

CITY OF WINTERS SPECIAL PLANNING COMMISSION AGENDA

Tuesday, December 13, 2016 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 794-6713
Email: dave.dowswell@cityofwinters.org

Chairperson: Kate Frazier
Vice Chairman: Paul Myer
Commissioners: Dave Adams, Lisa Baker,
Frank Neal, Patrick Riley, Gregory
Contreras
City Manager: John W. Donlevy, Jr.
Associate Planner, Jenna Moser

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

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

IV CONSENT ITEM

- A. Minutes of the September 27, 2016 meeting of the Planning Commission.
- B. Minutes of the November 8, 2016 meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

- A. Public Hearing and Consideration of the following for 437 Russell Street:
 - 1) Design/Site Plan Review for a new 2,040 square foot, two-story single family home on a vacant lot.
 - 2) Variance to reduce the side yard setback on the garage (West) side from 10 to 5 feet.
- B. Public Hearing and consideration of various amendments to Title 17 (Zoning Ordinance) of Winters Municipal Code which includes the following entitlements.
 - 1) Finding the project Statutorily and Categorically Exempt from CEQA Sections 15268 (Ministerial Projects) and 15282h (Second Units).
 - 2) Recommending the City Council adopt an ordinance amending Chapters 17.04 (Definitions), 17.16 (Applications and Public Hearings), 17.52 (Land Use Regulations: Zoning Matrix), and 17.58 (Second Residential Units).

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON NOVEMBER 3, 2016

DAVID DOWSWELL, COMMUNITY DEVELOPMENT DEPARTMENT PLANNER

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

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

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

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

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

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

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

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
SEPTEMBER 27, 2016**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

John Donlevy called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Contreras

ABSENT: None

STAFF: City Manager John Donlevy, Housing & Economic Development Director Dan Maguire, Contract Community Development Director Dave Dowswell, Management Analyst Dagoberto Fierros

John Donlevy led the pledge of allegiance.

New Councilmember Contreras was formally introduced.

CITIZEN INPUT:

CONSENT ITEM: Staff indicated there were no minutes available for this meeting.

STAFF/COMMISSION REPORTS:

Commissioner Myer went to a Public Safety meeting in regards to the Cold Fire.

Commissioner Neal viewed the PG&E concrete pour.

Commissioner Baker stated the Earthquake festival and the Carnitas Festival were both a great success.

Commissioner Frazier went to a Putah Creek Committee meeting.

INFORMATION ITEM:

A. Winters Parking Committee Presentation

Gino Mediati spoke about the impacts current and future businesses will have on parking.

Sandy Vickrey gave a brief description about what the Winters Parking Committee is all about.

Chris Turkovich discussed the participation of downtown businesses in a parking survey. There was 72% participation from businesses in the past year.

Gino Mediati wanted to speak with the new police chief about parking enforcement. Traffic Consultant Fredrick Venter discussed possible parking options with the Parking Committee.

Sandy Vickrey discussed the short term solutions (solutions that can be resolved within 6 months). Sandy believes the downtown Main St. sign at Grant Ave. and E. Main should be moved closer to Railroad to increase the flow of traffic through the downtown business district on Railroad Ave. She suggested getting better lighting in the downtown business district, John Pickerel's parking should also be restriped and valet parking should also be considered by the city when the downtown hotel opens.

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Chris Turkovich talked about the traffic count statistics in Downtown for the year. Monday through Thursday morning there was plenty of parking but Thursday evening through Saturday evening the parking would become a problem.

Commissioners Riley and Myer thanked the Winters Parking Committee for providing valuable information about the parking problem.

DISCUSSION ITEM:

- A. Consideration site plan and design review for the Downtown Hotel Façade.

City Manager John Donlevy discussed the importance of the decision and gave background information regarding the Downtown Hotel Project.

Donlevy gave an overview of the Downtown Master Plan.

Dowswell gave an overview about the changes to the hotel regarding the outside eating area and the change to the hotel façade. He added that the changes to the hotel do not adversely affect the overall look of the project as it was approved. If the Planning Commission approves the removal of the 3 parking spots, the operator will also have to get a permit for the outside earing area.

Mike Olivas with the Downtown Hotel Project talked about how critical the walkability of downtown is. The structural engineering to make the changes will be major. Olivas was pleased have support from the city.

John Pickerel described the importance of getting people to come back to Winters. The removal of 3 parking spaces will create a people gathering place. The patio will become a people gathering event that happens every 365 days a year. Pickerel is willing to donate 3 parking spaces in his private property across the street from the Downtown Hotel proposed site.

Kathy Cowan of the Public acknowledged the importance of the Downtown Hotel and the outside eating area.

Sandy Vickrey liked the design of the "open" windows. Vickrey thanked Pickerel for allowing the community and visitors to park in his private parking.

Chris Turkovich discussed the value of the outdoor seating to business.

Wade Cowan acknowledged the importance of having the outside eating area. He acknowledged the parking problem.

COMMISSIONER/STAFF COMMENTS:

Commissioner Riley had questions about the hotel façade and landscaping changes in the new plans.

Mike Olivas answered Commissioner Riley's landscaping questions regarding the trees in front of the Hotel.

Commissioner Myer talked about the vision regarding the development of Railroad Avenue.

Commissioner Baker was very happy about the possible local operator in the bottom floor of the downtown hotel.

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Commissioner Adams was very happy to see the push down Railroad Avenue.

Commissioner Frazier questioned the size of the walking path of the sidewalk café outside of the downtown hotel.

Commissioner Frazier asked if there will be retail space in the bottom floor.

Dowswell responded yes and gave the square footage the restaurant will be.

Mike Olivas discussed the buffer between the outside eating area and road.

Commissioner Baker suggested the tables in the eating area be closer to the wall than the road. She stated the difficulty of walking through a busy outside eating area.

Commissioner Riley asked how long the redesign will delay the commencement of the hotel project.

Mike Olivas said at least a 30 day delay.

Commissioner Myer moved that the Planning Commission approve the changes to the site plan and design to the Railroad Ave. portion of the hotel by taking the following actions:

Conformations exemptions for the provisions of CEQA, Section 15332

And approved design review site plan is subject to all previous conditions of approval and additional conditions mentioned above.

Plus an \$8,000 in lieu of fee

Plus 3 Parking spaces be dedicated to the city from John Pickerel's private parking lot across the street

Commissioner Baker seconded with one minor change: changing the in lieu fee to 150% or a minimum of \$8,100 whichever is higher at the time when the fee is paid.

AYES: Commissioners Adams, Baker, Contreras, Frazier, Myer, Riley, Neal

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

B. Consideration to various amendments to Title 17

Dave Dowswell was proposing a number of formatting changes, update the definitions and delete those definitions which were similar. He suggested approving the change to the maximum height in the Highway Commercial (C-2) Zone from 30 to 45ft.

COMMISSIONER/STAFF COMMENTS:

Commissioner Frazier questioned if affordable definitions in the code were set by USDA of FDA

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Dowswell responded that definitions of "elderly" are set by the federal agency the city uses for definitions. HUD is usually the standard.

Commissioner Baker commented that certain agencies use 55 or 62 as "elderly"

Commissioner Myer and Commissioner Baker acknowledged that modifications were made to accommodate FHA financing for the new housing.

Commissioner Frazier questioned if there will be issues selling liquor at Chevron because it is in close proximity (within 500ft) of a vocational school (PG&E Gas Training Facility)

Dowswell replied that this issues only applies to schools with children.

Commissioner Myer asked if the city has within city limits "farmworker housing".

Donlevy stated that there are 2 farmworker housing units.

Commissioner asked for a motion for the city council to adopt various amendments to Title 17

Commissioner Baker moved.

Commissioner Myer Seconded.

AYES: Commissioners Adams, Baker, Contreras, Frazier, Myer, Riley, Neal

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

C. Update of the current nuisance abatement ordinance amending Title 19.

Dowswell stated that the current ordinance had some "holes". Dowswell wanted the planning commission to make recommendations for the update of the nuisance ordinance so City Council can approve these changes.

PUBLIC COMMENTS:

None.

COMMISSIONER/STAFF COMMENTS:

Dave Dowswell added that the city was not going to become very aggressive in code enforcement regarding the updated nuisance ordinance.

Commissioner Riley asked if issues are typically resolved with the initial contact.

Dowswell stated that residents typically comply 80% of the time after sending out the first letter, 90% after sending two letters, almost 100% comply with a follow up letter from city attorney.

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Commissioner Baker asked if there is a line between trash, recycle, and what is considered storage.

Dowswell commented that it will come down to nuisance such as odor, vermin etc.

