

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, September 26, 2006 @ 7:30 PM

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

Chairman: Don Jordan
Vice Chairman: Albert Vallecillo
Commissioners: Jack Graf, Joe Tramontana, Pierre Neu, Bruce Guelden, and Wade Cowan
Administrative Assistant: Jen Michaelis
Community Development Director: Dan Sokolow

I CALL TO ORDER 7:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III COMMUNICATIONS:

1. Staff Reports
Current Planning Projects list dated September 19, 2006.
2. Commission Reports

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

V CONSENT ITEM

Approve minutes of the August 22, 2006 regularly scheduled meeting of the Planning Commission.

VI ACTION ITEMS:

1. Public Hearing and consideration of Site Plan application (2006-05-SP) submitted by Robert Ferguson for the installation of a new single-story, single-family 1727 square foot Craftsman-style manufactured residence with three bedrooms and two bathrooms at 434 Main Street (APN 003-182-64).
2. Public Hearing and consideration of Variance application (2006-001-VAR) submitted by Eva Boyko for a variance of 15.5-feet on the rear yard setback for the non-permitted 280 square foot addition constructed to the single-family, two-story residence located at 308 Peach Place (APN 003-271-28).

VII INFORMATIONAL ITEM

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON TUESDAY, SEPTEMBER 19, 2006.



DAN SOKOLOW – COMMUNITY DEVELOPMENT DIRECTOR

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

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

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR

PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING.

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

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

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

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

THE COUNCIL CHAMBERS IS WHEELCHAIR ACCESSIBLE

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of September 19, 2006
(530) 795-4910, extension 112, www.cityofwinters.org

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION
(1) Winters Highlands, Granite Bay Holdings, LLC, Larry John (916) 960-1656	Proposal to develop 413 single-family and 30 multi-family residential units in northwestern part of city. Application is being processed TSM, focused EIR (specific biological aspects), GPA, Zoning Amendment, PD Overlay, PD Permit, Inclusionary Housing agreement.	City Council approved Tentative Subdivision Map on April 4, 2006.	City Council approval of Final Map.
(2) Winters Village, Bob Thompson (West project) 707-372-9355 and John Siracusa (East project) 530-795-0213	Proposal to develop 15 attached single-family residences on the southwest and southeast corners of East Main and East Baker Streets.	Building permit submitted for West project (10 units) in April 2006. East project (5 units) under construction.	Issuance of building permit for West project.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	City Council approval of Final Map.
(4) Creekside Estates, Don Miller (530) 753-2596	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	City Council approval of Final Map.
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	City Council approval of Final Map.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	Planning Commission approved Tentative Subdivision Map on November 23, 2004.	City Council approval of Final Map.
(7) The Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal to develop 16 attached single-family residences at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Conditional Use Permit, Planned Development Overlay, Site Plan, and Development Agreement.	Planning Commission recommended denial of project on August 22, 2006.	City Council public hearing scheduled for September 19, 2006.

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of September 19, 2006
(530) 795-4910, extension 112, www.cityofwinters.org

<p>(8) Dunmore Commercial, Dunmore Communities, Rad Bartlam (916) 676-1115</p>	<p>Proposal to construct hotel, two retail outlets, three fast food restaurants, and gas station on the south side of East Grant Avenue adjacent to the Interstate 505 southbound on-ramp. General Plan Amendment, Rezone, Conditional Use Permit, Amendment/Update to Gateway Master Plan, and Site Plan.</p>	<p>Application submitted on April 12, 2005.</p>	<p>City staff determination of application completeness.</p>
<p>(9) Winters II, Community Housing Opportunities Corporation, Paul Ainger (530) 757-4444</p>	<p>Proposal to develop 34-unit apartment complex for low- and very low-income households at 110 East Baker Street.</p>	<p>Building permit application submitted in May 2006.</p>	<p>City issuance of building permit.</p>
<p>(10) Village on the Park, Village Partners, LLC, Mark Walther (310) 798-5656</p>	<p>Proposal to develop 75 attached single-family residences on Railroad Avenue south of NC Foliage (1029 Railroad). Tentative Subdivision Map, Conditional Use Permit, Planned Development Overlay, and Development Agreement.</p>	<p>July 19, 2006 Development Review Committee meeting.</p>	<p>City staff determination of application completeness.</p>
<p>(11) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>March 28, 2006 Planning Commission workshop.</p>	<p>City staff determination of application completeness.</p>
<p>(12) Anderson Place, Eva Brzeski (530) 902-9785</p>	<p>Proposal to develop up to 30 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Conditional Use Permit, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>May 25, 2006 Affordable Housing Steering Committee meeting.</p>	<p>City staff determination of application completeness.</p>

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of September 19, 2006
(530) 795-4910, extension 112, www.cityofwinters.org

AFFORDABLE HOUSING UNITS

Project #1: 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households.

