

Counter Copy - CLERK

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, January 26, 2010 @ 6:30 PM

City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #113
Email: jen.moser@cityofwinters.org

Chairman: Pierre Pica
Vice Chairman: Glenn DeVries
Commissioners: Wade Cowan, Bruce Guelden, Corinne
Martinez, Phillip Meisch, Joe Tramontana
Administrative Assistant: Jen Moser
Community Development Director: Nelia Dyer

I CALL TO ORDER 6:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV **CONSENT ITEM**
Approval of Minutes from the November 24, 2009 regular meeting of the Planning Commission.

V. **STAFF/COMMISSION REPORTS**

VI **DISCUSSION ITEMS:**

- A. PUBLIC HEARING AND CONSIDERATION OF A DESIGN REVIEW APPLICATION SUBMITTED BY THE WINTERS CHAMBER OF COMMERCE FOR THE PROPOSED TILE MOSAIC ON THE PUBLIC RESTROOM FACILITY AT ROTARY PARK (Continued from the November 24, 2009 meeting)

A Public Hearing to consider a Design Review application for the proposed tile mosaic on the public restroom facility at Rotary Park. This project is exempt from environmental review under State CEQA Guidelines Section 15301 that applies to minor alterations to existing structures.

- B. PUBLIC HEARING AND CONSIDERATION OF A DESIGN REVIEW/SITE PLAN APPLICATION SUBMITTED BY PACIFIC WEST COMMUNITIES FOR A PERIMETER FENCE FOR THE ORCHARD VILLAGE PROJECT ON RAILROAD AVENUE NORTH OF GRANT AVENUE (APNs 003-360-051 and 003-360-181) (THIS ITEM HAS BEEN CONTINUED TO THE FEBRUARY 23, 2010 PLANNING COMMISSION MEETING)

A Public Hearing to consider a Design Review/Site Plan application for a perimeter fence for the Orchard Village Project on Railroad Avenue, north of Grant Avenue. The Planning Commission adopted the Mitigated Negative Declaration for the project on January 27, 2009. (APNs 003-360-051 and 003-360-181)

- C. PUBLIC HEARING AND INFORMATION ITEM – PROPOSED BURGER KING RESTAURANT AND UNION 76 FUEL STATION AT EAST GRANT AVENUE (SR 128) AND COUNTY ROAD 90 (APN 038-050-063)

A Public Hearing and Information Item to receive feedback from the Planning Commission and the Public on proposed Burger King Restaurant and Union 76 Fuel Station at East Grant Avenue (SR 128) and County Road 90. **NO DECISION IS BEING MADE ON THIS ITEM TONIGHT.** (APN 038-050-063)

VII **COMMISSION/STAFF COMMENTS**

VIII **ADJOURNMENT**

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON JANUARY 21, 2010.



JEN MOSER - ADMINISTRATIVE ASSISTANT

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 CHAMBER IS WHEELCHAIR ACCESSIBLE

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, NOVEMBER 24, 2009

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

PRESENT: Commissioners Cowan, Guelden, Martinez, Meisch (arrived at 6:40PM), Tramontana, and Chairman Neu

ABSENT: Commissioner DeVries

STAFF: Community Development Director Nellie Dyer, Contract City Attorney Laura Hollender, Housing Manager Dan Maguire, Administrative Assistant Jenna Moser

Community Development Director Nellie Dyer led the Pledge of Allegiance.

COMMUNICATIONS:

Staff Reports: Ms. Dyer reported that the applicant for Item "B" has requested that the item be continued to the January meeting of the Planning Commission. She also mentioned that the Building Department hours would be changing within the next week, and she will keep commissioners informed of the changes.

Commission Reports: None

CONSENT ITEM

Approve minutes of the October 27, 2009 regular meeting of the Planning Commission.

Commissioner Meisch (via phone) amended the minutes to include that the steel building in the City's parking lot be assessed by a structural engineer before any change in use besides storage.

Motion by Commissioner Guelden, Second by Commissioner Martinez to approve the minutes as amended for the October 27, 2009 meeting of the Planning Commission. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, Guelden, Martinez, Tramontana, and Chairman Neu

NOES: None

ABSTAIN: None

ABSENT: Commissioners DeVries and Meisch

At this time, Commissioner Martinez recused herself due to a possible conflict of interest.

DISCUSSION ITEM

A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION SUBMITTED BY MICHAEL PETERSON FOR A RETAIL WINE STORE AND LOUNGE AT 9 EAST MAIN STREET, SUITE J (APN 003-224-04)

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, NOVEMBER 24, 2009**

A Public Hearing to consider a Conditional Use Permit application for a retail wine store and lounge at 9 East Main Street, Suite J. This project is exempt from environmental review under State CEQA Guidelines Section 15301 that applies to minor alterations to existing structures.

Community Development Director Dyer provided an overview of the staff report and recommendation. The applicant, Michael Peterson, spoke about his years of experience in the wine industry, as he is looking forward to bringing this expertise to Winters.

At this time, Commissioner Meish arrived.

Commissioner Tramontana asked if the suite had restrooms. Mr. Peterson responded that they have ADA compliant restrooms available. Commissioner Guelden asked about hours of operation, and if the applicant plans to expand hours over the holidays for parties, etc. Mr. Peterson responded that yes, he would expand hours to accommodate parties.

Chairman Neu opened the Public Hearing at 6:43PM. Hearing no comments, Commissioner Neu closed the Public Hearing at 6:43PM.

Motion by Commissioner Cowan, Second by Commissioner Tramontana to approve a Conditional Use Permit Application submitted by Michael Peterson for a retail wine store and lounge at 9 E. Main, suite J.

AYES: Commissioners Cowan, Guelden, Meisch, Tramontana, and
Chairman Neu

NOES: None

ABSTAIN: Commissioner Martinez

ABSENT: Commissioner DeVries

At this time, Commissioner Martinez returned to her seat at the dais.

B. PUBLIC HEARING AND CONSIDERATION OF A DESIGN REVIEW APPLICATION SUBMITTED BY THE WINTERS CHAMBER OF COMMERCE FOR THE PROPOSED TILE MOSAIC ON THE PUBLIC RESTROOM FACILITY AT ROTARY PARK.