City Manager Donlevy commented on the "two track" process on how to deal with nuisance issues (Administrative citations and a more serious civil process)

Commissioner Myer asked if the house that burned down on Main Street would become a nuisance if nothing was done about it.

Donlevy stated yes.

Commissioner Riley asked when this update to the nuisance ordinance will go to city council.

Dowswell mentioned Oct. 18 city council meeting. Updated nuisance order would take effect in December.

Donlevy talked about a possible MMD coming to town. Discussed Prop 64 (allows indoor grow). The City will not regulate Marijuana but will regulate the nuisance aspect.

Commissioner Contreras asked about the triple cost for repeated offenses.

Donlevy stated it is all based off the government code.

Commissioner Riley moved the recommendations be passed over to City Council for consideration of adoption.

Commissioner Adams seconded

AYES: Commissioners Adams, Baker, Contreras, Frazier, Myer, Riley, Neal

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

D. Selection of a Chairperson

Commissioner Myer suggested Frazier be moved from Vice Chair to Chair.

Commissioner Frazier suggested Myer be Vice Chair.

ADJOURNMENT: Chairman Frazier adjourned the meeting at 8:40pm.

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ATTEST: 
Dagoberto Fierros, Management Analyst

Kate Frazier, Chairman

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
NOVEMBER 8, 2016**

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John Donlevy called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adams, Baker, Frazier, Neal, Riley, Contreras

ABSENT: Commissioner Myer

STAFF: City Manager John Donlevy, Housing & Economic Development Director Dan Maguire,
Contract Community Development Director Dave Dowswell, Management Analyst
Dagoberto Fierros

Tina led the pledge of allegiance.

CITIZEN INPUT: None.

CONSENT ITEM: Staff indicated there were no minutes available for this meeting.

STAFF/COMMISSION REPORTS:

Commissioner Neal went to the FFA Dinner.

Commissioner Frazier went to the Relay for Life

No Staff Reports

DISCUSSION ITEM:

A. Design review of a 1,440 square foot garage on an existing lot developed with a single family home located at 718 Hemenway Street.

Dave Dowswell stated that the Planning Commission approved this project in 2006. Don and Diane Jordan were the applicants. The new plans proposed a change in height from 15 ft. to 20 ft.

Don Jordan gave an overview of the plans that were approved in 2006. He discussed how the garage will not be attached or have a pitched roof. Jordan advised the planning commission to consider his project. The purpose of having a 20 ft. tall garage is to fit his 15 ft. high motor home.

Commissioner Riley asked if the proposed garage will still have windows along both sides. Jordan answered yes, the garage will have clearstory windows.

Chairperson Frazier asked if there will be any interior walls on the inside of the garage. Jordan answered no, just an open garage.

Commissioner Neal asked if most of the garage will be in the backyard. Jordan answered that the face of the proposed garage is about 100 ft. from the street.

Commissioner Contreras expressed his concern of homeowners wanting their homes to look nicer and proposed that staff look for ways to modify their current regulations to be clearer on what is allowed.

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Commissioner Adams asked if Jordan will need a variance.

Dowswell stated that Jordan will need a variance but is not asking for one.

Jordan commented that he is not asking for a variance because it would not be cost effective. He continued on why this situation is a special case and why he should be considered. He understands that what is being built at Winters Ranch is an exception to the height regulations of a Residential zone because it has a P-D Overlay but advised that the city look into making exceptions in the future where there is space.

City Manager Donlevy noted that guidelines are set for why an applicant needs a variance.

Commissioner Baker moved that the commission approve the revised design and site plan review with flat roof.

Commissioner Riley seconded.

PUBLIC COMMENTS:

None.

AYES: Commissioners Adams, Baker, Contreras, Frazier, Riley, Neal

NOES: None

ABSTAIN: None

ABSENT: Myer

Motion carried unanimously.

- B. Public Hearing and a Consideration of Site Plan/Design Review for Winters Healthcare to be located on East Grant Avenue due east of the new Yolo Federal Credit Union.

Dave Dowswell shared brief information about the design of the project and the history of the project. Dowswell suggested changes to windows, possibly enlarging. Brick was also recommended for some of the exterior walls. The architects told Dowswell that the windows could not be enlarged due to the privacy of the patients. Adding the brick to some of the front wall would add to the expenses and it would be difficult to move forward with the project. Dowswell suggested adding some slight curving to some of the features of the building but the architects were opposed to doing so.

Dowswell also recommended that the new Winters Healthcare facility use the same style parking lot lights that are currently being used at the Yolo Federal Credit Union parking lot. Dowswell suggested that Winters Healthcare submit a photometric plan as a new condition. Dowswell suggested should not be used elsewhere other than the area near bio swales.

Ken Yamauchi of HY Architects of Davis expressed his excitement with the project. Yamauchi described the importance of having a new and larger facility in Winters.

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Yamauchi considered the "rounding" of certain aspects of the facility but round rooms have less capacity than square rooms. Yamauchi expressed the importance of having high windows so that natural light can come into the building.

Corey Meeks project architect for HY Architects also expressed his excitement towards the project. Meeks described how the building identity is representative of the community. The design was also broken up in different elements to give a different feel in various parts of the facility. The brick was used to accent the prevalent brick that is utilized in downtown Winters. The openings such as windows, entrances, and doors are strategically placed for the most efficiency. Landscaping was specifically chosen to complement the coloration of the building.

PUBLIC COMMENTS:

Christopher Kelsch Executive Director of Winters Healthcare formally introduced the Winters Healthcare employees who were present. Kelsch briefly described the vision of Winters Healthcare.

COMMISSIONER/STAFF COMMENTS:

Commissioner Baker commented that the facility is very square. Baker added that the rear wall is undifferentiated and it will be subject to graffiti. More thought should be placed on the maintaining of the building than the landscape in certain areas of the facility. An empty wall would not add to the quality of life seniors who will have to look at it.

Baker wanted to make sure that the Architects provided a design checklist.

Commissioner Adams advised that he is not in favor of curving the building. Yolo Federal is a very organic shape and adding curvature to the new healthcare facility would dilute the identity of the building.

Commissioner Frazier did not find the building too boxy but adding slight curvature would be a plus.

Dowswell wanted a photometric plan of all outside lighting to be added to the conditions.

Commissioner Baker questioned if planters would be used to substitute wheel stops.

Dowswell suggested allowing the sidewalk and the landscaping planters to act as wheel stops.

Commissioner Baker was wondering if a maintenance plan would be added to the conditions in order to deal with the black rear wall if problems arise.

Dowswell stated that it is written into the code that the approved projects must be maintained. Chairperson Frazier asked how many more employees the Winters Healthcare will hire and what will be the hours of operation. Frazier also asked if deliveries would be an issue to the new facility.

Kelsch stated that Winters Healthcare will peak at about 50 employees in 2018. Winters Healthcare currently has 38 employees. Hours of operations would be Monday to Friday. Saturday and Sunday hours are not anticipated. Kelsch continued by stating that Winters Healthcare does not receive rather large deliveries to their location.

Frazier asked if HVAC units on second and third floor will be covered.

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Yamauchi stated that the HVAC units on the roof will be screened.

Frazier asked if an Ambulance will be on site or utilized.

Kelsch responded that an ambulance will not be on sight although they are utilized at times.

Frazier asked if there is a shared parking agreement between Dollar General.

Dowswell stated that there is a shared access agreement.

Donlevy added that there is a reciprocal access agreement for that property. Yamauchi discussed alternative options to add texture to the rear wall.

Baker moved that the commission approve the design and site plan with stated modifications to the conditions.

Adams seconded.

AYES: Commissioners Adams, Baker, Contreras, Frazier, Neal

NOES: None

ABSTAIN: Riley

ABSENT: Myer

Motion carried unanimously.

STAFF COMMENTS: Donlevy expressed the importance that Winters Healthcare is to the community of Winters.

ADJOURNMENT: Chairperson Frazier adjourned the meeting at 7:40pm.

ATTEST:



Dagoberto Fierros, Management Analyst



Kate Frazier, Chairperson



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: December 13, 2016
FROM: David Dowswell, Contract Planner *DD*
SUBJECT: Public Hearing and Consideration of the following for 437 Russell Street:
1) Design/Site Plan Review for a new 2,040 square foot, two-story single family home on a vacant lot.
2) Variance to reduce the side yard setback on the garage (West) side from 10 to 5 feet.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Approve Design/Site Plan Review for a new 2,040 square foot single family home; and
- 4) Approve a Variance to reduce the garage side yard setback from 10 to 5 feet.

GENERAL PLAN LAND USE DESIGNATION: The General Plan land use designation for the site is Low Density Residential (LR).

