General would make that concession but it affects the developable area of the back. Bermudez - what you are asking them to do is something you would ask for a corner lot. By rotating the building one thing to consider is that 130 feet of building frontage would go down to 70 feet. It would be harder to make something attractive out of the 70 feet and you will have 130 feet of footage to the east. Donlevy - expressed concern about the back of the building on Grant, you don't want to have the trash enclosure on Grant. This is not the corner lot, there is an entire site, this is a large site when you include the rest. From the City perspective we are in the red zone as to whether this falls apart and we need definitive direction. This represents \$300k.

Commissioner Baker - she did not hear anyone say absolutely no parking in front, just push some to side, also she did not hear anyone say they hated the wall, just wanted articulation. Also, if the main entrance is to the rear there could be doors, or something to make it look like entrance from the front and possibly have shared parking with the affordable housing development to the rear. It is possible to be creative without major costly changes. Tramontana - agrees with Baker, eliminate a lot or parking in the front and have a rear

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entrance if parking is in the back but still wants the front to look like it has a veranda. He wants minimum parking in front and an entrance in back. Dover - if they move the building 180 degrees they may not be able to get approved with their client, Dollar General due to the changes that would be required. Dover also said he is concerned about circulation, rotating it would triple the asphalt and would have more impermeable surface.

Commissioner Riley - in looking at this as part of a larger project it is not a bad thing so long as you do not have all parking all the way down the front of Grant Avenue. It could be interesting and it could work. Commissioner Neu - he would like the applicant to stay here and redesign the project and come back. Donlevy - the proposed building meets the design guidelines. If the Planning Commission does not think so then it needs to be specific in how they do not meet it.

Donlevy - a negative with Subway, the vet and Round Table is that no one knows what businesses are in there, this does not have a pole sign, that is one of the things we are trying to avoid. Baker - illusion of an entrance can be created to avoid Round Table situation and no one wants to increase impervious space. It may be that the addition of more landscaping to ameliorate the appearance of parking in the front would work, berms, vegetation massing, etc. so the parking does not stick out. Baker also stated that it would help the commission to know that they worked through the items on the check list. To break up the appearance of the back wall it can be done without making major changes, it can even be as simple as paint sections different colors to break up the massing. Tramontana - question the quality of exterior construction material and compatibility with the market or businesses nearby. Tramontana commented that they may have come a long way but to him that is not good enough. Commissioner Riley - the problem with the design guidelines is that they are subjective, he does not think it looks all that back for a store. Bermudez - one of the purposes of the design guidelines is to avoid redundancy, pick the spirit of the design, there are some elements from the contemporary design building next to it but it is specifically stated that we do not want to replicate but pick elements, qualities that are consistent. The architect has included metal canopies and buckles to capture the essence.

Chairman Biasi we need to move forward and would like a show of thumbs up or down of willingness to go forward. Bermudez - if we go down a denial path then we have to really dial in the issues for staff, as a right the applicant can go straight on appeal to the city council. If you want to give them an opportunity to come back then we can continue. Biasi - I am hearing two different things, would the developer be willing to come back? Dover - we can work with the City on the parking, we will make that work and figure it out, however to flip the site the City will have to decide on how much developable space it wants in back. The building owner will be required to maintain the vegetation. They would prefer a yes no decision tonight, they have spent a lot of money and don't want to spender more. Their contract will run out with the City and they have to either purchase the property or walk away. Bermudez - what he is hearing flip parking to rear, and redesign building and or add articulation if it does not flip. If the parking goes to rear integrate a

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rear entrance to the building and come back with obvious lighting features for the site, if stays as depicted in the current site plan then landscape the frontage along Grant Avenue to ameliorate and permit the parking. Commissioner Kleeberg - stated that he had spoken the most often about the possibility of flipping the building. He agrees with several of the comments made by Commissioner Baker but if the Planning Commission says for a second design look he does not think is the end of the world. Bermudez stated that it is the applicant's request is to get a decision. If it is denied they can choose to appear to City Council and your comments would go to the City Council. The applicant can decide if they want to make some changes to the project or not before going to City Council. Commissioner Riley - can there be a yes that is not exactly as presented? Donlevy -there is the opportunity for a modified yes tonight. Riley - that is what I would like to see happen.