ITEM CONTINUED TO THE JANUARY 26, 2009 PLANNING COMMISSION MEETING

C. PUBLIC HEARING AND CONSIDERATION OF A RECOMMENDATION TO THE WINTERS CITY COUNCIL TO ADOPT AN ORDINANCE ADDING CHAPTER 17.200 TO THE WINTERS MUNICIPAL CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, NOVEMBER 24, 2009**

A Public Hearing to consider a recommendation to the Winters City Council to adopt an ordinance adding Chapter 17.200 to the Winters Municipal Code pertaining to Affordable Housing Requirements. This project is exempt from environmental review under State CEQA Guidelines Section 15061 (b) (3).

Housing Manager Dan Maguire presented an overview of the staff report. Chairman Neu asked about in-lieu fees. Mr. Maguire responded that in-lieu fees are a "tool in the toolbox", not a part of the Inclusionary Housing Ordinance. Commissioner Martinez asked about the Palmer and Patterson lawsuits. Mr. Maguire and Contract City Attorney Laura Hollender provided an overview of the cases. Commissioner Martinez asked if staff had explored all of the possible unintended consequences of adopting this Ordinance. Mr. Maguire replied that this Ordinance satisfies legal requirements, and addresses the needs of both developers and citizens.

Commissioner Tramontana asked for a 5 minute break. The Commission reconvened at 7:12PM.

Commissioner Cowan said that he appreciated the work of staff and that he likes the changes. He added that this ordinance clarifies a previously murky situation, especially for small developers.

Chairman Neu opened the Public Hearing at 7:15PM. Hearing no comments, Commissioner Neu closed the Public Hearing at 7:16PM. Ms. Dyer added that by adopting this Ordinance, Council would be repealing (section) and adding 17.200.

Motion by Commissioner Guelden, Second by Commissioner Cowan to approve the recommendation to City Council to adopt an Ordinance adding Chapter 17.200 to the Winters Municipal Code pertaining to Affordable Housing Requirements.

AYES: Commissioners Cowan, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu
NOES: None
ABSTAIN: None
ABSENT: Commissioner DeVries

D. INFORMATIONAL ITEM – DRAFT CODE ENFORCEMENT ORDINANCE
An Informational Item to receive feedback from the Planning Commission on draft code enforcement ordinance.

Contract City Attorney Laura Hollender provided a slide-show presentation on this item.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, NOVEMBER 24, 2009**

COMMISSION/STAFF COMMENTS: Chairman Neu mentioned that the path for the Putah Creek trail is marked with stakes, and asked for the community to check it out.

The meeting was adjourned at 7:50 p.m.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of January 19, 2010
(530) 795-4910, extension 112, www.cityofwinters.org

* *New information in italics*

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.	City Council approved the Second Amendment to the Development Agreement on January 6, 2009.	Applicant submittal of 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.	City Council approved the First Amendment to the Development Agreement on January 20, 2009.	Applicant submittal of 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.	Amend Development Agreement, applicant submittal of 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.	City Council approved the First Amendment to the Development Agreement on January 20, 2009.	Applicant submittal of 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. -City Council approved the applicant's request for infrastructure funding on November 3, 2009.	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 at its January 15, 2008 meeting took final action by approving the Rezoning Ordinance.	Applicant submittal of Final Map and Improvement Plans.

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<p>(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>Applicant declined to purchase project property.</p>	<p>Project not active.</p>
<p>(9) Anderson Place, Eva Brzeski (415) 887-9300</p>	<p>Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.</p>	<p>First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat & RV storage, sale & repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.</p>
<p>(10) Pearse Parcel Map, Thomas Pearse (530) 795-5901</p>	<p>Proposal for 4-unit parcel map at the south end of Third Street.</p>	<p>Planning Commission on October 9, 2007 approved project.</p>	<p>Applicant submittal of Final Map and Improvement Plans.</p>
<p>(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855</p>	<p>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.</p>	<p>-Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008. -Community Development Agency purchased the subject site in Summer 2008. CDA issued RFP for development of site in October 2008.</p>	<p>-Community Development Agency to form Ad Hoc Committee to Review Proposals on January 19, 2010</p>
<p>(12) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000</p>	<p>Proposal to annex 80 acres (APNs 030-210-05 & 08) adjacent to County Road 88 and within the City's General Plan Area.</p>	<p>City issuance of incomplete application letter on February 1, 2008.</p>	<p>Project Inactive/Closed out</p>
<p>(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033</p>	<p>Proposal to construct 74 multifamily (workforce housing) units on 10.6 acres between Railroad Ave, and Dutton Street extension, north of East Grant Ave. To include 1-, 2-, 3-, and 4-bedroom units + a community center.</p>	<p>Planning Commission approved Site Plan (Design Review) and adopted AND MMP on January 27, 2009. Appeal of PC's decision</p>	<p>-City Council to review and consider Public Improvement Agreement and Interim Building Permit Issuance</p>

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	<p>was filed on February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting. Applicant submitted improvement and building plans in October 2009.</p>	<p>Agreement on February 2, 2010 -Community Development Agency to review and consider Amended and Restated Owner Participation Agreement on February 2, 2010</p>
<p>(14) St. Anthony's Catholic Church Parish & Rectory, Roman Catholic Church of Sacramento/McCandless & Associates (530) 662-9146</p>	<p>Proposal to construct a new Catholic Church and associated site work at the corner of Main & Grant Streets.</p>	<p>-On April 21, 2009, the City Council approved the ordinance to rezone the property, adding a FD overlay. -Applicant submit to improvement and building plans in December 2009.</p>
<p>(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214</p>	<p>Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.</p>	<p>Planning Commission approved the Design Review (Site Plan) on February 24, 2009.</p>
<p>(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767</p>	<p>Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue</p>	<p>Application was filed on January 29, 2009. Planning Commission approved the Conditional Use Permit for the project on March 24, 2009.</p>
<p>(17) The Tree House Children's Center, 418 Haven Street, (530) 304-8248</p>	<p>Application for a Conditional Use Permit to operate a children's center at 418 Haven Street</p>	<p>Application was filed on March 19, 2009. Planning Commission approved the Conditional Use Permit for the project on April 28, 2009.</p>
<p>(18) Winters Community Church, 113 Main Street, (530) 795-5530</p>	<p>Application for a Conditional Use Permit to operate a religious institution at 113 Main Street</p>	<p>Application was filed on April 6, 2009. Planning Commission approved the Conditional Use Permit on May 26, 2009.</p>