Project #2: 3 units for low-income households.

Project #3: 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households.

Project #4: 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households.

Project #5: 11 units for very low-income households.

Project #6: 6 units for moderate-income households.

Project #7: 1 unit for very low-income and 1 unit for low-income households.

Project #9: 34 units for very low-income and low-income households.

Project #10: 4 units for very low-income and 7 units for low-income and moderate-income households.

Project #11: 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.

Project #12: 2 units for very low-income, 2 units for low-income, and 1 unit for moderate-income households.



PLANNING COMMISSION STAFF MEMORANDUM
September 26, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director 

SUBJECT: **Planning Commission minutes for August 22, 2006 meeting.**

The Planning Commission minutes for the above meeting have not been completed and will be presented to the Planning Commission at its October 30, 2006 meeting.

Planning Commission/August 22, 2006 Minutes Not Ready 26Sep06



PLANNING COMMISSION STAFF REPORT
September 26, 2006

TO: Chairman and Planning Commissioners

BY: Dan Sokolow – Community Development Director *DS*

SUBJECT: Action Items – Public Hearing and consideration of Site Plan (2006-05-SP) request submitted by Robert Ferguson for the installation of a 1,727 square foot single-story, single-family Craftsman-style manufactured home at 434 Main Street (APN 003-182-64).

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report, 2) Conduct the public hearing, and 3) Approve the Site Plan (2006-05-SP) request submitted by Robert Ferguson for the installation of a 1,727 square foot single-story, single-family Craftsman-style manufactured home at 434 Main Street (Assessor's Parcel Number 003-182-64).

BACKGROUND: The project applicant, Robert Ferguson, proposes to install a 1,727 square foot single-story, single-family Craftsman-style manufactured home with three bedrooms and two bathrooms at his property located at 434 Main Street. The existing residence, which is approximately 900 square feet in size, will be demolished in order to accommodate the new home. An existing detached garage located at the south end of the property will remain. Exterior features of the new home, which is manufactured by Silvercrest Western Homes Corporation, include a wrap around front porch with columns, a varied roof pattern with multiple gables, composition roofing, and siding. The property (APN 003-182-64) is approximately 6,400 square feet in size, has a General Plan land use designation of Low Density Residential (LR), and is zoned Single Family, 7,000 Square Foot Average Minimum (R-1 Zone).

METHODOLOGY:

Two actions are required to process the proposed project:

1. Confirmation of CEQA exemption finding – Class 3(a), New Construction or Conversion of Small Structures.
2. Approval of Site Plan (Design Review) and the attached conditions.

APPLICABLE REGULATIONS:

This project is subject to several regulations:

- The California Environmental Quality Act (CEQA)
- State Planning and Zoning Law

- City of Winters General Plan
- City of Winters Zoning Ordinance

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, September 14, 2006, 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 Tuesday, September 19, 2006. Please find attached copies of the published and mailed public hearing notices.

ENVIRONMENTAL ASSESSMENT: The Site Plan application has been reviewed in accordance with the California Environmental Quality Act (CEQA) is considered categorically exempt under Section 15303.

RECCOMENDED FINDINGS FOR 434 MAIN STREET (SITE PLAN)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 3(a) – New Construction or Conversion of Small Structures.
2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 3(a) New Construction or Conversion of Small Structures exemption for the 434 Main Street Project.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential and this designation provides for single-family detached homes. The project will result in the installation of a single-family residence.
2. The project is consistent with the provisions of the Zoning Ordinance. The principal uses of the R-1 Zone are single-family homes and duplexes. The project will result in the installation of a single-family residence.

RECOMMENDATION

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 434 MAIN STREET PROJECT (SITE PLAN) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Approval of the Site Plan (Design Review) of the project as depicted on the plans submitted and subject to the conditions of approval attached hereto.

