

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, October 30, 2007 @ 7:30 PM

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

Chairman: Albert Vallecillo
Vice Chairman: Pierre Neu
Commissioners: Joe Tramontana, Wade Cowan,
Bruce Guelden, Corinne Martinez, Glenn DeVries
Administrative Assistant: Jen Michaelis
Community Development Director: Dan Sokolow

I CALL TO ORDER 7:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III COMMUNICATIONS:

1. Staff Reports
Current Projects list dated October 22, 2007
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 October 9, 2007 special meeting of the Planning Commission.

VI DISCUSSION ITEMS:

1. Public Hearing and consideration of an ordinance adding Chapter 17.112 to the Winters Municipal Code pertaining to commercial condominium conversion.
2. Procedures for public hearings (no backup).

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON MONDAY, OCTOBER 22, 2007.



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 October 22, 2007
(530) 795-4910, extension 112, www.cityofwinters.org

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION
(1) Winters Highlands, Granite Bay Holdings, LLC, Larry John (916) 960-1656	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.	Planning Commission approved Design Review for Phase I residences on June 26, 2007.	City Council approval of Final Map.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	Planning Commission approved Site Plan (landscaping) on December 21, 2005.	City Council approval of Final Map.
(4) Creekside Estates, Tim Ruff (530) 758-7008	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 for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and Development Agreement.	Planning Commission workshop held on July 10, 2007 to discuss development options for project site.	Project not active.

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(8) Winters II, Community Housing Opportunities Corporation, Ben Rosen (530) 757-4444	Proposal to develop 34-unit apartment complex for low- and very low-income households at 110 East Baker Street.	Construction of units and site improvements nearing completion.	Completion of units and site improvements.
(9) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506	Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Inclusionary Housing Agreement, and Development Agreement.	Applicant declined option to purchase project property.	Project not active.
(10) Anderson Place, Eva Brzeski (415) 887-9300	Proposal to develop up to 30 mostly attached single-family residences 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.	City Council at its June 19, 2007 meeting took final action on the project by approving the project development agreement.	City Council approval of Final Map.
(11) Pearse Parcel Map, Thomas Pearse (530) 795-5901	Proposal for 4-unit parcel map at the south end of Third Street.	Planning Commission on October 9, 2007 approved project.	Recordation of parcel map.
(12) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855	Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan.	Conceptual site plan review held at the Planning Commission on February 27, 2007.	Completion of initial study and recommended conditions of approval.
(13) Valadez, Frank Valadez, Trustee, 530-674-5102	Proposal to change General Plan and Zoning designations for the 1.421-acre parcel (APN 003-391-05) located east of the Winters Cemetery from public-quasi-public to residential use.	Application submitted on March 29, 2007.	Completion of Initial Study.

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AFFORDABLE HOUSING UNITS

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

**MINUTES OF A SPECIAL WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, OCTOBER 9, 2007**

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

PRESENT: Cowan, Graf, Neu, Vallecillo, Chairman Jordan

ABSENT: Guelden, Tramontana

STAFF: Community Development Director Dan Sokolow, Administrative
Assistant Tracy Jensen, City Engineer Nick Ponticello

Commissioner Vallecillo led the Pledge of Allegiance.

COMMUNICATIONS:

Staff Report

None.

Commission Reports: Commissioner Neu reported that the Winters Putah Creek Committee finished the vegetation management project and will bring this item to the next committee meeting for a final vote.

Citizen Input

None.

CONSENT ITEM

Approve minutes of August 28, 2007 regularly scheduled meeting of the Planning Commission.

Commissioner Graf made a motion to approve the minutes for the August 28, 2007 meeting of the Planning Commission. Seconded by Commissioner Neu.

AYES: Cowan, Graf, Jordan, Neu, Vallecillo

NOES: None

ABSTAIN: None

ABSENT: Guelden, Tramontana

Motion passed 5-0 with Guelden and Tramontana absent.

COMMISSION ITEMS:

1. Swear in new Planning Commission Members

City Attorney John Wallace performed the swearing-in of new Planning Commissioners Glenn DeVries and Corinne Martinez, and returning Planning Commissioner Bruce Guelden. Mayor Woody Fridae expressed his thanks to the outgoing members for their willingness to serve the City. Planning Commissioner Al Vallecillo also thanked the outgoing members and welcomed the incoming members.

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2. Selection of Planning Commissioner Chair and Vice Chair

Commissioner Neu made a motion to appoint Commissioner Vallecillo as Planning Commission Chairman. Seconded by Commissioner Guelden.

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

Motion passed 6-0 with Tramontana absent.

