

CITY OF WINTERS PLANNING COMMISSION AGENDA –SPECIAL MEETING

Tuesday, November 8, 2011 @ 6:30 PM

City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #114
Email: jenna.moser@cityofwinters.org

Chairman: Wade Cowan
Vice Chairman: Pierre Neu
Commissioners: Bill Biasi, Bruce Guelden, Phillip Meisch, Luis Reyes, Joe Tramontana
Administrative Assistant: Jenna 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 ITEMS

V. STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing to consider four Ordinances of the City of Winters amending and adding chapters to the Winters Municipal Code pertaining to Single Room Occupancy Units, Emergency Shelters, Manufactured and Factory-Built Homes, and Second Residential Units.

The purpose of the proposed ordinances is to bring the City's Municipal Code into compliance with the outlined Implementation Programs in the City's 2008-13 Housing Element and State Law. The proposed ordinances are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

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 NOVEMBER 3, 2011.



JENNA 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".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE



PLANNING COMMISSION
STAFF REPORT

TO: Honorable Chairman and Planning Commissioners

DATE: November 8, 2011

FROM: Nelia C. Dyer, Community Development Director
Dan Maguire, Housing Programs Manager

SUBJECT: Public Hearing to consider four ordinances of the City of Winters amending and adding chapters to the Winters Municipal Code pertaining to Single Room Occupancy Units, Emergency Shelters, Manufactured and Factory-Built Homes, and Second Residential Units

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report; 2) Conduct the public hearing; and 2) Recommend approval to the City Council of the adoption of:

- a) An Ordinance amending Winters Municipal Code Sections 17.04.140, 17.52.020, 17.58.050, and 17.72.020 and adding Chapter 17.122 regarding Single Room Occupancy Units
- b) An Ordinance amending Winters Municipal Code Sections 17.52.020 and 17.72.020 and adding Chapter 17.121 regarding Emergency Shelters
- c) An Ordinance amending Winters Municipal Code Sections 17.04.140 and 17.52.020 and Chapter 17.92 regarding Manufactured and Factory-Built Homes
- d) An Ordinance amending Winters Municipal Code Section 17.60.070 regarding Second Residential Units

BACKGROUND: The State of California requires all local jurisdictions to plan to provide housing for every segment of the local population. Each jurisdiction has a responsibility to institute policies and programs designed to encourage the provision of housing that is affordable to its citizens. As stated in Government Code 65580 (d):

Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

To meet this affordable housing planning requirement, every jurisdiction prepares a Housing Element section of its General Plan. The Housing Element is just one of seven mandated General Plan

elements.

State law requires that Housing Elements be periodically reviewed and updated. The City of Winters Housing Element Update for the 2008-2013 planning period was adopted by the City Council on September 1, 2009. As part of the Housing Element Update, City staff prepared an implementation program which sets forth a five-year schedule of actions that the City was undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. These actions include the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs.

Since the adoption of the current Housing Element update, the City Council adopted Ordinance 2009-18, repealing Section 17.60.030 (B) and adding Chapter 17.200 to the Winters Municipal Code pertaining to Affordable Housing Requirements. The substantive change resulting from the addition of Chapter 17.200 is that it establishes an exemption from an affordable housing obligation for infill projects of 15 dwelling units or less constructed in the Redevelopment Agency Project Area. The exemption was previously granted to projects of 4 dwelling units or less. These changes were first vetted through the Affordable Housing Steering Committee, with numerous stakeholders involved in the meetings that led to the recommendation that was ultimately adopted by City Council. The stakeholder participants included Legal Services of Northern California, the Yolo County Housing Authority, non-profit affordable housing developers, and for-profit developers.

California Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's housing element of the general plan using forms and definitions adopted by the California Department of Housing and Community Development. In the City's progress report for the 2009 Reporting Period, staff revised the goal of completing revisions to the Zoning Ordinance in 2009 to 2011 due to the change in the Redevelopment Agency's outside legal counsel.

