

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, January 22, 2008 @ 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: Albert Vallecillo
Vice Chairman: Pierre Neu
Commissioners: Joe Tramontana, Wade Cowan,
Bruce Guelden, Corinne Martinez, Glenn DeVries
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 Projects list dated January 15, 2008
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 December 11, 2007 regular meeting of the Planning Commission.

VI DISCUSSION ITEMS:

1. Public Hearing and consideration of Design Review application (2008-DR-01) submitted by David Lorenzo for the façade improvement of the building located at 111 – 115 Main Street (APN 003-201-15).
2. Public Hearing and consideration of Conditional Use Permit application (2008-CUP-01) submitted by Eva Brzeski for an indoor boat and recreational vehicle storage facility at 723 Railroad Avenue (APN 003-220-22).

VII COMMISSION/STAFF COMMENTS

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 WEDNESDAY, JANUARY 16, 2008.



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 January 15, 2008
(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	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	Planning Commission approved Design Review for Phase I residences on June 26, 2007.	Applicant revisions to Final Map and Improvement Plans.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	Applicant revisions to Final Map and Improvement Plans.
(4) Creekside Estates, Lynda Fletcher (530) 902-4288	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Applicant revisions to Final Map and Improvement Plans.
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	Applicant revisions to Final Map and Improvement Plans.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	Planning Commission approved Tentative Subdivision Map on November 23, 2004.	Applicant submittal of Final Map and Improvement Plans.
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council approved Tentative Subdivision Map on December 18, 2007.	Second reading of Rezone Ordinance scheduled for January 15, 2008 City Council meeting.

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(8) Winters II, Community Housing Opportunities Corporation, Ben Rosen (530) 757-4444	Proposal to develop 34-unit apartment complex for low- and very low-income households at 110 East Baker Street.	City issued certificate of occupancy for units and community center on December 18, 2007.	Project complete for City.
(9) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506	Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.	Applicant declined option to purchase project property.	Project not active.
(10) Anderson Place, Eva Brzeski (415) 887-9300	Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue.	City Council at its June 19, 2007 meeting took final action on the project by approving the project development agreement.	Applicant submittal of Final Map and Improvement Plans.
(11) Pearse Parcel Map, Thomas Pearse (530) 795-5901	Proposal for 4-unit parcel map at the south end of Third Street.	Planning Commission on October 9, 2007 approved project.	Applicant submittal of Final Map and Improvement Plans.
(12) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855	Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.	City Council on December 18, 2007 approved East Street closure at Grant Avenue and Encroachment Permit for diagonal parking and landscaping on East Baker Street.	Applicant submittal of Final Map, Improvement Plans, and building plans.
(13) Valadez, Frank Valadez, Trustee, 530-674-5102	Proposal to change General Plan and Zoning designations for the 1.421-acre parcel (APN 003-391-05) located east of the Winters Cemetery from public-quasi-public to residential use.	Draft Initial Study completed.	Applicant submittal of comments on Draft Initial Study.

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AFFORDABLE HOUSING UNITS

- Project #1:** 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households.
Project #2: 2 units for low-income households.
Project #3: 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households.
Project #4: 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households.
Project #5: 11 units for very low-income households.
Project #6: 6 units for moderate-income households.
Project #7: Not known whether residential units will be constructed.
Project #8: 34 units for very low-income and low-income households.
Project #9: 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.
Project #10: 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.
Project #11: Not applicable.
Project #12: Not applicable.
Project #13: Not applicable.

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, DECEMBER 11, 2007**

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

PRESENT: Tramontana, Martinez, DeVries, Neu, Guelden, Cowan, and Chairman Vallecillo

ABSENT: None

STAFF: Community Development Director Dan Sokolow, Planning Manager Kate Kelly, City Attorney John Wallace, City Engineer Nick Ponticello, Economic and Redevelopment Director Cas Ellena, Mayor Woody Fridae, and City Manager John Donlevy

Commissioner DeVries led the Pledge of Allegiance.

COMMUNICATIONS:

Staff Report: None.

Commission Report: None.

Citizen Input: None.

CONSENT ITEM

Approve minutes of November 27, 2007 regular meeting of the Planning Commission

Commissioner Neu made a motion to approve the minutes for the November 27, 2007 meeting of the Planning Commission. Seconded by Commissioner Martinez.

AYES: Tramontana, Martinez, DeVries, Neu, Guelden, Cowan, and Chairman Vallecillo

NOES: None

ABSTAIN: None

ABSENT: None

Motion passed 7-0.

DISCUSSION ITEM

1. Public Hearing and consideration of the GBH Commercial Project. The project is a proposed subdivision of 4.522 acres to create 7 commercial lots located at the southeast corner of Grant Avenue (SR 128) and East Street, west of the Subway Sandwich Shop, and north of the Winters II apartment complex. APNs 003-370-28 (1.274 acres), 003-370-29 (1.01 acres), and 003-370-30 (2.238 acres). Applicant: Larry J. John and/or D. Rick Cheney. Entitlements include Tentative Subdivision Map to create 7 commercial lots, 2 Conditional Use Permits to allow for drive-throughs, closure of East Street at Grant Avenue, Design Review for

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nine commercial buildings and conceptual landscaping plan, and Encroachment Permit for diagonal parking and landscaping on East Baker Street.

Community Development Director Sokolow reviewed the format for the Planning Commission review of the GBH Winters Commercial project and discussed the procedures for conducting the public hearing.

Planning Manager Kelly provided a summary of the project's details and entitlements. She noted that the Planning Commission would be making only a recommendation to the City Council on two of the entitlements this evening: encroachment permit for diagonal parking on East Baker Street and closure of East Street. Kelly said the City received three comments letters during the Negative Declaration circulation period. A technical change was made to the air quality analysis to reflect recent revisions to air quality thresholds provided by the YSAQMD and allowed idle time was reduced from 10 minutes to 5 minutes for construction equipment. A conceptual landscape plan has been prepared, but the applicant will still need to obtain a staff level approval for the final landscape plans and signage plans.

Commissioner Martinez asked what type of precedence might exist for the conditional use permits (CUPs) proposed for the two drive-throughs. Kelly said there are no drive-throughs in the currently in the City thus there is no precedence. Precedence would not occur until there had been a number of approvals creating a decision making pattern. The Commission's actions tonight should be seen as a singular decision for CUP. Commissioner Tramontana asked if it was possible to hold off on the CUP for Parcel B, the proposed restaurant, until the Planning Commission knew what use would be going in. Kelly said it was possible, but the applicant is probably interested in having the CUP approved at this time. She discussed how a CUP can be used to fine tune a use. Kelly noted that the CUP for Parcel B includes conditions to limit the operation hours of the drive-through, require litter pickup, and limit the noise impact of any drive-through speaker system to adjacent uses.