SURROUNDING LAND USES, ZONING, AND SETTING: The surrounding land uses and zoning are as follows:

North: Single Family – Single Family Residential (R-1)
South: Single Family – Single Family Residential (R-1)
East: Single Family – Single Family Residential (R-1)
West: Single Family – Single Family Residential (R-1)

The existing lot is vacant and flat. The property is surrounded on three sides by wood fencing.

BACKGROUND: On March 27, 2007 the Planning Commission denied an application to place a 1,437 square foot manufactured home on this site. The Commission denied the application because they felt the design was not compatible with the surrounding homes (Attachment A). On August 15, 2007 a small 400 square foot home located

towards the rear of the lot was demolished.

PROJECT DESCRIPTION: The applicant, Don Jordan, is requesting approval to construct a 2,040 square foot, two-story, three bedroom house on a 5,086 square foot lot located at 437 Russell Street. The house has been designed in a Craftsman Bungalow style with a 12 and 10 pitched roof and a dormer on the east side. There will be small front porch. The exterior will be finished with a combination of Hardie lap siding and shingle siding. Windows will be multi-paned. There will be a two-car garage on the west side with a contemporary roll-up door with divided lites across the top of the door.

The applicant is also requesting a variance to reduce the side yard setback on the garage (West) side of the house from 10 to 5 feet. The variance is being requested due to the existing lot being 50 feet wide. (Newly created lots are required to be 60 feet wide.)

ANALYSIS:

Design and Site Plan Review

The site plan complies with the R-1 regulations except for the requested side yard variance, discussed below. The new house has been designed with a dormer facing the house at 435 Russell Street. There is only one window on the house at 435 Russell Street that faces the dormer. Due to the height difference between the existing house and the proposed house, having the dormer facing 435 Russell should not affect the privacy.

The exterior design of the home is attractive. The design will be compatible with the design of the homes in the area, which is somewhat eclectic (Attachment B).

The lot is an infill lot. One of the items the Planning Commission must consider when reviewing the design of a new home use of landscaping and decorative paving which provides effective screening or softening of the development. The applicant will need to provide a landscaping and irrigation plan for the front yard. The plan shall include a minimum of one 15-gallon, double-staked street tree from the City's approved street tree list and a mix of shrubs and ground cover.

As mentioned the property is surrounded by wood fencing on three sides. The fencing between this property and 439 Russell Street is leaning and in need of repair. Staff recommends the applicant work with the owner of 439 Russell Street on replacing the shared fence (Attachment C).

Variance

Approval of a variance requires that the Planning Commission make the following three findings (Winters Municipal Code, Section 17.24.040).

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated; and
2. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of this Title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and
3. That the variance shall not be granted for a parcel of property which authorizes a use of activity which is not otherwise expressly authorized by the zone regulation (both general plan and zoning) governing the parcel of property.

According to Table 3B in Section 17.56.010 of the Zoning Ordinance the minimum lot width for a new lot zoned R-1 is 60 feet and the lot size is 6,000 square feet. Almost all of the lots on Russell Street between Fourth Street and Emery Street are 50 feet wide. There are a number of lots immediately adjacent to the project site which do not meet the minimum lot size of 6,000 square feet. Looking at recently constructed homes, the house at 436 Russell Street, which was built in 2008, has only a five foot garage side yard setback (the ten foot side yard setback is on the opposite side), while the house at 439 Russell Street, which was built in 2005, has a ten foot garage side yard setback. Both of these houses are built on 50 foot wide lots.

The difference between a 6,000 square foot lot and a 5,000 square foot lot is 16.7 percent. Reducing the combined required side yard setbacks of 15 feet (10 plus 5) by 16.7 percent would equal 12.5 feet. As an alternative, the Planning Commission could approve reducing the 10 foot setback to 7.5 feet and keep the other side yard at 5 feet.

Staff believes the Planning Commission can make the necessary findings to reduce the garage side yard setback from 10 to 5 feet due to the lot being less than the current standard of 60 feet wide. Approving the variance would not constitute granting of a special privilege as there are many homes in the immediate area, both on Russell Street and Main Street, which have less than a ten foot garage side yard setback. The applicant would need to completely redesign the house were the Planning Commission to deny the variance.

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

1. Confirmation of CEQA exemption finding – Section 15303 Class 3(a), New Construction or Conversion of Small Structures.
2. Approval of Site Plan (Design Review) and the attached conditions.

PROJECT NOTIFICATION: Two methods of public notice were used: (1) a legal notice was published in the Winters Express on Thursday, December 1, 2016 and (2) notices were mailed to all property owners within three hundred feet of the project boundaries at least ten days prior to the hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review on the City's web site and at City Hall beginning December 8, 2016 (Attachment D).

ENVIRONMENTAL ASSESSMENT: Design/Site Plan Review and Variance applications have been reviewed in accordance with the California Environmental Quality Act (CEQA) and are categorically exempt under Section 15303 Class 3(a).

RECOMENDED FINDINGS FOR DESIGN/SITE PLAN, AND VARIANCE: Staff has prepared the following findings of approval. Should the Commission decide to deny the variance staff will prepare findings for adoption by the Commission at the next meeting.

CEQA Findings:

1. The design/site plan review and variance are exempt from the provisions of CEQA, Section 15303 Class 3(a) – New Construction or Conversion of Small Structures.
2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Section 15303 Class 3(a) New Construction or Conversion of Small Structures exemption for the 437 Russell Street project.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential and this designation provides for single-family detached and attached homes. The project will facilitate a new single-family residence.
2. The project is consistent with the provisions of the Zoning Ordinance. The principal uses of the R-1 Zone are single-family homes and duplexes. The project will facilitate a new single-family residence. The project is inconsistent with the lot width of 50 feet and 6,000 square feet, for newly created lots. Granting a variance to reduce the garage side yard width from 10 to 5 feet will facilitate building of a new single-family residence.

Variance Findings:

1. The variance does not constitute a grant of special privilege as there are a number of lots located in the area which do not meet the R-1 Zone minimum lot width of 60 feet, size of 6,000 square feet or garage side yard setback of ten feet.
2. There is a special circumstance applicable to the subject property which would deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zone classification which have only garage side yard setbacks of five feet.
3. The variance conforms to the General Plan. The subject parcel has a General Plan land use designation of Low Density Residential which provides for single-family detached and attached homes. The project will facilitate construction of a new single-family residence, which meets an objective to provide housing for Winters residents.

RECOMMENDATION: Should the Planning Commission decide to approve the project, staff recommends that the Commission make an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 437 RUSSELL STREET PROJECT (DESIGN/ SITE PLAN AND VARIANCE) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Confirmation of variance findings.
- Approval of the Design/Site Plan and Variance of the project as depicted on the plans submitted and subject to the conditions of approval attached hereto.

ALTERNATIVES:

The Commission can elect to modify any aspect of the approval or to deny the application. If the Commission chooses to deny the application, staff would need to prepare findings for the Commission adopt at the next meeting. The findings would need to illustrate the reasoning behind the decision to deny the project.

ATTACHMENTS:

- A. Planning Commission minutes dated March 27, 2007
- B. Site plan and elevations
- C. Conditions of approval
- D. Public Hearing Notice

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, MARCH 27, 2007**

AYES: Tramontana, Graf, Vallecillo, Neu, Guelden, Cowan, Chairman Jordan

NOES: None

ABSTAIN: None

ABSENT: None

The motion passed on a 7-0 vote.

3. Continued Public Hearing and consideration of Site Plan application (2006-07-SP) submitted by Joe Oremus for the installation of a new single-story, single-family 1,437 square foot manufactured residence with two bedrooms and two bathrooms at 437 Russell Street (APN 003-182-71).

Commissioner Guelden recused himself as a result of a possible conflict of interest since he owns property, his residence, within 500-feet of the project site.

Community Development Director Sokolow said the Planning Commission last considered the project at its December 19, 2006 meeting. Since that time, the applicant has chosen a different, smaller home for the project site. The revised site plan is below the 50-percent maximum lot coverage and the residence includes an attached garage.

Applicant Joe Oremus briefly addressed the Planning Commissioner and noted that the existing residence had been demolished.

Chairman Jordan opened the public hearing at 8:51 p.m.

Elliot Landes, 454 Russell Street, encouraged the Planning Commission to hold out on the design until it is improved.

Jordan closed the public hearing at 8:55 p.m.

Commissioner Neu said it was hard to see the front elevation of the residence.

Oremus said he cannot obtain a front elevation from the manufacturer that shows an attached garage. He commented that none of the homes on block adjacent to the project site are consistently designed.