Commissioner Guelden made a motion to appoint Commissioner Neu as Planning Commission Vice Chairman. Seconded by Commissioner Martinez.

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

Motion passed 6-0 with Tramontana absent.

ACTION ITEMS:

1. Request to hold regularly scheduled Planning Commission meeting for October on Tuesday, October 30, 2007.

The Planning Commission agreed to hold the regularly scheduled October meeting on October 30, 2007.

2. Appointment of Planning Commissioner to Economic Development Subcommittee

Commissioner Martinez volunteered to sit on the Economic Development Subcommittee and the Planning Commission approved her appointment.

3. Continued Public Hearing and consideration of Parcel Map application (2006-02-PM) submitted by Thomas Pearse to subdivide the existing 8.85-acre parcel located at 101 Third Street (APN 003-241-01) into four lots and a designated remainder lot. Entitlement includes parcel map.

Commissioner Cowan recused himself due to a possible conflict of interest since he is participating in the project.

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Community Development Director Sokolow noted that approximately fourteen conditions of approval have been deleted including ones that cover items that can be addressed at design review of the future single-family residences. Other conditions have been modified. For example, the water main for the project will be connected to existing main in Second Street and directed through the project then connected to the existing main in Third Street. This will provide a looped system and save the project applicant the expense of having to replace the existing water main in Third Street from the end of Third to Russell Street.

Wade Cowan, 106 Third Street, spoke for the applicant and expressed support for the revised conditions of approval.

Chairman Vallecillo opened the public hearing at 7:43 p.m.

Celia Racine, 107 Third Street, noted that her neighbor Floyed Fletcher of 105 Third Street was not able to attend tonight's meeting because of confusion on the meeting date, but his daughters are present this evening. Racine provided the Planning Commission with a letter that outlined her concerns with specific aspects of the project. Racine asked whether the garage at the end of Third Street was going to be torn down and whether a turnaround easement could be constructed in its place. She said a two-story home could be constructed potentially only ten-feet from her property line. Racine stated that it was not feasible at the design review phase to determine whether a lot in the project could be constructed as either a single- or two-story residence. She suggested a conditioning the parcel map to require a mix of one- and two-story residences.

Racine questioned why the private street was being considered for the project when the General Plan prohibits this. She said there is not an extraordinary circumstance to justify the private street and it does not fit in with the neighborhood. Racine expressed concern with the proximity of the project's street to the Fletcher residence at 105 Third Street and asked what could be done to mitigate this situation.

Brian Sousa, Sousa Land Surveying (3809 Rollingwood Drive, Fairfield), said he designed the project and described the drainage swale along the private street as more of a landscaped buffer and not a steep slope feature. He said he tried to design the project roadway as an attractive-looking driveway with a vehicle turnaround area. Regarding the garage at the end of Third Street, Sousa said there was some confusion initially as the title company did not include the garage in the title report. Upon further research it was found that the City abandonment of the south end of Third was not recorded.

Chairman Vallecillo asked who would maintain the landscaping along the swales. Sousa said the property owners would be responsible for the maintenance. Vallecillo asked if the maintenance responsibility was mentioned in the reciprocal access and

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maintenance agreement. Sokolow said the agreement is contained in Condition of Approval #7; however, maintenance of landscaping is not specifically mentioned. Chairman Vallecillo asked whether there was any problem in realigning the private street to the south in order to increase the buffer between street and the Fletcher residence at 105 Third. City Engineer Ponticello said no, but added that the project applicant would need to review this.

Vallecillo asked Ponticello about city street standards as it pertains to the proposed private street. Ponticello said the structural section would be constructed to city street standards, but the City does not want to maintain a roadway that only serves four future homes.

Commissioner Neu asked whether the future homes for the project would have Third Street addresses. Sokolow responded no because it would be too confusing for fire and police personnel responding to emergencies. The private street name would need to end in "court".

Tom Pearse, 102 Third Street, recommended that the street be named "Charlie Pearse Court".

Vallecillo closed the public hearing at 8:07 p.m.

Commissioner Guelden said the second story issue should be addressed at design review and consideration should be given to shifting the roadway to the south. Wade Cowan indicated that the non-bulb section of the roadway could be moved.

Vallecillo expressed his support for moving the roadway.

Commissioner Martinez made a motion to approve the Parcel Map application (2006-02-PM) submitted by Thomas Pearse to subdivide the existing 8.85-acre parcel located at 101 Third Street (APN 003-241-01) into four lots and a designated remainder lot with the following revised wording for Conditions of Approval #7 and 17. Seconded by Commissioner Guelden.