Commissioner Neu asked what would happen to the project if the Planning Commission approved the project this evening without the CUPs for the drive-throughs. Kelly said the Planning Commission could do this; however, the Planning Commission should hear from the applicant on the ramifications of this.

Commissioner DeVries said he supported having the drive-through for the credit union and noted that we do not know what will be going into the second building and it could be something other than a restaurant. Kelly said the applicant has stated that a restaurant is planned for the second building (second drive-through location).

Tyler Wade of Granite Bay Holdings, the project applicant, provided a summary of the project to the Planning Commission. He said many of the project graphics show a roundabout at the project, but he noted that the neither the City nor CalTrans have approved a roundabout for this location. However, Wade said that the project has been designed to provide right-of-way for a future roundabout. He discussed the individual design features of the project's buildings such as the use of barn doors and noted that

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an agrarian design theme has been used for the buildings. Wade said differing rooflines have been used to break up the masses of the buildings. Certain parts of the facades of the buildings have been staggered in order for some of the buildings to appear as multiple buildings. He said that Building One is intended for the Yolo Federal Credit Union, Building Two is planned for a restaurant, and Building Five would be occupied by Sutter Health. The remainder of the buildings would either accommodate office or retail uses. Wade said the future of economic development in Winters is very bright and Granite Bay Holdings appreciates being part of it.

In response to questions about not having the CUPs approved for the drive-throughs this evening, Wade said Granite Bay does not know how it would proceed without the CUPs. All of Granite Bay's plans integrate the drive-throughs. He said Granite Bay would have to step back and re-evaluate the project plans. Commissioner Tramontana said he was not concerned about the drive-through for the credit union building, but he was asking about the drive-through for the restaurant.

DeVries asked if all of the perimeter improvements could be completed in one phase. Wade discussed the importance of getting the credit union in as soon as possible, but he said the improvements on Grant Avenue would be dependent on receiving Caltrans' approval. DeVries said it would be nice to have the improvements and landscaping completed on Grant Avenue at the time that the project's buildings are completed. Chairman Vallecillo asked what portion of the Grant Avenue improvements would subject to Caltrans review. Granite Bay's project engineer Bryan Bonino of Laugenour and Mickle said Caltrans would review the area that starts at back of sidewalk and continues towards the roadway. Kelly stated that Condition of Approval #121 provided for the completion of the improvements prior to occupancy.

Neu complemented the applicant for the design of the project and expressed concerns that the drive-through for the restaurant would encourage many high school students who normally walk to restaurants during their lunch period to drive vehicles, perhaps as many as 60 vehicles, to the restaurant. He expressed concerns about having a fast food restaurant, cars idling at the restaurant's drive-through lane, and possible traffic problems at the project during the lunch hour. He predicted that the traffic would be a problem at the project during the lunch hour because of the fast food restaurant.

Vallecillo said he was concerned that the project may detract from some of the businesses in the downtown, but he expressed his support for having new buildings constructed in the City. He asked what other tenants besides the credit union and Sutter Health is planned for the project. Wade said his work for Granite Bay does not involve the leasing of the spaces and noted that some discussions with prospective tenants may not occur until Granite Bay's planning entitlements have been approved.

DeVries said the City needs the Granite Bay project and City's downtown is not getting any bigger.

Martinez asked if the prospective tenants have been involved in the design of the project. Wade said the design has been largely driven by the results of a focus group

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held to review the design and the conceptual design review held at the Planning Commission earlier this year. Martinez asked what occurs when a prospective tenant is not happy with the design of the building. Kelly said any changes to the building would need to be consistent with the design approved by the Planning Commission and a significant departure would have to be approved by the Planning Commission.

Vallecillo asked when the property owners association and CC&Rs would go into effect. Kelly said the project has been conditioned so the association and CC&Rs would go into effect with the recording of the final map. She also noted that the CC&Rs would be subject to review and approval by the City prior to issuance of the final map.

Commissioner Cowan said he liked the look of the project and it was time that the City had a project of this type approved. He noted that the City needed the tax base that the project would provide.

Commissioner Guelden complemented the project architect on the design of the buildings. He commented that there are some issues with the project, but the City needs the project and he supports it. Guelden asked whether Granite Bay had a preference for either a roundabout or traffic signal on Grant Avenue. Wade said Granite Bay does not have a preference.

Martinez noted that Granite Bay has only two prospective tenants, the credit union and medical center (Sutter Health), and asked what flexibility will be available to serve other tenants. Wade said Granite Bay will have a lot of flexibility and pointed out that the buildings contain demising walls and other features to address tenant needs.

Chairman Vallecillo opened the public hearing at 8:32 p.m. Justin Cox of 810 Walnut Lane asked what he could expect at the Grant Avenue and Walnut Lane intersection which is one of the entrances to the project. Tramontana said the project will result in increased traffic; however, he noted that a roundabout or traffic light will eventually be constructed at the intersection. Tramontana said he would prefer a roundabout and has driven through a number of them and views them favorably.

City Engineer Ponticello addressed the Planning Commission on the Grant and Walnut intersection. He said the City has not determined what type of improvement, either a roundabout or traffic signal, with Caltrans' assistance would be approved at the intersection. Ponticello said there are conflicting traffic movements at the intersection. A roundabout is not going in with this project, but he said an improvement with either a traffic signal or roundabout needs to ultimately go in at the Grant and Walnut intersection. Ponticello said the conditions of approval do require the Granite Bay project to construct interim improvements on Grant including a dual left-hand turning lane. Caltrans has seen the interim improvements from the City's Grant Avenue Access Study and conceptually wants to see interim improvement installed. The Granite Bay project is conditioned to allow the project to go forward while Caltrans reviews the encroachment permit request required for the interim improvements to Grant.

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Clyde Brooker, the Chief Executive Officer of the Yolo Federal Credit Union, said his organization was very supportive of the project.

Marcia Gibbs, 204 Main Street, expressed her concerns with the fast food restaurant and its drive-through. She commented a number of communities that have banned fast food restaurants. Gibbs read an opinion piece from a Winnipeg, Canada newspaper on global warming that cited the problems with drive-throughs. She said the Planning Commission needs to look at the long-term effects of the project and not just focus on the short-term.

