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# CITY OF WINTERS PLANNING COMMISSION AGENDA

**Tuesday, May 23, 2006 @ 7:30 PM**

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

Chairman: Vacant  
Vice-Chair: Don Jordan  
Commissioners: Albert Vallecillo, Jack Graf, Joe  
Tramontana, Cecilia Curry, and Pierre Neu  
Administrative Assistant: Jen Michaelis  
Community Development Director: Dan Sokolow

## **I CALL TO ORDER 7:30 PM**

## **II ROLL CALL & PLEDGE OF ALLEGIANCE**

## **III COMMUNICATIONS:**

1. Staff Reports  
Current Planning Projects list dated April 16, 2006
2. Commission Reports

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

## **V CONSENT ITEM**

Approve minutes of the April 25, 2006 regularly scheduled meeting of the Planning Commission.

## **VI ACTION ITEM**

None.

## **VII DISCUSSION ITEMS:**

1. Status report on City of Winters Habitat Mitigation Program and review of current habitat mitigation efforts for the Winters Highlands project.
2. Review of single-family residences in C-2 Zone (Central Business District) and direction to staff on a potential Zoning Ordinance Amendment to allow existing single-family residences in the C-2 Zone to switch between commercial and residential uses.
3. Presentation on modifications to Rotary Park landscaping (no backup).

## **VIII INFORMATIONAL ITEM**

None.

## **IX ADJOURNMENT**

**POSTING OF AGENDA:** PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON TUESDAY, MAY 16, 2006.

  
DAN SOKOLOW – COMMUNITY DEVELOPMENT DIRECTOR

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

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

**PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS:** PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING.

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

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

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

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

**THE COUNCIL CHAMBERS IS WHEELCHAIR ACCESSIBLE**

**CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT**  
**Current Projects List as of May 16, 2006**  
**(530) 795-4910, extension 112, www.cityofwinters.org**

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

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<p>(8) Dunmore Commercial, Dunmore Communities, Rad Bartlam (916) 676-1115</p>	<p>Proposal to construct hotel, two retail outlets, three fast food restaurants, and gas station on the south side of East Grant Avenue adjacent to the Interstate 505 southbound on-ramp. General Plan Amendment, Rezone, Conditional Use Permit, Amendment/Update to Gateway Master Plan, and Site Plan.</p>	<p>Application submitted on April 12, 2005.</p>	<p>City staff determination of application completeness.</p>
<p>(9) Winters II, Community Housing Opportunities Corporation, Paul Ainger (530) 757-4444</p>	<p>Proposal to develop 34-unit apartment complex for low- and very low-income households at 110 East Baker Street.</p>	<p>Conditional Use Permit and Site Plan approved by the Planning Commission on September 27, 2005.</p>	<p>Submittal of building and construction plans to Community Development Department.</p>
<p>(10) Village on the Park, Village Partners, LLC, Mark Walther (310) 798-5656</p>	<p>Proposal to develop 75-unit condominium complex on Railroad Avenue south of NC Foliage (1029 Railroad). Tentative Subdivision Map, Conditional Use Permit, Planned Development Overlay, and Development Agreement.</p>	<p>March 28, 2006 Planning Commission workshop.</p>	<p>City staff determination of application completeness.</p>
<p>(11) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 27 single-family homes on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>March 28, 2006 Planning Commission workshop.</p>	<p>City staff determination of application completeness.</p>
<p>(12) Anderson Place, Eva Brzeski (530) 902-9785</p>	<p>Proposal to develop up to 27 residential units (condominiums) and 9 commercial spaces at 723 Railroad Avenue. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Conditional Use Permit, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>Application submitted on April 21, 2006.</p>	<p>City staff determination of application completeness.</p>

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**AFFORDABLE HOUSING UNITS**

- Project #1:** 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households.
- Project #2:** 3 units for low-income households.
- Project #3:** 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households.
- Project #4:** 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households.
- Project #5:** 11 units for very low- and low-income households.
- Project #6:** 6 units for moderate-income households.
- Project #7:** 1 unit for very low-, 1 unit for low-, 1 unit for moderate-income households.
- Project #9:** 34 units for very low- and low-income households.
- Project #10:** 4 units for very low- and 7 units for low- and moderate-income households.
- Project #11:** 2 units for very low- and 2 units for low- and moderate-income households.
- Project #12:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households.



**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING HELD  
TUESDAY, APRIL 25th, 2006**

Vice-Chairman Jordan called the meeting to order at 7:30 p.m.

**PRESENT:** Curry, Graf, Neu, Tramontana, Vallecillo, Vice-Chairman Jordan

**ABSENT:** None (Vacant Chairperson Position)

**STAFF:** Dan Sokolow, Community Development Director

Vice-Chairman Jordan led in the Pledge of Allegiance.

**COMMUNICATIONS:**

1. Staff Report  
Current Planning Projects list dated April 17, 2006.

Community Development Director Sokolow gave an overview of the Current Planning Projects List.

USA Weekend (March 17-19, 2006) "Little Big Houses" article

Commission Reports

U.S. EPA "Protecting Water Resources with Higher-Density Development" briefing

Commissioner Tramontana asked staff about the uses of the future linear park. He would like to see basketball, handball, or perhaps other features in the linear park as the sports park is getting filled up. Sokolow responded that the linear and sports parks undergo site plan review before the Planning Commission. He noted that the linear park would not include athletic fields, but it could still have active uses.