The attached ordinances address the proposed changes to the Winters Municipal Code that are directly from Chapter 4 (Implementation Plan) of the current Housing Element Update. These changes are as follows:

- 1) **Amendment to Winters Municipal Code, Section 17.60.070 (Second Residential Units)** - The City will revise its Zoning Ordinance with regard to secondary dwelling units to bring it current with State Law. Through the Zoning Ordinance, the City shall continue to allow secondary dwelling units in residential zones, subject to criteria concerning floor area, relationship to principal residence, required parking, and other features. Development of secondary residential units shall be encouraged through flexible application of the City's development standards.
- 2) **Amendment to Winters Municipal Code, Sections 17.52.020 and 17.72.020 and adding Chapter 17.121 to the Winters Municipal Code regarding Emergency Shelters** - The City will revise the Zoning Ordinance to permit year round emergency shelters in R-3, R-4, C-2, and PQP zones as a permitted use without the requirement for a conditional use permit.

Emergency shelters will be subject to the same development and management standards as other permitted uses in the R-3, R-4, C-2, and PQP zones. In addition, the City will develop written, objective standards for emergency shelters to regulate the following, as permitted under Chapter 633, Statutes of 2007 (SB 2):

- a. The maximum number of beds/persons permitted to be served nightly;
 - b. Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
 - c. The size/location of exterior and interior onsite waiting and client intake areas;
 - d. The provision of onsite management;
 - e. The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
 - f. The length of stay;
 - g. Lighting;
 - h. Security during hours that the emergency shelter is in operation.
- 3) **Amendment to Winters Municipal Code, Sections 17.04.140 and 17.52.020 and Chapter 17.92 regarding manufactured homes and factory-built homes** – The City shall continue to permit manufactured homes on permanent foundations in all zones that permit single-family homes according to the same development standards as site-built homes. The Zoning Ordinance will be revised to specifically mention manufactured and factory-built housing. Such housing will be mentioned as specifically being allowed in R-R, R-1, and R-2 zoned by right and in R-4 zones with a Conditional Use Permit, which is the same for all single-family homes.
- 4) **Amendment to the Winters Municipal Code, Sections 17.08.050, 17.52.020, 17.58.050, and 17.72.020, and the addition of Winters Municipal Code, Section 17.60.090 regarding single room occupancy units** - The City shall revised the Zoning Ordinance to specifically address the development of single-room occupancy dwellings (SROs). The City believes that SROs are an important housing resource for extremely low-and very low-income households. The Zoning Ordinance revisions shall be undertaken with the goal of encouraging and facilitating the development of new SROs and the preservation of existing structures for such use. SRO housing will be allowed by right in R-3 and R-4 zones and with a Conditional Use Permit in C-2 zones.

The proposed Ordinances were reviewed by the Affordable Housing Steering Committee (AHSC) on October 19, 2011. The AHSC recommended the proposed Ordinances with modifications to the Planning Commission.

PROJECT NOTIFICATION: Public notice 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. Legal notices were published in the Winters Express on Thursday, October 27, 2011. 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 3, 2011.

ENVIRONMENTAL ASSESSMENT: The proposed Ordinances are exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3).

RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of the proposed Ordinances to the City by making four affirmative motions as follows:

1. I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE AMENDING WINTERS MUNICIPAL CODE SECTIONS 17.04.140, 17.52.020, 17.58.050, AND 17.72.020 AND ADDING CHAPTER 17.122 REGARDING SINGLE ROOM OCCUPANCY UNITS

2. I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE AMENDING WINTERS MUNICIPAL CODE SECTIONS 17.52.020 AND 17.72.020 AND ADDING CHAPTER 17.121 REGARDING EMERGENCY SHELTERS

3. I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE AMENDING WINTERS MUNICIPAL CODE SECTIONS 17.04.140 AND 17.52.020 AND CHAPTER 17.92 REGARDING MANUFACTURED AND FACTORY-BUILT HOMES

4. I MOVE THAT THE WINTERS PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE AMENDING WINTERS MUNICIPAL CODE SECTION 17.60.070 REGARDING SECOND RESIDENTIAL UNITS

ALTERNATIVES: The Planning Commission may recommend modifications to the Ordinances or recommend denial of the Ordinances to the City Council.