Kathy Cowan, 106 Third Street, said the City needs the project. She said she made a conscious effort this year to do all her Christmas shopping in Winters this year, but had to give up and shop elsewhere. Regarding the drive-through for the restaurant, Cowan said she does not want to get out of her car when it is rainy or real hot. She asked where the out of town football players and families go to get a meal at 10:00 p.m.

Chairman Vallecillo closed the public hearing at 8:54 p.m.

Martinez noted that approval of the CUPs for the drive-throughs would be precedent setting since there are not any drive-throughs located in the City. She asked staff what criteria would be established for drive-throughs. Kelly said the City's Zoning Ordinance contains specific findings that have to be made for a CUP; however, she noted that the criteria applies to all CUP uses including drive-throughs. Kelly said the Central Business District Zone (C-2) permits drive-throughs with a CUP. She noted that the applicant applied under the current Zoning Ordinance requirements for a CUP and there would be a "fairness" issue if the CUP requirements were changed in the middle of the process.

Vallecillo said the question tonight is whether the project is good for the community. It is not about whether there will or will not be a fast food restaurant. He said the Planning Commission needs to look at the environmental impacts of the project. Vallecillo said the project is far below the pollutant thresholds established by the Yolo-Solano Air Quality Management District. He commented that fast food is not on trial here. Vallecillo expressed his hopes that the project would provide services that the City does not have. He expressed his concern about not having the project undermine the City's downtown. Vallecillo said he does not want to see the project turn the City's Main Street into the Main Street found in Dixon.

Commissioner Tramontana talked about the Grant Avenue signage recommended in the Downtown Master Plan report for the downtown and accelerating the process for getting this in and doing it at an appropriate location. Sokolow said the process for the signage has not begun and that it would need to be located near the Grant Avenue and Railroad Avenue intersection. Vallecillo related conversations he has had with non-residents who did not realize that Winters had a downtown even when they had traveled through the City.

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Neu said he could live with the credit union drive-through and probably the second drive-through at the restaurant location. But he expressed reservations about having a fast food restaurant including its effect on the existing restaurants in the downtown core area. Neu questioned whether a fast food restaurant would attract customers who were currently patronizing other fast food restaurants.

Vallecillo asked whether the Planning Commission could take a motion on the entire project except for the CUPs and then consider each of the CUPs individually. Kelly said the Planning Commission can take a motion on the entire project or breakup the recommended actions and take votes on them separately.

Motion by Martinez on approving all of the recommended actions for the project except the two CUPs for the drive-throughs. Seconded by Tramontana.

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

Motion passed 7-0.

Motion by Martinez and seconded by Guelden for approval of drive-through at Building One.

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

Motion passed 7-0.

Motion by Guelden and seconded by Cowan for approval of drive-through at Building Two. Martinez said that denying the permit at this time until the Planning Commission knows what tenant will occupy the building would not hurt the applicant.

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

Motion failed 3-4.

In the interest of the applicant's timing issues, City Attorney Wallace said the Planning Commission should provide findings this evening to explain the reasoning behind the denial of the second CUP.

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The Planning Commission took a recess at 9:26 p.m.

Chairman Vallecillo reconvened the meeting at 9:35 p.m.

Martinez asked about the appropriate form for the findings of denial of the second CUP. Planning Commissioners discussed whether separate, written findings would be required. Sokolow said the Planning Commission could provide verbal findings and the meeting minutes would then reflect the findings reached by the Planning Commission. Tramontana asked whether the Planning Commission's findings would need to address each of the seven findings required for approval of a CUP. Kelly responded no.

Martinez asked whether the Planning Commission would need to find language for the findings that would be acceptable to all of the Planning Commissioners. Kelly responded no.

Vallecillo said he believed that the lack of knowledge that the Planning Commission has on Building 2 prevents the Planning Commission from making a determination that the CUP would not be detrimental to the public health, safety, or general welfare. Furthermore, the same lack of knowledge does not allow the Planning Commission to make a determination on whether the use covered under the CUP would be harmful to the neighborhood adjacent to Building 2 and impact the character of the neighborhood.

Martinez asked whether the findings provided by Vallecillo were sufficient. Wallace said the applicant is entitled to know why the second CUP was denied. Otherwise, on an appeal to the City Council, the Council would then send the item back to the Planning Commission so that finding could be made. Wallace suggested that the Planning Commission provide more elaboration in the findings.

Kelly suggested that the Planning Commission add the following language to the findings.

The Planning Commission finds that the proposed CUP while generally consistent with the C-2 Zone lacks specific information with regard to the tenant and the use of the business space which precludes the Planning Commission from making a determination on whether requested use of the CUP will not detrimentally impact the character of the neighborhood, will not be detrimental to the public health, safety or general welfare, and will not create a nuisance or enforcement problem with the neighborhood.

Tramontana said the drive-through is not the question the Planning Commission should be considering. Fast food is the question. He said fast food is not a good thing for the City, especially at the freeway. Tramontana commented that there would not be a problem if the applicant said that a coffee shop or Starbucks was going to be put in at the Building 2 site. Cowan asked what is the difference between a coffee shop and a fast food restaurant.

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Martinez said the discussion of fast food restaurants and drive-throughs should be a future discussion item at the Planning Commission. DeVries commented that the City already has a lot of fast food. Vallecillo recommended that Planning Commission discuss fast food restaurants and drive-throughs at the next meeting and everyone can bring all their facts on these issues.

COMMISSION/STAFF COMMENTS:

Commissioner Tramontana said the Winters Participation Gallery (Winters Center for the Arts) has a lot of great things for sale from kids' bowls to quilts. He also complimented Winters Express writer Justin Cox on his coverage of the Planning Commission.

City Attorney Wallace advised that the Planning Commission should vote on the findings of denial for the second CUP.

Motion by Martinez and seconded by Vallecillo to approve the findings of denial for the second CUP at the GBH Winters Commercial Project.

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

Motion passed 5-2.

The meeting was adjourned at 10:02 p.m.



PLANNING COMMISSION STAFF REPORT
January 22, 2008

TO: Chairman and Planning Commissioners

BY: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Public Hearing and consideration of Design Review application (2008-DR-01) submitted by David Lorenzo for the façade improvement of the building located at 111 – 115 Main Street (APN 003-201-15).**

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 Design Review application (2008-DR-01) request submitted by David Lorenzo for the façade improvement of the building located at 111 – 115 Main Street (Assessor Parcel Number 003-201-15).