ALTERNATIVES:

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

CONDITIONS OF APPROVAL FOR THE 434 MAIN STREET (SITE PLAN) LOCATED ON ASSESSOR PARCEL NUMBER 003-182-64, WINTERS, CA 95694.

1. 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, or 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 employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.
2. Approval of the applicant's project shall be null and void if the applicant fails to submit a building permit for the project within one year of Planning Commission approval.
3. The applicant shall obtain an encroachment permit for all work within the public right-of-way (water lateral, sewer lateral, etc.).

4. If not already installed, the applicant shall install a sewer lateral and cleanout that comply with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations acceptable to the Public Works Director.
5. If not already installed, the applicant shall install a water lateral and meter that comply with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations acceptable to the Public Works Director.
6. The applicant shall obtain all required City permits (building, encroachment, etc.) and pay all applicable fees (building, impact, encroachment, etc.).
7. The applicant shall report to the City building materials diverted from landfilling during the course of their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.
8. The applicant shall provide the City with a proof of payment receipt or exemption documentation for Winters Joint Unified School District facility fees at building permit issuance.
9. Final inspection for the manufactured home shall not be scheduled nor occupancy authorized until the public improvements (sewer lateral, sewer cleanout, water lateral, water meter etc.) have been installed, inspected, and accepted by the City.

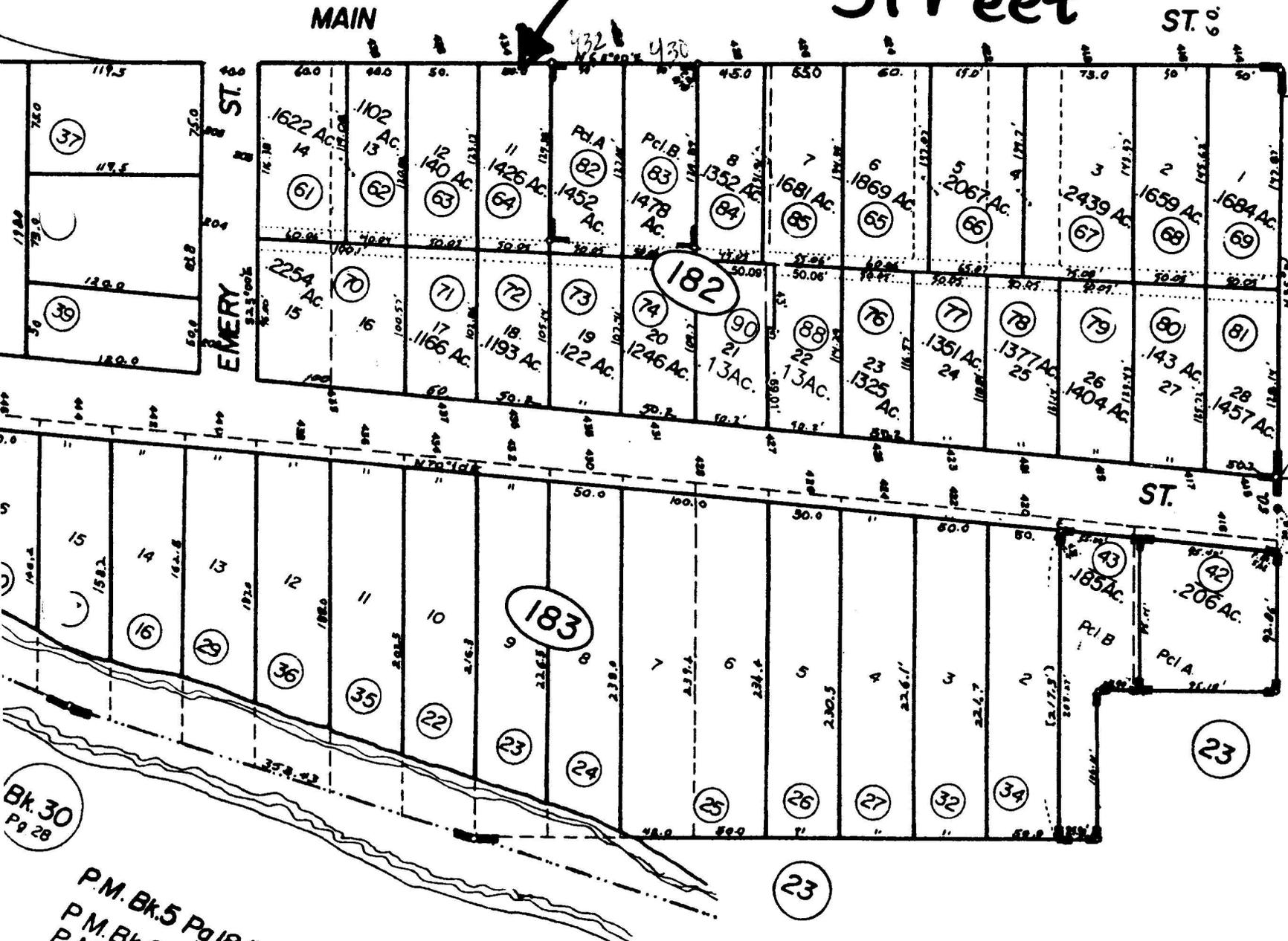
ATTACHMENTS:

1. Assessor's Parcel Map for Project Site
2. Site, Floor, and Elevation Plans
3. Public Hearing Notice (published and mailed copies)

Project Site 434 Main Street

CAUTION
These maps ARE NOT to be used for legal descriptions.

17



17

Bk. 30
Pg. 28

P.M. Bk. 5 Pg. 18 #2965--
P.M. Bk. 8 Pg. 18
P.M. Bk. 8 Pg. 18
P.M. Bk. 8 Pg. 18

23

← 434 MAIN ST 50' SIDEWALK (REAR) →

← 12' →

20'

30.4

HOUSE

← 5.6' →

DRIVEWAY

6.2'

GRASS

HOUSE

128'

← 14' →

DRIVEWAY

← 22' →

GARAGE

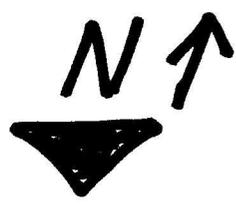
YARD

← 2' →

← 24.6' →

YARD

1 50 = 2'





SILVERCREST[®]
WESTERN HOMES CORPORATION

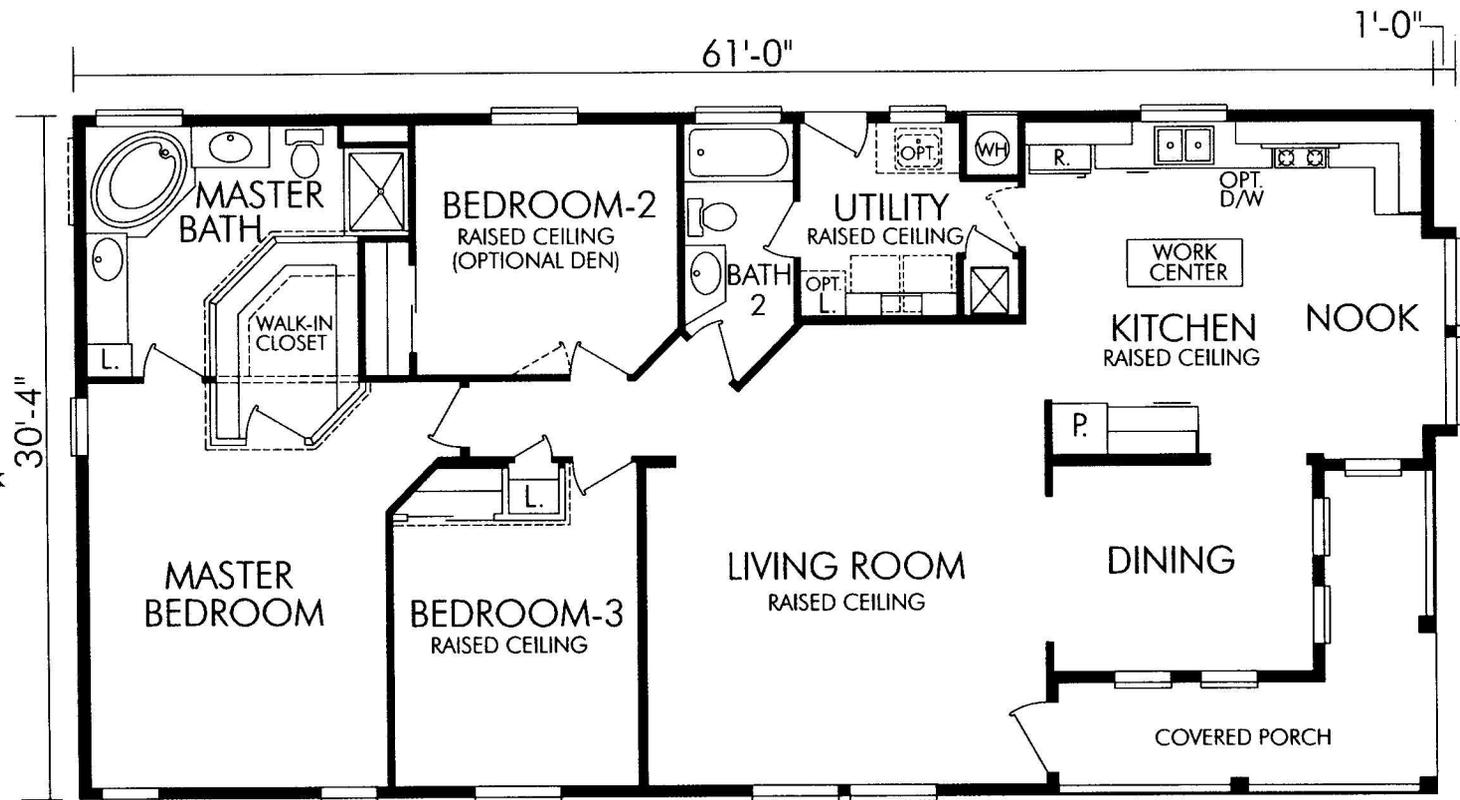
Westwood
CRAFTSMAN SERIES

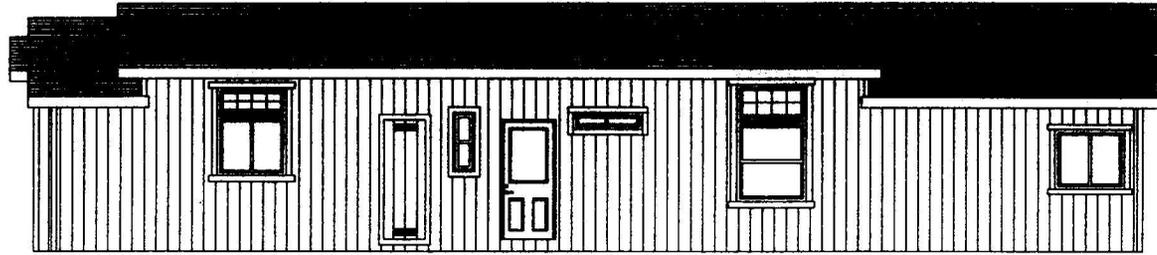
WC-20

Approx. 1727 SQ. FT.
(1859 SQ. FT. INCLUDING PORCH)

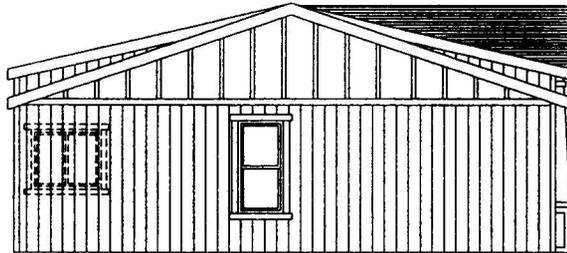
Simply
BUILDS THE BEST

This beautiful Craftsman Style home features three Bedrooms and two Baths along with a wrap around front corner Porch. Vaulted ceilings accented with raised volume ceilings in selected areas and architectural detailing are standard throughout the interior living spaces. The huge island Kitchen with informal Dining Nook is just one of the many outstanding features of this home. Luxury, style and convenience define the Kitchen and Master Bath. Silvercrest's flexibility allows you to custom tailor this home to suit your personal needs.





REAR



LEFT



RIGHT



FRONT

DATE 8-11-05	REVISED BY D.J.M.	DESCRIPTION OF REVISIONS REV. PER CRAIG	 SILVERCREST WESTERN HOMES CORPORATION		PLAN No. WC-20	MODEL 61/30-4-3BR	COMPUTER No. WC20-151	
			DATE 5-19-05	SCALE 3/16"=1'-0"	TITLE ELEVATIONS			
			DRAWN BY D.J.M.	CHECKED BY	APPROVED BY	GROUP 1	SECTION 5	SHEET 1 of

Winters
Express
P. B5
9/14/06

Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, September 26, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 434 MAIN STREET, ASSESSOR PARCEL NUMBER 003-182-64.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Site Plan application submitted for the installation of a 1,727 square foot single-story, single-family Craftsman-style manufactured home at 434 Main Street.