Condition of Approval #7: The applicant shall prepare a reciprocal access and maintenance agreement for the project and record it prior to or concurrently with the recordation of the Parcel Map; the agreement shall include the maintenance of the off-site landscaped areas. A draft of the agreement shall be provided to City staff for review and approval. In order to facilitate refuse/recycling/green waste service from the private street (cul-de-sac bulb area), the reciprocal access and maintenance agreement shall release from liability the local refuse/recycling/green waste service provider for any damaged caused to the private street in the course of the provider's operations to serve the residences located at the project site.

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Condition of Approval #17: The proposed private street shall be constructed as proposed on the Parcel Map except that the straight, non-bulb section of the roadway shall be shifted 5 feet to the south or as approved by the City Engineer. The street shall be constructed with 3.0 inches of AC over 6 inches of AB. No on-street parking shall be allowed on the private street and the street shall be signed for no parking. The entrance to Third Street shall be constructed as a commercial driveway. A stop sign shall be installed and stop bar striped where the street intersects with Third Street in order to stop the traffic exiting the parcel map area. The cul-de-sac bulb radius shall have a 40-foot minimum of pavement for the private street plus the 2-foot gravel shoulder.

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

Motion passed 5-0 with Cowan and Tramontana absent.

Commissioner Cowan returned to the dais.

COMMISSION/STAFF COMMENTS

None.

The meeting was adjourned at 8:39 p.m.



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE : October 30, 2007
THROUGH: Dan Sokolow, Community Development Director *DS*
FROM: Kate Kelly, Planning Manager *KK*
SUBJECT: Introduce Ordinance adding Chapter 17.112 to the Winters Municipal Code pertaining to Commercial Condominium Conversion

RECOMMENDATION:

Staff recommends that the Commission:

- 1) Receive Staff Report
- 2) Conduct Public Hearing
- 3) Recommend adoption of the Commercial Condominium Conversion Ordinance to the City Council

BACKGROUND:

Residential condominiums are a popular form of residential development and ownership. This trend is not restricted to residential development; businesses also are finding that condominiums can meet a variety of commercial needs.

A commercial condominium ordinance allows for the subdivision of a building into separate legal units which may be sold into separate ownership. Thus, the owner of a building can divide the building into smaller units and sell those units which would allow for increased opportunities for economic development and business ownership and investment.

Commercial condominiums also provide significant investment opportunities. Condominium units that constitute only part of a building or complex may appeal to business owners or real estate investors who are unable to purchase an entire building or complex. Commercial condominium units may be combined with residential condominium units in a mixed-use development.

Finally, condominium units provide businesses that cannot afford to purchase the entire building they occupy an opportunity to enjoy tax advantages on the part they do own such as deductions for property taxes and interest, as well as assessments, utilities, insurance, repairs and depreciation -- advantages that would not be available to them as tenants.

The City is utilizing a number of tools to foster economic development and revitalization of the downtown. The downtown core has a number of buildings with vacant space or under utilized space. Prime examples include the second floors of the Buckhorn (2 -10 Main), Putah Creek Café (1 Main) and Masonic (41- 47 Main) buildings.

There are also buildings which, although are occupied, could use additional investment – for example the Opera House (13 Main), the Depot building (200- 208 Railroad), and the California Market building (111 -118 Main). This proposed Commercial Condominium Conversion Ordinance would provide the mechanism to divide buildings such as these and would create additional investment and business ownership opportunities.

THE ORDINANCE

The Commercial Condominium Ordinance (Attachment A) establishes Chapter 17.112 et seq. of the City of Winters Municipal Code. It would be applicable City-wide and it provides definitions, permitting requirements, permit process, noticing requirements, and conversion requirements including provisions for historic buildings, and tenant protections. These provisions have been reviewed by the City's Planning, Building, and Engineering divisions. Staff also met with several key building owners to solicit their comments and suggestions which, to the extent, feasible have been incorporated into the draft Ordinance.

Permitting Requirements – Condominium conversions require a permit approved by the City Council. The permit application must be submitted to the Community Development Director, reviewed by the Planning Commission and the project must meet all requirements of the Ordinance.

Noticing Requirements – All tenants and prospective tenants are to receive all available information related to the proposed conversion project in a timely manner. In addition, the applicant shall notify, in writing, at least 60 days in advance all tenants of the project and the Community Development Director of the intended conversion. The notice shall be written in non-technical language in a manner to be reasonably comprehensible to tenants.

Application Process – After an application is submitted to the Community Development Director it will be reviewed for completeness and consistency with this Ordinance. The application package will include: boundary map, parking proposal, preliminary site plan, physical needs report, structural pest control report, summary statement of proposed repairs and improvements, rental history report, relocation assistance/ownership incentive report, and any additional information deemed necessary by the City.