Tramontana also asked about the need for a city teen center, or after school kids club. He suggested the current location of the Fire Department once its functions are relocated to the new public safety facility.

Commissioner Curry reminded commissioners and citizens of the upcoming community workshops on the Metropolitan Transportation Plan (MTP) 2030 for the Sacramento Area Council of Governments. She encouraged attendance at the May 15, 2006 MTP workshop being held at U.C. Davis in Freeborn Hall and noted that the MTP process will include discussion of traffic flows.

There was no citizen input.

**CONSENT ITEM**

**Approve minutes of the February 28 & March 28, 2006 regularly scheduled meetings of the Planning Commission and a special meeting on March 14, 2006.**

Commissioner Curry moved to approve minutes of the February 28 & March 28, 2006 regularly scheduled meetings of the Planning Commission and a special meeting on March 14, 2006.

Seconded by Graf.

AYES: Curry, Graf, Neu, Tramontana, Vallecillo, Vice-Chairman Jordan

NOES: None

ABSTAIN: None

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ABSENT: None

Motion carried unanimously.

**ACTION ITEM #1**

**1. Public Hearing and Consideration of Parcel Map Application for 600-606 Railroad Avenue (APNs 003-151-24 and 25) to create two parcels 5,637 and 8,648 in size. Applicant: Richard Tortosa.**

Community Development Director Sokolow gave an overview of the staff report. Applicant Richard Tortosa addressed the Planning Commission, stating that he had always thought that this property was two parcels and was only recently made aware that it is one parcel.

Commissioner Graf moved to approve Parcel Map Application for 600-606 Railroad Avenue (APNs 003-151-24 and 25) to create two parcels 5,637 and 8,648 in size. Applicant: Richard Tortosa.

Seconded by Curry.

AYES: Curry, Graf, Neu, Tramontana, Vallecillo, Vice-Chairman Jordan

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

**2. Public Hearing and consideration of Site Plan application for the construction of a 2256 square foot single-family, one-storey residence at 125 Carrion Court (APN 003-360-21). Applicant: Douglas Morgan.**

Community Development Director Sokolow gave an overview of the staff report. He noted that the correct square footage of the residence is 2,256; the staff report incorrectly identified the square footage as 2,988.

Commissioner Vallecillo asked about the roadway for the property; it was not noted on the parcel map provided. Sokolow said there is a paved, private road called Carrion Court that serves four parcels, including 125 Carrion Court. The road includes a bulb at the west end so that fire vehicles can turnaround.

Commissioner Curry asked about the flow of floodwaters or runoff from the project site and whether they would go into the City's storm drain system. Sokolow said that floodwater swales were built into the project for 100-year storm drain flows and drainage from the project site would not go into the City's storm drain system.

Commissioner Neu asked if grading on the project would impact any neighbors. Sokolow said that minor grading on the site would need to occur; however, most of the grading was completed when the improvements were done for the Carrion Parcel Map project.

Neu moved to approve Site Plan application for the construction of a 2,256 square foot single-

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family, one-story residence at 125 Carrion Court (APN 003-360-21). Applicant: Douglas Morgan.

Seconded by Vallecillo.

AYES: Curry, Graf, Neu, Tramontana, Vallecillo, Vice-Chairman Jordan

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

**3. Public Hearing and consideration of Conditional Use Permit Modification for the installation of four antennas to the existing cellular tower located at the City of Winters' Wastewater Treatment Facility located near the intersection of County Roads 32A and 88 (APN 030-210-14). Applicant: Yolo County Communications Emergency Service Agency.**

Community Development Director Sokolow provided an overview of the staff report and noted the project has the potential to improve radio communications for the Winters Police and Fire Departments.

Commissioner Graf moved to approve Conditional Use Permit Modification for the installation of four antennas to the existing cellular tower located at the City of Winters' Wastewater Treatment Facility located near the intersection of County Roads 32A and 88 (APN 030-210-14). Applicant: Yolo County Communications Emergency Service Agency.  
Seconded by Curry.

AYES: Curry, Graf, Neu, Tramontana, Vallecillo, Vice-Chairman Jordan

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

**INFORMATIONAL ITEM**

Community Development Director Sokolow reminded Commissioners of the upcoming community workshops on "Improving Transportation Connections and Safety in Our Neighborhoods". The City received a Caltrans grant for the project and the Local Government Commission is coordinating the workshops.

**DISCUSSION**

None.

The meeting was adjourned at 8:10 P.M.

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DON JORDAN, VICE-CHAIRMAN

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING HELD  
TUESDAY, APRIL 25th, 2006**

ATTEST:

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DAN SOKOLOW, COMMUNITY DEVELOPMENT DIRECTOR



**PLANNING COMMISSION STAFF REPORT**

May 23, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Agenda Item VII #1, Discussion Items – Status report on City of Winters Habitat Mitigation Program and review of current habitat mitigation efforts for the Winters Highlands project.**

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**RECOMMENDATION:** Staff recommends that the Planning Commission receive the staff report.