ATTACHMENTS:

- A. An Ordinance amending Winters Municipal Code Sections 17.04.140, 17.52.020, 17.58.050, and 17.72.020 and adding Chapter 17.122 regarding Single Room Occupancy Units
- B. An Ordinance amending Winters Municipal Code Sections 17.52.020 and 17.72.020 and adding Chapter 17.121 regarding Emergency Shelters
- C. An Ordinance amending Winters Municipal Code Sections 17.04.140 and 17.52.020 and Chapter 17.92 regarding Manufactured and Factory-Built Homes
- D. An Ordinance amending Winters Municipal Code Section 17.60.070 regarding Second Residential Units

Attachment 1

ORDINANCE 2011-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING WINTERS MUNICIPAL CODE SECTIONS 17.04.140, 17.52.020, 17.58.050, AND 17.72.020 AND ADDING CHAPTER 17.122 TO THE WINTERS MUNICIPAL CODE REGARDING SINGLE ROOM OCCUPANCY UNITS

The City Council of the City of Winters does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend and update Sections 17.04.140, 17.52.020, 17.58.050, and 17.72.020 and to add Chapter 17.122 to the Winters Municipal Code concerning single room occupancy units in order to comply with the City's adopted housing element.

SECTION 2 FINDINGS

The City Council hereby finds and determines as follows:

- A. The State Department of Housing and Community Development recognizes that Single Room Occupancy units can provide a valuable form of affordable private housing for lower-income individuals, seniors, and persons with disabilities;
- B. The Winters 2008 Housing Element identified revising the Zoning Ordinance to address the development of single-room occupancy dwellings as Implementation Program II.24;
- C. The proposed amendments to Sections 17.04.140, 17.52.020, 17.58.050, and 17.72.020 and the proposed Chapter 17.122 of the Winters Municipal Code will complete Implementation Program II.24 of the Winters 2008 Housing Element. Specifically, the new chapter of, and amendments to, the Zoning Ordinance will provide development standards and a permitting process for single room occupancy facilities; and
- D. The proposed amendments to Sections 17.04.140, 17.52.020, 17.58.050, and 17.72.020 and the proposed Chapter 17.122 of the Winters Municipal Code is consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Implementation Programs necessary through the 2008-2013 Housing Element planning period.

SECTION 3 Section 17.04.140 of the Winters Municipal Code is hereby amended to read as follows:

17.04.140 Definitions.

"Single-Room Occupancy" shall mean a facility providing dwelling units where each unit has a minimum floor area of 150 feet and a maximum floor area of 400 square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

SECTION 8 Chapter 17.122 is hereby added to the Winters Municipal Code to read as follows:

Chapter 17.122 SINGLE ROOM OCCUPANCY UNITS

Sections:

17.122.010 Purpose and intent.

17.122.020 Definitions.

17.122.030 Standards.

17.121.010 Purpose and Intent.

It is the purpose and intent of this chapter to regulate the development and operation of Single Room Occupancy land uses. Single Room Occupancy (SRO) units provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.

17.122.020 Definitions.

For the purposes of this chapter, the following word shall have the meaning respectively ascribed to it in this section.

"Single Room Occupancy" means a facility providing six or more dwelling units where each unit has a minimum floor area of 150 feet and a maximum floor area of 400 square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

17.122.030 Standards.

A. Single Room Occupancy Units. The following standards apply to single room occupancy units. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Section shall apply.

1. Unit size. The minimum size of a unit shall be 150 square feet and the maximum size shall be 400 square feet.
2. Bathroom facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor.
3. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
4. Closet. Each SRO shall have a separate closet.
5. Code Compliance. All SRO units shall comply with all requirements of the California Building Code.

B. Single Room Occupancy Facilities. In addition to the development standards in the underlying zoning district, the following standards apply to single room occupancy facilities. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Section shall apply.