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(19) Turkovich Family Winery, 22-A Main Street, (530) 795-2767	Application for a Conditional Use Permit to operate a winery at 22-A Main Street	Application was filed on June 6, 2009. Planning Commission approved the Conditional Use Permit on July 14, 2009.	Complete
(20) Winters Healthcare Foundation Administrative Offices, 310 Main Street, (530) 795-5200	Application for a Conditional Use Permit to conduct an office use in a residential zone	Application was filed on July 8, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009.	Complete
(21) AT&T Cell Tower Co-location at Rd 88 & Rd 32A, (916)601-1123	Application for a Conditional Use Permit to co-locate additional antennas on an existing tower at Rd 88 & 32A. The existing cell tower is located on City property	Application was filed on July 17, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009.	Complete
(22) City Parking Lot at Abbey and First Streets, (530) 795-4910	Design Review Application for the temporary renovation of the City's parking lot at First and Abbey Streets	Planning Commission approved the Site Plan on October 27, 2009.	Submittal of improvement plans.
(23) 111-115 Main Street Façade Improvement Project (530) 795-3506	Design Review application for the façade improvement of 111-115 Main Street.	Application was filed on October 10, 2009. Planning Commission approved the Design review Application on October 27, 2009.	Applicant submittal of improvement and building plans.
(24) Main Street Cellars Wine Café, 9 East Main Street, Suite J (209) 304-7953	Application for a Conditional Use Permit to operate a wine bar at 9 East Main Street, Suite J	-Application was filed on October 30, 2009. Public hearing scheduled for November 24, 2009 -Planning Commission approved Conditional Use Permit on November 24, 2009	Applicant submittal of tenant improvement plans.
(25) Burger King/Union 76 at East Grant Avenue and County Road 90 (530) 755-4700	Application for a Design Review/Site Plan and Sign Permit to construct a co-brand fuel station, convenience store and fast food restaurant at East Grant Avenue and CR 90. A sign permit is required for the proposed freeway sign.	-Application was filed on December 7, 2009. The application was deemed "incomplete" by staff on January 4, 2010. - Public Hearing and	Submittal of "complete" application by applicant

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		<p><i>Informational Item scheduled for January 26, 2010.</i></p>	
<p>(26) Tentative Subdivision Map for Jordan Family (530)662-1755</p>	<p>Application for Tentative Subdivision Map for property located southwest of I-505/SR 128 to realign the proposed Gateway Drive street alignment and reconfigure the lots to match the new alignment. The applicant is also proposing to subdivide one of the lots into three new lots.</p>	<p>-Application was filed on December 16, 2009. The application was deemed "incomplete" by staff on January 12, 2010.</p>	<p>Submittal of "complete" application by applicant</p>
<p>Code Enforcement Ordinance</p>	<p>Preparation of Ordinance to adopt Title 19 (Code Enforcement) to the Winters Municipal Code.</p>	<p>-Presentation to Planning Commission on November 24, 2009. -Presentation to City Council on December 1, 2009.</p>	<p>Public Hearing and First Reading of the Code Enforcement Ordinance to the City Council on January 19, 2010</p>
<p>General Plan Horizon Year Extension</p>	<p>Extend the General Plan Horizon Year Extension from 2010 to 2018.</p>	<p>City Council approved the extension on September 1, 2009. Staff prepared and presented the Work Plan resulting from the extension to the Planning Commission on October 27, 2009</p>	
<p>Affordable Housing Ordinance</p>	<p>Preparation of an Ordinance to add Chapter 17.200 to the Winters Municipal Code (Zoning) pertaining to Affordable Housing Requirements</p>	<p>-Reviewed favorably by Affordable Housing Steering Committee on November 3, 2009. -Planning Commission recommended approval to City Council on November 24, 2009 -City Council adopted the Affordable Housing Ordinance on January 5, 2010</p>	
<p>Housing Element</p>	<p>Preparation and Adoption of Housing Element Update for the 2008-2013 Planning Period</p>	<p>City Council adopted the Housing Element Update on</p>	<p>Development of a work/implementation plan</p>

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		September 1, 2009:	for the Housing Element
Abbey Street Partial Abandonment	Partial abandonment of East Abbey St to allow for Monticello development	PC accepted GP consistency report and recommended to Council 4/22/08. CUA at its September 2, 2008 meeting approved the DDA for the project.	Applicant submittal of improvement and building plans for the Monticello Project
Monticello Mixed-Use Project	Application for Site Plan Review and Design Review, and CUP for the construction of a mixed-use project (commercial/retail, office and residential) on 0.42 acre on the east side of Railroad Ave. between Abbey St. and Main St, in downtown Winters CBD.	CDA at its September 2, 2008 meeting approved the DDA for the project	Applicant submittal of improvement and building plans.
Public Safety Facility	Application for Site Plan Review and Design Review, CUP and Variance for the construction of the City's public safety facility on 2.78 acres of the Ogando-Hudson Subdivision (Grant Ave @West Main Street)	Planning Commission hearing on 7/22/08 – PC approved project subject to CDA's presented in staff report.	<i>Under Construction</i>

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:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #9:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #10:** Not applicable
- Project #11:** Not applicable
- Project #12:** Not known at this time
- Project #13:** 74 units for very low-income and low income households
- Project #14:** Not applicable
- Project #15:** Not applicable
- Project #16:** Not applicable
- Project #17:** Not applicable
- Project #18:** Not applicable



PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: January 26, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of a Design Review Application Submitted by the Winters Chamber of Commerce for the Proposed Tile Mosaic on the Public Restroom Facility in Rotary Park (Continued from the November 24, 2009 Planning Commission Meeting)

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 Design Review Application Submitted by the Winters Chamber of Commerce for the proposed tile mosaic on the public restroom facility in Rotary Park with the attached conditions of approval.

PROJECT DESCRIPTION: The project applicant, Winters Chamber of Commerce, is seeking approval of a design review application to allow the installation of a tile mosaic on the north and west walls of the public restroom facility located in Rotary Park. An anonymous donor wishes to make a donation for local artists to create and install the tile work on the facility. Artists of The Clayground of Winters would create the mosaic tile work. They will lay out the design and then affix the tiles to mortarboards using Thinset mortar. Dna Hoover of Winters will prepare the facility walls by grinding them down to 3/16" of flat. Thinset mortar will be troweled onto the walls and the mosaic tile panels will then be permanently installed using hex cap concrete screws; grout will cover the screw heads.