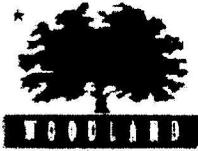
**BACKGROUND:** The City Council at its May 2, 2006 meeting approved the citywide habitat mitigation program (HMP). The Council made two significant changes to the HMP after considering the HMP at four meetings (May 2, April 18, March 7, and February 21, 2006). Under the qualifying land section of the HMP, isolated mitigation areas should be avoided and mitigation areas should be contiguous to one another or to other existing preserved land, or as a part of a larger conservation strategy. Previously, the "shoulds" were "shalls". Councilmembers were concerned that the initial language was overly stringent and would increase the difficulty in establishing habitat conservation easements.

For the second change, the Council dropped properties in Solano County from the program except where mitigation is not possible in Yolo County. As a result, generally favorable areas for mitigation are those that occur in Yolo County within a seven-mile radius of the current City limits. While the Council recognized the biological value of properties in Solano County within a seven-mile radius of the current City limits, particularly foraging habitat for Swainson's hawk, there were concerns about the Yolo County Habitat/Natural Communities Conservation Plan Joint Powers Agency (JPA) not receiving credit for easements that occurred in Yolo County and potentially having to make up a "deficit" in habitat conservation easement acreage. Solano County is located in a separate habitat conservation plan (HCP) area. The Yolo County HCP (Habitat/Natural Communities Conservation Plan) has not been completed at this time, but the JPA is continuing its efforts to purchase habitat conservation easements for Swainson's hawk. Please find attached a letter, dated March 7, 2006, from the JPA regarding the City's HMP.

On a somewhat related matter, Granite Bay Holdings, LLC, the developer of the Winters Highlands project, will present to the Planning Commission its plan to provide habitat conservation easements in Yolo County for Swainson's hawk and potentially other species.

**ATTACHMENT**

March 7, 2006 Letter from the Yolo County Habitat/Natural Communities Conservation Plan Joint Powers Agreement



## YOLO COUNTY HABITAT/ NATURAL COMMUNITIES CONSERVATION PLAN JOINT POWERS AGENCY

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March 7, 2006

Mayor Dan Martinez  
318 First Street  
Winters, CA 95694

Re: Proposed City-wide Habitat Mitigation Program

Honorable Mayor Martinez and Council members,

The Yolo HCP/NCCP Joint Powers Agency appreciates the opportunity to comment on the City's proposed Habitat Mitigation Program as presented in the Council staff report dated March 7, 2006. The JPA recognizes the importance of habitat and conservation efforts throughout the County and commends the City of Winters for being proactive in this regard.

As the Council is aware, the JPA is in the process of developing a countywide multi-species conservation plan ("HCP/NCCP"). This effort, initiated in 1994, is expected to be completed in 2008 and will cover an estimated 60+ species of concern, including the target species identified in the draft Habitat Mitigation Program. In addition to the primary goal of ensuring the continued presence of the many special status and common species occupying Yolo County, the HCP/NCCP will also confer regulatory assurances and benefits to public and private interests undertaking development activities in the County and the incorporated cities. Over the last 18 months the JPA has made significant progress toward realizing these goals through the strengthening of partnerships and shared visions. The JPA looks forward to continuing its partnership with the City of Winters as we jointly strive for mutual benefits related to conservation.

The JPA offers the following specific comments on the proposed Habitat Mitigation Program:

Proposal to allow mitigation in Solano County. The JPA does not support the mitigation of impacts in Solano County, particularly for Swainson's hawk. Both Solano and Yolo counties are pursuing Habitat Conservation Plans ("HCP's") under the federal Endangered Species Act that

will provide regulatory coverage and take authorization for Swainson's hawk. However, because each of these planning efforts is constrained by a geographic planning boundary, it is not possible for the Solano HCP permittees to confer take authorization and regulatory assurances on projects outside of their planning boundary (ie, in Yolo County). Unless mitigation occurs in an approved bank, this condition could leave project proponents in Winters without the regulatory certainty and assurances that are most valued by private interests, leaving open the question of continued liability. Moreover, mitigation funds expended outside of Yolo County's HCP/NCCP planning boundary will not be credited to the local conservation effort, leaving a shortfall in funding that will need to be remedied through increased local costs.

Benefits of early consultation with JPA: Beginning this summer the JPA will initiate the process of defining conservation strategies and preserve design which will include discussions within the 7 mile zone of interest established with this Program. The JPA strongly encourages continued consultation and cooperation to ensure that mutual benefits are achieved for this area as both planning efforts move forward. In particular, because the JPA is already building relationships with local landowners we can assist in matching local easements needs with willing sellers to maximize the value of early acquisitions to the ultimate preserve configuration. Finally, both efforts can benefit from economies of scale, including shared resources, that will be achieved through the larger HCP/NCCP planning process.

I hope these comments were helpful.

Regards,

Maria B. Wong, AICP  
Executive Director





**PLANNING COMMISSION STAFF REPORT**  
May 23, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

**SUBJECT: Agenda Item VII #2, Discussion Items – Review of single-family residences in C-2 Zone (Central Business District) and direction to staff on a potential Zoning Ordinance Amendment to allow existing single-family residences in the C-2 Zone to switch between commercial and residential uses.**

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**RECOMMENDATION:** Receive the staff report and provide staff with direction on whether to draft a Zoning Ordinance Amendment to allow existing single-family residences in the Central Business District (C-2 Zone) to switch between commercial and residential uses.