1. Density. A Single Room Occupancy Facility is not required to meet density standards of the General Plan.

2. Common Area. Four square feet of interior common space per unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.
3. Bathroom facilities. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom (including toilets, sinks, and bathing facilities) per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
4. Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor.
5. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
6. Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the Community Development Director and Housing Programs Manager. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.
7. Facility Management. An SRO facility with 10 or more units shall have an on-site manager. An SRO facility with less than 10 units shall provide a management office on-site.
8. Parking. Parking shall be provided for a SRO facility at a rate of one parking space per unit plus an additional space for the on-site manager. Different parking standards apply in the Form Based Code Area. See Chapter 17.58, Section 17.58.060, Table 17.58-15: Parking.
9. Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.
10. Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this Section.

SECTION 9 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the ordinance will not have a significant effect on the environment; therefore, the ordinance is not subject to CEQA.

SECTION 10 SCOPE

Except as set forth in this ordinance, all other provisions of the Winters Municipal Code shall remain in full force and effect.

SECTION 11 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 12 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

The foregoing ordinance was introduced on _____, 2011, and passed and adopted during a regular meeting of the City Council of the City of Winters, this X day of X 2011, by the following vote to wit:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

Effective: MONTH DAY, 2011

Attachment 2

ORDINANCE 2011-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING WINTERS MUNICIPAL
CODE SECTIONS 17.52.020 AND 17.72.020 AND ADDING CHAPTER 17.121 TO THE WINTERS
MUNICIPAL CODE REGARDING EMERGENCY SHELTERS**

The City Council of the City of Winters does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend and update Sections 17.52.020 and 17.72.020 and to add Chapter 17.121 to the Winters Municipal Code concerning emergency shelters in order to comply with the requirements of state law under California Government Code Section 65583.

SECTION 2 FINDINGS

The City Council hereby finds and determines as follows:

- A. Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters under the Housing Accountability Act;

- B. The Winters 2008 Housing Element identified revising the Zoning Ordinance to permit year-round emergency shelters in the R-3, R-4, C-2 and PQP zones as Implementation Program II.7;

- C. The proposed amendments to Section 17.52.020 and 17.72.020 and the addition of Chapter 17.121 of the Winters Municipal Code will complete Implementation Program II.7 of the Winters 2008 Housing Element. Specifically, the new chapter of, and amendments to, the Zoning Ordinance will provide development standards and a permitting process for emergency shelters; and

- D. The proposed amendments to Section 17.52.020 and 17.72.020 and the addition of Chapter 17.121 of the Winters Municipal Code is consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Implementation Programs necessary through the 2008-2013 Housing Element planning period.

SECTION 3 Section 17.52.020 of the Winters Municipal Code is hereby amended to read as follows:

17.52.020 Land Use/Zone Matrix

	R-3	R-4	C-2	PQP
Emergency Shelter	CP	CP	CP	CP

SECTION 4 Section 17.72.020 of the Winters Municipal Code is hereby amended to read as follows:

17.72.020 Number of Spaces Required

Emergency Shelter Per Use Permit- **2 spaces for staff per facility**
1 space/6 occupants

SECTION 5 Chapter 17.121 is hereby added to the Winters Municipal Code to read as follows:

Chapter 17.121 EMERGENCY SHELTERS

Sections:

17.121.010 Purpose and intent.

17.121.020 Definitions.

17.121.030 Location of emergency shelters.

17.121.040 Standards.

17.121.010 Purpose and Intent.

This chapter establishes use and development regulations for emergency shelter facilities in accordance with state law and the city's adopted housing element. In accordance with state law, local communities have a responsibility to provide adequate sites for emergency shelters that serve homeless individuals and families. The goal of emergency shelters is to address acute needs of individuals and families by providing basic residential facilities and may include programs that help residents find available social services. Consistent with the findings of the state legislature, the city recognizes the need for, and the benefit of, temporary housing and services for homeless persons and families. This chapter is intended to allow for the development of emergency shelter facilities in conjunction with specified uses and in particular zoning districts, subject to development and operational standards that minimize potential adverse impacts on nearby properties and the community as a whole.

17.121.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section.

"Emergency shelter" means a building providing temporary shelter for persons in distressed circumstances, including temporary housing for homeless persons. Counseling services as well as temporary room or board may be provided.

"Religious institution" means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities, including a church or other place of religious worship in which religious services of any denomination are held.