BACKGROUND: The proposed project was introduced to the Planning Commission on August 11, 2009 as an informational item for review and feedback. After some discussion, the Planning Commission requested that staff develop a formal process for reviewing public art prior to any decision on the proposed tile mosaic.

In response to the feedback received on August 11, 2009, staff prepared and introduced a draft public art program as an informational item for review and feedback at the October 27, 2009 Planning Commission meeting. Staff and the Planning Commissioners discussed the timeline of processing/establishing the public art policy as it relates to the review process for the proposed tile

mosaic. Staff recommended that the proposed project be reviewed as a Design Review Application at the regular meeting of the Planning Commission in November. The Planning Commission supported staff's recommendation.

STATEMENT OF ISSUES: The recently adopted Form Based Code for Downtown Winters (Winters Municipal Code Chapter 17.58) addresses public art in the Form Based Code area. In Section 17.58.080 (C) (Public Art), public art is defined as permanent or temporary works of art in the public realm, whether part of a building or free-standing. The section further states that public art shall be incorporated into public parks, plazas, and municipal buildings. One of the possible types of public art listed in the Section includes murals or mosaics covering walls, floors, and walkways.

While the Form Based Code for Downtown Winters encourages public art, the Form Based Code and the remainder of the Winters Municipal Code (WMC) are silent on the review process for public art projects. Presently, Chapter 17.36 of the WMC (Design Review) states that design review shall be required before the Planning Commission for "modifications to existing buildings involving collectively significant exterior changes, which may include changes of building materials...as determined by the Community Development Director." However, the criteria for review appear to be more appropriate for a building or parking lot, not public art. At the October 27, 2009 Planning Commission Meeting, staff recommended that the proposed project be reviewed using the acquisition criteria noted in the draft Public Art Policies and Procedures. These criteria include, but are not limited to, the following:

- Artwork that reflects historic significance, particularly relating to the history of Winters and the surrounding region.
- Artwork that reflects particular City themes
- Artwork that incorporates indigenous people of the area - both Native and long time residents of the region.
- Artwork that is created by local area artists is a primary consideration.
- Artwork that reflects the diversity of community interests.
- Artwork that reflects and is appropriate for a particular exhibit site.

ANALYSIS: The artists' renditions of the completed project are provided in Attachment A. On the west wall of the public restroom facility, the proposed mosaic depicts the Vaca Hills, the Putah Creek, and Winters' agricultural heritage. The mosaic proposed for the north wall of the facility continues the agricultural theme and the landscape of the greater Winters area. Staff has determined that the artwork reflects the historic significance of Winters, particularly with the agricultural theme. In addition, the applicant has stated that local artists will create the mosaic, which meets another criterion noted above.

While staff is amenable to the proposed artwork, staff is concerned about the maintenance of the mosaic tile work. In larger cities, there are one to two City staff members whose primary responsibility is the day-to-day care and control of public art. Unfortunately, the City does not have the staff (or funds) to monitor and/or maintain the artwork at this time. Therefore, staff recommends that the applicant be responsible for the maintenance of the proposed artwork.

In addition, staff recommends a time limit on the display of the proposed artwork. While Winters does not have a public art collection at this time, deaccession of the artwork may occur to refine and strengthen the future public art collection in Winters. Therefore, staff recommends that the proposed artwork be reviewed either by the Planning Commission within five (5) years from the date of approval of the Design Review Application.

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

- 1) Confirmation of CEQA exemption finding - Section 15301 (Existing Facilities)
- 2) Approval of the Design Review Application and the attached conditions

APPLICABLE REGULATIONS: This project is subject to several regulations:

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

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Director 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, November 12, 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, November 19, 2009.

Since the item was continued from the November 24, 2009 Planning Commission meeting, this item is not required to be advertised again.

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

RECOMMENDED FINDINGS FOR THE TILE MOSAIC ON THE PUBLIC RESTROOM FACILITY AT ROTARY PARK (DESIGN REVIEW APPLICATION)

CEQA Findings:

1. The proposed project is exempt from CEQA review under §15301 (Existing Facilities)
2. The Planning Commission has considered the 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 tile mosaic on the public restroom facility at Rotary Park.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. One of the policies of the General Plan is to actively promote the visual and performing arts in Winters and support development of facilities for the arts. This project will provide a tile mosaic on the public restroom facility in Rotary Park.
2. The project is consistent with the provisions of the Zoning Ordinance. Incorporation of public art in Downtown Winters is encouraged in the Zoning Code. This project will provide a tile mosaic on the public restroom facility in Rotary Park.

RECOMMENDATION

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

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE DESIGN REVIEW APPLICATION FOR THE TILE MOSAIC ON THE PUBLIC RESTROOM FACILITY AT ROTARY PARK 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 Design Review Application 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 DESIGN REVIEW APPLICATION FOR THE TILE MOSAIC ON THE PUBLIC RESTROOM FACILITY AT ROTARY PARK, WINTERS, CA 95694.

1. This Design Review approval is based upon and limited to compliance with the project description, attachments, and conditions of approval set forth below. Any deviations from the project description, attachments or conditions must be brought to the attention of, reviewed and approved by the Planning Commission for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
2. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project applicant shall defend, indemnify, and hold harmless the City or its agents, officers, and employees, from liability, damages, penalties, costs, or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense, which include court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall

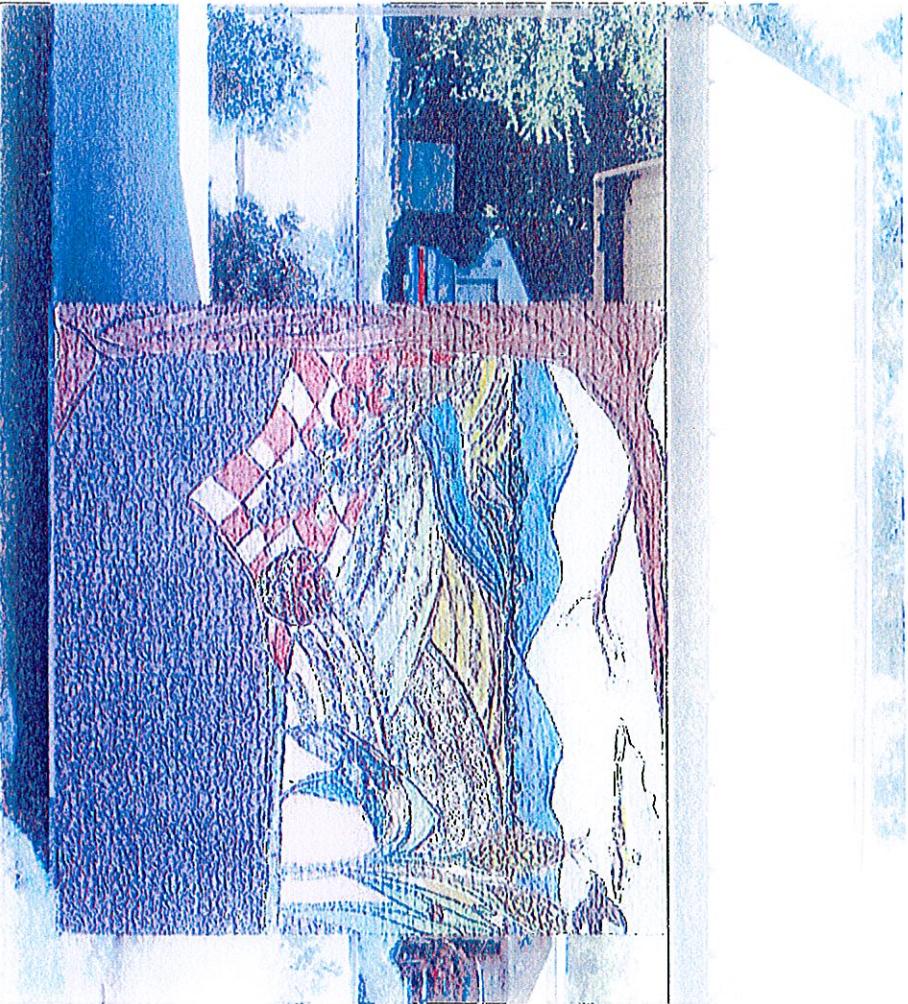
cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the applicant in good faith approves the settlement, and the settlement imposes no direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, local district, and the City Council.

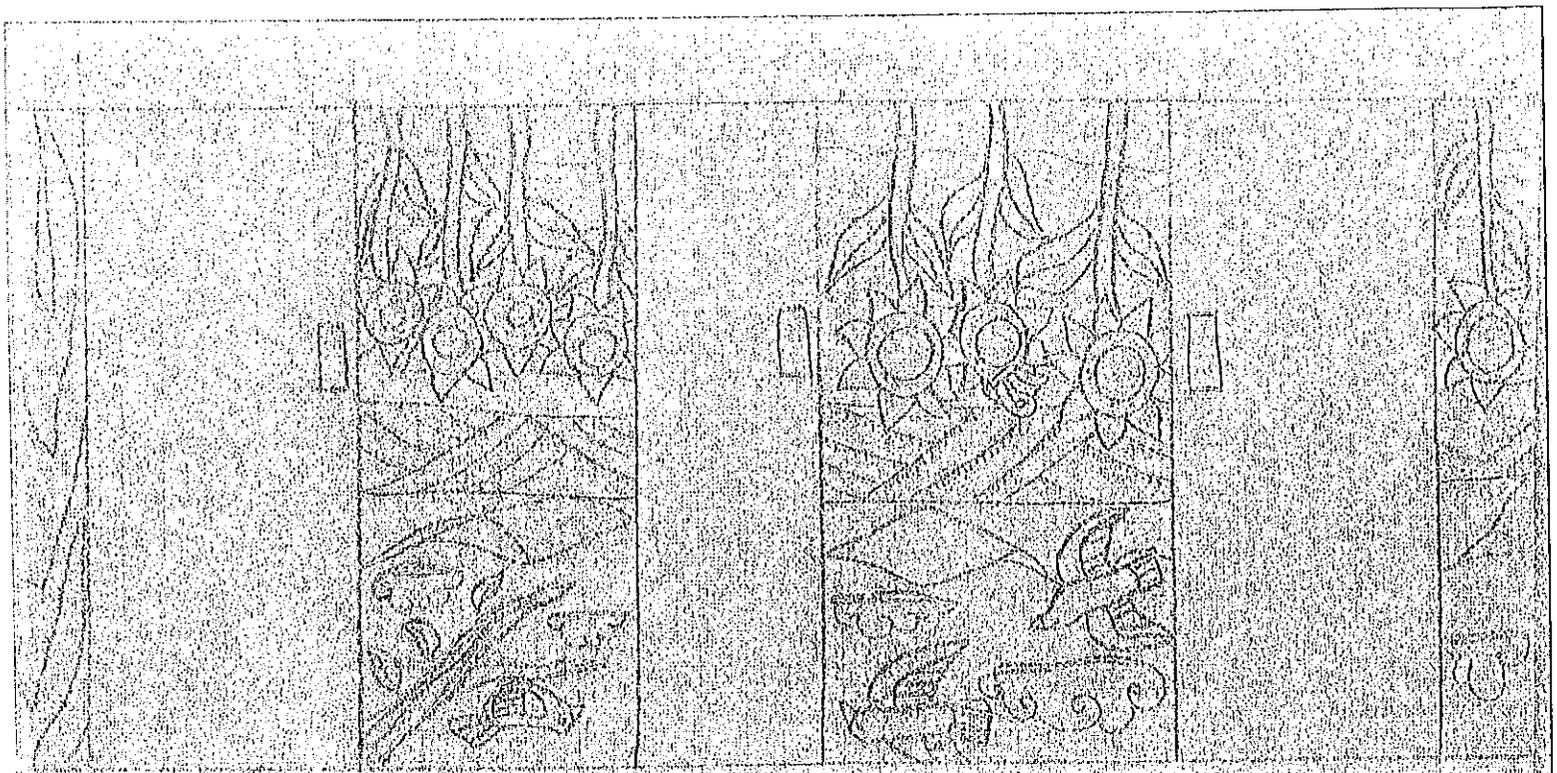
3. All electrical, mechanical, and engineering components related to the installation of the artwork may require approval by the City Engineer.
4. The artwork shall be designed and installed in such a way to avoid sharp edges, points, projections, or pinch-points, which may cut, puncture, or cause injury by impact, catch passing pedestrian clothing, or entrap limb.
5. The applicant shall be responsible for ensuring the placement, management and maintenance of the artwork.
6. A legal document defining the rights and responsibilities of the City, the applicant, and/or artist(s) shall accompany the artwork and shall be approved by the City Attorney prior to the acceptance of the artwork by the City of Winters.
7. The Planning Commission shall review the artwork within five (5) years of this design review approval. No work of art will be accepted with a guarantee in perpetuity of exhibition.
8. Failure to comply with the above conditions may result in the immediate revocation of the design review approval.