Commissioner Vallecillo expressed his concerns over the window headers being lower than the top of the door on the front elevation, the lack of information on what the railing was made of, and graininess of the front elevation presented to the Planning Commission.

The Planning Commission discussed what direction should be taken on the project; however, Oremus requested that the Planning Commission take a vote on whether or not to approve the project.

Commissioner Graf said the Planning Commission was trying to reach some level of quality on manufactured homes. While he noted that he did not like the home, Graf said it could be improved. He expressed his desire to have quality homes in the community that the community can be proud of.

**MINUTES OF A REGULAR WINTERS PLANNING COMMISSION MEETING HELD
TUESDAY, MARCH 27, 2007**

Sokolow discussed the Planning Commission's history of manufactured home projects since 2001. Since that time, only three manufactured homes have been submitted for review and consideration by the Commission. One, a Craftsman-style residence, was approved by the Commission last year.

Jordan in addressing Oremus said that staff could provide him with the documentation of what was approved last year and a copy of the City's Design Guidelines.

AYES:
NOES:
ABSTAIN:
ABSENT:

Commissioner Neu moved to deny the 437 Russell Street project. Seconded by Commissioner Graf.

AYES: Graf, Vallecillo, Neu, Cowan, Chairman Jordan
NOES: Tramontana
ABSTAIN: Guelden
ABSENT: None

The motion passed on a 5-1-1 vote.

Guelden rejoined the meeting at the dais.

The meeting was adjourned at 9:16 p.m.

ATTEST:

DON JORDAN, CHAIRPERSON

DAN SOKOLOW, COMMUNITY DEVELOPMENT DIRECTOR

Project Data:

Project Address:

437 Russell Street
Winters, CA 95694

Owner:

Don Jordan
Don Jordan Construction Inc.
718 Hemenway St.
Winters, CA 95694
530/682-0302
CA Lic. No. B886258

Legal Description:

APN: 003-182-071-000

Construction:

Type V-B
CBC 2013

Existing Zoning:

Residential

Proposed Zoning:

R - 2

Building Areas:

FIRST FLOOR: 1,363sf
SECOND FLOOR: 677sf
GARAGE: 468sf
UNCONDITIONED
ATTIC SPACE:
FRONT PORCH: 150sf
TOTAL: 2,658 Gross Sq. Ft

Fire Protection:

NFPA Chapter 13R Sprinklers required
Deferred Submittal

Occupancy Class:

R-1: Residential

Symbols Legend:

Section:  SECTION #
SHEET #

Detail:  DETAIL #
SHEET #

Interior
Elevation:  SHEET #
ELEVATION #

Window:  SEE WINDOW
SCHEDULE

Door:  SEE DOOR
SCHEDULE

Revision: 

North:  SEE SITE
PLAN

Abbreviations:

(E)	Existing	DIA.	Diameter; Ø	H.B.	Hose Bibb	R.R.	Roof Rafter
(N)	New	DIM.	Dimension	H.C.	Hollow Core	RDWD.	Redwood
A.B.	Anchor Bolt	DN.	Down	INT.	Interior	SC	Solid Core
A.F.F.	Above Finish Floor	D.W.	Dishwasher	JST.	Joist	SPEC.	Specification
A/C	Air Conditioner	DWG.	Drawing	JT.	Joint	SP	Structural Panel
AL.	Aluminum	E.J.	Expansion Joint	MTL.	Metal	STL.	Steel
BLDG.	Building	EXT.	Exterior	N.I.C.	Not In Contract	TEMP.	Tempered
B.M.	Beam	F.A.U.	Forced Air Unit	N.T.S.	Not to Scale	U.O.N.	Unless Noted Otherwise
C.J.	Ceiling Joist	F.J.	Floor Joist	O.C.	On Center	V.R.	Valley Rafter
C.V.	California Valley	FDN.	Foundation	P.T.	Pressure Treated	W.	Washer
C.L.	Center Line	FIN.	Finish	P.L.	Plate	W.H.	Water Heater
CLG.	Ceiling	FLR.	Floor	PLY.	Plywood	WD.	Wood
CONC.	Concrete	FTG.	Footing	R.B.	Ridge Board		
d	Disposal	GFCI	Gas/Ground Fault Interrupt	R.BM.	Ridge Beam		
D.	Dryer	GY:BD.	Gypsum Board	R.O.	Rough Opening		

Consultants:

General Contractor:

Don Jordan
Don Jordan Construction Inc.
718 Hemenway St.
Winters, CA 95694
530/682-0302
CA Lic. No. B886258

Structural Engineering:

Robert Miller, P.E. 63426
407 Grant Ave.
Winters, CA 95694
916/281 4574

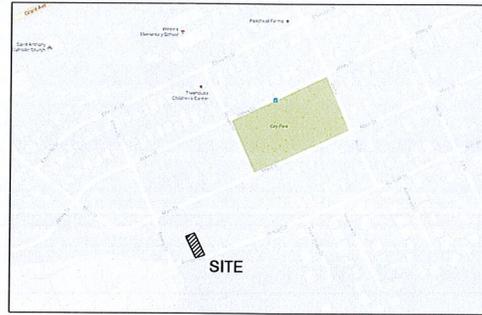
Draftsperson:

Albert Vallecillo
210 Main Street
Winters, CA 95649
Phone: 530/902 6242

Governing Codes:

Part 2 - 2013 California Building Code (CBC)
Part 3 - 2013 California Electrical Code (CEC)
Part 4 - 2013 California Mechanical Code (CMC)
Part 5 - 2013 California Plumbing Code Code (CPC)
Part 6 - 2013 California Energy Code (CEC)
Part 9 - 2013 California Fire Code (CFC)
Part 11 - 2013 California Green Building Stds. Code

Vicinity Map:



SITE

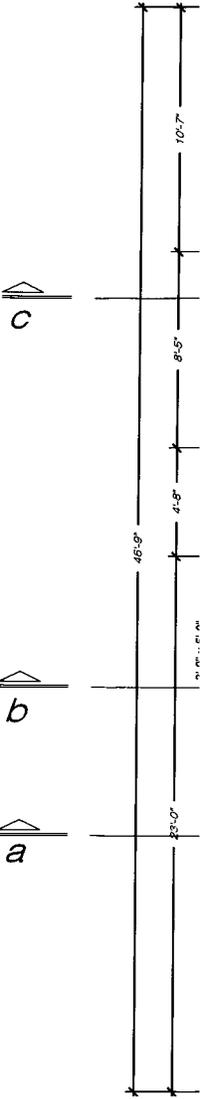
Scope of Work:

Construction of a single-family residence for the purpose of offering for sale on the local housing market.

Sheet Index:

ARCHITECTURAL

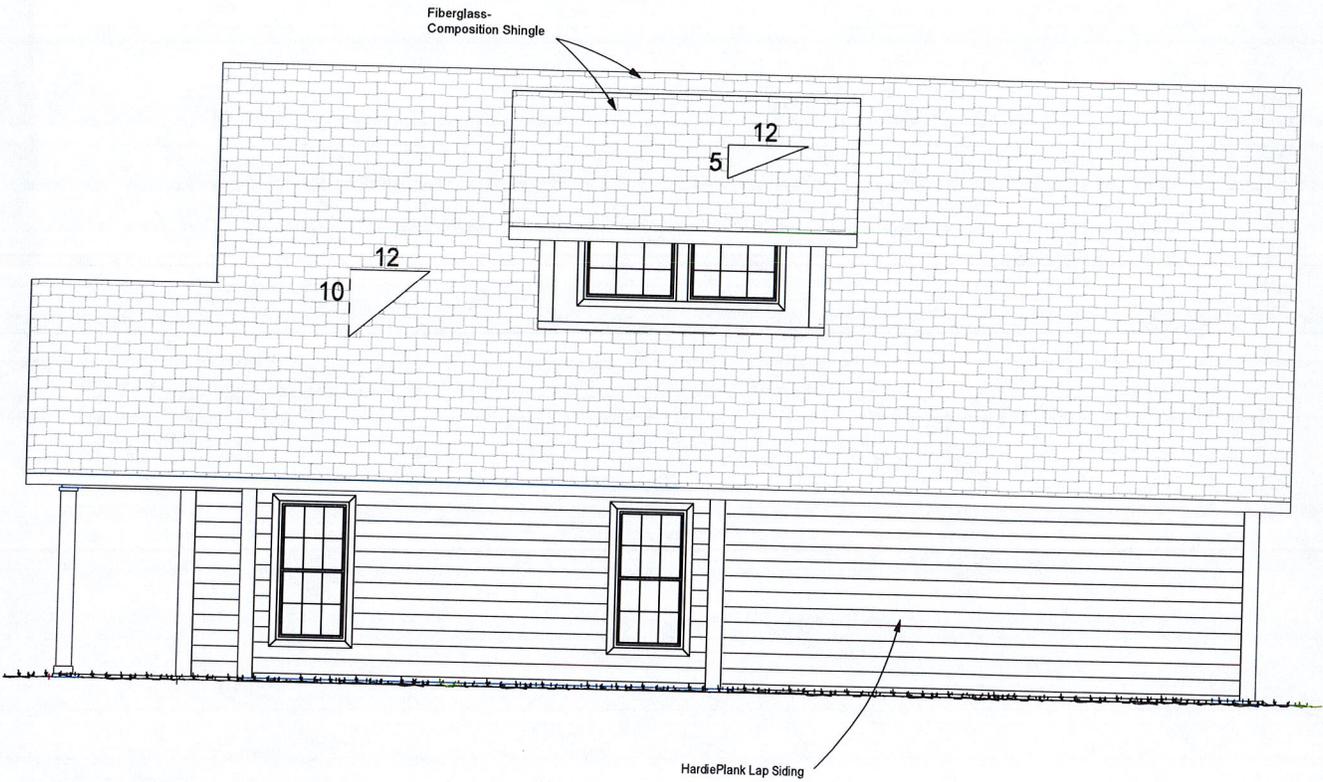
No.	Title
a0.1	Title Sheet & Site Plan
a0.2	Title 24 (pages 1-4)
a0.3	Title 24 (pages 5-8)
a0.4	Title 24 (pages 9+10)
a1.0	Foundation Plan + Details
a2.0	First Floor Plan
a2.1	Second Floor Plan
a2.3	Roof Framing Plan
a3.2	Exterior Elevations
a4.0	Building Sections
s2.0	Structural First Floor Plan
s5.0	Foundation Details
s5.1	Structural Construction + Framing Details
s6.1	General Structural Notes - 1