PROJECT DESCRIPTION: The project proponent, Robert Ferguson, has proposed to install a 1,727 square foot single-story, single-family Craftsman-style manufactured home at his residence located at 434 Main Street. Exterior features of the home include a wrap around front porch with columns, a varied roof pattern with multiple gables, composition roofing, and siding. The existing home, approximately 900 square feet in size, will be demolished in order to accommodate the new home. The property (APN 003-182-64) is approximately 6,400 square feet in size, has a General Plan land use designation of Low Density Residential (LR), and is zoned Single Family, 7,000 Square Foot Average Minimum (R-1). This project will require Site Plan approval from the Planning Commission.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

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".



9/14/06

NOTICE OF PUBLIC HEARING

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, September 26, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 434 MAIN STREET, ASSESSOR PARCEL NUMBER 003-182-64.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Site Plan application submitted for the installation of a 1,727 square foot single-story, single-family Craftsman-style manufactured home at 434 Main Street.

PROJECT DESCRIPTION: The project proponent, Robert Ferguson, has proposed to install a 1,727 square foot single-story, single-family Craftsman-style manufactured home at his residence located at 434 Main Street. Exterior features of the home include a wrap around front porch with columns, a varied roof pattern with multiple gables, composition roofing, and siding. The existing home, approximately 900 square feet in size, will be demolished in order to accommodate the new home. The property (APN 003-182-64) is approximately 6,400 square feet in size, has a General Plan land use designation of Low Density Residential (LR), and is zoned Single Family, 7,000 Square Foot Average Minimum (R-1). This project will require Site Plan approval from the Planning Commission.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

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".

Dan Sokolow – Community Development Director



PLANNING COMMISSION STAFF REPORT

September 26, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director 

SUBJECT: Action Items – Public Hearing and consideration of Variance request (2006-001-VAR) submitted by Eva Boyko for the rear yard setback for a non-permitted addition constructed to the single-family residence located at 308 Peach Place (APN 003-271-28).

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report, 2) Conduct the public hearing, and 3) Deny the applicant's Variance request on the rear yard setback for a non-permitted addition constructed to the single-family residence located at 308 Peach Place (Assessor Parcel Number 003-271-28).

BACKGROUND: The project applicant, Eva Boyko, has proposed a variance of 15.5-feet on the rear yard setback for the non-permitted 280 square foot addition she constructed to her 1,700 square foot (pre-addition square footage) single-family residence located at 308 Peach Place (APN 003-271-28). In July of this year, the Community Development Department was contacted about potential non-permitted construction activities at 308 Peach Place: construction of addition to residence and installation of air conditioning unit on the roof of the residence. After an initial review, the Community Development Department issued a stop work notice to the property owner for constructing an addition to the residence and installing an air conditioning unit without a required building permit.

Subsequently, the property owner, Eva Boyko, meet with staff on multiple occasions to discuss the addition project. According to the applicant, she was unaware that a building permit was required for the project and was told in the early 1990s by a former City of Winters Building Inspector that her property was "grand fathered-in" for converting her then-patio cover into a residential addition even though the addition would not be in compliance with the rear yard setback of 20-feet for the R-2 Zone. Boyko also indicated that she had installed a swamp cooler on her roof.

The project site (308 Peach Place, APN 003-271-28) is approximately 7,300 square foot in size, has a General Plan land use designation of Medium Density Residential (MR), and is zoned Single-Family, 6,000 Square Foot Average Minimum (R-2). This

project will require Variance approval from the Planning Commission.

DISCUSSION: Approval of a variance requires that the Planning Commission make the following three findings (Winters Municipal Code, Zoning – Section 17.24.040).

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated;
2. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of this Title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and
3. That the variance shall not be granted for a parcel of property which authorizes a use of activity which is not otherwise expressly authorized by the zone regulation (both general plan and zoning) governing the parcel of property.

While the third variance finding can be supported by the applicant's use of the addition area for residential purposes and this is consistent with the permitted uses of the MR/R-2 designations, there does not appear to be evidence that supports the first and second variance findings. The setback requirements for the R-2 Zone prevent residences in the vicinity of the project site and elsewhere in the same zone from constructing residential additions that do not conform to the setback requirements. As a result, granting the applicant a variance for a residential addition that does not meet the rear yard setback requirement could be considered a grant of special privilege. The project site does not contain any of the special circumstances such as an unusual lot size, shape, topography, location, or surroundings that would justify a variance. Denial of the variance does not prevent the applicant from continuing the residential use of her property.