Application Review and Action - The Community Development Department shall review all applications and make a recommendation to the Planning Commission and City Council based on the standards set forth by this Ordinance. When

corrective work is identified in the reports required to be submitted with the application, or by subsequent site inspections by staff, or at staff's direction, such work will be incorporated as conditions of approval on the project if not corrected in advance of the first public hearing. The city will charge a reasonable hourly fee for inspections required by the Ordinance to recover actual costs to the City.

The Planning Commission will review the proposed condominium conversion project at a public hearing and make a recommendation to the city council. The City Council will have final review of a proposed condominium conversion project. The City Council may approve or reject the project based on the standards set forth in the condominium conversion Ordinance, and the City Council may impose additional conditions consistent with the review criteria. Notice of actions by the Planning Commission and the City Council will be provided to all tenants.

Conversion Requirements – All conversions must comply with standards including building codes, fire prevention, vibration, noise, utility metering, disabled access, and communication equipment. Each project must have CC&Rs and a property owners association to govern the management, maintenance, security, and operation of the project. The Ordinance also includes provisions for tenant relocation, rental assistance, and relocation assistance.

RECOMMENDATION

Should the Commission recommend approval of the Commercial Condominium Ordinance, the next step would be to introduce the Ordinance to the City Council at their November 20th meeting.

FISCAL IMPACT:

None – intended to stimulate economic development.

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTERS ADDING CHAPTER 17.112 TO THE MUNICIPAL CODE PERTAINING TO COMMERCIAL CONDOMINIUM CONVERSION

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

Section 1: Chapter 17.112 Commercial Condominium Conversion is hereby added to the Municipal Code of the City of Winters to read as follows:

17.112.010 Purpose.

This chapter shall provide for the conversion of projects where ownership of existing buildings is subdivided, whether such subdivision involves residential to commercial/industrial or commercial/industrial to commercial/industrial, and whether such conversion is to condominium as defined in Section 1350 of the Civil Code, to community apartment projects, as defined in Section 11004 of the Business and Professions Code, or to stock cooperatives, as defined in Section 11003.2 of the Business and Professions Code.

This chapter recognizes that a conversion is different from new construction in that the owners of a unit in a conversion take responsibility for a building built under standards that may be less stringent than those that are currently required, and existing tenants may be displaced by a conversion. A conversion also differs from a leased or rental property in that the unit owner assumes long-term responsibility for the unit owned, for the common areas of the project, and the higher level of economic cost required to own instead of rent.

The intent of this chapter is to provide increased options for commercial development and business ownership opportunities. The further intent of this chapter is to mitigate the hardship caused by displacement of commercial tenants; and to assure that conversion projects maintain long-term economic value for the owner.

Therefore, such conversions shall be permitted, provided that they shall comply with the standards set forth in this chapter for the class of conversion proposed and all other applicable laws.

17.112.020 Definitions.

The following definitions pertain to this chapter related to condominium conversions and new construction:

"Applicant" means the owner(s) or subdivider(s) with a controlling interest in the proposed project, and any successors in interest.

"Association" means the organization created to own, lease, manage, maintain, preserve and control the lots, parcels or areas of a project, or any portions thereof or interests therein owned in common by the owners of the separately owned condominium units.

"Commercial condominium project" means a commercial condominium project intended for commercial occupancy.

"Common area" means an entire condominium project excepting all units therein.

"Condominium" means and includes:

1. "Condominium" as defined by Section 783 of the Civil Code;
2. "Community apartment project" as defined by Section 11004 of the Business and Professions Code;
3. "Stock cooperative" as defined by Section 11003.2 of the Business and Professions Code; and
4. "Planned development" as defined by Section 11003 of the Business and Professions Code.

The term "condominium" specifically includes, but is not limited to, the conversion of any existing structure for sale pursuant to a method described in subsections (D)(1) through (4) of this section.

"Condominium conversion" or "conversion" means a change in the ownership of a parcel or parcels of property, together with structures thereon, whereby the parcel or parcels and structures previously used as rental units are changed to condominium ownership. Condominium conversion includes projects which have previously obtained final map approval, but have not proceeded to sell any of the units.

"Condominium project" or "project" includes the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.

"Condominium unit" or "units" means the individual spaces within a condominium project owned as individual estates.

"Eligible tenant" means any tenant who was a resident of the condominium project proposed for conversion on the date notice of intent to convert is given as required by state law.

"Low income," when used by itself or as a modifier of a person or household or other term, means a household whose income does not exceed eighty percent of the median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

"Moderate income," when used by itself or as a modifier of a person or household or other term, means a household whose income is eighty-one to one hundred twenty percent of the median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

"Notice of intent to convert" means the notice required to be served upon tenants or prospective tenants pursuant to the requirements of Section 66427.1, 66452.8, 66452.9 or 66459 of the Subdivision Map Act. The definition includes both sixty- and one-hundred-eighty-day notices as further defined in the applicable section.

