



PLANNING COMMISSION STAFF REPORT
January 27, 2009

TO: Chairman and Planning Commissioners

BY: Nelia Dyer – Community Development Director

SUBJECT: Public Hearing and Consideration of a Site Plan/Design Review of the Fueling Canopy at 115 East Grant Avenue

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report; 2) Conduct the Public Hearing to solicit public comment; and approve the Site Plan (Design Review) submitted by David Lorenzo for the construction of a fueling canopy approximately 1,976 square feet in size at the existing market and fueling station at 115 East Grant Avenue (APN 003-350-12).

BACKGROUND: The project applicant, David Lorenzo, plans to construct a fueling canopy approximately 1,976 square feet in size and install four new fueling dispensers directly east of the existing mini-mart and two fueling dispensers at 115 East Grant Avenue. In addition to the fueling canopy and fueling dispensers, the applicant plans to install an aboveground tank behind (north) the existing mini-mart.

According to the Winters Municipal Code (WMC) Section 17.36.020 (Requirements for Design Review), design review shall be required before the Planning Commission for the construction of nonresidential buildings or structures of five hundred (500) square feet or more. The WMC defines "building" as any structure having a roof and supported by columns or walls, which is used or intended to be used for the shelter or enclosure of persons, animals, or property. Since the canopy is approximately 1,976 square feet in size, design review is required for the project.

SUMMARY OF PROJECT: The proposed fueling canopy is approximately 52 feet in length and 38 feet in width. It is approximately 19 feet tall with 15 feet of clearance between the bottom of the fascia to the ground. The fascia is approximately 4 feet in width and will frame the entire perimeter of the canopy. The canopy will be by four 10"x10" columns with 4 square-foot footings. The submitted plans depict a flat canopy; there is no pitch to the canopy.

Four fuel dispensers are proposed to be installed under the canopy. The proposed dispensers are positioned parallel to the existing dispenser. According to the plans, there is approximately 20 feet of space in between the existing dispensers and the proposed fuel dispensers (closest to the existing dispensers). In order to construct the canopy and install the dispensers, a planter will be removed.

An aboveground tank will be installed behind (north) of the existing mini-mart and adjacent to the existing propane tank. The proposed tank is approximately 10 feet tall and 10 feet wide. Screening for the aboveground tank is not depicted on the plans.

DISCUSSION: According to the submittal, the color of the proposed canopy fascia will be white ("Eastman White"). Staff is concerned that the light color may attract noticeable grime and dirt, which may affect the appearance and increase the maintenance of the canopy. Therefore, staff recommends that the applicant work with the City to determine a color that will complement the existing mini-mart and market and will require little maintenance (See Recommended Condition of Approval 12).

The applicant has submitted a proposed lighting scheme for the canopy. The plan depicts 16 light fixtures with no indication luminous intensity. Based on the review of the proposed canopy lighting scheme, staff is concerned that the illumination generated from the canopy lighting will produce a significant amount of off-site glare and light pollution, particularly for drivers on State Route 128. Therefore, staff has determined that the fuel canopy shall not be internally illuminated and the canopy light fixtures shall be completely recessed into the canopy so the light source is concealed. In addition, staff requires that a photometric study be submitted to the Community Development Department for review prior to building permit issuance (See Recommended Condition of Approval 10).

The application and associated materials did not include plans for either canopy signage or signage proposed for the fueling dispensers. Therefore, staff has determined that all sign plans must receive separate review for consistency with the Zoning Code and be approved by the Planning staff prior to installation of any new signs (See Recommended Condition of Approval 11).

The site plan does not include screening for the aboveground tank behind the existing mini-mart. While the proposed tank will be located behind the existing building, it will be visible from other public areas such as the parking lot of the grocery store. Therefore, staff recommends that the applicant further screen the proposed aboveground tank using a combination of the methods noted in Recommended Condition of Approval 14.

METHODOLOGY: Two actions are required to process the proposed project:

- 1) Confirmation of CEQA exemption finding - Section 15301 for the minor alteration to an existing facility.
- 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, January 15, 2009 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, January 22, 2009.