**BACKGROUND:** The Planning Commission at its January 24, 2006 meeting held a public hearing and considered a Zoning Ordinance Interpretation application submitted by Glenn and Jeanette DeVries for 112 Main Street (APN 003-202-02) on whether a structure in the C-2 Zone that has been destroyed by a fire or other catastrophe can be re-built and used as a single-family residence if it had not been used as a single-family residence at the time of its destruction but has a history of use as a single-family residence. While the Commission denied the application on a 4-3 vote, Commissioners expressed an interest in elevating the issue to the City Council for discussion on whether single-family residences located in the C-2 Zone should be allowed to switch back-and-forth between residential and commercial uses. Please find attached copies of the January 24, 2006 Planning Commission minutes and staff report on this item.

The City Council at its March 7, 2006 meeting discussed single-family residences in the C-2 Zone and whether the Zoning Ordinance should be amended to allow a commercial use located in the C-2 Zone to be changed to a single-family residential use if the building housing the commercial use had originally been constructed as a single-family residence. Please find attached a copy of the March 7, 2006 City Council staff report on this subject. The Council referred the item back to the Commission for further consideration and staff suggested surveying the C-2 Zone to determine the number of existing single-family residences.

There are approximately 62 single-family residences located in the C-2 Zone. A breakdown of the residences by specific streets is provided in the following table.

Street	Block	# of SFDs	Street	Block	# of SFDs
Abbey	100	4	East	500	4
Abbey	00	1	E. Edwards	00	7
First	400 – 600	9	E. Abbey	00	9
Baker	00	4	E. Main	00	5
Edwards	00	4	Russell	00	3
Grant	00	2	Main	100	2
E. Grant	00	2	Walnut	700	1
E. Baker	00	5	<b>TOTAL</b>	<b>--</b>	<b>62</b>

**DISCUSSION:** While it is difficult to make assumptions on whether existing single-family residences in the C-2 Zone will continue, it appears that most of the residences will remain and perhaps a handful may be either converted to commercial uses or incorporated into commercial projects involving adjacent properties. This is based on the large number of single-family residences in the C-2 Zone that are located adjacent to single-family residences in residential zones and the proposed improvements of the Downtown Master Plan being focused on the Railroad Avenue corridor, particularly on the east side of Railroad. A change to the Zoning Ordinance to permit single-family residences located in the C-2 Zone to change between commercial and residential uses may result in only a small number of properties going back and forth between commercial and residential uses. Furthermore, this number is further reduced because of the need to satisfy off-street parking and California Building Code requirements.

If a change is made to the Zoning Ordinance to permit single-family residences located in the C-2 Zone to change between commercial and residential uses, this change may benefit the property owners of 112 Main Street and perhaps a few other property owners contemplating a change from a single-family residential use to a commercial use or vice-versa. Consideration should be given to whether the current situation at 112 Main Street and similar situations merit a change to the Zoning Ordinance.

**ATTACHMENTS:**

January 24, 2006 Planning Commission Minutes and Staff Report on Single-Family Residences in the C-2 Zone

March 7, 2006 City Council Staff Report on Single-Family Residences in the C-2 Zone

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the option chosen. The consensus of the Planning Commission was to deal with the mitigation as a local program.

**3. Multiple species or Swainson's hawk only?**

Neu supports multiple species. Tschudin said the city may want to be flexible on the invertebrates and go through a certified mitigation bank. The consensus of the Planning Commission was multiple species but be flexible.

**4. Land dedication or in-lieu fees?**

The consensus of the Planning Commission was land dedication.

**5. Proximity of mitigation?**

The consensus of the Planning Commission was to within 7 miles of the city's boundaries.

**6. Is "stacking" of mitigation acceptable?**

The consensus of the Planning Commission was no stacking.



**3. Public Hearing and consideration of Zoning Ordinance Interpretation (2005-001-INT) application submitted by Glenn and Jeanette DeVries for 112 Main Street (APN 003-202-02) on whether a structure in the Central Business District (C-2) Zone that has been destroyed by a fire or other catastrophe can be re-built and used as a single-family residence if it had not been used as a single-family residence at the time of its destruction but has a history of use as a single-family residence.**

Glenn DeVries gave an overview of his application. Community Development Director Sokolow gave an overview of the background of the property.

Chairman Ross asked DeVries whether a zoning ordinance interpretation was the correct avenue for his request. DeVries responded yes and said there is some ambiguity in the ordinance.

DeVries said his office at 112 Main Street was originally built as a single-family residence and it doesn't meet the 2000 square foot minimum to accommodate a live-work unit. He purchased the property under desperation to house his business office since there was not any other office space available. DeVries said 200 public hearing notices were sent out to property owners and residents and there hasn't been any opposition to his request. His business is outgrowing the current office space. DeVries cannot build in the city's light industrial area because of flood issues. He said he wants to keep his business in the city.

Ross noted that the letter DeVries provided to the Planning Commission asks to be able to rebuild his office building as a house in the event that the building burns down; however, DeVries is also asking to be able to use the existing building as a house.

Commissioner Vallecillo asked whether we would be depriving people of their right to use their properties as residences.

Commissioner Curry moved to deny the application  
Seconded by Ross.

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AYES: Graf, Curry, Neu, and Chairman Ross  
NOES: Tramontana, Vallecillo, and Jordan  
ABSENT: None  
ABSTAIN: None

Motion to deny passed on a 4-3 vote.

Vallecillo suggested that this item should be reviewed by the City Council. Council Member and Planning Commission Liaison Tom Stone requested this item be put on the next City Council agenda for discussion and review.