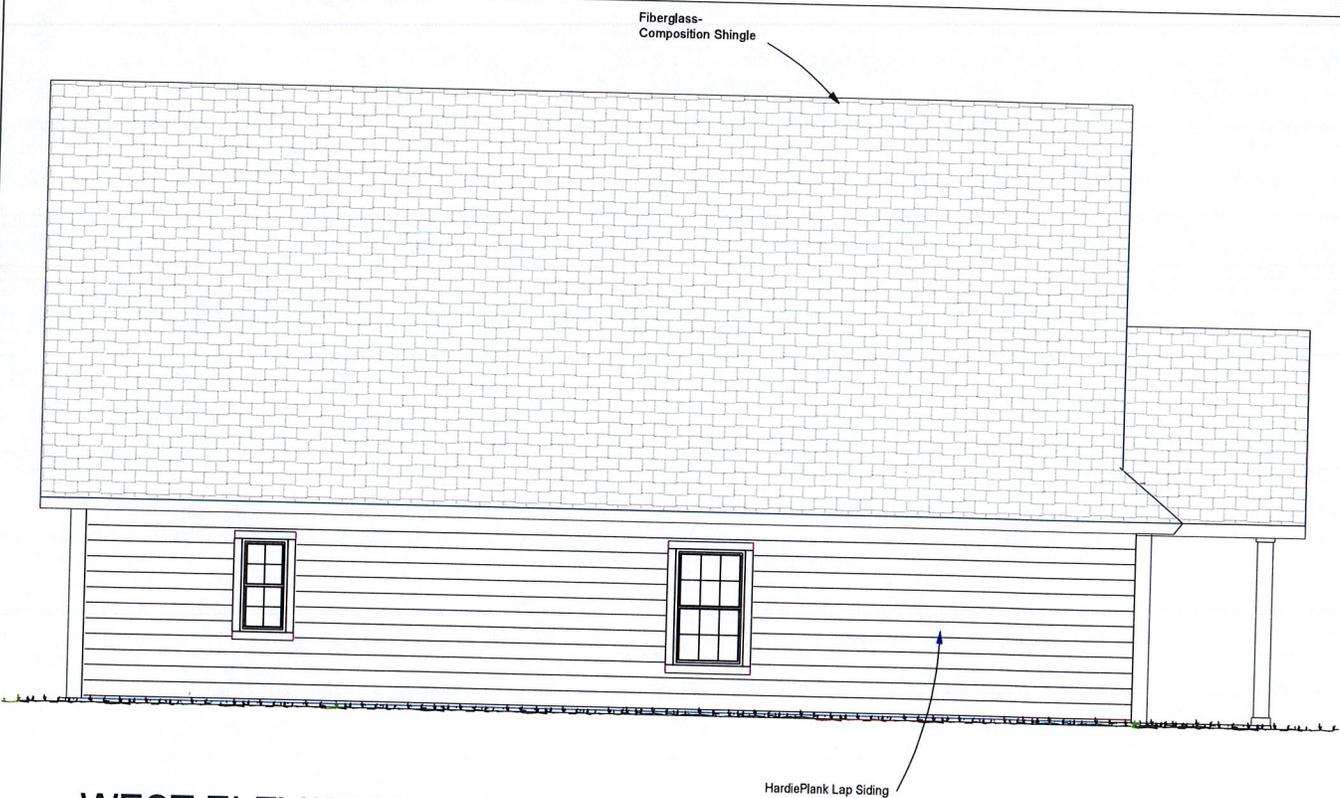
$\frac{\triangle}{c}$ _____

$\frac{\triangle}{b}$ _____

$\frac{\triangle}{a}$ _____



EAST ELEVATION



WEST ELEVATION

HardiePl

CEIL

JOIS

CEIL

**437 Russell Street
Design/Site Plan Review**

**CONDITIONS OF APPROVAL
December 13, 2016**

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action or proceeding to attach set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, or any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the Applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.
2. Approval of the applicant's project shall be null and void if the applicant fails to submit a building permit for the project within one year of Planning Commission approval or request and receives an extension from the Community Development Director.
3. The applicant shall pay all applicable taxes, fees, and charges at the rate and amount in effect at the time of such taxes, fees, and charges become due and payable.
4. All work within the public right-of-way or easement shall comply with the specifications of the City of Winters' Engineering Design and Construction Standards. An encroachment permit shall be required for all work performed in the public right-of-way.
5. The address number for the property shall be clearly visible from the street fronting the property. The address numbering shall be either four (4) inch illuminated numbers or six (6) inch non-illuminated numbers on contrasting background.

ATTACHMENT C

6. If not already installed, the applicant shall install a sewer lateral and cleanout that comply with the specifications of the City of Winters' Engineering Design and Construction Standards acceptable to the Public Works Director.
7. If not already installed, the applicant shall install a water lateral and meter that comply with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations acceptable to the Public Works Director.
8. The applicant shall obtain all required City permits shall pay all applicable fees (building, impact, encroachment, etc.).
9. The applicant shall report to the City building materials diverted from landfill during the course of their project, pursuant to the provisions of City of Winters Ordinance No. 2002-03.
10. The applicant shall provide the City with a proof of payment for Winters Joint Unified School District facility fees at building permit issuance.
11. Water used in the course of construction shall be metered and shall be at the cost adopted annually by the City Council.
12. The applicant shall provide for City review a plan to landscape the front yard of the proposed single-family residence, which includes a 15-gallon street tree. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the front yard is landscaped and an approved street tree planted in the front yard.
13. The applicant shall work with the property owner of 439 Russell Street to replace the shared wooden fence.
14. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the public improvements required for this project have been installed, inspected, and accepted by the Public Works Director.
15. Payment of City of Winters' monthly utility billing charges shall commence once the single-family residence has passed final inspection.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, December 13, 2016 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application for Site Plan/Design Review and Variance for a new single family home located at 437 Russell Street. Project applicant, Don Jordan, seeks approval to build a new 2,040 square foot, two-story home and to reduce the side yard setback on the garage (West) side from 10 to 5 feet. The Planning Commission will take final action on the project unless appealed to City Council.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project 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 to dave.dowswell@cityofwinters.org. In addition, the staff report will be available on the City's website on 12/08/16.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

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

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact Dave Dowswell, Contract Planner at (530) 794-6714.

ATTACHMENT D



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: December 13, 2016
FROM: David Dowswell, Contract Planner 
SUBJECT: Public Hearing and Consideration of various amendments to Chapters 17.04 (Introductory Provisions and Definitions), 17.16 (Applications and Public Hearings), 17.52 (Land Use Regulations: Zoning Matrix), and 17.98 (Second Residential Units) of the Winters Municipal Code (Zoning Ordinance).