ATTACHMENTS:

- A. Proposed Tile Mosaic

Artist rendition of completed project.







PLANNING COMMISSION
STAFF REPORT

TO: Chairman and Planning Commissioners
DATE: January 26, 2010
FROM: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Information Item - Proposed Burger King/Union 76 Station at East Grant Avenue (SR128) and County Road 90 (APN 038-050-063)

RECOMMENDATION: Staff recommends that the Planning Commission: 1) Review the staff report; 2) Hold the Public Hearing; and 3) Provide feedback to staff and the applicant on the proposed elevations and site plan for the proposed Burger King/Union 76 Station at East Grant Avenue (SR 128) and County Road 90.

BACKGROUND: The proposed project consists of a co-brand fuel station (convenience store and fast food restaurant) inside a 5,000 square foot building. The project also includes five (5) gas pumps to serve ten (10) vehicles, a carwash, and parking to serve up to 39 automobiles and 4 recreational vehicles.

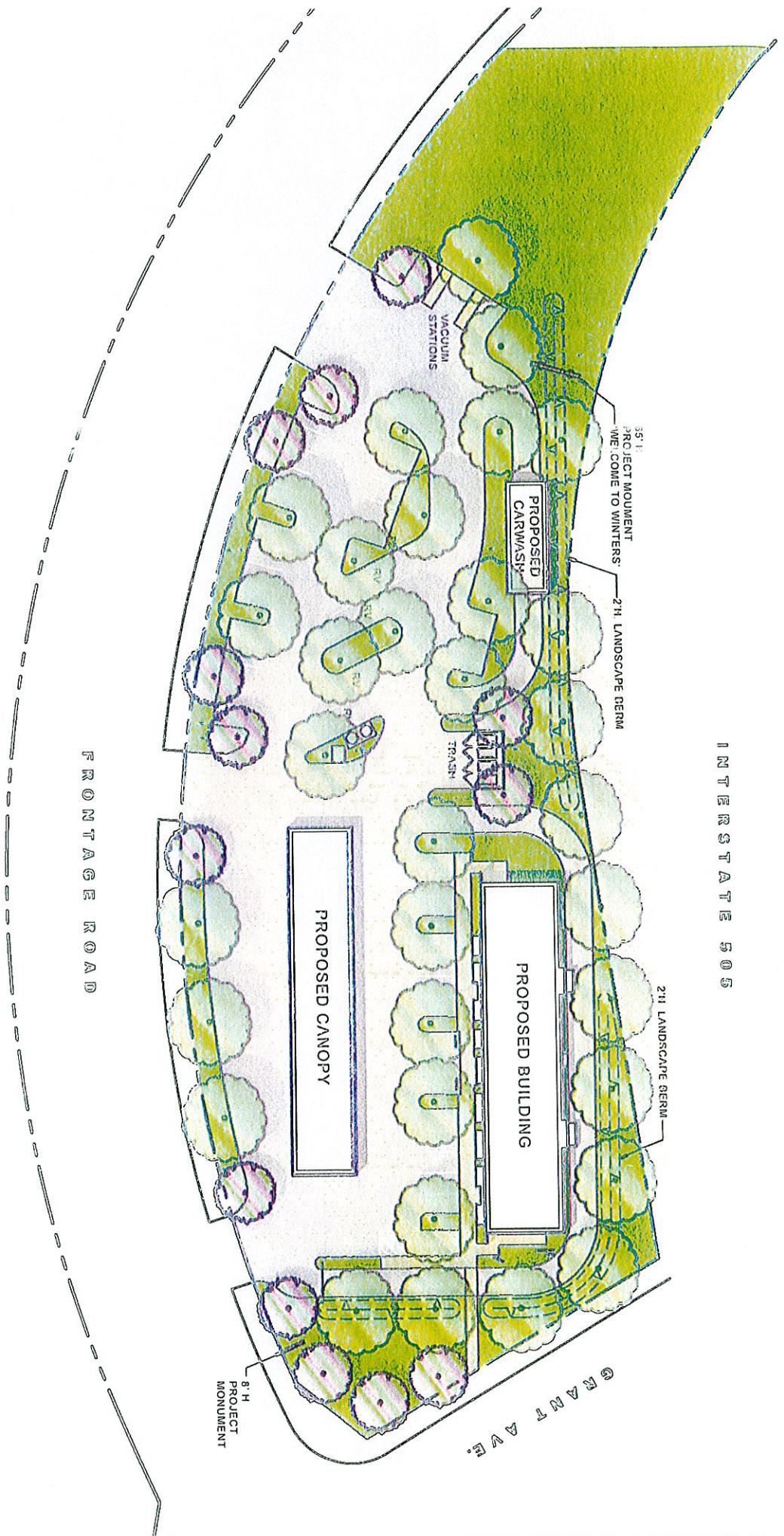
The subject planning application was received by the City of Winters' Community Development Department on December 7, 2009. Pursuant to Section 65943 of the California Government Code, the City has 30 days from receipt of the application to determine if the application is "complete". If additional information is required, the City will formally request this information and no further processing of the application will occur until the requested information is received. Within 30 days of receipt of the requested information, the City will again determine if the submittal is deemed complete.

Based on staff's review of the application, the City determined that the application is incomplete in a letter to the applicant dated January 4, 2010. In that letter, staff has requested information that is required for staff to be able to deem the application complete for the purposes of the environmental review of the application and to begin the formal review of the application as required under the California Government Code.