BACKGROUND: David Lorenzo, the applicant and property owner, has submitted a Design Review application for the façade improvement of the building located at 111 – 115 Main Street (APN 003-201-15). The applicant has also submitted a grant funding request through the Winters Community Development Agency's Façade Improvement Program. The building's tenants include Buckhorn Catering, Time & Again, and Curves. The façade improvements would result in the creation of up to nine storefronts and would include additional windows and the replacement of existing windows with wood or wood-type frames, the installation of wainscot (panel work) at the base of the storefronts, the creation of five false fronts with cornice lines and gable-type features, and painting of the existing concrete walls. Stucco work may be included in the project.

The City's design consultant, Mark Brodeur of Pacific Municipal Consultants, reviewed the façade improvement project. Brodeur's review was favorable and two of his suggestions have been incorporated into the conditions of approval: #3 (no illuminated or backlit signage on awnings and restricting awning signage to the valence flap) and #4 (all stucco required to have commercial hand trowel finish). The project site (APN 003-201-15) is approximately 22,782 square feet in size; has a General Plan land use designation of Central Business District (CBD); and is zoned Central Business District (C-2 Zone).

While the applicant's elevation/site plan details improvements to the project site's

parking lot, these improvements are preliminary in nature and may be submitted later for Planning Commission approval.

METHODOLOGY:

Two actions are required to process the proposed project:

1. Confirmation of CEQA exemption finding – Class 1, Existing Facilities.
2. Approval of 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, January 10, 2008, 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 the January 22, 2008 Planning Commission 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 Wednesday, January 16, 2008.

ENVIRONMENTAL ASSESSMENT: The Design Review application has been reviewed in accordance with the California Environmental Quality Act (CEQA) is considered categorically exempt under Section 15301.

RECCOMENDED FINDINGS FOR 111 – 115 MAIN STREET (DESIGN REVIEW)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 1 – Existing Facilities.
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 1 Existing Facilities exemption for the 111 – 115 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 Central Business District. This designation provides for restaurants, retail, service, professional and administrative offices, and other uses. The project will support these uses by improving the appearance of the building located at 111 – 115 Main Street.
2. The project is consistent with the provisions of the Zoning Ordinance. The C-2 Zone allows a variety of commercial uses and the project would support commercial use of the building.

RECOMMENDATION

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 111 – 115 MAIN STREET PROJECT (DESIGN REVIEW) 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 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 111 – 115 MAIN STREET (SITE PLAN) LOCATED ON ASSESSOR PARCEL NUMBER 003-201-15, 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

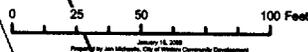
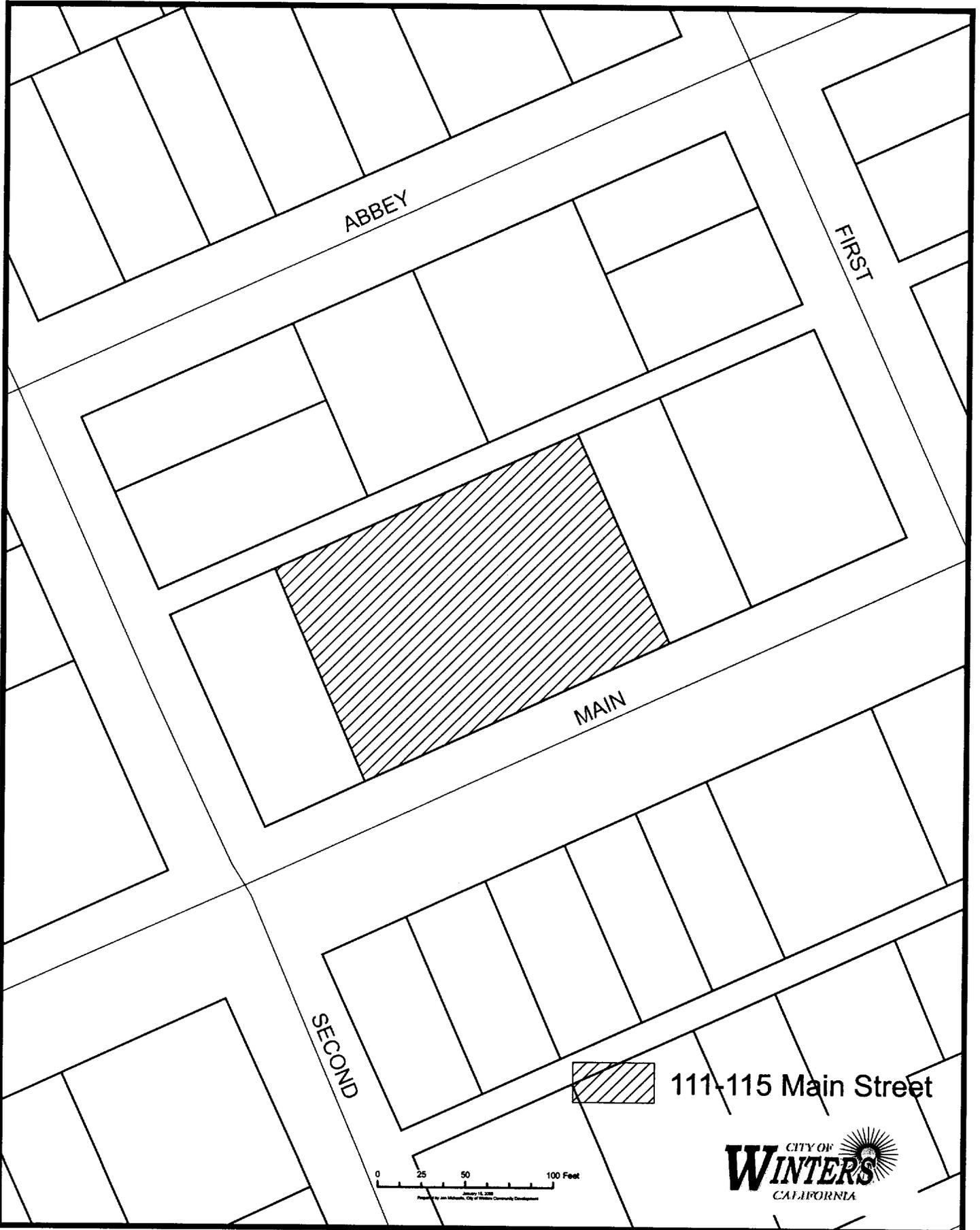
Applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.