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend the City Council find the proposed amendments Statutorily and Categorically Exempt from CEQA.
- 4) Recommend the City Council adopt the proposed amendments to Chapters 17.04 (Introductory Provisions and Definitions), 17.16 (Applications and Public Hearings), 17.52 (Land Use Regulations: Zoning Matrix), and 17.98 (Second Residential Units) of the Winters Municipal Code (Zoning Ordinance).

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The proposed ordinance amendments affect the entire city. The properties affected by these amendments are designated Rural Residential (RR), Low Density Residential (LDR), Medium Density Residential (MDR), Medium Density High Residential (MDHR) and High Density Residential (HDR). Their Zoning classifications are Rural Residential (R-R), Single Family (R-1 and R-2), Multi-Family Residential (R-3), and High Density Multi-Family Residential (R-4).

BACKGROUND: On September 22, 2015 the Planning Commission held a public hearing where they considered amendments to the second residential units and home occupation regulations. At the conclusion of the hearing the Planning Commission unanimously

recommended that the City Council approve the proposed ordinance revising the second residential units and home occupation regulations.

On November 3, 2015 the City Council considered the proposed ordinance amending the second residential units and home occupation regulations. At the conclusion of the hearing the Council unanimously adopted the proposed ordinance as recommended by the Planning Commission.

SB 1069 and the companion bill AB 2299 (Accessory Dwelling Units) were signed by the governor on September 27, 2016. These two bills revised made a number of changes, mostly minor, to second dwelling units. One of the changes was to refer to these types of units as "accessory dwelling units" or ADUs. The bills will go into effect on January 1, 2017. Cities which do not have any regulations governing these types of dwelling by January 1 will be only able to enforce regulations contained in the two bills. A third bill, AB 2406 (Junior Accessory Dwelling Units) was signed into law on September 28, 2016. This law, however, is not mandatory.

ANALYSIS: The proposed amendments to the accessory dwelling unit (formerly second residential unit) regulations are designed to bring them into compliance with State law. Staff is proposing to make only those changes to the city's existing regulations to bring them into compliance with the new state laws

The key change to the existing second residential unit regulations is to refer to them as "accessory dwelling units". Other changes include the following:

1. Exempt these uses, in most cases, from complying with the California Environmental Quality Act (CEQA);
2. Require cities to ministerially approve or deny an application within 120 days after an application is deemed complete;
3. Require only one parking space for the ADU and allow it to be located within the front setback or in tandem on the driveway. Currently we require one space and allow it to be located in the front setback to the side of the driveway;
4. Waive the parking requirement if the ADU meets one of the requirements listed in Section 17.98.030I;
5. Allow ADUs to be built above detached garage or accessory structure and not be subject to the maximum allowable height for an accessory building, which is 14 feet but rather be limited by the maximum height for the primary residence, which is 30 feet in an R-1 zone;
6. Not require an ADU built above an existing garage or accessory building to be setback more than 5 feet from the rear and side property line; and
7. Eliminate from the definition that a maximum of only two people can live in the ADU. The city attorney indicated that this limitation is not legal and is not realistic when you consider that the ordinance allows the construction of up to a 1,200 square foot ADU.

The new legislation still permits the City to count the ADU's lot coverage towards the maximum allowable lot coverage and to continue to require the property on which the ADU is located be owner occupied. A summary of the key changes in the law is attached (Attachment A).

Currently the City allows second residential units in R-R, R-1 and R-2 zones. Staff is not proposing to allow in R-3 or R-4 zones. The new laws do not require we allow them in all residential zones.

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

1. Confirmation of CEQA exemption finding – Second Unit amendments are Statutorily Exempt, Section 15282(h) (Second Unit Ordinance) from CEQA.
2. Recommendation that the City Council adopt the ordinance amendments;

PROJECT NOTIFICATION: An eighth (1/8) of a page notice advertising for the public hearing on this planning application was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. A legal notice (Attachment C) was published in the Winters Express on 12/1/16 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 12/8/16.

ENVIRONMENTAL ASSESSMENT: The proposed project is statutorily and categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15282h (Second Unit Ordinance) and Section 15301 (Existing Facilities).

RECOMMENDED FINDINGS FOR PROPOSED AMENDMENTS TO CHAPTERS 17.04, 17.16, 17.52, AND 17.98 (ZONING ORDINANCE) OF THE CITY OF WINTERS MUNICIPAL CODE.

CEQA Findings:

- 1) The proposed project is statutorily and categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Sections 15268 (Ministerial Projects) and 15282h (Second Unit Ordinance).

General Plan and Zoning Consistency Findings:

- 1) The project is consistent with the goals and policies of the General Plan.
- 2) The project will not result in a negative fiscal impact upon the City.

RECOMMENDATION: Staff recommends the Planning Commission recommend the City Council approve the proposed amendments to the Municipal Code (Zoning Ordinance) by making an affirmative motion as follows:

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE MUNICIPAL CODE BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA
- Confirmation of consistency findings with the General Plan and Zoning Ordinance
- Recommend City Council approval of the amendments to Chapter 17.04, 17.16, 17.52, and 17.98 (Zoning Ordinance) of the City of Winters Municipal Code, as shown in Attachment B.

ALTERNATIVES: The Planning Commission can elect not to recommend approval of the two amendments, modify the amendments or refer the amendments back to staff for additional review.

ATTACHMENTS:

- A. Summary of changes to State law regarding Accessory Dwelling Units
- B. Draft Accessory Dwelling Units Ordinance
- C. Notice of Public Hearing published 12/1/16



STATE LAW UPDATE ACCESSORY DWELLING UNITS DRAFT

Prepared November 7, 2016

This summary is intended to provide a broad overview of AB 2406, AB 2299 and AB 1069. This memo is not intended to explain all of the complexity of the bills, nor is it legal advice. Jurisdictions should consult appropriate legal counsel before taking any action.

THIS MEMO IS DRAFT AND WILL BE REFINED.

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b. Accessory Dwelling Units in Additions or New Accessory Structures	2
c. Accessory Dwelling Units Located in Existing Structures	3
d. Frequently Asked Questions	4
e. Checklist	6
f. Additional Resources	7
2. AB 2406 - Junior Accessory Dwelling Units	8

ATTACHMENT A

AB 2299 and AB 1069 – Accessory Dwelling Units

Generally, these bills modify a jurisdiction's ability to regulate Accessory Dwelling Units (ADUs) — the new term for Second Units. **The new laws require all local agencies to adopt a new ADU ordinance by January 1, 2017 and to send their new ordinance to HCD within 60 days. If a jurisdiction does not adopt a new ordinance that complies with State law, the jurisdiction's existing law is null and void on January 1, 2017.** In this event, or if a jurisdiction has never adopted a second unit ordinance, ADUs can only be evaluated based on the State standards. Adopting the ADU ordinance is exempt from CEQA.

Below is a summary of key new rules:

Standards Generally

- **Approval Process**
Jurisdictions must approve or deny second units through a ministerial process within 120 days of receiving an ADU application. They may not impose requirements beyond those specified in State law. Ministerial approval of ADU applications is exempt from CEQA.
- **Density**
ADUs do not count against the maximum density of sites.
- **Occupancy Regulations**
Jurisdictions may require one of the units to be owner occupied and may prohibit short-term rentals (less than 30 days). No other occupancy rules are permitted.
- **Other Regulations**
Jurisdictions may not require ADUs to provide fire sprinklers if they are not also required for the primary residence.

Accessory Dwelling Units in Additions or New Accessory Structures

- **Zoning Regulations**
 - Jurisdictions are still allowed to designate some zones for ADUs, and not permit them in other zones.
 - Jurisdictions may regulate height, setback, landscaping, lot coverage, architectural review, maximum size of a unit, and impacts on historic properties.
- **Size Limits**
 - There is some debate about how to interpret the size provisions in the law. The most conservative interpretation is that jurisdictions should allow detached ADUs to be at least 1,200 sf and should allow attached ADUs to be at least 1,200 new square feet or 50% of the main dwelling, whichever is less. (Most likely, jurisdictions may allow larger units as well because local regulations are allowed to be less restrictive). Some jurisdictions have interpreted the law to allow cities to further limit maximum sizes. HCD may offer guidance when they release their interpretation.

- **Parking Requirements**

- ADUs within half a mile of transit, built within an existing structure, located in an historic district, or meeting other criteria defined in the statute do not need to provide parking.
- For other ADUs, at most one parking spot can be required per bedroom or unit. The parking space may be tandem or located in a setback, unless the jurisdiction makes specific findings (e.g. tandem parking or parking in a setback is not allowed anywhere in the jurisdiction; topographical constraints prevent tandem parking, etc.).
- Generally, if a garage is demolished to build a second unit and the jurisdiction requires the homeowner to replace the parking space(s), the homeowner can choose to provide the parking in any configuration (e.g. uncovered, tandem, mechanical lifts, etc.).