"Special category tenants" refers to persons or tenants who fall within one or more of the following categories:

1. "Elderly" means individuals sixty-two years of age or older;
2. "Handicapped" or "permanently disabled" mean as defined in Section 50072 of the California Health and Safety Code or 42 USC 423 and 24 CFR 8.3;
3. "Low income" or "very low income" mean as defined in this section.

"Very low income," when used by itself or as a modifier of a person or household or other term, means a household whose income does not exceed fifty percent of the median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

17.112.030 Condominium conversion permit.

A. Condominium Conversion Permit Required. No condominium conversion shall be permitted unless the city council has approved the granting of a condominium conversion permit. The permit application shall be submitted to the community development department, shall be reviewed by the planning commission and the project shall meet all the requirements of this chapter.

B. Standard for Approval. No application for a permit pursuant to this chapter shall be approved unless the following findings are made:

1. The proposed condominium conversion meets all the development and other standards set forth in this chapter.
2. All notices required by the Winters Municipal Code or state law pertaining to condominium conversions have been properly and timely served.
3. For existing residential buildings, that at the time the application to convert is deemed complete, the percentage of multifamily rental units is at or above fifteen percent (15%) of the total number of housing units in the city of Winters.
4. That conversion of the project to condominiums will not be contrary to the public health, safety and general welfare of the residents of the city, or the surrounding community.
5. That the proposed conversion is consistent with the general plan, zoning code and other applicable provisions of the Winters Municipal Code, including without limitation, the city building codes. Notwithstanding any provisions to the contrary, the City Council may impose conditions designed to achieve compliance and consistency with current city building codes prior to the time of occupancy of each unit of a project, however, the entire building shall fully comply with all City building codes related to the structural integrity of the building, earthquake standards and fire safety requirements prior to the sale or occupancy of any unit of the building.
6. For existing residential buildings, the proposed condominium conversion will not cause a net reduction in the number of rental or for sale multifamily units in the city which are affordable for low and/or very low income tenants.

C. Hearing. The planning commission shall hear any application for a condominium conversion permit and shall make a recommendation to the city council pertaining to the permit. The city council shall have final authority to approve or deny an application for a condominium conversion permit. The hearing shall be held concurrently with any tentative subdivision map application.

D. Expiration of Condominium Conversion Permit for Failure to Establish Use. An approved condominium conversion permit shall expire two years following the date the permit was approved by the city council. If an application for an extension of an approved condominium conversion permit is submitted prior to the expiration of the permit, the city council may grant a one-year extension of the permit upon a showing that: (a) the applicant has submitted an application to

convert to the Department of Real Estate and is diligently pursuing conversion with the Department of Real Estate, and (b) that the applicant has submitted a final map for the project for approval by the city. Any extension of a permit shall be conditioned to require compliance with any new provisions applicable to such conversion projects and payment of all fees in effect at the time the extension is granted.

17.112.040 Condominium conversion permit application.

A. Acceptance of Application to Convert. The community development director shall accept applications for a condominium conversion permit and shall determine whether the standards and prerequisites for issuance of a permit as set forth in this chapter are met. After the review process set forth in this chapter, the community development director shall submit the application to the planning commission for review and recommendation and then to the city council for final action. No application for a condominium conversion permit shall be approved if the standards for approval set forth in this chapter are not met.

B. Condominium Conversion Application Contents. Recognizing that the conversion of existing structures that have been previously occupied and constructed as leased or rental units may present unique issues for present tenants and future buyers, the application for a condominium conversion permit shall include the following information:

1. A boundary map drawn to scale showing the location of all existing easements and structures.
2. The applicant's proposal for the following:
 - a) Parking for each owner or business, including handicapped accessible parking; and
 - b) The management of common areas within the projects and minimum maintenance requirements for continued compliance with applicable health and safety standards as established by the city.
3. Preliminary Site Plan. The applicant shall submit a preliminary site plan. The preliminary site plan shall show all existing and proposed structures, parking areas (including handicapped parking areas), drive aisles, driveways, parking lot lighting, utilities (water, sewer, drainage, electrical, cable television, and gas), garbage collection and pickup locations, and any other information required by the community development director or the city building official. The preliminary site plan shall show all existing and proposed landscaping, including existing trees, and irrigation facilities.