Commissioner Baker moved that the City of Winters Planning Commission approve the staff recommendation and conditions of approval with the proviso the applicant add additional landscaping to ameliorate the view of the parking lot from Grant Avenue, and that the applicant work with staff to complete the Grant Avenue Design Guideline checklist to make sure all items are addressed, and that the applicant will paint the back wall in slightly varying, complimentary colors to break up the solid appearance, and that the design details of the light standards and building attached lighting fixtures will be submitted to the Planning Commission for approval. Seconded by Commissioner Riley. Motion approved by the following roll call vote:

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

NOES: Commissioners Kleeberg, Neu, and Tramontana

ABSTAIN: None

ABSENT: None

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

Management Analyst Rodolfa introduced the item and introduced Michael Sears the architect who was representing the owners who are out of the country. Sears stated that the owners would eventually like the property to be commercial but the market is not good right now. In the meantime they would like to be able to rent the property out for residential use. Rodolfa reported that the site was originally used for residential purposes and later was changed to commercial use under a conditional use permit. On October 6, 2009 the property was rezoned to Downtown B as part of

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the adoption of the Form Based Code. At the time of adoption the City Council specified that Main Street D-B would allow Detached Single Family Residential as a conditional use. Rodolfa indicated that included in the staff recommendation is a condition that if the property is changed to commercial use and then the owners wish to revert back to residential use they may do so without obtaining another conditional use permit so long as the reversion back to residential use occurs within 12 months of the effective date of the approved Conditional Use Permit. If the reversion to residential is desired after the 12 months have passed the owners will need to obtain a new conditional use permit.

Chairman Biasi opened the public hearing at 8:35 p.m. Hearing no public comments he closed the public hearing at 8:36 p.m.

Commissioner Kleeberg moved that the City of Winters Planning Commission approve the staff recommendation and conditions of approval for 112 Main Street. Seconded by Commissioner Baker.

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

NOES: None

ABSTAIN: None

ABSENT: None

VII COMMISSION/STAFF COMMENTS - Commissioner Tramontana reported that the Putah Creek Nature Park is being dedicated this coming Sunday for whoever wants to attend. He thinks the nature park is great. Commissioner Neu stated that he wants to see a long term development plan, an overall conceptual plan, that will help then make decisions. Chairman Biasi commented that it does make it hard for them to make decisions on projects without seeing how the fit in with larger plans, he would like to see some kind of adjustment to the process.

VIII ADJOURNMENT

ATTEST:

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Mary Jo Rodolfa
Management Analyst

Bill Biasi
Chairman

FINAL CONDITIONS OF APPROVAL FOR CONSTRUCTION OF DOLLAR GENERAL STORE (APN: 003-370-028, 029, 030) (Approved by the Winters Planning Commission on March 13, 2013)

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 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. 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 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 Grant Avenue 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. The applicant shall submit four sets of plans for each fire suppression system to the Winters Fire Department 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 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.
29. *The applicants shall design the landscaping along Grant Avenue to ameliorate the view of the parking lot; i.e. add berms or swales for aesthetics.*
30. *The applicant shall work with City staff to complete the Grant Avenue Design Guideline checklist to make sure that all items are addressed.*
31. *The applicant will paint the middle panel of the back wall (south wall) of the building in a slightly varying, complementary color to break up the solid appearance of the wall. The lattice screening shall remain.*
32. *Design details of the light standards and building attached lighting fixtures will be submitted to the Planning Commission for approval.*

**FINAL CONDITIONS OF APPROVAL FOR 112 MAIN STREET (APN 003-202-000)
(Approved by the Winters Planning Commission on March 13, 2013)**

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.



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Commission Members
DATE: September 7, 2011
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Design/Site Plan Review Process

RECOMMENDATION:

That the Planning Commission:

- 1) Received a report on a Draft Design/Site Plan review process and provide comments on any applicable elements;

BACKGROUND:

At the March 19, 2012 City Council Meeting, City Staff was directed to prepare recommendations on ways to improve the overall design and site plan review process for project applications submitted within the Grant Ave and Form Based Code design areas. Staff prepared a draft for an initial review by the City Council and asked for direction that it be forwarded to the Planning Commission for your review and recommendations.

DISCUSSION:

Attachment A of this staff report is a draft of a Design/Site Plan Review Process. The overall goal of the recommended process is to help facilitate the completeness of review, expedite the processing of projects and increase the overall likelihood of success for applicants proposing projects within the City's Grant Ave and Form Based Code Design Areas.