ATTACHMENTS:

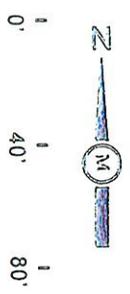
1. Conceptual Landscape Plan
2. Main Building Elevations - Options A and B
3. Sign Plan for Freeway Monument Sign and Project Monument Sign

INTERSTATE 505



**SINGHS
FOODSERVICE, INC.**

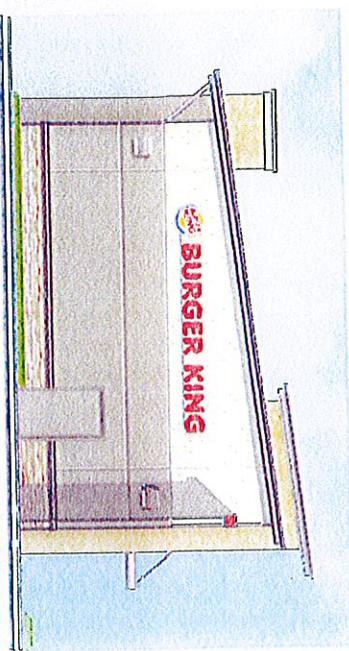
**CONCEPTUAL LANDSCAPE PLAN
LOT 63
FRONTAGE RD. AT GRANT AVE
WINTERS, CALIFORNIA**



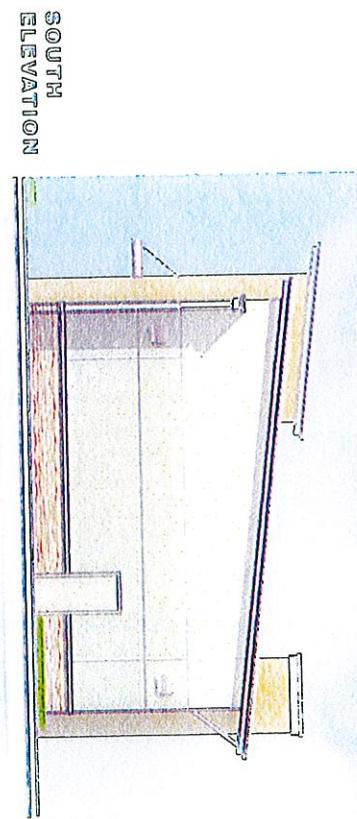
Milestone Associates INCORPORATED
12-4th Street, Winters, CA 95790
11/24/09



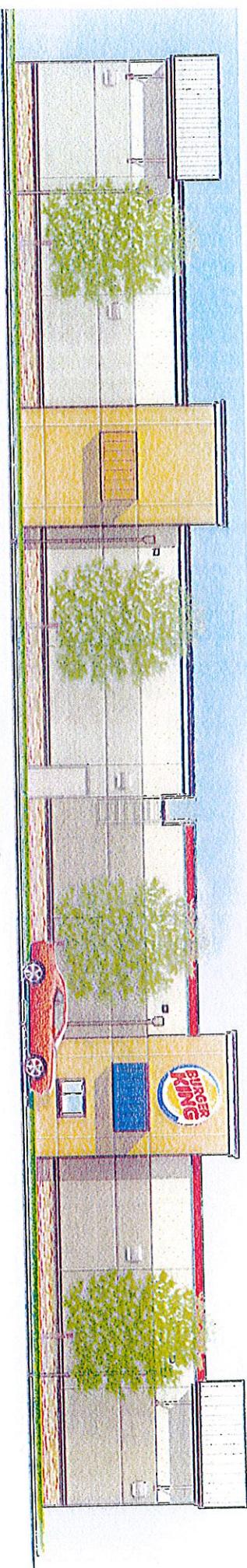
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

- PAINTED STUCCO ICI PADRE ISLAND
- PAINTED STUCCO ICI JUST PEACHY
- PAINTED STUCCO ICI PADRE ISLAND
- DK BLUE STANDING SEAM METAL AVENUES
- RED ILLUMINATED FASCIA BOARD
- PAINTED STUCCO AT ENTRANCES ICI SUN VALLEY
- PAINTED STUCCO ICI MASHKETRY
- PAINTED STUCCO & PARAPET CORNICE ICI CLASSIC IVORY
- STANDING SEAM METAL AVENUES ICI FRENCH QUARTER
- KURASTONE LEDGESTONE DESERT
- CLEAR VISION GLASS DK. CRONZE BULLIONS

PROPOSED ELEVATIONS - OPTION A



SINGH'S FOODSERVICE, INC.

FRONTAGE RD. AT GRANT AVE
WINTERS, CALIFORNIA

LOT 63

0 10' 20'

11/24/09



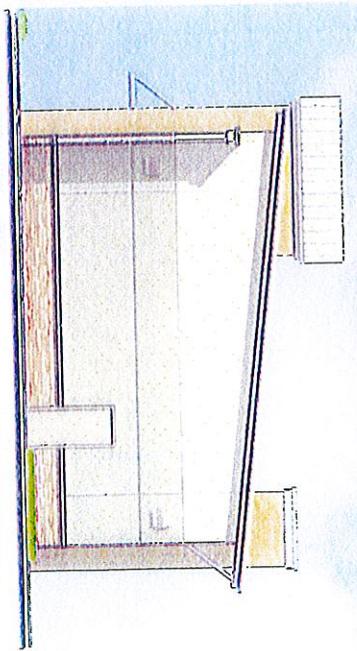
Milestone Associates Incorporated
22, 23rd Street, Winters, CA 95986



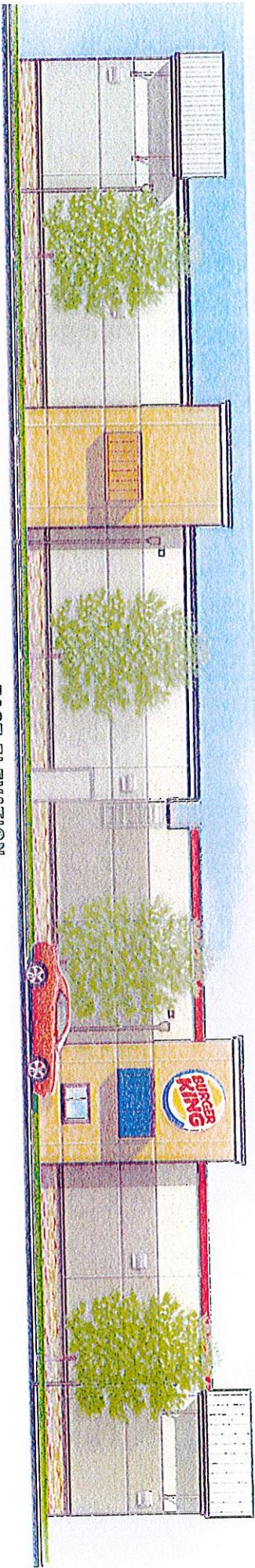
PROPOSED WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

- PAINTED STUCCO
ICI PADRE ISLAND
- PAINTED STUCCO
ICI JUST PENCHA
PAINTED FASCIA
ICI PVORE ISLAND
- 3K BLUE
STANDING SEAM
METAL AWNINGS
- RED
ILLUMINATED
FASCIA BOARD



SINGH'S
FOODSERVICE, INC.