**4. Public Hearing and consideration of amendment to the Zoning Ordinance to drop the conditional use permit requirement for multi-family projects in the R-3 (Multi-family Residential) and R-4 (High Density Multi-family Residential) Zones.**

Community Development Director Sokolow gave an overview of his staff report.

Chairman Ross opened the public hearing at 10:30 p.m. and closed it at 10:31 p.m.

Commissioner Neu moved to approve amendment to the Zoning Ordinance to drop the conditional use permit requirement for multi-family projects in the R-3 (Multi-family Residential) and R-4 (High Density Multi-family Residential) Zones. Seconded by Jordan.

AYES: Curry, Graf, Jordan, Neu, Tramontana, Vallecillo, and Chairman Ross  
NOES: None  
ABSENT: None  
ABSTAIN: None

Motion carried unanimously.

**DISCUSSION**

None.

**INFORMATION**

None.

The meeting was adjourned at 10:40 P.M.

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ED ROSS, CHAIRMAN

ATTEST:

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DAN SOKOLOW, COMMUNITY DEVELOPMENT DIRECTOR



**PLANNING COMMISSION STAFF REPORT**

January 24, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Agenda Item VI #3, Action Items – Public Hearing and consideration of Zoning Ordinance Interpretation (2005-001-INT) application submitted by Glenn and Jeanette DeVries for 112 Main Street (APN 003-202-02) on whether a structure in the Central Business District (C-2) Zone that has been destroyed by a fire or other catastrophe can be re-built and used as a single-family residence if it had not been used as a single-family residence at the time of its destruction but has a history of use as a single-family residence.**

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**RECOMMENDATION:** Staff recommends that the Planning Commission receive the staff report, conduct the public hearing, and provide an interpretation of the Zoning Ordinance on whether a structure located in the C-2 Zone that has been destroyed by a fire or other catastrophe can be re-built and used as a single-family residence if it had not been used as a single-family residence at the time of its destruction but has a history of use as a single-family residence.

**BACKGROUND:** Applicants Glenn and Jeanette DeVries own the property located at 112 Main Street (APN 003-202-02). The parcel is 6000 square feet in size and has General Plan and Zoning designations of Central Business District. The applicants have used the building located on the property as an office for their business, Solano Construction, for approximately two years. In 1981, the previous owner of the property, Jerry Neil, submitted a Site Plan application to change the use of the property from residential to commercial. Subsequently, the property owner converted the single-family residence to an office and it has been used as a bookkeeping office, beauty salon, and a construction office (current use). The property's current use as an office for a construction company is a permitted use in the C-2 Zone.

Approximately two months ago, Mr. DeVries contacted the Community Development Department and inquired about obtaining a letter indicating that his building could be re-built and used as a single-family residence in the event that a fire destroyed it. Staff declined to provide the letter based on the Zoning Ordinance's Land Use/Zone Matrix

table and non-conforming uses section.

1. A single-family residence use is a conditional use in the C-2 Zone; however, this is limited to a historic structure that is moved to a C-2 parcel.
2. A structure that is destroyed by a fire or other catastrophe and contains a legal, non-conforming use at the time of the destruction may be rebuilt and the legal, non-conforming use continued as long as the structure is rebuilt within one year.

**DISCUSSION:** There are a number of single-family residences located in the C-2 Zone. These residences were built several years ago prior to changes in the Zoning Ordinance such as the re-zoning of residential areas to the Central Business District Zone. As a result, these residences are considered legal, non-conforming uses. From time to time staff receives a request from either a real estate agent or property owner to provide a letter indicating that a specific single-family residence located in the C-2 Zone could be rebuilt and used as a single-family residence in the event that a fire or other catastrophe destroyed the residence. Staff has provided these letters based on the language contained in the non-conforming uses section of the Zoning Ordinance.

According to Mr. DeVries, he may want to resume a residential use (single-family residence) at 112 Main Street in the future. While single-family residences in the C-2 Zone are adjacent to 112 Main Street, the property has not been used as a single-family residence for several years. As a result, the applicants' Zoning Ordinance interpretation request does not appear to be consistent with the Zoning Ordinance.

**PROJECT NOTIFICATION:** Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Community Development Director in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: (1) a legal notice was published in the Winters Express on Thursday, January 12, 2006, and (2) notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Wednesday, January 18, 2006.

**ENVIRONMENTAL ASSESSMENT:** The Zoning Ordinance Interpretation application has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA. As a result, no further action is required under CEQA.

**ATTACHMENTS:**

1. Assessor's Parcel Map for Project Site
2. Letter dated December 12, 2005 from Applicants Glenn and Jeanette DeVries
3. Winters Municipal Code (Zoning Ordinance Land Use/Zone Matrix table and

- section on legal, non-conforming uses)
4. Public Hearing Notice (published and mailed copies)

**Planning Commission/112 Main Street Interpretation PC Stf Rpt 24Jan06**

December 12, 2005

To: Our Winters Neighbors

From: Glenn & Jeanette DeVries

We are sending you this letter regarding the zoning on our property at 112 Main Street, Winters, CA.

Our property is zoned C-2 Zone, and for all intense purposes is a single-family residence.

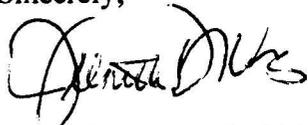
Currently our construction office occupies this property without any interior changes.