Staff has prepared a variety of documents for your consideration:

- Draft Design/Site Plan Review Process

- Draft Design Review Committee Agenda which will serve as the outline for facilitating a complete and effective review of projects.
- Design Review Guidelines Checklist and Matrix for submittal and review as part of the overall process.

As background, also included in this report is Municipal Code Section 17.36 which deals with design review and Ordinance 2011-06 which updated the design review guidelines.

FISCAL IMPACT:

None by this action.

Attachments:

- 1) Draft Design/Site Plan Review Process
- 2) Draft Design Review Committee Agenda
- 3) Draft Design Guidelines Checklist
- 4) Municipal Code Section 17.36
- 5) Ordinance 2011-06

City of Winters
Design/Site Plan Review Process
Grant Avenue and Form Based Code Design Areas

Background:

In order to facilitate completeness of review, expedite the processing of projects and increase the likelihood of success for applicants proposing building projects within both the Grant Avenue and Form Based Code Design areas, a design review process will be initiated to insure the following:

1. A thorough and transparent review of projects by key stakeholders and decision makers within the City.
2. Active scoring of projects against checklists of the design guidelines.
3. An opportunity for clarification and explanation of why project components meet or do not adhere to various aspects of the design guidelines.
4. A high probability of success or predictability of outcomes for projects being presented for consideration by the Planning Commission and/or City Council.

The following process is proposed:

1. **Pre Application Consultation:** Applicants will be able to meet with the City Planning and Building Staff to review preliminary designs, receive a scoring of the proposed project against the City's design guideline checklists and be given instruction on the application and review process for the project. Applicants will also have an opportunity for a pre-submittal presentation to the Winters Planning Commission, if desired.
2. **Application:** The project will follow the current application process with the addition of a requirement that applications from these design areas include a self scored "Checklist" against the design guideline with a required explanation matrix which correlates against the scoring criteria and the guidelines.
3. **Design Review Committee:** Applicants will present their project to a Design Review Committee consisting of two (2) City Council members, two (2) Planning Commission members and City staff department representatives. The design criteria checklists will serve as the "agenda" for the meeting and the applicants will present their project and receive feedback on all aspects of their project. The DRC and the applicant will score the project against the design guideline checklist at the meeting. Written feedback will be provided to the applicant from the DRC.
4. **Revision:** Applicants will have an opportunity to revise their plans prior to final submittal based on feedback received in the DRC Meeting and the written comments.
5. **Planning Commission Member Briefing:** An **optional** briefing for Planning Commissioners will be made available to review plans, process and standards prior to the scheduled meeting.
6. **Planning Commission:** Projects will be presented in a standardized (template) format which will include the following elements:
 - a. Standard Staff Report
 - b. Design Guidelines Checklist which is expanded to a matrix explanation for key elements. A scoring and explanation sheet will be included as part of the design review.
 - c. Plans and Elevations which are accompanied by design checklists on the plans with highlights showing conformance/non-conformance to design criteria.

The Staff presentation will follow an agenda format from the design guidelines checklist to allow a review of the project based on the checklist criteria. The goal is for the Planning Commission to make determinations based on a well organized and presented project, specified criteria and an objective process to determine conformance with the design guidelines.



Design Review Committee
City Council Chambers
318 First Street
Date; Time

Members of the Design Review Committee

AGENDA

- I. Introductions
- II. Project Presentation by Applicant in Accordance with Pre-Approval Considerations
- III. Review of Project Using Design Checklist
 - Site Plan Review
 - Architecture Review
 - Connectivity Review
 - Landscaping Review
 - Signage Review
 - Lighting Review
 - Energy Conservation Review
 - Green Building Review
- IV. Additional Comments by DRC
- V. Applicant Questions

Grant Avenue Design Guidelines Applicant Checklist

Background

The Grant Avenue Design Guidelines were adopted on August 16, 2011 for the purpose of meeting our community expectations and developing project consistency for the Grant Avenue Business and Commercial District and assisting applicants in the planning process. The attached checklist was adopted with the guidelines as a tool for applicants, staff and policy boards to use in determining the application of the guidelines to a project. The information appearing in parenthesis on the checklist provides examples of ways to achieve the desired effects of the guidelines, recognizing that it is impossible to reduce the art and practice of design into a checklist of individual elements. Please note that the checklist does not supersede or substitute for the guidelines and that the guidelines should be referred to for the full text and illustrations.