- **Fees**

Jurisdictions may require new or separate utility connections for new ADUs, but the fees for the ADU must be proportional to the expected additional water used or sewage generated.

Accessory Dwelling Units Located in Existing Structures

- **Approval Requirements**

Applications must be approved if the ADU is:

- Located in a single family zone,
- Built in an existing legal structure (the main house or an accessory building),
- Provides direct outside access, and
- Has sufficient setbacks for fire safety.

In addition, these ADUs cannot be required to install new or separate utility connections. Jurisdictions may not charge connection fees or capacity charges for ADUs in existing structures. (Note that the statute's definition of "local agencies" does not include water or sewer districts.) No additional parking may be required for these ADUs.

Note: Thank you to Goldfarb & Lipman LLP attorneys for their assistance.

Frequently Asked Questions

Q – Can jurisdictions limit the number of ADUs to one per property?

A – Yes

Q – Are jurisdictions obligated to approve garage conversions?

A – Yes, if they meet the conditions described in the law (e.g. in a single family zone, have direct outside access, etc.)

Q – What is the distinction between a Junior ADU and a regular ADU? Are there advantages to jADUs?

A – Junior ADUs can have a shared bath and smaller kitchen, which could better meet the needs of some homeowners. Communities can choose whether or not to allow jADUs.

Q – Can jurisdictions limit the size of ADUs to smaller than 1,200 sf? Can they permit larger ones?

A – The most conservative answer is that jurisdictions should permit homeowners to build detached ADUs up to 1,200 sf. Attached ADUs can be limited to the smaller of 50% of the existing living area or 1,200 sf. Some jurisdictions may want to allow larger ADUs and because the statute allows communities to adopt an ordinance that is less restrictive than state law, this is likely permissible.

There is language in the law that some jurisdictions interpret to mean they can further limit the size of ADUs, for example by only allowing smaller units. HCD will likely have guidance on this point when they release their analysis.

Q – What is meant by "demolish," when the law says if a garage is demolished, the parking can be permitted in various configurations. Does a garage that is converted to an ADU count as demolished?

A – The conservative interpretation is that a conversion counts as a demolition, but jurisdictions should make their own decisions on this issue in consultation with their legal counsel.

Q – What are the default state standards that are imposed if jurisdictions do not adopt their own ordinance?

A – If a jurisdiction does not adopt an ordinance that meets the requirements of the statute, only the standards established in the statute may be applied to ADU applications. No other local ordinance, policy, or regulation may be the basis for denial of an ADU application.

This likely means that ADUs would be allowed in all residential zones where there is an existing single family home. It is also possible that planning rules such as floor area ratio or lot coverage restrictions would not apply. (Building codes would still apply.)

Q – Are there now three categories of ADUs, attached, detached and “converted”?

A – The State law does not specify if or how jurisdictions categorize ADUs. Some cities may want to use two categories, newly constructed and “converted” ADUs. The statute treats ADUs that are additions or new detached structures almost identically, while setting up very different rules for “converted” ADUs located within existing structures in single family zones. It is up to the jurisdiction to decide if they want to use categories in their local ordinances, and if so, how many categories. Jurisdictions are allowed to have one, two, three or more categories if they prefer. In any case, jurisdictions need to ensure they follow all the new rules regardless of how they categorize the units.

Q – Do the setbacks and other zoning requirements have to be in the same section of code as the ADU ordinance?

A – They can be elsewhere, but they must be referenced in the ADU ordinance. It is important to include an explicit incorporation by reference, for example, “An ADU must comply with all provisions of the underlying zoning district, except as modified in this chapter.”

Q – Does a building permit need to be issued within 120 days of receipt of an application? What is meant by approve?

A – The law is not clear on this point. One interpretation would be that approval means planning approval, but not building approval. Cities may want to simply reference that ADUs will be approved consistent with the timing in Chapter 65852.2, to provide maximum flexibility.

Q – Can jurisdictions require (or not require) a front setback for second units newly constructed on top of garages?

A – Cities are not prohibited from enforcing front setbacks for second units on garages, nor are they explicitly required to have a setback. However, in all single family zones, if an existing second floor over a garage is proposed to be converted to an ADU an additional setback cannot be required.

Q – Will ADUs be subject to creek setback rules?

A – Newly constructed ADUs could be subject to those rules. Converting existing space to an ADU would not, assuming the existing building was constructed legally.

Q – Does this legislation apply to illegal buildings?

A – A jurisdiction could reasonably argue that the law does not apply to illegal structures, but it is not explicit.

Checklist and Next Steps

There are many ways jurisdictions can amend their ordinance to be compliant with State law. Because one of the biggest changes in the new State law relate to rules for ADUs that are built entirely within an existing structure, jurisdictions should consider adding a new subsection solely to deal with these types of ADUs. If this is done, there will likely be fewer edits needed in the ordinance overall.

The following is a checklist to help jurisdictions review their current ordinances. It does not summarize all of the legal requirements and rules regarding ADUs. Cities should not rely on this checklist alone to ensure their ordinance is compliant with State law, and should have their proposed ordinances reviewed by legal counsel.

Does the ordinance:

- Provide for ministerial approval or denial of ADU permits in 120 days;
- Make clear that approval or denial is exempt from CEQA;
- Limit regulation to approved categories (e.g. height, setback, landscaping, lot coverage, non-discretionary architectural review, maximum size of a unit, and impacts on historic properties);
- Not regulate number of occupants or who may live there (however, jurisdictions may require owner occupancy and limit short term rentals);
- Appropriately regulate ADUs size (see discussion above);
- Exempt second units from density rules (e.g. if the zoning says the lot can have one house, then one house and one second unit are permitted);
- Incorporate zoning requirements and other development standards into the ordinance explicitly or by reference;
- Have the following parking rules
 - Have no additional parking requirements for ADUs in certain locations (Within a ½ mile of transit, in existing structures, in historic districts, within one block of car share locations, in areas with residential parking permit rules that do not allow second units to get a permit)
 - For other ADUs, only require one parking spot per bedroom or unit. The spot may be a tandem spot or in a setback, unless the jurisdiction makes specific findings. (E.g. tandem parking or parking in a setback is not allowed anywhere in the city; topographical constraints prevent tandem parking, etc.).
 - Allow provisions regarding replacement of parking spots lost when garages are demolished for ADUs (Generally, if a garage is demolished to build an ADU and the jurisdiction requires the home owner to replace the parking spot, the homeowner can choose to provide the parking in any configuration (e.g. uncovered, tandem, mechanical lifts).)
- Have the following rules regarding sewer and water fees (if the jurisdiction controls these fees)
 - No new connection required for ADUs in existing structures in single family zones, and no related connection fee or capacity charge.
 - Charge fee proportional to the expected additional usage of water or sewer for ADUs not in existing structures.
- Adjust the rules regarding ADUs that meet certain criteria and are in existing structures (the main house or an accessory buildings). These ADUs must be approved ministerially and jurisdictions may not require additional parking or water connection fees. Relevant criteria include:

AB 2406 - Junior Accessory Dwelling Units (Junior Second Units)

This bill creates a new category of ADU, called a Junior Accessory Dwelling Units. Junior ADUs (jADUs) are small units created out of existing space in a single family house. Jurisdictions are not required to allow jADUs, but if they choose to, the bill sets rules on how to regulate them. The key difference between ADUs and jADUs is that a bathroom can be shared with the main house and the kitchen must be limited. Key points of the legislation are summarized below:

- **Size and Creation** – These units may be up to 500 sf and must be created from space that was formerly part of the single family home.
- **Guidelines** - Junior ADUs must:
 - Have one of the units owner occupied by the owner (the main house or the junior ADU)
 - Have a deed restriction that prevents the sale of Junior ADUs and limits their size as specified in the bill.
 - Be created by including an existing bedroom (e.g. you cannot wall off a living room)
 - Have a door directly to the main house.
 - Have an efficiency kitchen with a sink and a cooking facility with appliances that can run on standard 120 -volt outlets and 1.5 inch drain line.
- **Additional Requirements**
 - The bathroom can be shared with the main house.
 - No additional parking can be required
 - For life safety regulations and sewer/water, junior ADUs are not a new unit (no sewer/water connection fees)
- **Approval** – Junior ADUs must be reviewed through a ministerial process within 120 days

Please see the 21 Elements [summary of Junior Second Units](#), two PowerPoint presentations from a recent 21 Elements meeting, one from [Lily Pad homes](#) and [Novato](#). There are additional requirements in state law about jADUs. Please see your counsel for advice.