In the event of a fire, earthquake, or other type of disaster destroys the residence located at 112 Main Street, we are petitioning the City of Winters to let this property be rebuilt as a residence.

If you have any objection to our request from the City of Winters, please advise in writing to Glenn and Jeanette DeVries, 112 Main Street, Winters, CA 95694, 530-795-1080, or contact the City of Winters Development Department located at 318 First Street, Winters, CA 95694, (530) 795-4910.

Thank in advance for your consideration to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn & Jeanette DeVries". The signature is written in a cursive, flowing style.

Glenn & Jeanette DeVries

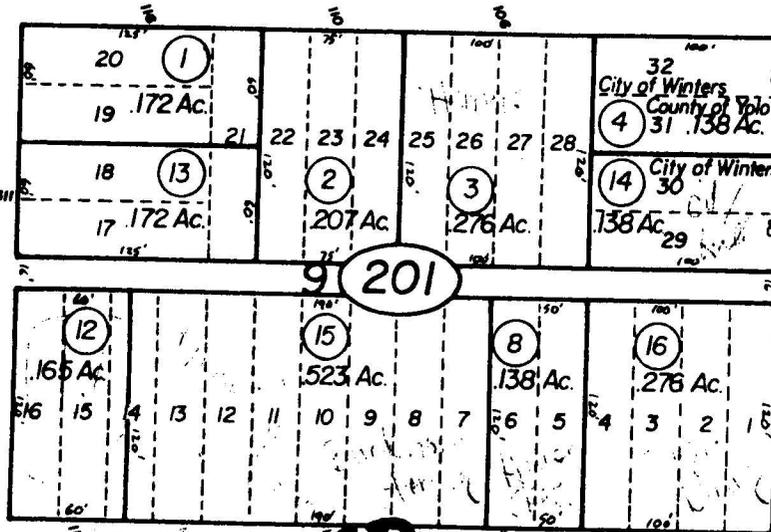
Portion of Rail  
T.8N., R.1W., M



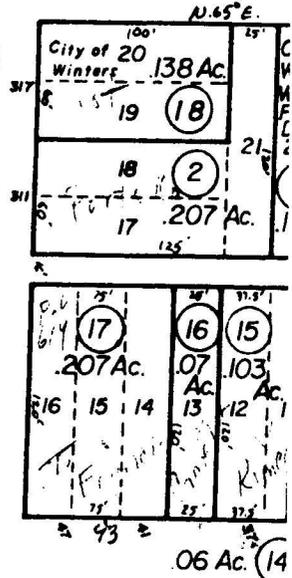
15

ABBEY

SECOND



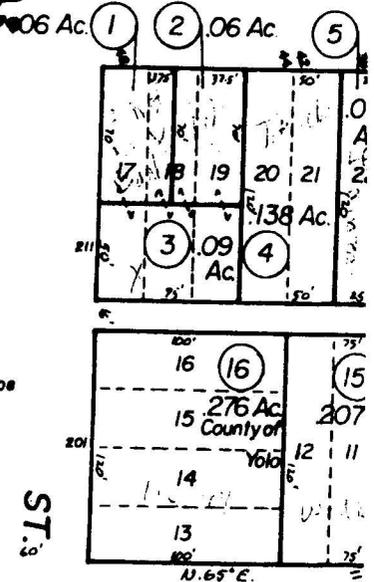
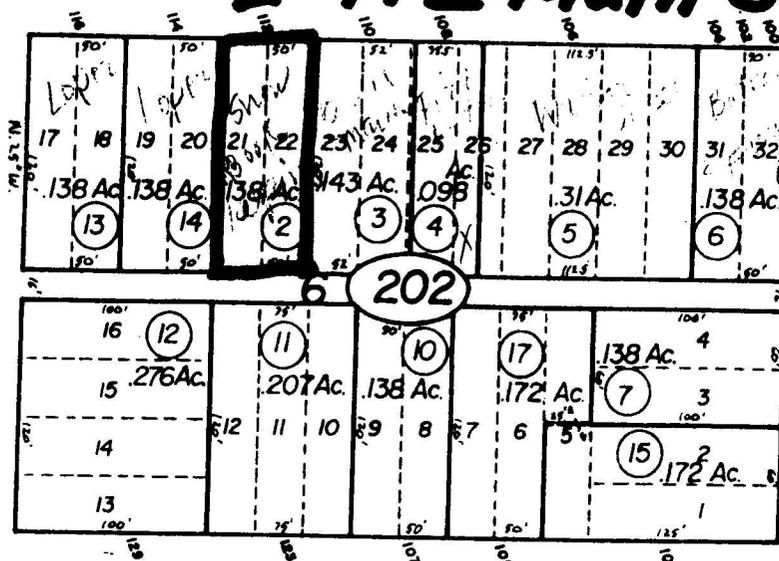
FIRST



19

MAIN

Project Site  
112 Main St



ST.

ST.