Checklist Process

The attached checklist is designed to be completed by the applicant while working through the project design. For each item on the checklist the applicant is to indicate if the guideline has been met, not met or is not applicable. Additionally, the applicant is to explain each response in the comment section after each item. The checklist has been designed to allow the comment section to expand so that the applicant can use as much space as needed to respond.

Each item on the checklist is labeled (i.e. A1, A2, B1, etc.). Applicants are to use the item labels (A1, A2, etc.) on the note section of the site plan, landscape plan and elevations allowing for a clear understanding of the application of the guidelines to the project.

Upon receipt of a complete Planning Application packet, including a project narrative and completed design guidelines checklist, a meeting will be scheduled with the applicant and the Winters Design Review Committee (DRC). The meeting will follow a set agenda with the applicant presenting the project followed by a review of the project by the DRC using the guidelines checklist.

The project narrative should give the specifics of the project (lot size, building size, location, etc.) and discuss how the project contributes favorably to the surrounding area and the City.

Prior to final submittal of the project to the Winters Planning Commission the applicant will have the opportunity to revise the project using feedback gathered from the meeting with the DRC and from the DRC's written review of the project.



Grant Avenue Design Guidelines Applicant Checklist

Item	Yes	No	N/A	Yes - consistent; No - Not consistent; N/A - not applicable. Please explain each response in the comment section. Thank you.	DRC Use Only
Section A - Site Planning					
A1				The proposed buildings are sited in a manner that considers the surrounding environment.	
Comments:					
A2				The development includes limited conflicts between pedestrians, bicyclists, vehicles and utility/delivery vehicles.	
Comments:					
A3				Public, open or gathering spaces are included, where appropriate.	
Comments:					
A4				Low impact design features, such as bioretention facility, rain gardens, and permeable pavements are included in the proposed development.	
Comments:					
A5				Consideration for transit facilities is included in the proposed development.	
Comments:					
A6				On-site planning encourages connectivity to off-site bicycle and pedestrian pathways.	
Comments:					
Section B – Architecture					
B1				Design of proposed buildings reflect Winters and its surroundings (compatible materials, colors, quality, coordinated but not the same as properties in Winters, avoid strong or vivid colors unless they fit within local context, concrete block/exposed concrete on visible walls finished in aesthetic manner).	
Comments:					
B2				Buildings and design features are scaled to human proportion.	
Comments:					
B3				Buildings exhibit variety and distinctiveness (but avoid overly obtrusive or overly monotonous designs, or strong contrast with adjacent buildings, creative use of natural or recycled materials).	
Comments:					



Grant Avenue Design Guidelines Applicant Checklist

Item	Yes	No	N/A	Yes - consistent; No - Not consistent; N/A - not applicable. Please explain each response in the comment section. Thank you.	DRC Use Only
B4				Variety of architectural features encouraged tied to comprehensive design theme (arches, raised parapets, cornices, eaves, windows, balconies, entry insets, roof angles and pitches, wall relief features).	
Comments:					
B5				Site and buildings are visually attractive from neighboring properties, traffic and corridors, and public spaces (service areas and devices screened, integrated and compatible with site features; above criteria is applied to areas visible to public view; rear and side views are visually interesting, coordinated, and well-maintained).	
Comments:					
Section C – Connectivity					
C1				The proposed development connects with:	
				*Grant Avenue Complete Streets Concept Plan	
				*Class I and II Bicycle Lanes	
				*Pedestrian/bicycle facilities within the project and with bordering facilities.	
				*Putah Creek Park Master Plan and Trail System	
Comments:					
C2				Pedestrian elements are attractive and functional (walkways link parking to building entrances and other walkways; planters, street furniture, outdoor seating, pedestrian oriented signs, low level lighting provided).	
Comments:					
C3				Parking areas include a defined sidewalk or marked pedestrian facilities in landscaped areas or separated from traffic lanes required.	
Comments:					
C4				The project provides connections for walkers and bicyclists to the surrounding community (provides walking/biking facilities on the site, connects to walking/biking facilities in town, provides shortcuts for walkers/bikers).	
Comments:					