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 the Planning Commission's approval of the Design Review application.
3. Signage for awning shall not be illuminated or backlit. All signage on awnings shall be restricted to the awning valance flap.
4. All stucco applications shall be commercial hand trowel finish (Santa Barbara) (Cat's Eye) and not machine applied as in residential (sand) applications.
5. The applicant shall obtain a building permit and pay the applicable building permit fees for the façade improvement.
6. The address numbers for the individual storefronts shall be clearly visible from the street fronting the property. The address numbering shall be either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting background.
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.

ATTACHMENTS:

1. Location Map for Project
2. Narrative Prepared by Project Architect
3. Elevation/Site Plan
4. Design Memorandum from Mark Brodeur dated December 21, 2007
5. Public Hearing Notice (published and mailed copies)

111-115 Main Street Facade Improvement





DESIGNWORKS

November 16, 2007

Attn: Cas Ellena
Redevelopment Director
City of Winters,
318 First Street,
Winters, CA 95694

Re. Lorenzo's Façade Information

Material Call Outs;

Storefronts; Front Doors, $\frac{3}{4}$ Glass Wood Doors, w/ Commercial Grade Hardware.
Windows, Clad Wood Windows.

Panel Work & Trim; Exterior Grade MDF and/or Redwood, painted.
Walls; Existing walls to be removed where storefronts occur.
Remaining portions to be applied with new stucco and painted.

Colors; Color selection represented by Historic Ace Paint Color Chart or similar.
Field Colors; Hues in Golden Wheat Yellows, Sage Greens and Ochre Red Browns.
Trim Colors; Complimentary Accents to Primary Field Colors used sparingly.

Illumination;

Street Lights; Historic Street Lamps to match the city standard with similar lamps.
(6) New units placed per site plan.

Street Trees; Small Bulb Strings (Christmas Lights) to match the city standard.
Located per plan.

Building Illumination;

Entrances; Recessed non-visible fixtures in entrance alcoves.
Cornice Lines; may be lit on occasion w/ small bulb strings
similar to the Opera House.

Signage;

All business signage will be applied under separate permits Signs are to be historic in style and lit with external lamps. Internally lit plastic type signs will not be permitted.

A
COMMERCIAL
REMODEL
FOR
LORENZO
SQUARE

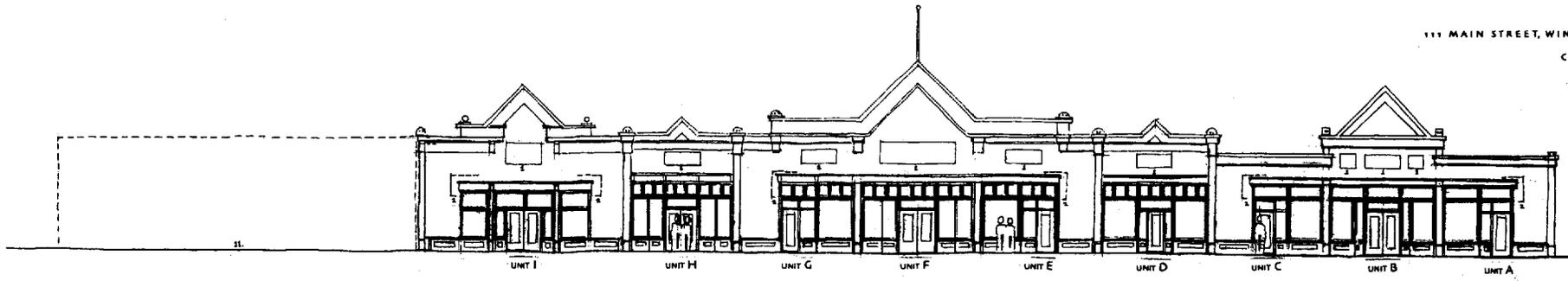
111 MAIN STREET, WINTERS, CA, 95694

CONCEPT SKETCH

10.15.2007

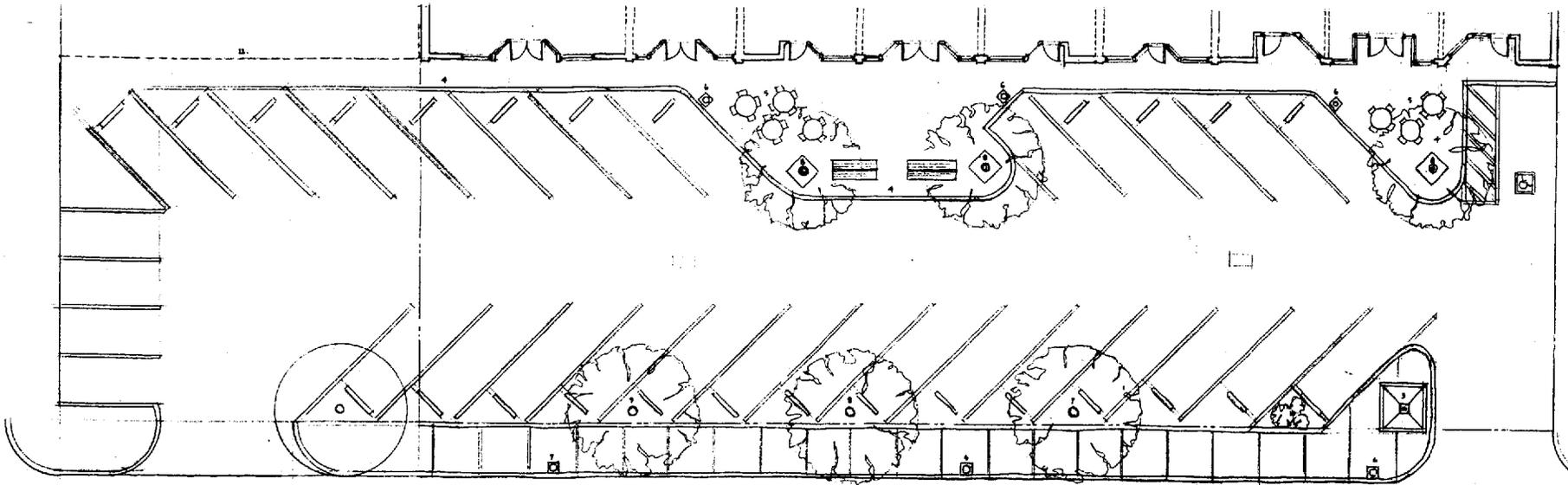
07.10

By: [Signature]
Checked: [Signature]
Date: 10/15/07
Scale: 1/8" = 1'-0"



- EXTERIOR FEATURES**
- 1. Refurbished Elevator
 - 2. Assessment and Location of Glass
 - 3. Structural Area dependent on analysis by Structural Engineer.
 - 4. Detail location and transfer conditions to be suitable of tenant requirements
- 1. Structural Edge Location**
- 2. Entry Canopy**
- typical above each unit.
Color and shape to vary.
Backlight with business name.