17.121.030 Location of emergency shelters.

Emergency shelters are permitted in conjunction with religious facilities, subject to the location restrictions identified in this Section. Emergency shelters are further permitted by right in the multifamily residential (R-3), high density multifamily residential (R-4), central business district (C-2), and public quasi-public (PQP) zoning districts as a permitted use without a conditional use or other discretionary permit. Emergency shelters shall not be located within three hundred feet of an existing emergency shelter facility, measured from the closest point on each property line.

17.121.040 Standards.

In addition to the development standards in the underlying zoning district, the following standards apply to emergency shelters, and each emergency shelter shall comply with the standards set forth in this Section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Section shall apply. Nothing in this Section modifies the requirements for approval of a religious institution as otherwise provided in this Code.

- A. Facility compliance with applicable state and local standards and requirements.
 - 1. If an emergency shelter operates a program incidental to the emergency shelter, it shall comply with all federal, state and local licensing requirements for such program.
- B. Physical Characteristics.
 - 1. An emergency shelter shall comply with applicable state and local housing, building, and fire code requirements.
 - 2. An emergency shelter shall have on-site security during all hours when the shelter is open.
 - 3. An emergency shelter shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
 - 4. If the emergency shelter is proposed in conjunction with a religious institution, the area utilized for emergency shelter facilities may not exceed 50 percent of the total floor area used for the religious institution.
 - 5. Where a day care facility or elementary or middle school is operated on the same site as an emergency shelter, the day care and school facilities must be separated from the emergency shelter facilities by means to prevent access from one facility to the other.
- C. Limited Number of Beds per Facility. Emergency shelters accessory to a religious institution shall not exceed 10 beds. Other emergency shelters located in the City's zoning districts specified in this Chapter shall not exceed 20 beds.
- D. Limited Terms of Stay. The maximum term of staying at an emergency shelter is 6 months in any consecutive 12-month period.
- E. Parking. The emergency shelter shall provide on-site parking at a rate of 2 spaces per facility for staff plus 1 space for every 6 occupants, determined by the emergency shelter's maximum capacity.
- F. Emergency Shelter Management Plan. Prior to the operation of the emergency shelter and annually thereafter, the shelter shall prepare and file a management plan with the Community Development Department that discusses operational rules and standards, including, but not limited to, standards governing expulsions, lights-out, client supervision, client services, and food services. The plan shall also include a floor plan that demonstrates compliance with the physical standards required by this chapter.

SECTION 6 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the ordinance will not have a significant effect on the environment and is, therefore, not subject to CEQA.

SECTION 7 SCOPE

Except as set forth in this ordinance, all other provisions of the Winters Municipal Code shall remain in full force and effect.

SECTION 8 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

The foregoing ordinance was introduced on _____, 2011, and passed and adopted during a regular meeting of the City Council of the City of Winters on _____, 2011, by the following vote to wit:

- AYES: Council Member(s):
- NOES: Council Member(s):
- ABSENT: Council Member(s):
- ABSTAIN: Council Member(s):

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

Effective: MONTH DAY, 2011

Attachment 3

ORDINANCE 2011-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTIONS 17.04.140 AND 17.52.020 AND CHAPTER 17.92 OF THE WINTERS MUNICIPAL CODE REGARDING MANUFACTURED HOMES AND FACTORY-BUILT HOMES

The City Council of the City of Winters does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend and update Sections 17.04.140 and 17.52.020 and Chapter 17.92 of the Winters Municipal Code (the "Code") concerning manufactured homes and factory-built homes in order to comply with the city's adopted housing element.

SECTION 2 FINDINGS

The City Council hereby finds and determines as follows:

- A. The State Department of Housing and Community Development recognizes that manufactured homes and factory-built homes provide a valuable form of affordable private housing for lower-income individuals, seniors, and persons with disabilities;
- B. The Winters 2008 Housing Element identified this as Implementation Program II.5;
- C. The proposed amendments to Section 17.04.140 and 17.52.020 and Chapter 17.92 of the Winters Municipal Code will complete Implementation Program II.5 of the Winters 2008 Housing Element. Specifically, the amendments to the Zoning Ordinance will provide development standards and a permitting process for manufactured and factory-built homes;
- D. The proposed amendments to Section 17.04.140 and 17.52.020 and Chapter 17.92 of the Winters Municipal Code is consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Implementation Programs necessary through the 2008-2013 Housing Element planning period.