ENVIRONMENTAL ASSESSMENT: The Ordinance is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301.

RECOMMENDED FINDINGS FOR 115 EAST GRANT AVENUE (SITE PLAN)

General Findings:

1. Notice of Hearing has been given at the time and in the manner required by state law and city code.

CEQA Findings:

1. The project qualifies for an exemption from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301.
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 that the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301.

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 and this designation provides for restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses. The project will result in the construction of a fueling canopy, four fueling dispensers, and an aboveground tank.
2. The project is consistent with the provisions of the Zoning Ordinance. The project site is zoned Highway Service Commercial (C-2) and service stations are permitted uses in this zone. The project will result in the construction of a fueling canopy, four fueling dispensers, and an aboveground tank.

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 115 EAST GRANT AVENUE PROJECT (SITE PLAN) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- o Confirmation of exemption from the provisions of CEQA
- o Confirmation of consistency findings with the General Plan and Zoning Ordinance
- o 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 115 EAST GRANT AVENUE PROJECT (SITE PLAN) LOCATED ON ASSESSOR PARCEL NUMBER 003-350-12, 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 expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project Applicant shall defend such

action at Applicant's sole cost and expense, which includes court costs and attorney fees. The City shall promptly notify the Applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning commission, any advisory agency to the City, local district and the City Council.

2. The applicant shall submit complete infrastructure improvement plans prepared by a registered civil engineer to the City for review and approval by the City Engineer and Public Works Director. No building permits will be issued prior to the City's review and approval of the improvement plans. The plans shall be in compliance with the City of Winters' Engineering Design and Construction Standards.
3. The applicant shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to the approval by the City.
4. If grading is involved in the construction of the canopy, grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth removed shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the improvement plans. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any.
5. Appropriate easements shall be required for City-maintained facilities located outside of City-owned property or the public right-of-way.
6. A hydrant use permit shall be obtained from the Public Works Department for water used in the course of construction.
7. The applicant shall obtain all required City permits (building, encroachment work, work within the public right-of-way, etc.) and pay all applicable fees (building, impact, encroachment, etc.)
8. 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.

9. Final inspection for the building shall not be scheduled nor occupancy authorized until public improvements (if any) have been installed, inspected, and accepted by the City. Other infrastructure necessary for the project such as paving, landscaping, etc., shall be completed prior to final inspection of the buildings.
10. The fuel canopy shall not be internally illuminated and the canopy light fixtures shall be completely recessed into the canopy so the light source is concealed. In addition, a photometric study shall be submitted to the Community Development Department for review prior to building permit issuance.
11. This Design Review Permit approval does not include any signs. No person may erect, enlarge, or maintain a sign or modify the design or location of any existing sign without the issuance of a sign permit, unless the sign is exempt under Section 17.80.030 of the Winters Municipal Code. All sign plans must receive separate review for consistency with the Zoning Code and be approved by the Planning staff prior to installation of any new signs.
12. Minor modifications to the design of the project, including site layout, colors and materials, may be approved by Community Development staff, provided such changes are consistent with the overall design as approved herein. Major modifications will require Planning Commission approval.
13. The Design Review approval is valid for one year. The Design Review Permit will expire on 1-27-2011 unless the permit is effectuated or a time extension has been granted by the Winters Planning Commission. The applicant shall bear all expenses for any extension request submitted to the Planning Commission.
14. The above ground tank shall be located so as to be screened from view from public rights-of-way, residential land uses, and/or other public areas. Screening methods may include, but not be limited to:
 - a. A solid wall, good-neighbor fence, or chain-link fence with slats; as tall as the proposed storage tank (8 ft. high max.). Walls and fences over 6 ft. require a building permit.
 - b. Dense landscaping of trees, shrubs, and/or vines; located on site so as to screen the tank from public view.
 - c. Installation of the tank behind existing buildings, walls, fences, and/or landscaping.
 - d. Location of the tank in an area which would be screened by intervening topography.
 - e. Painting of the tank a color to blend with the adjacent structures or surroundings.
 - f. Changing the configuration of a highly visible vertical tank to a horizontal installation.
 - g. Combinations of the above.