RUSSELL

24

of Winters  
own of Winters

No. 90055  
W. 7218  
W. 7218

LAND USE/ZONE MATRIX

KEY:  
 C= Conditional Use  
 P= Permitted Use  
 T= Temporary Use

Zoning Designations:

(A-1) General Agricultural  
 (R-R) Rural Residential  
 (R-1) Single-Family Residential  
 (R-2) One-and Two-Family Residential  
 (R-3) Multifamily Residential

(R-4) High Density Residential  
 (C-1) Neighborhood Commercial  
 (C-2) Central Business District  
 (C-H) Highway Service Commercial  
 (O-F) Office

(B/P) Business Industrial Park  
 (M-1) Light Industrial  
 (M-2) Heavy Industrial  
 (PQP) Public/Quasi-Public  
 (PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C															P
Animal Production	P																C
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					
Automobile Repair, Major							C	C			C	C	P				
Automobile Repair, Minor							P	P	P		P						
Bar, Cocktail Lounge							C	C									
Bed and Breakfast Inn			C	C	C	C		C									
Business Service							P	P		P	P						
Financial Institutions							P	P		P	P						
Equipment Sales, Rental, Repair							P	P			P						
Funeral Parlor								P			C						
Hotel, Motel								C	C								
Nurseries	P						P	P			C	C					
Office, Business and Medical							P	P		P	P						
Outdoor Sales							C	C			C						
Personal Retail Services							P	P									
Personal Storage								C			C	C			C	C	
Recreation, Indoor or Outdoor							C	C			C	C					
Recreational Vehicle Park									C		C						
Restaurant							P	P	P		C						
Restaurant, Drive-Through							C	C	P								
Retail Sales, General							P	P	C		C						
Roadside Stand	P	C					C	C									
Service Station							P	P	P		P						
Veterinary Hospital, Kennel	C						C	P									

INDUSTRIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Finished Goods Assembly											P	P	P				
Heavy Equipment Terminal											C	C	P				
Laboratory, Research, Equipment										C		C	C				
Manufacturing, Heavy General													C				
Manufacturing, Light General												C	P				
Mineral Extraction	C												C	C		C	
Recycling Center Collection							P	P			P	P	P				
Recycling and Salvage Yards													C				
Warehouse, Wholesale, Freight Terminal												C	P				
PUBLIC & QUASI-PUBLIC USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Assembly Hall/ Community Services	C	C					C	C		C	C			C	C		
Cemetery	C													C		C	
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C	C						C			
Cultural Facility							C	C						C	C		
Day Care, General		C	C	C	C	C				C	C			C			
Emergency Shelter				C	C			C						C			
Government Offices										C	C			C	C		
Hospital										C	C			C			
Public Parks	C	C	C	C			C	C	C					C	C	C	
Religious Institutions			C	C			C	C		C	C			C			
Safety Services							C	C		C	C			C			
Utility Services, Major	C	C											C	C	C	C	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Day Care, Limited		P	P	P	P	P											
Dwelling, Multiple Family					C	C	C	C		C							
Dwelling, Single Family	P	P	P	P	C	C		C								C	
Dwelling, Two-Family or Duplex			P	P	C	C											

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RESIDENTIAL USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Mobile Home Park		C	C	C	C	C											
Residential Care Facility		C	C	C	C	C								C			
TEMPORARY USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Arts and Crafts Show	T						T	T	T	T	T	T	T	T	T	T	T
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T													T	T	T	T
Seasonal Sales	T	T					T	T	T		T	T		T	T	T	T

Footnotes:



1. Affordable or market rate duplexes are allowed on all corner lots in the R1 and R2 zones citywide. 2003-01 §5
2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
- \* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design review) Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed  
(Ord. 2003-01 § 5; Ord. 2001-08; Ord. 97-03 § 2 (part); prior code § 8-1.502)

## Chapter 17.104

### **NONCONFORMING USES, STRUCTURES AND LOTS**

#### Sections:

- 17.104.010 Nonconforming uses.**
- 17.104.020 Nonconforming structures.**
- 17.104.030 Nonconforming lots.**

#### **17.104.010 Nonconforming uses.**

##### **A. Continuing Existing Buildings and Uses.**

Except as otherwise provided in this title, any use of land, buildings or structures which is legally nonconforming due to the adoption of previous zoning regulations, or a subsequent amendment to the zoning regulations contained in this title, may be continued. Except as provided for in this chapter, no legal, nonconforming use of land, buildings or structures shall be enlarged, expanded or intensified in any manner.

##### **B. Continuing Conditional Uses.**

Any use lawfully existing at the time of the adoption of these zoning regulations, or a subsequent amendment to this title, which use is listed as a conditional use in the zone in which it is located, shall remain a nonconforming use, and in no case shall the use be enlarged, expanded or intensified in any manner until a use permit has been obtained pursuant to the provisions of this title.

##### **C. Extension of Nonconforming Uses in Buildings.**

Upon an application for a use permit, the planning commission may permit the extension of a nonconforming use throughout those parts of an existing building which were designed or arranged for the use prior to the date the use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

##### **D. Changes to Other Nonconforming Uses.**

Upon an application for a use permit, the planning commission may permit the substitution of one nonconforming use for another nonconforming use which is determined by the planning commission to be of the same or more restrictive nature. Whenever a nonconforming use has been changed to be more re-

strictive use or conforming use, the more restrictive use or conforming use shall not be changed back to a less restrictive use or to a nonconforming use.

The nonconforming use shall not continue if more than fifty (50) percent of the area or fifty percent (50) of the use has been destroyed.

##### **E. Cessation of Uses.**

1. For the purposes of this chapter, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon the use or not, for a continuous time period as set forth in this chapter.