SECTION 3 AMENDMENT TO CODE

Sections 17.04.140 and 17.52.020 and Chapter 17.92 of the Winters Municipal Code are hereby amended to read as follows:

17.04.140 Definitions.

"Factory-Built Home" means a residential building constructed in conformance with the State of California Factory-Built Housing Code. A factory-built home shall not be deemed to include a mobile home or manufactured home as defined in this Section.

“Mobilehome” means any standard make of trailer constructed and equipped in such a manner as to permit permanent occupancy thereof as living quarters for a family unit. In general, any trailer over, twenty-five (25) feet in length may be considered a mobilehome; provided, that such trailer complies with all applicable laws and regulations controlling the design, construction, equipment or occupancy thereto. Mobilehomes are considered structures for the purpose of this ~~chapter~~title when they are parked in a mobilehome park. Small mobilehomes or trailers are defined as being five hundred (500) square feet or less in size, average mobilehomes or trailers as being five hundred one (501) to one thousand (1,000) square feet in size, and large mobile homes or trailers as being more than one thousand (1,000) square feet in size.

17.52.020 Land Use/Zone Matrix.

	R-R	R-1	R-2	R-4
Dwelling, Single Family	P ⁴	P ⁴	P ⁴	C ⁴

Footnotes

4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a Conditional Use Permit (CUP).

CHAPTER 17.92 PRE-MANUFACTURED BUILDINGS

17.92.010 Mobilehomes as permanent dwellings.

Mobilehomes may shall be used as permanent dwellings (dwelling units) in mobile home parks subject to the following rules:

- A. The mobilehome shall have a floor area of sufficient size to be compatible with existing dwellings in the area.
- B. An enclosed storage building of at least eighty (80) square feet in size shall be provided on the same lot with the mobilehome.
- C. Approved mobilehome skirting shall be applied around the base of the mobile home so as to obscure the area beneath the unit. Wood skirting located closer than six inches to the earth shall be treated wood or wood of natural resistance to decay and termites as defined in subsection (A) of Section 2502 of the Uniform Building Code, or any amendment thereto. Metal skirting shall be galvanized or treated metal or metal resistant to corrosion, and painted. Landscaping to help screen mobilehome skirting is encouraged.
- D. The mobilehome, its installation, maintenance, use, occupancy and facilities, any permanent buildings and any mobilehome accessory buildings and structures shall be governed by the standards adopted by the California Department of Housing and Community Development.

E.—Any mobilehome placed in a residential zone shall be affixed to a permanent foundation and shall comply with all the requirements of this title.

F.—No such mobilehome shall be permitted in the Main Street Historic District. (Ord. 97-03 § 2 (part); prior code § 8-1-6008(A))

17.92.030 Standards for Manufactured Homes and Factory-Built Homes as permanent dwellings.

A manufactured home or factory built home located on a permanent foundation on a private parcel shall:

- A. **Be occupied only as a residential use type.**
- B. **Be subject to all provisions of the Municipal Code applicable to conventional residential structures.**
- C. **Meet all development and design standards for the zone in which they are to be installed including but not limited to the parking standards in Chapter 17.72, conforming to the maximum floor area ratio, and landscape requirements, as applicable.**
- D. **Be attached to a permanent foundation in compliance with all applicable building regulations, and of the California Health and Safety Code.**
- E. **Have a minimum width of twenty (20) feet or be a double-wide, multi-sectional unit.**
- F. **Be governed by the standards adopted by the California Department of Housing and Community Development.**
- G. **Not be permitted in the Form Based Code Regulating Plan Area.**
- H. **Obtain Design Review approval pursuant to Chapter 17.36 of this code.**
- I. **Have a roof with a pitch of not less than two (2) inch vertical rise for each twelve (12) inch of horizontal run and consisting of shingles or other material customarily used for conventional residential dwellings.**
- J. **Be covered with exterior building materials and have architectural features customarily used on conventional residential housing and be approved by the Planning Commission. The exterior covering shall extend to finished grade, except that when a solid concrete or masonry perimeter foundation is use, the exterior covering material need not extend below the top of the foundation.**
- K. **Assure that the general appearance of the structure and the property is in keeping with the character of the neighborhood. To achieve this assurance, the Planning Commission shall require porches and eaves or roofs with eaves, specific roofing materials and siding when, in its opinion, it is necessary to be compatible with the dwellings in the area.**
- L. **Be provided with standard utility connections. The housing unit electrical, gas, water, and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shutoff valves, meters, and regulators shall not be located beneath the manufacture home.**