STREET ELEVATION (Concept Sketch)



MAIN STREET

- SITE FEATURES**
- 1. Check Station, Near (N)
 - 2. Refurbish Elevator
 - 3. Assess and locate of Glass
 - 4. Structural Area dependent on analysis by Structural Engineer.
 - 5. Detail location and transfer conditions to be suitable of tenant requirements
 - 6. Check Station, Near (N)
 - 7. Check Station, Near (N)
 - 8. Check Station, Near (N)
 - 9. Check Station, Near (N)
 - 10. Check Station, Near (N)
 - 11. Check Station, Near (N)
- LANDSCAPE FEATURES**
- 1. Street Tree, Near (N)
 - 2. Street Tree, Near (N)
 - 3. Street Tree, Near (N)
 - 4. Street Tree, Near (N)
 - 5. Street Tree, Near (N)
 - 6. Street Tree, Near (N)
 - 7. Street Tree, Near (N)
 - 8. Street Tree, Near (N)
 - 9. Street Tree, Near (N)
 - 10. Street Tree, Near (N)
 - 11. Street Tree, Near (N)
- OTHER**
- 1. Address Property

PROJECT SITE PLAN (Concept Sketch)

Design Review Memorandum

From: Mark Brodeur, PMC

To: Cas Ellena, City of Winters

RE: Lorenzo's Façade and The Depot Façade

Date; December 21, 2007

Lorenzo's Façade

In a nutshell, this is a wonderful project. When I looked at the pictures of how this property currently appears, I was not hopeful for the quality of the Façade project. I'm happy to report that I was pleasantly surprised by how well the project is designed.

Here are some thoughts for the City to consider.

The on-site parking appears excessive. The Form Based code will likely prohibit parking between the storefront and the sidewalk. The Form-Based code will likely seek to reduce the City's current parking requirement. For example, if we suggested a retail commercial ratio of 1 parking space per 400 sq. ft., we would be looking at a total square footage of 12,800 sq. ft. in the building. Is this building that large?

I do not know how much square footage this property represents.

If we could reduce the parking, the property could be improved further with a wider storefront sidewalk. The current width is woefully inadequate. We might also be able to move away from the one way circulation, thereby negating the need for two curb cuts on Main Street.

One item which must not be permitted is the backlit awnings (See #2 on the Exterior Features). All Signage on awnings shall not be illuminated or backlit. All signage on awnings shall be restricted to the awning valence flap only.

New stucco is going to be used on the storefront elevations. All stucco shall be commercial hand trowel finish (Santa Barbara) (Cat's Eye) and not machine applied as in residential (sand) applications.

Need a colored elevation. A color chart reference is inadequate.

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, January 22, 2008, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 111 – 115 MAIN STREET, ASSESSOR PARCEL NUMBER 003-201-15.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Design Review application submitted for facade improvements at the building located at 111 – 115 Main Street (APN 003-201-15).

PROJECT DESCRIPTION: The project applicant, David Lorenzo, proposes to revise the south facade (Main Street side) of the 111 – 115 Main Street building. The project will result in the creation of up to nine storefronts and will include new windows and the replacement of existing windows with wood or wood-type frames, the installation of wainscot (panel work) at the base of the storefronts, the creation of five false fronts with cornice lines and gable-type features, and painting of the existing concrete walls. The use of stucco may be included in the project. Cuts will be made in the existing concrete walls in order to accommodate new window locations. The existing building is one story and has a combined concrete/wood facade. The wood portion of the facade will be removed to accommodate the proposed facade improvements. The property (111 – 115 Main Street, APN 003-201-15) is approximately 22,782 square feet in size, has a General Plan land use designation of Central Business District (CBD), and is zoned Central Business District (C-2 Zone).

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
Published January 10, 2008

Winters
Express

1/10/08

P. B7



01/10/08

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APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the Design Review application submitted for façade improvements at the building located at 111 – 115 Main Street (APN 003-201-15).

PROJECT DESCRIPTION: The project applicant, David Lorenzo, proposes to revise the south façade (Main Street side) of the 111 – 115 Main Street building. The project will result in the creation of up to nine storefronts and will include new windows and the replacement of existing windows with wood or wood-type frames, the installation of wainscot (panel work) at the base of the storefronts, the creation of five false fronts with cornice lines and gable-type features, and painting of the existing concrete walls. The use of stucco may be included in the project. Cuts will be made in the existing concrete walls in order to accommodate new window locations. The existing building is one story and has a combined concrete/wood facade. The wood portion of the façade will be removed to accommodate the proposed façade improvements. The property (111 – 115 Main Street, APN 003-201-15) is approximately 22,782 square feet in size, has a General Plan land use designation of Central Business District (CBD), and is zoned Central Business District (C-2 Zone).

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.

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Dan Sokolow – Community Development Director



PLANNING COMMISSION STAFF REPORT
January 22, 2008

TO: Chairman and Planning Commissioners

BY: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Public Hearing and consideration of Conditional Use Permit application (2008-CUP-01) submitted by Eva Brzeski for an indoor boat and recreational vehicle storage facility located at 723 Railroad Avenue (APN 003-322-20).**

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 Conditional Use Permit application (2008-CUP-01) request submitted by Eva Brzeski for an indoor boat and recreational vehicle storage facility at 723 Railroad Avenue (Assessor Parcel Number 003-322-20).

BACKGROUND: Eva Brzeski, the applicant and property owner, has submitted a Conditional Use Permit application to use the vacant 27,000 square foot warehouse-type building located at 723 Railroad Avenue for an indoor boat and recreational vehicle storage facility. The applicant may also pursue boat mechanic services and boat sales at the project site. Last year, the City Council approved the Anderson Place project which consists of 28 multi-family residential units and 9 office suites at the same location. Because of the decline in the residential housing market, the applicant has decided to delay development of the residential/office development. The applicant will pursue a boat and recreational vehicle storage facility in order to generate revenue until the housing market improves and the risk factor of moving forward with the residential/office project lessens. Simmons Real Estate/John Simmons, the owner/manager of the Winters Self Storage facility located on Railroad Avenue, will manage the applicant's business.