Grant Avenue Design Guidelines Applicant Checklist

Item	Yes	No	N/A	Yes - consistent; No - Not consistent; N/A - not applicable. Please explain each response in the comment section. Thank you.	DRC Use Only
C5				Sidewalks provide convenient and safe access (sidewalks sufficiently wide, without obstruction; curbs, shade, lighting provided; buffers between walkers and traffic provided; safe and direct street crossings for walkers).	
Comments:					
C6				Entrances provide convenient access (entrances adjacent to street, minimal setback, routes are well marked, sidewalks provide uninterrupted access to entrances, safe bike parking is located next to entrances).	
Comments:					
Section D – Landscaping					
D1				The proposed landscaping complies with the State's Model Water Efficient Landscape Ordinance and the California Green Building Standards Code (CalGreen).	
Comments:					
D2				Scale and nature of landscape materials is appropriate to site and structure (Plants are of type, spacing, and sizing to reach maturity within reasonable time. Hardy, drought tolerant, low maintenance species adapted to Winters climate are emphasized, parking lot trees also withstand heat, pollutants).	
Comments:					
Section E – Signs					
E1				Signs are compatible with architectural character of buildings (signage does not dominate site, uses compatible colors and material, lighting is restrained and harmonious)	
Comments:					
Section F – Lighting					
F1				Lighting harmonizes with site, building design, architecture, and landscaping (lighting form, function, character, fixture styles, design and placement; lighting does not interfere with pedestrian movement).	
Comments:					
F2				The proposed development includes consideration of the effects of light pollution on the environment, as well as utilization of energy conservation technologies.	
Comments:					



Grant Avenue Design Guidelines Applicant Checklist

Item	Yes	No	N/A	Yes - consistent; No - Not consistent; N/A - not applicable. Please explain each response in the comment section. Thank you.	DRC Use Only
Section G - Energy Conservation					
G1				Active and passive solar and other renewable energy design and devices are used (building orientation, landscaping, lighting, heating and cooling, photovoltaic system-ready or installed).	
Comments:					
G2				Devices are unobtrusive and complement design (solar panels flush with roof).	
Comments:					
Section H - Green Building (incorporating green building elements)					
H1				Water efficiency	
Comments:					
H2				Energy	
Comments:					
H3				Materials and Resources	
Comments:					
H4				Indoor environmental quality	
Comments:					

**Chapter 17.36
DESIGN REVIEW Revised 3/12**

Sections:

- 17.36.010 Purpose.
- 17.36.020 Requirements for design review.
- 17.36.030 Design review procedures—Site plan submittal. Revised 3/12
- 17.36.040 Criteria for review. Revised 3/12
- 17.36.050 Action on design review applications.
- 17.36.060 Revocation—Expiration—Modification.
- 17.36.070 Conceptual design review. Revised 3/12

17.36.010 Purpose.

It is the policy of the city to preserve and enhance the small-town qualities of Winters, to improve property values and to conserve the overall visual character of the community. Further, the design review process is intended to ensure that the location and configuration of structures and corollary site improvements are visually harmonious with their site and that of surrounding sites and structures. To implement these policies, the city requires design review for certain types of development or when development occurs in certain locations. The design review process may include an analysis of proposed architectural styles, construction materials, colors, site landscaping and similar development criteria. The Winters design guidelines shall be used as a basis for this review. (Ord. 2001-04 (part); prior code § 8-1.4211(A))

17.36.020 Requirements for design review.

Design review shall be required before the planning commission for the following projects:

- A. Construction of nonresidential buildings or structures of five hundred (500) square feet or more, or additions of five hundred (500) square feet or more to such existing buildings;
- B. New construction of multifamily residential units;
- C. New construction of any single-family residential units is subject to design review. Design review for multiple units in a project can be approved as a group and shall occur prior to the issuance of the first building permit;

- D. If lots in a project are sold to a subsequent builder, these lots are subject to design review prior to the issuance of a building permit for these lots;
- E. Modifications to existing buildings involving collectively significant exterior changes, which may include changes of building materials, addition/deletion of doors, windows and awnings, changes to rooflines or parapet walls, etc., as determined by the community development director. In making a determination as to the significance of a proposed exterior building change, the director shall be guided by the potential for the proposed project to result in substantial visual alteration of the building in question as viewed from the street including the secondary frontage and its relative overall importance to the visual quality of the surrounding area. The review shall be at the discretion of the community development director.
- F. Metal buildings in excess of one hundred twenty (120) square feet in any district. (Ord. 2001-04 (part); prior code § 8-1.4211 (B))

17.36.030 Design review procedures—Site plan submittal. Revised 3/12

Design review shall be accomplished pursuant to site plan review.