17.92.040 Modification of Standards.

Modification of the standards set forth in Section 17.93.030, paragraphs (E), (I), and (J), may be granted by the Planning Commission if it finds that such modification will not be detrimental to the public interest or surrounding residents or properties.

SECTION 4 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore, the project is not subject to CEQA.

SECTION 5 SCOPE

Except as set forth in this ordinance, all other provisions of the Winters Municipal Code shall remain in full force and effect.

SECTION 6 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Winters, this X day of X 2011, by the following vote to wit:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

Effective: MONTH DAY, 2011

Attachment 4

ORDINANCE 2011-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTION 17.60.070 OF THE WINTERS MUNICIPAL CODE REGARDING SECOND RESIDENTIAL UNITS

The City Council of the City of Winters does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to amend and update Section 17.60.070 of the Winters Municipal Code concerning second residential units in order to comply with California Government Code Sections 65852.150 through 65852.2 and the City's adopted housing element.

SECTION 2 FINDINGS

The City Council hereby finds and determines as follows:

- A. The State Department of Housing and Community Development recognizes that second residential units provide an important source of affordable housing. By promoting the development of second residential units, a community may ease a rental housing deficit, maximize limited land resources and existing infrastructure, and assist low and moderate-income homeowners with supplemental income;
- B. The Winters 2008 Housing Element identified revisions to Section 17.60.070 concerning secondary dwelling units as Implementation Program II.4;
- C. The proposed amendments to Section 17.60.070 of the Winters Municipal Code will complete Implementation Program II.4 of the Winters 2008 Housing Element. Specifically, the amendments to the Zoning Ordinance will provide development standards and a permitting process for second residential units; and
- D. The proposed amendments to Section 17.60.070 of the Winters Municipal Code are consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Implementation Programs necessary through the 2008-2013 Housing Element planning period.

SECTION 3 Section 17.60.070 of the Winters Municipal Code is hereby amended to read as follows:

17.60.070 Second residential units.

~~Secondary housing units shall be conditionally allowed in any R-district on any lot subject to planning commission approval and the following regulations:~~

- A. Purpose.

The purpose of this section is to permit second residential units in single-family residential zoning districts and on residential property consistent with state law (California Government Code Sections 65852.150 through 65852.2). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily residential character of the area. Second residential units are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan.

B. Permit.

An approved Second Residential Unit permit shall be obtained prior to construction, conversion and/or development of a second residential unit. Pursuant to California Government Code section 65852.2, the Second Residential Unit permit shall be considered ministerially without any discretionary review or a hearing.

C. Data to be furnished.

Applications for Second Residential Unit permits shall be filed with the Community Development Director on forms provided by the Community Development Department.

D. Second Residential Unit Application Fee.

An application for a Second Residential Unit permit shall be accompanied by a fee established by resolution of the City Council to cover the cost of handling the application as prescribed in this subsection.

E. Development Standards

All second residential units shall comply with the following development standards:

1. A. The maximum area of floor space of any second residential unit shall not exceed twelve hundred (1,200) square feet of living area on lots with a net lot area of twenty thousand (20,000) square feet or more and seven hundred fifty (750) square feet of living area on lots with a net lot area of less than twenty thousand (20,000) square feet. A second residential unit may be attached to or detached from the principal residence.
2. B. The site on which the proposed second residential unit is to be located meets the minimum lot size requirements for the zone in which it is located, and in no instance is less than seven thousand (7,000) square feet.
3. C. Construction under this section shall be subject to zoning requirements applicable to residential construction in single and multifamily zones, except as modified by the conditions of this section.