2. A building or structure which has been occupied by a nonconforming use shall not again be used for nonconforming purposes when the use has ceased for a continuous period of twelve (12) months or more.

3. Land on which there is a nonconforming use not involving any building or structure, except minor structures, including but not limited to buildings containing less than three hundred (300) square feet of gross floor area, fences and signs, where the use has ceased for one month or more, shall not again be used for nonconforming purposes, and the nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within six months after the first date of cessation of use. (Ord. 2003-04 § 24; Ord. 97-03 §2 (part): prior code § 8-1.6011)

#### **17.104.020 Nonconforming structures.**

##### **A. Nonconforming Structures—Continuation.**

Structures which were legally constructed, but are now nonconforming as to setbacks, floor area, landscaping, parking or other development regulations of this title may continue to be used.

##### **B. Nonconforming Structures—Improvement.**

Any expansion of a nonconforming structure must be in conformance with current zoning and building codes. Where the health, safety or general welfare are found to be at issue, the city building official may require that modifications be made to existing nonconforming structures as part of the expansion.

##### **C. Repair of Unsafe or Unsanitary Buildings.**

# Winters Express

P. B5

1/12/06

## City of Winters Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, January 24, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, CA 95694.

**PROJECT LOCATION:** 112 MAIN STREET, ASSESSOR PARCEL NUMBER 003-202-02.

**APPLICATION TYPE:** The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Zoning Ordinance Interpretation on whether a structure located in the C-2 Zone that has been destroyed by a fire or other catastrophe can be re-built and used as a single-family residence if it had not been used as a single-family residence at the time of its destruction but has a history of use as a single-family residence.

**PROJECT DESCRIPTION:** The project proponents, Glenn and Jeanette DeVries, have submitted a Zoning Ordinance Interpretation request on whether their property located at 112 Main Street (APN 003-202-02), which is 6000 square feet in size and contains a structure in use as an office for their business (Solaro Construction), could be re-built and used as a single-family residence in the event of its destruction by a fire or other catastrophe even though the property has not been used as a single-family residence for more than one year. The property has General Plan and Zoning designations of Central Business District. This project will require a Zoning Ordinance Interpretation from the Planning Commission.

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

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

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

Dan Sokolow - Community Development Director  
Published January 12, 2006



1/12/06

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Dan Sokolow - Community Development Director



**CITY COUNCIL STAFF REPORT**  
March 7, 2006

**TO:** Honorable Mayor and Councilmembers

**THROUGH:** John W. Donlevy, Jr. – City Manager

**FROM:** Dan Sokolow – Community Development Director *DS*

**SUBJECT:** Existing single-family residences in the Central Business District Zone.

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**RECOMMENDATION:** Receive the staff report and provide staff with direction on whether the Zoning Ordinance should be amended to allow a commercial use located in the Central Business District Zone to be changed to a single-family residential use if the building housing the commercial use had originally been constructed as a single-family residence.

**BACKGROUND:** Glenn DeVries owns the property located at 112 Main Street (APN 003-202-02). The parcel is 6000 square feet in size and has General Plan and Zoning designations of Central Business District. DeVries has used the building located on the property as an office for his business, Solano Construction, for approximately two years. In 1981, the previous owner of the property, Jerry Neil, submitted a Site Plan application to change the use of the property from residential to commercial. Subsequently, the property owner converted the single-family residence to an office and it has been used as a bookkeeping office, beauty salon, and a construction office (current use). The property's current use as an office for a construction company is a permitted use in the C-2 Zone.

Approximately three months ago, DeVries contacted the Community Development Department and inquired about obtaining a letter indicating that his building could be rebuilt and used as a single-family residence in the event that a fire destroyed it. Staff declined to provide the letter based on the Zoning Ordinance's Land Use/Zone Matrix table and non-conforming uses section.

1. A single-family residence use is a conditional use in the C-2 Zone; however, this is limited to a historic structure that is moved to a C-2 parcel.
2. A structure that is destroyed by a fire or other catastrophe and contains a legal,

non-confirming use at the time of the destruction may be rebuilt and the legal, non-confirming use continued as long as the structure is rebuilt within one year.

The Planning Commission at its January 24, 2006 meeting considered a Zoning Ordinance Interpretation application submitted by DeVries. His interpretation of the Zoning Ordinance is that it would permit him to rebuild his building at 112 Main Street as a single-family residence in the event that the existing building was destroyed by a fire or other catastrophe. The Planning Commission voted 4-3 to deny DeVries' application; however, Commissioners expressed an interest in elevating the issue to the City Council for discussion on whether single-family residences located in the C-2 Zone should be allowed to switch back-and-forth between residential and commercial uses.

**DISCUSSION:** There are a number of single-family residences located in the C-2 Zone. These residences were built decades ago prior to changes in the Zoning Ordinance such as the re-zoning of residential areas to the Central Business District Zone. As a result, these residences are considered legal, non-confirming uses. Notwithstanding off-street parking and California Building Code requirements, the Zoning Ordinance permits these residences to be changed to commercial uses. However, the Zoning Ordinance does not allow a commercial use in the C-2 Zone located in a building originally constructed as a single-family residence to be changed to a single-family residence use.

#### **ATTACHMENT**

January 24, 2006 *DRAFT* Planning Commission Minutes (pages 5 and 6)

Planning Commission/112 Main Street CC Stf Rpt 7Mar06