Should the Planning Commission deny the variance application, the applicant would need to demolish the addition. Staff supports allowing the applicant to reconstruct the original patio cover since it was constructed prior to the applicant purchasing the residence in the early 1980s even though the patio cover would not be in compliance with the required rear yard setback. In the event that the Planning Commission approves the variance application, it is uncertain whether the required building inspections could be conducted to verify that the construction of the addition is in compliance with the California Building Code (CBC). If CBC compliance cannot be verified, the applicant would need to demolish the addition and then reconstruct it. Under both scenarios, the addition remains or the addition is demolished and then reconstructed, the applicant would be required to submit a building permit for review

and approval and be subjected to an investigation fee pursuant to the CBC for constructing the addition without the required building permit.

APPLICABLE REGULATIONS:

This project is subject to several regulations:

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Community Development Director in accordance with notification procedures set forth in the City of Winter's Municipal Code and State Planning Law. Two methods of public notice were used: (1) a legal notice was published in the Winters Express on Thursday, September 15, 2006, and (2) 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 Tuesday, September 19, 2006.

ENVIRONMENTAL ASSESSMENT: The Variance application has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is considered categorically exempt under Section 15303.

RECOMMENDED FINDINGS FOR 308 PEACH PLACE PROJECT (VARIANCE): Should the Planning Commission deny the project, staff has prepared the following findings of denial. Staff will provide the Commission with separate findings in the event that the Commission approves the project.

Variance Findings:

1. The variance constitutes a grant of special privilege. Residences located in the vicinity of the project site or elsewhere in R-2 Zones cannot construct residential additions without complying with the setback requirements.
2. There is not a special circumstance applicable to the subject property such as an unusual lot size, shape, topography, location, or surroundings which deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zone classification. Denial of the variance does not prevent the applicant from continuing the residential use of her property.
3. The variance conforms to the General Plan. The subject parcel has a General Plan land use designation of Medium Density Residential, which provides for single-family detached and attached homes. The project would result in an

Commission make an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION DENY THE 308 PEACH PLACE PROJECT (VARIANCE) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTION.

- Denial of the Variance.

ALTERNATIVES:

The Commission can elect to modify any aspect of the denial or to approve the application.

ATTACHMENTS:

1. Assessor's Parcel Map for project site
2. Statement submitted by applicant in support of project
3. Public Hearing Notice (published and mailed copies)
4. Correspondence regarding the project

Planning Commission/308 Peach Place VAR PC Stf Rpt 26Sep06

RECEIVED

AUG 21 2006

CITY OF WINTERS

My name is Eva Boyko; I live at 308 peach Pl, in Winters, CA. When I took my hand written paper in to Mr. Sokolow he requested that I type it. I hope you will forgive any errors. I am not really sure what it is I am supposed to write. I will start out explaining a little about my family and why we enclosed the Patio.

I am a single mother of five adopted children. My elderly parents also live with me. My children and I have used the covered patio as an out door living space and do so year round.

Because of the amount of people living in our home we are constantly spilling out into the patio to eat our meals. When the roof became dangerously close to falling down, my children and I recruited anyone who would help to rebuild it. We all worked to replace the roof and the cracked cement underneath ourselves.

We poured new concrete on a raised steel reinforced slab of the same dimension of the existing patio. We cut out and replaced all the broken rafters of the existing patio roof.

I decided I might as well enclose the three sides. This way we could leave the table out there all the time to eat our meals. We have an eat in kitchen that is too small for our table if we extend it to fit us all.

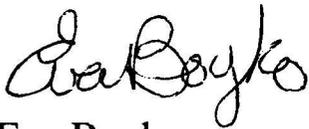
We framed in the walls in the same area of the pre-existing patio. A friend gave us a used swamp cooler which we installed on the roof. I think that the neighbor thought we were installing an air-conditioner, and did not like the look of the swamp cooler. Either way I am more than willing to remove the swamp cooler. I know that the view of the roof would be the same then, as the roof is the same as the pre-existing roof was.