4. Physical Needs Report. A report on the physical element of each structure and facility shall be prepared and submitted to the city. The report shall be full and complete, meeting all the requirements of this section, and in sufficient detail to evaluate the project. The report shall address the items set forth in this section and shall have been prepared within six months of submittal of the application.
 - a) A report detailing the structural condition of each major element of the property including roofs, foundations, exterior siding and paint, electrical systems, outdoor lighting, plumbing systems, utilities, irrigation systems, drainage systems, mechanical equipment, paved and concrete surfaces, seismic stability, parking facilities, recreational facilities, and fire protection systems, including fire alarm and sprinkler systems. Regarding each element, the report shall state: (1) when the element was originally constructed or installed; (2) when the element was last repaired or replaced; and (3) any variation in the current physical condition of the element from the requirements of the building codes in effect on the date of the preparation of this report. The report shall further identify each defective or unsafe element and set forth the proposed corrective measures to be employed and a timeline for completion of the corrective measures. The report shall be prepared by an appropriately licensed engineer or architect approved by the city, other than the owner. Each structure and facility (courtyards, storage areas, garages, etc.) shall be inspected as part of the report.
 - b) A structural pest control report shall be provided for each structure. This report shall be prepared by a licensed structural pest control operator in accordance with applicable state law.
 - c) A summary statement of repairs and improvements proposed to be made by the applicant necessary to refurbish and restore the project to achieve a high degree of safety and durability.
 - d) A phasing plan indicating the order and the locations of repairs and improvements to be made by the applicant.
5. Rental History Report. For existing residential buildings, the applicant shall submit a rental history report of rental rates for the units, detailing the current rental rates and the rates for the prior twelve months, including any rental incentive(s) provided to the tenants.
6. Relocation Assistance/Ownership Incentive Report. For existing residential buildings or where residential tenants are currently occupying portions of a commercial condominium project, a report describing the

relocation assistance, as identified under Section 17.112.060, shall be submitted.

7. Additional Information. If deemed necessary, based on the size, age, condition and/or improvements required in the proposed conversion project, the community development director, the city building official, the planning commission, or the city council may require the applicant to submit additional information to supplement that required by this section. Such additional information shall be used to better evaluate the application for a condominium conversion permit, and make proper findings and/or imposed conditions in accordance with the purposes, objectives and requirements of this chapter, the general plan, or any specific plan or element thereof in effect at the time of such application.

C. Notice of Proposed Conversion.

1. It is the intent of the notice provisions in this chapter that all tenants and prospective tenants receive all available information pertaining to the proposed conversion project in a timely manner. Any ambiguities in the notice provisions are intended to be read as broadly as possible to ensure full and complete information is provided to residents and prospective residents.
2. In addition to any notices required by state law, the applicant shall, at least sixty days prior to filing an application for a condominium conversion permit, notify all the tenants of the project, and the community development director in writing, of the intended conversion. The notice must be provided in a single document and written in non-technical language reasonably comprehensible to tenants and prospective tenants of the project. The notice shall include at least the following information and attachments:
 - a) A general description of the proposed project;
 - b) The name of the current owner and applicant and where such person or persons can be contacted;
 - c) The anticipated schedule of approval and conversion;
 - d) A copy of the city's condominium conversion ordinance;
 - e) Notification of the tenants' right to receive notice of hearings;
 - f) Notification of residential tenant's right to receive notice of intention to convert prior to termination of tenancy due to the conversion, and

to receive notice of final approval of the application within ten days of approval of the final map;

- g) A copy of the proposed relocation assistance plan for residential tenants as required by Section 17.112.060;
 - h) Notification that the tenants will be given ten days' written notice that an application for a public report has been or will be submitted to the Department of Real Estate and that such report will be available on request.
3. The notice of intent to convert shall be conspicuously posted at the on-site rental office location, if there is an on-site rental office, and in at least two common areas or the mail pick-up area. In addition, said notices shall also be posted at each driveway entrance to the project site. All required notices of intent shall remain posted until the converted units are first offered for sale.
 4. All prospective tenants shall be provided the written notice in this section at the time they are shown an apartment unit or commercial space, as applicable, and prior to the time a rental/lease agreement is executed. A signed copy of the notice shall be retained by the applicant as proof of compliance with this provision.
 5. All notices required by the Subdivision Map Act shall be served by the owner as required by statute. The owner shall bear the cost of all publication, printing and delivery costs for required notices. Owner shall submit proof of noticing for all owner-served notices.

17.112.050 Application review and action.

A. The community development department shall review all applications for permits submitted pursuant to this chapter and make a recommendation to the planning commission and city council based on the standards set forth in this chapter.