15. The project must comply with all requirements of the Winters Fire Department.
16. The applicant shall contact PG&E and other utility providers for their requirements. It is the developer's responsibility to notify these agencies of any required work on their facilities.
17. Fire protection facilities and requirements will need to be determined by the Winters Fire Department.

ATTACHMENTS:

1. Project Site Map
2. Framing and Elevation Plans*
3. Public Hearing Notice (published and mailed copies)

*The Site Plan and additional Elevation Plans will be presented at the Planning Commission Meeting.

ATTACHMENT 1



Google

Jun 25, 2007, Eyealt 449 m

128

115 E Grant Ave, Winters, CA 95694

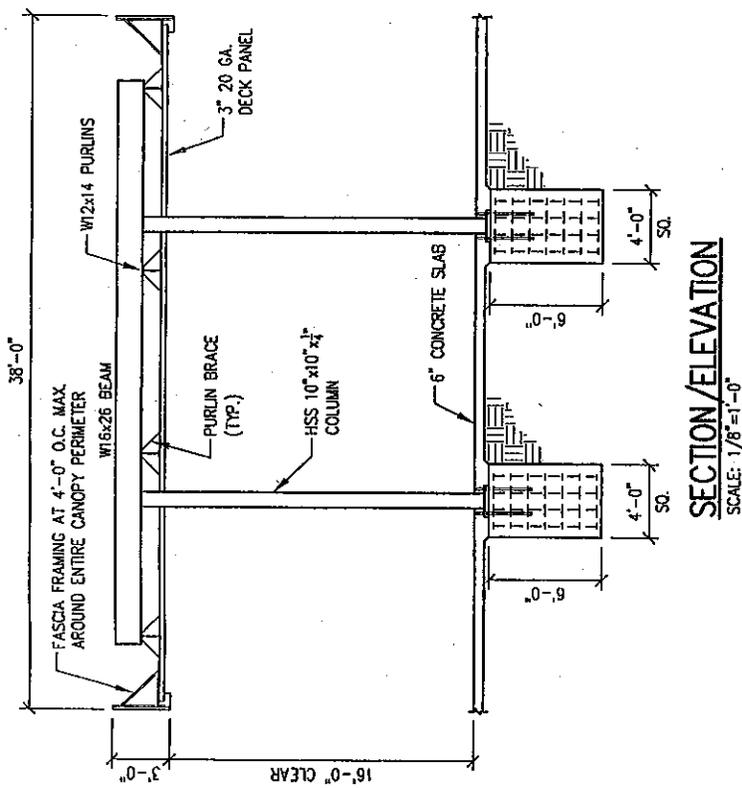
Image ©2009 DigitalGlobe
©2006 Terra-Atlas