I would also like to put in a ceiling fan and move my washer and dryer to the back patio as well. I can not afford to run the clothes

dryer and would like to hang my clothes up in the enclosed patio. I used to hand the clothes on a line I tied between the supports of the pre-existing patio.

I apologize for any inconvenience we may have caused. I thought that I was grandfathered in, that it wasn't a big deal. I am trying to conform to all that Mr. Sokolow has requested. I have borrowed the money for the variance, submitted my plans, allowed Mr. Sokolow to come and view my home and property. I hope this shows I am very sorry. Please allow my family to keep the walls up and not to have to tear them down.

Thank you, Sincerely,



Eva Boyko
308 peach Pl.
Winters, CA 95694
(530)795-0385

RECEIVED
AUG 21 2006
CITY OF WINTERS

Winters
Express

P. B5

9/14/06

Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, September 26, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 308 PEACH PLACE, ASSESSOR PARCEL NUMBER 003-271-28.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Variance for the rear yard setback of an addition to a single-family residence.

PROJECT DESCRIPTION: The project proponent, Eva Boyko, has proposed a variance of 15.5 feet on the rear yard setback for the non-permitted addition she constructed to her residence located at 308 Peach Place; the rear yard setback requirement is 20 feet. The property (APN 003-271-28) is approximately 7,300 square feet in size, has a General Plan land use designation of Medium Density Residential (MR), and is zoned Single Family, 6,000 Square Foot Average Minimum (R-2). This project will require Variance approval from the Planning Commission.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

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".

Published Sept. 14, 2006



9/14/06

NOTICE OF PUBLIC HEARING

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, September 26, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 308 PEACH PLACE, ASSESSOR PARCEL NUMBER 003-271-28.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Variance for the rear yard setback of an addition to a single-family residence.

PROJECT DESCRIPTION: The project proponent, Eva Boyko, has proposed a variance of 15.5-feet on the rear yard setback for the non-permitted addition she constructed to her residence located at 308 Peach Place; the rear yard setback requirement is 20 feet. The property (APN 003-271-28) is approximately 7,300 square feet in size, has a General Plan land use designation of Medium Density Residential (MR), and is zoned Single Family, 6,000 Square Foot Average Minimum (R-2). This project will require Variance approval from the Planning Commission.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTRESESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

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".

Dan Sokolow – Community Development Director

RECEIVED

SEP 15 2006

CITY OF WINTERS

City of Winters
Community Development Department
318 First Street
Winters, Ca. 95694

Dear Sirs;

In regards to the Notice of Public Hearing Letter dated 9/14/06 concerning the property at 308 Peach Pl. and Eva Boyko, owner, of said property. I am unable to attend this meeting due to a prior appointment but would like to comment for Eva Boyko's behalf.

I have seen the addition she constructed, it does not give a bad appearance like a hillbilly lean to, but a nicely designed addition. This woman is a hard working single mom, that has been an asset to our cul-de-sac. The appearance of the front of the house is always orderly. Being she has several children, this addition gives the family a little more covered space from weather conditions. The addition was not designed as a bedroom or living quarters, merely a covered porch. Most every house in our area is close to the back yard of the neighbors. The tract was developed long before new variances were developed. When the tract was developed no one had objections to being so close. It's not like there is an alley there and emergency vehicles must go through. Some of us have power poles in our neighbors yard yet the men have to come to ours to reach it, and the fences were set back so the power company could go to the pole from the yard its installed in.

If a little more time was spent taking care of fixing problems the city has now and less time trying to create a new petty variances (cause its an eye sore to someone) a lot more could be accomplished. Our streets are horrible, yet that doesn't seem to be a problem.

Please consider the hardship you will cause this family if you insist she remove it.

Delores Sorenson

Delores Sorenson
304 Peach Pl
Winters, Ca. 95694

September 19, 2006

City of Winters
Community Development Department
318 First Street
Winters, Ca 95694

RECEIVED
SEP 19 2006
CITY OF WINTERS

To Whom It May Concern:

I am writing in regards to the project undertaken at 308 Peach Place by Ms. Boyko. Whether the project was undertaken in ignorance or in disregard of building regulations, the approval of said project sends a message to the public that one can pretty much proceed as one desires with no recrimination. What then is there to deter other neighbors from undertaking similar projects?

Sincerely,

Marcia J. Hartz

A handwritten signature in cursive script that reads "Marcia J. Hartz". The signature is written in black ink and is positioned below the typed name.