B. Review by Staff.

1. When corrective work is identified in the reports required to be submitted with the application, or by subsequent site inspections by staff, or at staff's direction, such work shall be incorporated as conditions of approval on the project if not corrected in advance of the first public hearing. All corrective work required shall be completed prior to the approval of a final map or the applicant shall enter into an improvement agreement with the city committing to the completion of the improvements in accordance with the Subdivision Map Act and the Winters Municipal Code.

2. The city shall charge a reasonable hourly fee (estimated as the actual cost to the city) for inspections required by this chapter. The applicant shall post a cash deposit in an amount equal to the estimated cost of inspection, as determined by the community development director, prior to any inspection services being provided.

C. Review by Planning Commission. The planning commission shall review the proposed condominium conversion project at a public hearing and shall make a recommendation to the city council. Notice of action by the planning commission shall be provided to all tenants and notice of the public hearing shall be provided as set forth in Government Code Chapter 2.7, commencing with Section 65090. All notices required by the Subdivision Map Act shall be served by the owner or city as required by statute. Owner shall bear the cost of all publication, printing and delivery costs for required notices incurred by the city. Owner shall submit proof of compliance with the notice provisions of this chapter not less than thirty days prior to a hearing by the planning commission.

D. Review by the City Council. The city council shall have final review of a proposed condominium conversion project. The city council may approve or reject the project based on the standards set forth in the condominium conversion permit portion of this chapter, and the city council may impose additional conditions consistent with the review criteria. Notice of action by the city council shall be provided to all tenants and notice of the public hearing shall be provided as set forth in Government Code Chapter 2.7, commencing with Section 65090. All notices required by the Subdivision Map Act shall be served by the owner or city as required by statute. Owner shall bear the cost of all publication, printing and delivery costs for required notices incurred by the city. Owner shall submit proof of compliance with the notice provisions of this chapter not less than thirty days prior to a hearing by the city council.

17.112.060 Commercial condominium conversion requirements.

All commercial condominium conversion projects must comply with the following requirements, which shall be incorporated into the conditions of approval on the project:

- A. The applicant shall prepare a declaration of covenants, conditions and restrictions ("CC&Rs") which shall be recorded and apply to each owner of a commercial condominium unit within the project. The CC&Rs shall be subject to the approval of the community development director and shall be recorded at, or prior to, the time of final map approval, and shall include all applicable conditions of approval and requirements of the city. The CC&Rs shall, at a minimum, provide:

1. That any amendment to the CC&Rs related to the conditions of approval or other requirements of this chapter may not be approved without prior consent of the city.
2. That there shall be an entity created (e.g., a property or homeowners' association) which shall be financially responsible for and shall provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities.
3. A provision containing pertinent information regarding the conveyance of units and the assignment of parking, an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities, and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit.
4. A provision addressing the payment of water, utilities, gas and electricity by the homeowner or through the association.
5. A provision requiring that any owner who rents his/her condominium unit shall utilize a professional property management company to manage the rental unit or that there exists a property owners' association which is responsible for management of the common areas and enforcement of the CC&Rs.

B. Standards. The following standards shall apply to commercial condominium conversion projects:

1. Building Regulations. All structures within the project shall conform to the current provisions of Title 24 of the California Code of Regulations, as adopted and/or amended by the City of Winters, and other applicable City building, zoning and municipal codes and ordinances, except as provided herein. The provisions of the State Historic Building Code (California Administrative Code, Title 24, Part 8) shall be applicable in permitting repairs, alterations, and additions necessary for the preservation, restoration and continued use of a historical building or structure.
2. Fire Prevention. Each unit shall be provided with a fire-warning system conforming to current applicable codes in effect in the city. All common walls of units shall be constructed and maintained in accordance with current building codes. The number and locations of fire extinguishers and hydrants shall be in accordance with current fire codes. Existing fire sprinkler systems shall be verified to be in good working order and meet standards for the system installed.
3. Vibration Transmission. All permanent mechanical equipment (such as motors, compressors, pumps and compactors) which are determined by

the building official to be a source of structural vibration or structural-borne noise shall be vibration-isolated with inertia blocks or bases or vibration isolator springs in accordance with the standards in effect at the time the last building was constructed on the site.

4. Noise Standards. The structures shall conform to all interior and exterior sound transmission standards of the California Code of Regulations and applicable sections of the California Building Code. Where these standards cannot be feasibly met, in the discretion of the building official, reduced requirements may be allowed by the building official and the subdivider shall include notice of the deficiency in the final Physical Needs Report.
5. Utility Metering. Each unit shall be individually metered for gas and electricity. If this requirement cannot be feasibly met, in the discretion of the building official, this requirement may be waived in the conditions of approval and a home or property owners' association, or similar entity, shall be formed for the payment and billing of the applicable utility. At a minimum, separate exterior shut-off valves for water, gas and electricity shall be provided for each unit.
6. Disabled Access. The project site and every unit within the project shall comply with current building codes related to disabled access.
7. No television or radio antennas, dishes, or similar devices may be installed on the exterior of any building, except as required by law. All mechanical equipment and roof top antennas shall be shielded from view.