The existing building was used by the MC Refrigeration business until the business closed in 2005. The building will require a number improvements before it can be occupied for the storage of boats and recreational vehicles. Potential improvements include the construction of a ramp to access the building for the boats and recreational vehicles since the floor of the building is elevated at least 3 feet above the ground, venting of the building, and accessibility work.

The project site (APN 003-322-20) is approximately 2.13 acres in size. The upper one-third of the site has a General Plan designation of Office (OF) while the lower two-thirds of the site has a Central Business District (CBD) designation. Zoning is Office (O-F Zone) for the upper one-third of the site and Central Business District (C-2 Zone) for the lower two-thirds of the site. Personal storage is a conditional use in the C-2 Zone while personal storage is neither a permitted or conditional use in the O-F Zone. Most of the project site building is located in the C-2 Zone. The applicant has not determined whether the boats sales will be conducted outdoors or within the project site's building. Outdoor sales is a conditional use in the C-2 Zone and the CUP for the boat and recreational vehicle storage facility would also cover outdoor boat sales should the applicant pursue this. Outdoor sales is neither a permitted or conditional use in the O-F Zone.

METHODOLOGY:

Two actions are required to process the proposed project:

1. Confirmation of CEQA exemption finding – Class 1, Existing New Construction or Conversion of Small Structures.
2. Approval of the Conditional Use Permit 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, January 10, 2008, 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 the January 22, 2008 Planning Commission 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 Wednesday, January 16, 2008.

ENVIRONMENTAL ASSESSMENT: The Design Review application has been reviewed in accordance with the California Environmental Quality Act (CEQA) is considered categorically exempt under Section 15301.

RECOMMENDED FINDINGS FOR 723 RAILROAD AVENUE (CONDITIONAL USE PERMIT)

CEQA Findings:

1. The project qualifies for an exemption from the provisions of CEQA, Class 1 –

Existing Facilities.

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 1 Existing Facilities exemption for the 723 Railroad Avenue Project.

Conditional Use Permit Findings:

1. The requested use will be in conformity with the General Plan. The General Plan designates the project site as Central Business District. This designation provides for restaurants, retail, service, professional and administrative offices, and other uses. The project would provide a service through indoor storage of boats and recreational vehicles and potentially would provide boat sales.
2. The requested use is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit. Personal storage and outdoor sales are listed as a conditional uses in the C-2 Zone.
3. The requested use is consistent with the intent and purpose of the zone in which it is located, and will not detrimentally impact the character of the neighborhood. The C-2 Zone allows for a variety of commercial uses including personal storage and outdoor sales through a conditional use permit. The project would results in two commercial uses: personal storage and potentially boat sales.
4. The requested use will not be detrimental to the public health, safety or general welfare. All tenant improvements completed for the project site building will be consistent with the California Building Codes and local building standards (Winters Municipal Code, Title 15 – Buildings and Construction).
5. Adequate utility, access roads, drainage, sanitation and/or other necessary facilities or services will be provided. The project site has access to Railroad Avenue and the project is not expected to require additional utility facilities or services.
6. The requested use will not create a nuisance or enforcement problem within the neighborhood. The project site is fenced and the storage of the boats and recreational vehicles will occur inside an existing warehouse while boat

sales will potentially occur outside of the building.

7. The requested use will not result in a negative fiscal impact upon the city.
Boat sales will generate sales tax for the city.

RECOMMENDATION

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 723 RAILROAD AVENUE PROJECT (CONDITIONAL USE PERMIT) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of conditional use permit findings.
- Approval of the Conditional Use Permit and subject to the conditions of approval attached hereto.

ALTERNATIVES:

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

CONDITIONS OF APPROVAL FOR THE 723 RAILROAD AVENUE (CONDITIONAL USE PERMIT) LOCATED ON ASSESSOR PARCEL NUMBER 003-322-20, 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 application for the project's tenant improvements within one year of the Planning Commission's approval of the Conditional Use Permit application.

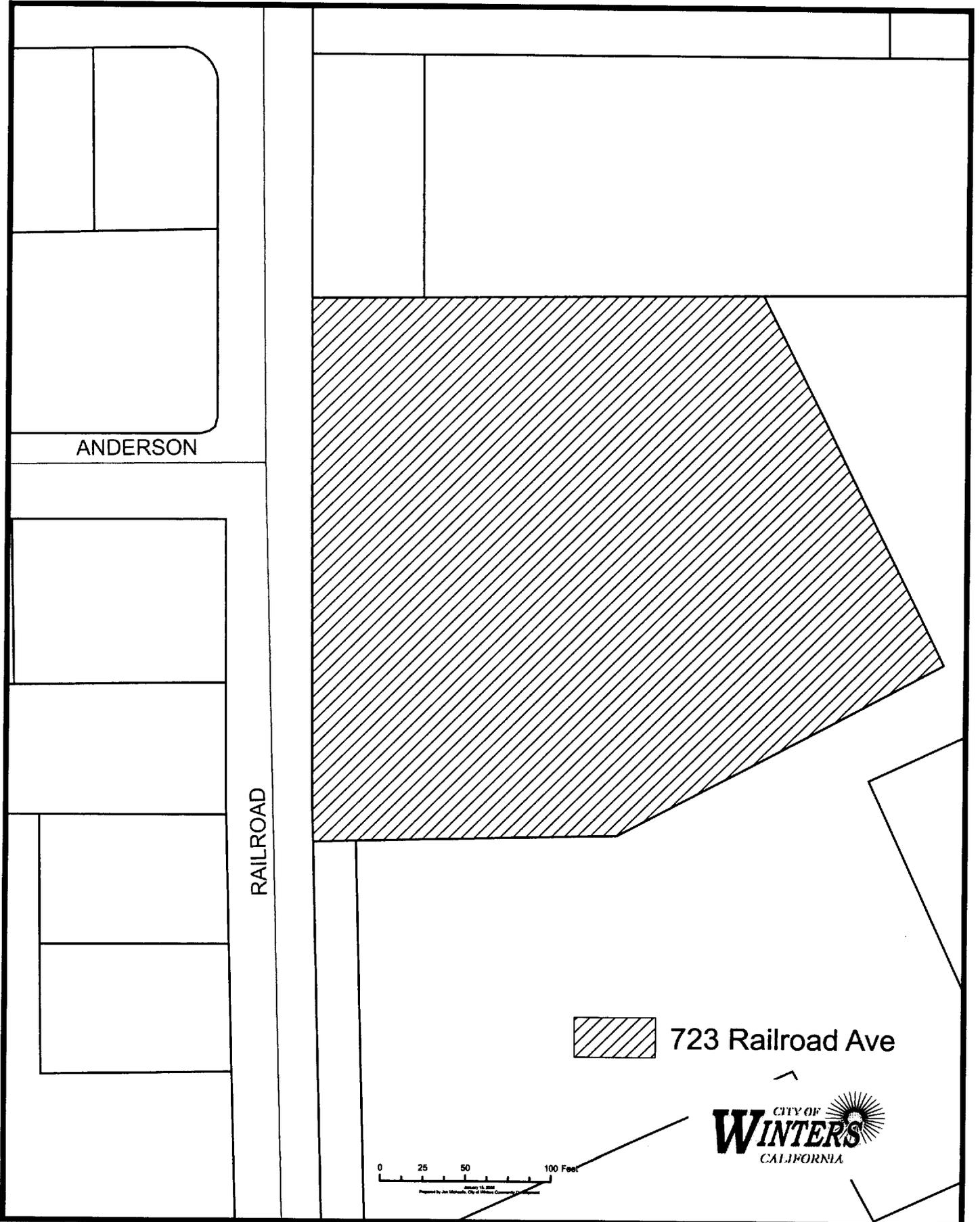
3. The applicant shall obtain a building permit and pay the applicable building permit fees for the tenant improvements.
4. The applicant shall obtain Community Development Department approval for all project signage.
5. The applicant shall report to the City building materials diverted from landfilling during the course of their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.