PROPOSED ELEVATIONS - OPTION B
LOT 53
FRONTAGE RD. AT GRANT AVE
WINTERS, CALIFORNIA

0' 10' 20'

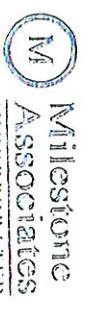
11/24/09

Milestone
Associates
INCORPORATED
22.500th Ave. Lodi, CA 95240

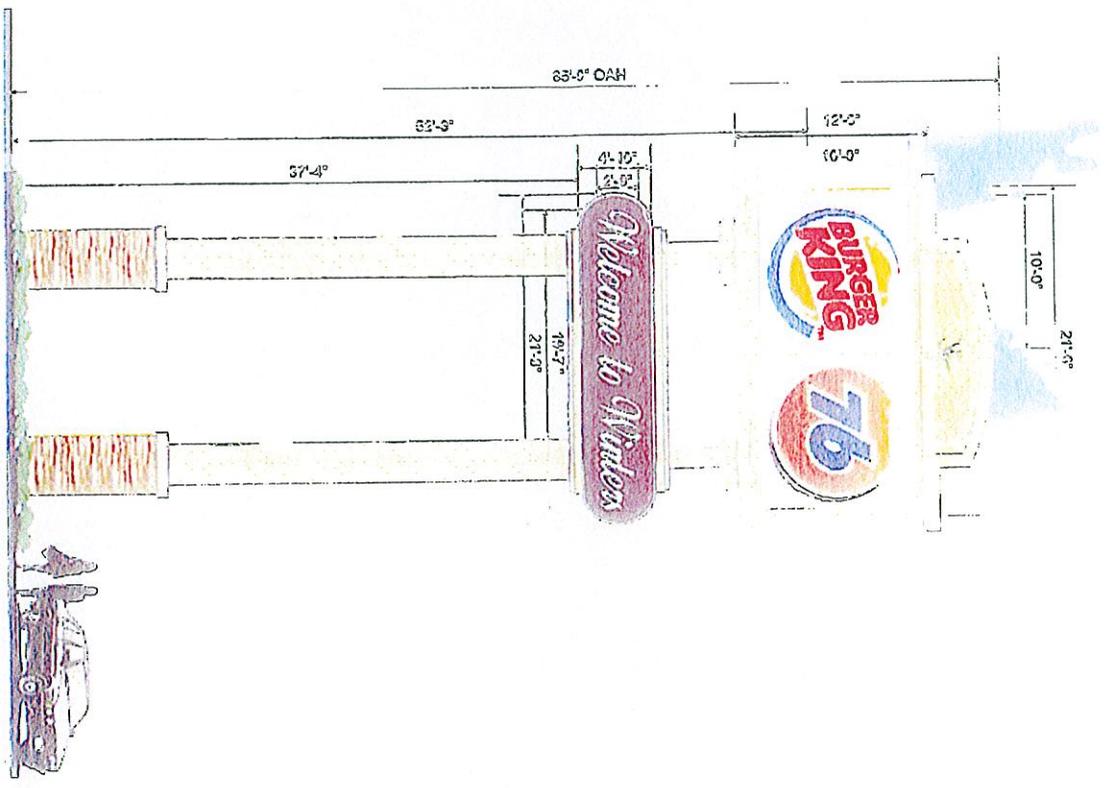


SINGH'S
FOODSERVICE, INC.

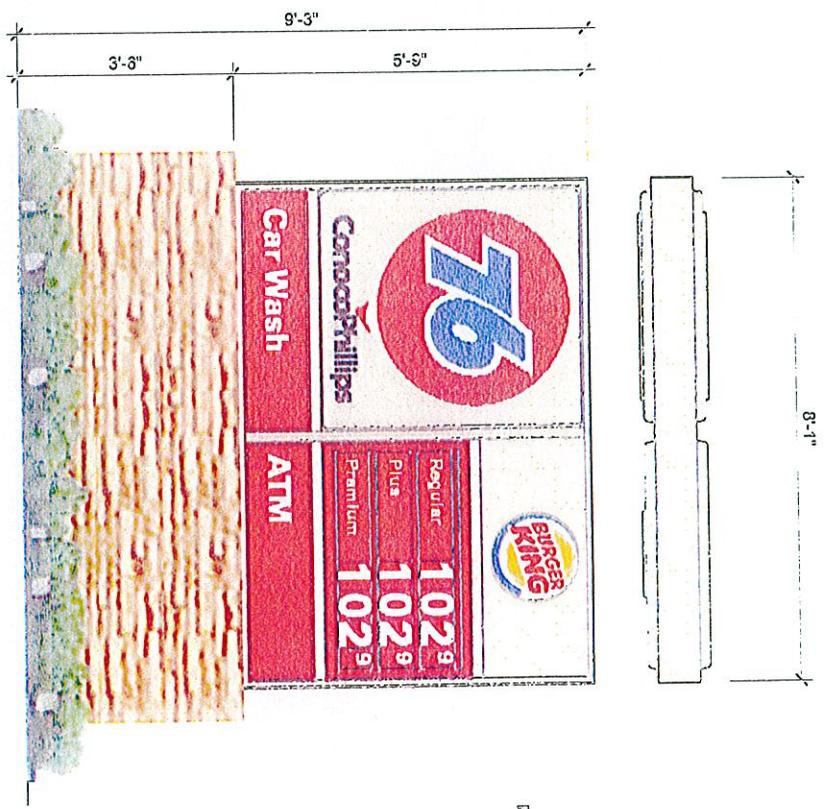
PROPOSED SIGNAGE
LOT 63
FRONTAGE RD. AT GRANT AVE
WINTERS, CALIFORNIA



Milestone
ASSOCIATES
INCORPORATED
12499 Highway 101, Winters, CA 95986



FREEWAY MONUMENT SIGN
SCALE: 1/8" = 1'-0"



PROJECT MONUMENT SIGN
SCALE: 1/2" = 1'-0"