C. Tenant Provisions.

1. No lease in good standing shall be terminated as a result of the conversion. Any tenant under an existing lease shall be offered the opportunity to remain in the unit until the lease expires. Tenants under an existing lease may terminate the lease after approval of the tentative map and the condominium conversion permit without penalty, but if terminated by the tenant prior to the owner serving the one-hundred-eighty-day notice required by Government Code Section 66427.1, shall not be entitled to any relocation or other benefits as provided in this chapter.
2. For existing residential buildings, a tenant relocation plan shall be prepared and shall meet and provide at least the following requirements:
 - a) All present tenants who are not in default under the rental agreement or lease under which they occupy their unit shall have not less than one hundred eighty days' notice from the date of

receipt of notification from the applicant of its intent to convert as provided in Government Code Section 66427.1.

- b) All tenants shall be provided with up-to-date information on available apartments of comparable size, quality and price located within a fifteen-mile radius of the apartments to be converted. Transportation shall be provided to assist each elderly or disabled non-purchasing tenant in seeking alternative housing.
- c) The economic terms of the tenant's tenancy, including, but not limited to, rent and utilities allowance, shall not be modified to the detriment of the tenant during the period between the filing of a tentative map application or submittal of the condominium conversion application, whichever is sooner, and the date the tenant is required to relocate, or the date of the denial, withdrawal or expiration of the tentative map or condominium conversion permit.
- d) The approved tenant relocation plan shall be incorporated into the conditions on the project and shall be provided to each tenant in the project within ten days of approval of the condominium conversion permit.

D. Rental Assistance.

1. A rental assistance payment shall be provided to all tenants equal to one month's current rent. Said payment shall be paid in one lump sum within fourteen days of the date of their relocation. No more than one payment per unit is required. Payments under this section only apply to qualifying tenants who are not in default at the time they vacate the premises and were tenants at the time the sixty-day notice of intent to convert, required by Government Code Section 66452.9, was served.
2. Special Category Tenant. In addition to the rental assistance payment provided to tenants, any special category tenant shall be offered a one-time payment equal to one year's rent in effect at the time they were provided a notice of intent to convert, or an eighteen-month lease extension in which the annual rent increase shall coincide with the increases as shown in the "rent, residential" component of the housing component in the Consumer Price Index for all urban consumers in the Yolo Primary Metropolitan Statistical Area. Either option identified above is determined by the applicant and shall be identified in the tenant relocation plan.
3. All tenants who commence their tenancy after the date the notice of intent to convert required by Government Code Section 66452.9 and this

chapter was served shall be notified in writing whether they will receive any rental assistance upon conversion. Tenants not properly noticed pursuant to the Government Code and required by this chapter shall receive relocation benefits regardless of date of tenancy.

E. Relocation Assistance. For all tenants entitled to rental assistance, the applicant shall arrange for the physical move of all tenants, at no cost to tenant, within a fifteen-mile radius of subject property or, at the applicant's option, provide five hundred dollars in relocation assistance. No more than one such payment shall be made per unit.

1. No tenant, by virtue of the provisions of this chapter, shall have a vested right from the city to any of the benefits or other interest provided herein. Nothing in this chapter is intended to abridge any rights of tenants or obligations of owners as provided in state law.

F. Security Inspection and Plan. The property and all common areas shall be inspected by the Winters police department, who shall provide security recommendations to the applicant to address any physical safety and security issues such as lighting, landscape, and similar physical elements. Items identified shall be incorporated into conditions of approval of the application and shall be completed prior to the approval of a final map or issuance of the first building permit, whichever is sooner. The applicant may request of the community development department that it enter into an improvement agreement with the city committing to the completion of the improvements prior to the occupancy of the sale of the first unit within the project.

G. Property Owners' Association. Prior to the approval of a parcel or final map, a property owners' association or similar entity shall be formed for any condominium conversion project. The association shall, at a minimum, provide for the administration, management and maintenance of all common areas including landscaping, drive aisles and parking areas, maintenance of the exterior of all buildings, the collection of dues, payment of public utilities not billed separately to each unit, and enforcement of standards within the project.

17.112.070 Administrative fees.

The city council may, by resolution, establish reasonable fees and deposits to fully defray the cost of processing applications and proposals, inspections and for the administration of this chapter.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or

legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: Mayor

City Clerk