- A. The planning commission shall review the site plan application where site improvements involving landscaping or parking lots are proposed.
- B. The planning commission may consider a site plan for design review concurrently with other applications for a project (such as a use permit) which requires planning commission action. A public hearing shall be held to consider the site plan, noticed pursuant to the requirements contained in Section 17.16.040. (Ord. 2011-06 § 1(A); Ord. 2001-04 (part); prior code § 8-1.4211 (C))

17.36.040 Criteria for review. Revised 3/12

The planning commission shall consider the following aspects for design review of a site plan, as applicable:

- A. The overall visible mass of the structure(s). This analysis may include review of visible building mass as it relates to property line setbacks, building height, roofline profiles, lot coverage and the overall size and scale of a building, and the orientation of the proposed building(s) to the street and adjoining properties;
- B. 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. Exterior building colors,

on new construction only, may also be considered, but only to the extent that they may detract from the desired design theme for a neighborhood;

- C. Avoidance of buildings which are characterized by large, blank or unbroken wall planes, as well as buildings which exhibit a general lack of architectural detailing, shadow lines, etc., which collectively lack general visual interest. Uniform treatment of all building elevations shall be required unless such treatment is found unnecessary, on a case-by-case basis;
- D. Effective screening of ground- and roof-mounted mechanical equipment;
- E. The use of landscaping, decorative site paving, etc. which provides effective visual screening or softening of the development, as necessary. The planning commission shall consider the appropriate mix of plant materials, plant sizes, etc. pursuant to landscaping criteria contained in Chapter 17.76.
- F. Achieve conformity with the Winters design guidelines, form-based code for downtown (Chapter 17.58), and the Grant Avenue design guidelines, as applicable.
- G. With respect to single-family residential production housing, the above design criteria shall be considered, but with the design review focus on avoiding use of repetitive designs and site plans. Design review should encourage elements of individuality in residence design through inclusion of features such as modified front and side yard setbacks, varying architectural styles, building siding and roofing materials, creative use of fencing and landscaping, and/or other design features. To the extent possible, designs should also encourage pedestrian activity while reducing emphasis on vehicular access as the focal point of a residential lot. (Ord. 2011-06 § 1(B); Ord. 2001-04 (part); prior code § 8-1.4211 (D))

17.36.050 Action on design review applications.

The planning commission shall make findings relative to compliance with the provisions of Section 17.36.040 prior to approving a site plan for design review. The planning commission may impose conditions of approval to ensure conformance with the above design provisions. (Ord. 2001-04 (part); prior code § 8-1.4211 (E))

17.36.060 Revocation—Expiration—Modification.

Site plan approval for design review is subject to the same provisions as appears in Section 17.24.070(A) regarding revocation, use and modification of the permit. (Ord. 2001-04 (part); prior code § 8-1.4211 (F))

17.36.070 Conceptual design review. Revised 3/12

Applicants have the option of filing conceptual (preliminary) site plans for design review in advance of formal site plan review. Conceptual design review allows for submittal of more basic site plan information (such as building elevation sketches) for an initial review by the planning commission. Conceptual design review shall be considered only as an informational item and is intended to provide informal feedback to an applicant, who could consider any comments received when preparing the formal site plans. Planning commission review and comments stemming from conceptual design review would be only advisory in nature. As such, and as no action would be taken by the planning commission at this stage, comments offered in conceptual design review would not affect or otherwise be binding upon a planning commissioner's vote on a subsequent application for formal design review. (Ord. 2011-06 § 1(C); Ord. 2001-04 (part); prior code § 8-1.4211 (G))

The Winters Municipal Code is current through Ordinance 2012-09, passed January 15, 2013.