ATTACHMENTS:

1. Location Map for Project
2. Project Description/Justification from Applicant
3. Public Hearing Notice (published and mailed copies)

Planning Commission/723 Railroad Ave CUP Storage PC Stf Rpt 22Jan08

723 Railroad Ave Vicinity



RECEIVED

DEC 20 2007

CITY OF WINTERS

Explanation of Request for
Conditional Use Permit for 723 Railroad Avenue, Winters, CA
To Allow for Indoor Boat and RV Storage

The property is a 2.1 acre parcel improved with a 26,000 sq ft warehouse. The property was recently entitled for redevelopment, featuring townhome-style residences with ground floor offices/small business spaces in the units facing Railroad Avenue.

Recent Market Developments

Because of the rapid deterioration in the housing market during the past year, we do not feel the timing is appropriate to move forward with the redevelopment. The pace of housing sales in Winters has slowed dramatically and most potential home buyers are sitting on the sidelines waiting to see what the future holds before making a purchase. In our view, the depressed market could persist for many months and could last several years because of the number of foreclosures in the pipeline throughout the Sacramento Valley region. We remain interested in redeveloping the site as soon as the market permits doing so without taking on excessive risk.

Proposed Interim Use

In the mean time, we need to generate revenue from the property. During the past several months, we have interviewed a number of local and regional businesspeople to determine what kind of use is most viable. We have investigated more than a dozen specific uses by speaking with people in those businesses. Based on this research, we feel that an indoor boat storage business is most likely to be viable. In addition, we would like to pursue a boat mechanic business and boat sales, to the extent that we can identify qualified personnel to offer these services.

Property Management and Business Oversight

Property management and general oversight will be provided by Simmons Real Estate/John Simmons, the manager of the Winters Self Storage business located just north of our property. Simmons Real Estate currently operates seven personal storage businesses throughout the

region and has more than 30 years of experience in this business.

Benefits of the Proposed Business

Winters will benefit from having an active business located at 723 Railroad Avenue rather than a dormant property. The customers of the business are likely to generate economic activity for Winters when they come to the facility to put in or take out their boats. To the extent that we can launch the proposed boat mechanic and/or boat sales businesses, these activities could generate additional benefits such as additional employment and sales taxes. In addition, when the housing market improves and we are able to proceed with redevelopment of the property, we will attempt to relocate the boat storage and related businesses to a new location in the City. This will provide the benefit of retaining the economic activity created by the business and potentially leading to development of a new facility in the City, should a suitable property be available at the time and at a price that justifies the development.

Conditional Use and Signage Request

In order to announce the business to potential customers, we need to create appropriate signage. This may include signs both on the building and also on the perimeter fence along Railroad Avenue. It may be necessary to have one sign for the boat storage business and a separate sign for the boat mechanic business.

We are requesting a conditional use permit to open the business as soon as possible after the January 22, 2007 planning commission meeting. We are also requesting permission to install the signs upon approval of the specific sign designs by City staff. We appreciate the patience of the Planning Commission and City staff during the past two years as we have progressed with our project. We remain committed to working in the City of Winters and look forward to the possibility of future projects in the City.

Sincerely,

Eva I. Brzeski and Jan B. Brzeski

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, January 22, 2008, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 723 RAILROAD AVENUE,
ASSESSOR PARCEL NUMBER 003-220-22.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Conditional Use Permit application for an indoor boat and recreational vehicle storage facility.

PROJECT DESCRIPTION: The project applicant, Eva Brzeski, proposes to use the vacant 27,000 square foot warehouse-type building located at 723 Railroad Avenue for the storage of boats and recreational vehicles. The project site, 723 Railroad (APN 003-220-22), is approximately 2.13 acres in size. Approximately one-third of the site has a General Plan land use designation of Office (OF) while the remaining two-thirds is designated Central Business District (CBD). Approximately one-third of the site is zoned Office (O-F) while the remaining two-thirds is zoned Central Business District (C-2). Personal storage requires a conditional use permit in the C-2 Zone. The applicant plans to use the site also for boat sales and repair.

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
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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, January 22, 2008, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 723 RAILROAD AVENUE, ASSESSOR PARCEL NUMBER 003-220-22.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Conditional Use Permit application for an indoor boat and recreational vehicle storage facility.

PROJECT DESCRIPTION: The project applicant, Eva Brzeski, proposes to use the vacant 27,000 square foot warehouse-type building located at 723 Railroad Avenue for the storage of boats and recreational vehicles. The project site, 723 Railroad (APN 003-220-22), is approximately 2.13 acres in size. Approximately one-third of the site has a General Plan land use designation of Office (OF) while the remaining two-thirds is designated Central Business District (CBD). Approximately one-third of the site is zoned Office (O-F) while the remaining two-thirds is zoned Central Business District (C-2). Personal storage requires a conditional use permit in the C-2 Zone. The applicant plans to use the site also for boat sales and repair.

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Dan Sokolow – Community Development Director