elev 36 m

Walnut Ln

38°31'38.19\"/>

ATTACHMENT 2



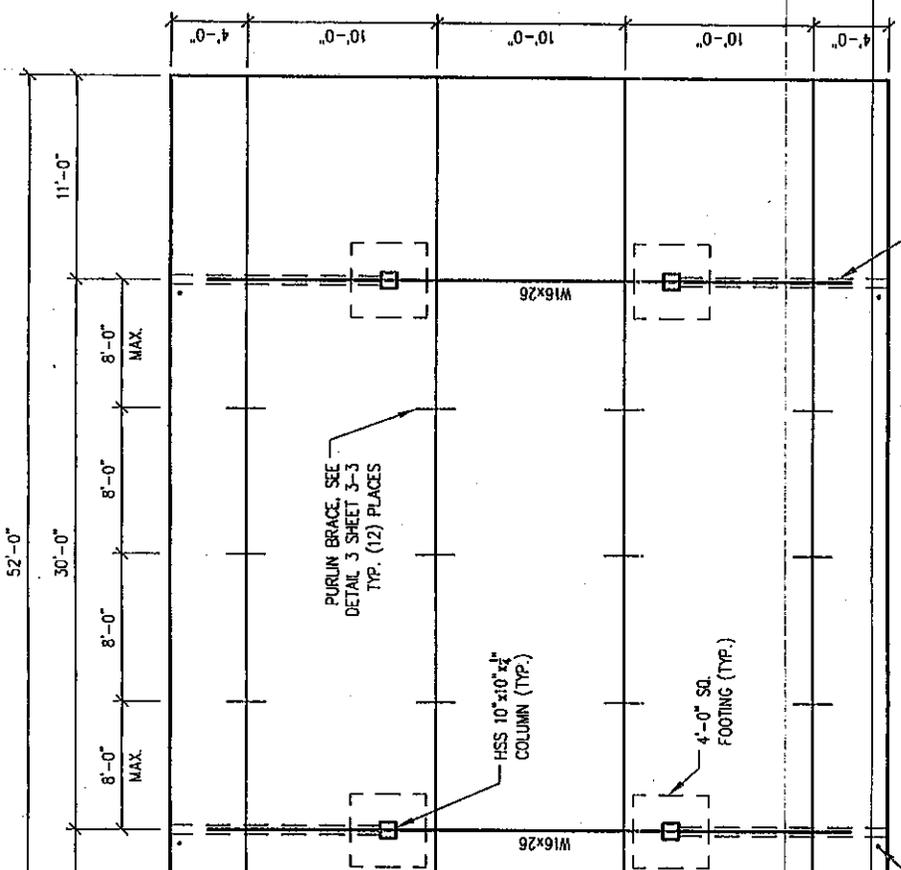
SECTION/ELEVATION
 SCALE: 1/8"=1'-0"

2007-C.B.C.-DATA

Occupancy Group M
Construction Type II-B
Occupancy Load Factor N.A.
Separation 10' min. from adjacent building
Use Or property line per Table 602
Area Canopy over gasoline pumps
 1,976 Sq. Ft.

SPECIAL INSPECTIONS

1. WELDING - Continuous inspection not required for single-pass fillet welds not exceeding 3/8" per CBC 1704.3 exception 2.1. Make visual inspection of field welds (if any) upon completion.
2. CONCRETE - Special inspection not required for concrete footings per CBC 1704.4 exception 1.



FRAMING PLAN
 SCALE: 1/8"=1'-0"

NOTE: These plans are invalid unless the engineer's signature is in blue ink.



OCT 09 2008

EXPIRES
 SEP 30 2009

PLAN ISSUE DATES
 DATE: BY: DESCRIPTION:

- b. AISC "Code of Standard Practice" excluding the following sections: 1.5.1, 3.3 (first sentence), 4.4, 4.4.1, 4.4.2, 7.5.4 and 7.13.3.
 - c. AISC Specifications for the Design of Cold Formed Structural Members.
 2. Structural steel shall conform to ASTM A-36 for plates and angles, and A53 type E or S Grade B Fy = 35 k.s.i. min. for pipes, and ASTM A992 Grade 50 for all beams and purlins.
 3. Cold-formed structural steel tubing shall conform to ASTM A-500, Grade B.
 4. All welding shall be performed by certified welders in accordance with the American Welding Society using E-70XX electrodes.
 5. On all bolted connections, use ASTM A-307 bolts unless otherwise specified (no special inspection required).
 6. Metal roof deck shall be 20 Ga. ASTM A-653 Grade 40.
- F. PAINTING**
1. All exposed structural steel shall be primed with Alspor 13-12-79 coating or approved equal.
 2. All welds and other exposed areas shall be primed with prime paint after fabrication.

6. Seismic Load:
 Occupancy Category II
 Site Class D
 Spectral Coefficients:
 Sps 1.192
 SDC 0.544
 D D
- C. FOUNDATION**
 1. Allowable Soil Bearing Pressure: 1500 P.S.F. (not tested)
 2. Design Lateral Soil Pressure: 150 P.S.F./ft. of depth
 3. All footings shall be placed on and against undisturbed soil or granular fill mechanically compacted to not less than 95% of modified proctor density (ASTM D-1557).
- D. CONCRETE AND REINFORCEMENT**
 1. All concrete shall have a design 28-day compressive strength of 3000 P.S.I. 2500 P.S.I. used for design, no special inspection required.
 2. Rebar - ASTM A61; grade 60.
 3. Non-shrink group shall conform to ASTM C-1107.
- E. STRUCTURAL STEEL**
 1. Structural steel shall be fabricated and erected in accordance with the latest edition of the following:

- conditions and dimensions at the design engineer shall not be approved of.
- quicker and/or owner shall be in limits of design loads. If apply where specific
- 2007 C.B.C.
 - 10 P.S.F.
 - 20 P.S.F.
 - 0 P.S.F.
 - 0 P.S.F.
 - 1.2
- R.C. M.P.H

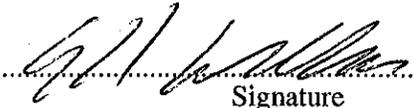
ATTACHMENT 3

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF YOLO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of THE WINTERS EXPRESS, a newspaper of general circulation, printed and published in the City of Winters, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of December 24, 1951, Case Number 12461; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: January 15, 2009. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 15th day of January, 2009.


Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication

Notice of Public Hearing

Notice of Public Hearing

NOTICE OF PUBLIC HEARING OF THE PLANNING COMMISSION OF THE CITY OF WINTERS ON THE CONSTRUCTION OF A FUELING CANOPY AT 115 GRANT AVENUE

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Winters ("Planning Commission") will hold a public hearing on Tuesday, January 27, 2009, at 7:30 p.m. in the City Council Chambers located at the City Hall, 318 First Street, Winters, California, to consider and act upon a design review of a proposed fueling canopy at 115 Grant Avenue.

The owner/applicant is proposing to construct a 1,976 square foot fueling canopy and install four additional fuel dispensers and an above-ground fueling tank at the Berryessa Sporting Goods-Mini Mart at 115 Grant Avenue. Design Review by the Planning Commission is required for the construction of non-residential structures of five hundred (500) square feet or more according to Chapter 17.36 of the Winters Municipal Code.

Interested persons may inspect and, upon the payment of the costs of reproduction, obtain copies of the proposed Resolution Establishing Fees for Sidewalk Cafes; and any other information pertaining thereto at the Community Development Department at the City of Winters, City Hall, 318 First Street, Winters, California, or at the office of the City Clerk, City Hall, 318 First Street, Winters, California, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. Copies of the Staff Report will be available on the City's website at www.cityofwinters.org.

Interested persons may submit written comments addressed to Nellie Dyer, City of Winters, 318 First Street, Winters, California, 95694 prior to the hour of 5:00 p.m. on January 27, 2009.

In compliance with the American with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Nellie Dyer at (530) 795-4910 ext 114. Please make your request to contact Nellie Dyer at (530) 795-4910 ext. 114. At the time and place noted above, all persons interested in the above matters may appear and be heard.

DATED: January 12, 2009.

CITY OF WINTERS PLANNING COMMISSION

Published Jan. 15, 2009

MAYOR:
Dan Martinez
MAYOR PRO TEM:
Woody Fridas
COUNCIL:
Tom Stone
Harold Anderson
Steven C. Godden



MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Margaret Dozier
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Donlevy, Jr.

PROOF OF SERVICE BY MAIL

I am Jen Michaelis, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On January 12, 2009 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows:
See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on January 12, 2009 at Winters, California.

A handwritten signature in black ink, appearing to read "Jen Michaelis". The signature is written in a cursive style with a large initial "J" and "M".

Jen Michaelis, Community Development Administrative Assistant

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PLANNING COMMISSION OF THE CITY OF WINTERS ON THE CONSTRUCTION OF A
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In compliance with the American with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact Nellie Dyer at (530) 795-4910 ext 114. Please make your request as early as possible and at least one-full business day before the start of the hearing.

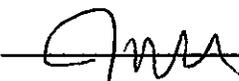
The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

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

For more information regarding this project, please contact Nellie Dyer at (530) 795-4910 ext. 114. At the time and place noted above, all persons interested in the above matters may appear and be heard.

DATED: January 12, 2009. PUBLISH: January 15, 2009

CITY OF WINTERS PLANNING COMMISSION



Secretary

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