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

City Website: <http://www.cityofwinters.org/>
(<http://www.cityofwinters.org/>)

Telephone number: (530) 795-4910
Code Publishing Company (<http://www.codepublishing.com/>)
eLibrary (<http://www.codepublishing.com/elibrary.html>)

ORDINANCE No. 2011-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.36 OF THE WINTERS MUNICIPAL CODE
PERTAINING TO DESIGN REVIEW**

WHEREAS, Chapter 17.36 of the Winters Municipal Code governs design review of residential and commercial site development plans in the City of Winters; and

WHEREAS, the Winters Municipal Code Section 17.36.030 (A) states that site plan application for design review involving commercial development shall first be considered by the economic development commission, who may make a recommendation on the project and any conditions of approval to the planning commission;

WHEREAS, the Winters Municipal Code Section 17.36.030 (C) states that the planning commission shall consider any recommendations of the economic development commission prior to taking action on a site plan for design review;

WHEREAS, the Winters Municipal Code Section 17.36.070 states that conceptual design review may, but is not required to, include informal review by the economic development commission, as may be requested by the applicant;

WHEREAS, City staff is of the opinion that these sections should be amended to omit these requirements since the economic development commission is not active at this time and will not be until the City Council reestablishes this commission;

WHEREAS, the Winters Municipal Code Section 17.36.040 (F) states that a site plan shall achieve conformity with the Winters design guidelines, as applicable;

WHEREAS, City staff is of the opinion that the Winters Municipal Code should be amended to include the Form Based Code for Downtown Winters (Chapter 17.58) and the City of Winters Grant Avenue Design Guidelines to ensure that the code and guidelines are followed;

WHEREAS, in accordance with the above, Chapter 17.36 of the Winters Municipal Code was revised by City staff and is hereby submitted to City Council for adoption as Ordinance No. 2011-06;

WHEREAS, the amendments to the Chapter 17.36 are exempt from the California Environmental Quality Act pursuant to Sections 15061 (b)(3) and 15308; and

WHEREAS, on July 26, 2011, the Planning Commission of the City of Winters held a noticed public hearing and recommended approval of Ordinance 2011-06 to the City Council; and

WHEREAS, the City Council of the City of Winters conducted a duly noticed public hearing on August 16, 2011 at City Hall, 318 1st Street, Winters, CA 95694. Notice of the time, place, and purpose of the aforementioned meeting was duly noticed in accordance with Government Code 65090.

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

SECTION 1. AMENDMENT.

- A. Chapter 17.36, Section 17.36.030 (Design review procedures—Site plan submittal) is amended to read as follows:

Design review shall be accomplished pursuant to site plan review.

~~A. Site plan applications for design review involving commercial development shall first be considered by the economic development commission, who may make a recommendation on the project and any conditions of approval to the planning commission.~~

~~B. A.~~ A. The planning commission shall also review the site plan application where site improvements involving landscaping or parking lots are proposed.

~~C. B. The planning commission shall consider any recommendations of the economic development commission prior to taking action on a site plan for design review.~~ The planning commission may consider a site plan for design review concurrently with other applications for a project (such as a use permit) which requires planning commission action. A public hearing shall be held to consider the site plan, noticed pursuant to the requirements contained in Section 17.16.040. (Ord. 2001-04 (part): prior code § 8-1.4211 (C))

- B. Chapter 17.36, Section 17.36.040 (F) is amended to read as follows:

F. Achieve conformity with the Winters design guidelines, *Form Based Code for Downtown Winters (Chapter 17.58)*, and the *Grant Avenue Design Guidelines*, as applicable.

- C. Chapter 17.36, Section 17.36.070 is amended to read as follows:

Applicants have the option of filing conceptual (preliminary) site plans for design review in advance of formal site plan review. Conceptual design review allows for submittal of more basic site plan information (such as building elevation sketches) for an initial review by the planning commission. Conceptual design review shall be considered only as an informational item and is intended to provide informal feedback to an applicant, who could consider any comments received when preparing the formal site plans. ~~Conceptual design review may, but is not required to, include informal review by the economic development commission, as may be requested by the applicant.~~ Planning commission review and comments stemming from conceptual design review would be only advisory in nature. As such, and as no action would be taken by the planning commission at this stage, comments offered in conceptual design review would not affect or otherwise be binding upon a planning commissioner's vote on a subsequent application for formal design review. (Ord. 2001-04 (part): prior code § 8-1.4211 (G))

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

INTRODUCED on the 16th day of August, 2011.

PASSED AND ADOPTED as an ordinance of the City of Winters at a regular meeting of said Council on the 6th day of September, 2011, by the following vote:

AYES: Council Members Aguiar-Curry, Anderson, Martin, Mayor Fridae
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None



Woody Fridae, MAYOR

ATTEST:



Nanci G. Mills, CITY CLERK