4. ~~D.~~ Second residential units shall be subject to the payment of building and community development fees as established under the Municipal Code and/or by city council action.
5. ~~E.~~ ~~Second residential units shall also pay for city services as a separate and independent residence under this code.~~
6. ~~F.~~ ~~The second residential unit must be located on the same lot or parcel on which the owner of record currently maintains his or her principal place of residence, and either the second residential unit or principal unit will be owner occupied. The owner shall record a deed restriction to this effect.~~
5. ~~G.~~ The lot on which the second residential unit is proposed shall contain a principal residence at the time of construction of the second unit. In the case of vacant lots, the principal residence and second residential unit may be constructed at the same time.
6. ~~H.~~ The second residential unit is self-contained with its own separate entrance, kitchen and bathroom ***and shall*** comply with all applicable building, fire, energy and other health and safety codes.
7. ~~I.~~ Only one second residential unit shall be allowed for each principal residence per lot, ~~and shall be occupied by a maximum of two people.~~ ***A second residential unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guesthouse. A guesthouse shall not be permitted on any lot developed with a second residential unit.***
8. ~~J.~~ The second residential unit shall be in compliance with all current zoning requirements, including structure height and yard setbacks. No second residential unit shall be constructed forward of the line of a principal residence. Consistent with the general plan, second residential units ***that front on alleys*** shall be encouraged.
9. ~~K.~~ One off-street parking space shall be provided for every second residential unit, in addition to parking required for the principal residence. ***When development of the second residential unit displaces existing required off-street parking (e.g., conversion of a garage) the required parking shall be replaced on the property in compliance with the Off-Street Parking regulations.***
10. ~~L.~~ Not more than forty (40) percent of the front yard of a parcel, inclusive of second residential unit off-street parking requirements, shall be devoted to a driveway.

11. M. The second residential unit shall not cause excessive noise, traffic congestion, parking congestion or overloading of public facilities.
12. N. Separate hookups for city services and/or utilities may be required as determined by city standards as applied by city staff or by the appropriate public utility.
13. O. Second residential units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the planning commission. No entrance to a second residential unit shall be located on the front building elevation of the principal residence if the second residential unit is attached to the residence, in order to maintain the appearance of the structure as a single-family unit.
14. P. A second residential unit may be sold separately from the parcel on which it is located only if subdivided and the resultant parcels meet all applicable city development and Subdivision Map Act regulations, including minimum lot size, site coverage, lot depth/width, and yard setback standards. (Ord. 97-03 § 2 (part): prior code § 8-1.5307)
15. The size of the second residential unit shall be counted towards the maximum floor area ratio (FAR) for the site.
16. Second residential unit permits shall not be issued for second residential units that result in adverse impacts to the adequacy of water and sewer services, and/or that result in adverse impacts on traffic flow, and/or that result in adverse impacts on any real property that is listed in the California Register of Historic Places.
17. All new construction, or exterior alterations to existing structures proposed under the second residential unit permit may be subject to design review as prescribed in Chapter 17.36 of this Title, except that design review shall be conducted ministerially without any discretionary review or a hearing.

F. Existing Second Residential Units.

This section shall in no way validate an illegal second residential unit. An application for a Second Residential Unit permit may be made pursuant to the provisions of this chapter to convert an illegal second residential unit to a lawful second residential unit, or to allow for the replacement, alteration or expansion of an existing nonconforming second residential unit. The conversion of an illegal second residential unit to a lawful second residential unit, or the replacement, alteration or expansion of an existing nonconforming second residential unit shall be subject to the requirements of this chapter.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the ordinance will not have a significant effect on the environment and is, therefore, not subject to CEQA.

SECTION 5 SCOPE

Except as set forth in this ordinance, all other provisions of the Winters Municipal Code shall remain in full force and effect.

SECTION 6 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

The foregoing ordinance was introduced on _____, 2011, and passed and adopted during a regular meeting of the City Council of the City of Winters on _____, _____, by the following vote to wit:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

ABSTAIN: Council Member(s):

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

Effective: MONTH DAY, 2011