CITY COUNCIL

ORDINANCE NO. 2016 - 12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.04 (INTRODUCTORY PROVISIONS AND DEFINITIONS),
CHAPTER 17.16 (APPLICATIONS AND PUBLIC HEARINGS), CHAPTER 17.52 (LAND
USE/ZONE MATRIX) AND CHAPTER 17.98 (SECOND RESIDENTIAL UNITS)
OF THE WINTERS MUNICIPAL CODE

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

1. Purpose. The purpose of this ordinance is to amend various section of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Accessory Dwelling Units (formerly known as Second Residential Units).

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Amendments to Title 17. The City hereby makes the following amendments to Title 17 of the Municipal Code:

a. Subdivision (B) of Section 17.04.140 of the Municipal Code is hereby amended to add or delete the following definitions:

1. The following definition is hereby added to Subdivision (B) of Section 17.04.040 of the Municipal Code:

"Accessory dwelling unit" (formerly known as "second residential unit") means a dwelling unit attached or detached from principal permitted dwelling which provides complete and independent living facilities for a maximum of two (2) persons, including living, sleeping, eating, cooking and sanitation facilities, for rent but not for sale.

Comment [DD1]: Legally the city cannot enforce this restriction. Furthermore, limiting a 1,200 square foot house to only two people isn't realistic.

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2. The following definition is hereby deleted from Subdivision (B) of Section 17.04.040 of the Municipal Code:

~~"Secondary housing (second residential unit)" means a dwelling unit attached or detached from principal permitted dwelling which provides complete and independent living facilities for a maximum of two (2) persons, including living, sleeping, eating, cooking and sanitation facilities, for rent but not for sale.~~

b. Section 17.16.050 of the Municipal Code is hereby amended to read as follows:

17.16.050 Ministerial permits.

A. Purpose.

Ministerial actions, as noted herein, shall be subject to review and approval by the community development director and, as applicable, city engineer, to ensure, project consistency with this title, the municipal code and applicable provisions of state law.

B. Ministerial Projects.

The following is a list of projects which typically are classified as being ministerial. The community development director and/or city engineer retain the authority to seek guidance or discretionary approval from a reviewing body if the nature of a proposed project warrants such action:

1. Building permits and tenant improvements, where the proposed use or structure does not trigger discretionary review under the terms of this title (such as for certain types of remodeling), or when such discretionary review has been completed;
2. Demolition permits;
3. Grading permits where the intended use of land does not trigger discretionary review under the terms of this title, or when such discretionary review has been completed;
4. Site plans in conjunction with a building or grading permit, except where planning commission design review is required as noted elsewhere in this title;
5. Certificates of occupancy;
6. Lot line adjustments; (Note: The community development director and city engineer may refer a lot line adjustment application to the planning commission for action if it is determined that the adjustment has the potential to significantly enhance the developability of one or more lots.)
7. Certificates of compliance;
8. ~~Second residential~~ Accessory dwelling units; and
9. Voluntary lot mergers. (Ord. 97-03 § 2 (part); prior code § 8-1.4209)

c. Section 17.52.020 of the Municipal Code is hereby amended to make the following deletions and additions to the Land Use/Zone Matrix:

17.52.020 Land Use/Zone Matrix

Delete "Second Residential Units" from Table 2 under R-R, R-1 and R-2 as a permitted "P" use and add "Accessory Dwelling Units" to Table 2 under R-R, R-1 and R-2 as a permitted "P" use.

d. Chapter 17.98 of the Municipal Code is hereby amended in its entirety to read as follows:

Chapter 17.98

SECOND-RESIDENTIAL ACCESSORY DWELLING UNITS

Sections:

- 17.98.010 Purpose and intent.
- 17.98.020 Administration
- 17.98.030 Development Standards

17.98.010 Purpose and intent

The purpose of this section is to permit second-residential accessory dwelling units in single-family residential zoning districts consistent with state law (California Government Code Sections 65852.150 through 65852.2). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. Second-residential Accessory dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all of the provisions in Chapter 17, except as modified in this chapter.

17.98.020 Administration

A. Second-Residential Accessory Dwelling Unit Permit Required. An approved second residential accessory dwelling unit permit shall be obtained prior to construction, conversion and/or development of a second-residential accessory dwelling unit. Pursuant to California Government Code Section 65852.2, the second-residential accessory unit permit shall be considered ministerial without any discretionary review or a hearing. Accessory dwelling units are exempt from the California Environmental Quality Act.

B. Application.

1. Applications for a second-residential accessory dwelling unit permit shall be filed with the community development director on forms provided by the community development department.
2. An application for a second-residential accessory dwelling unit permit shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this subsection.
3. Once an application is deemed complete the application must be approved or denied within one hundred and twenty (120) days.

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

17.98.030 Development Standards

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

- A. The maximum area of floor space of any second-residential detached accessory residential unit shall not exceed one thousand two hundred (1,200) square feet of living area on lots with a net lot area of twenty thousand (20,000) square feet or more and seven hundred fifty (750) square feet of living area on lots with a net lot area of less than twenty thousand (20,000) square feet. The maximum area of floor space on an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet. A second-residential unit may be attached to or detached from the principal residence.
- B. The site on which the proposed second-residential accessory dwelling unit is to be located meets the minimum lot size requirements for the zone in which it is located and in no instance is less than six thousand (6,000) square feet.
- C. Construction under this section shall be subject to zoning requirements applicable to residential construction in single family (R-R, R-1 and R-2) zones, except as modified by the conditions of this section.
- D. The lot on which the second-residential accessory dwelling unit is proposed shall contain a principal residence at the time of construction of the second accessory dwelling unit. In the case of vacant lots, the principal residence and second-residential accessory dwelling unit may be constructed at the same time.
- E. The second-residential accessory dwelling unit is self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.
- F. Only one second-residential accessory dwelling unit shall be allowed for each principal residence per lot. AAn second-residential accessory dwelling unit shall not be permitted on a lot

already having two or more dwelling units located thereon and shall not be permitted in addition to a guest dwelling. A guest dwelling shall not be permitted on any lot developed with an ~~second residential accessory dwelling~~ unit.

G. The ~~second residential accessory dwelling~~ unit shall be in compliance with all current zoning requirements, including structure height and yard setbacks. Consistent with the general plan, ~~second residential accessory dwelling~~ units that front on alleys shall be encouraged. An accessory dwelling unit built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations.

H. An accessory building or structure, including a garage, may be converted into an accessory dwelling unit, subject to complying with the Title 24 of the California Code of Regulations.

HJ. One (1) off-street uncovered parking space shall be provided for every ~~second residential accessory dwelling~~ unit in addition to parking required for the principal residence. The off-street uncovered parking space may be provided in the front setback to the side of the existing driveway or in tandem on the driveway, subject to complying with Section 17.60.070E.1098.030I. When development of the ~~second residential accessory dwelling~~ unit displaces existing required off-street parking (e.g., conversion of a garage) the required parking shall be concurrently replaced on the property in compliance with the off-street parking regulations in Chapter 17.72.

No additional parking is required if the accessory dwelling unit is located:

1. Within one-half (½) mile of public transit;
2. In an historic district;
3. In part of an existing principal residence or existing accessory building or structure;
4. In an area requiring on-street parking permits but they are not offered to the ADU occupant; or
5. Within one block of a car-sharing vehicle pick-up/drop-off location.

IJ. Not more than forty (40) percent of the front yard of a parcel, inclusive of ~~second residential accessory dwelling~~ unit off-street parking requirements, shall be devoted to a driveway.

JK. The ~~second residential accessory dwelling~~ unit shall not cause excessive noise, traffic congestion, parking congestion or overloading of public facilities.

KL. Separate hookups for city services and/or utilities may be required as determined by city standards as applied by city staff or by the appropriate public utility.

LM. ~~Second residential Accessory dwelling~~ units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by

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the community development department. No entrance to an ~~second residential accessory dwelling~~ unit shall be located on the front building elevation of the principal residence if the ~~second residential accessory dwelling~~ unit is attached to the residence, in order to maintain the appearance of the structure as a single-family unit.

~~MN.~~ The property owner shall occupy either the principal or ~~second residential accessory dwelling~~ unit as their principal or primary residence as defined by the County Assessor. If either unit should become non-owner occupied the ~~second residential accessory dwelling~~ unit, upon notification by the city, shall be converted into a non-dwelling unit or guest dwelling by removing the kitchen facilities. To ensure the property is owner-occupied the property owner shall record a deed restriction prior to obtaining a certificate of occupancy for the ~~second residential accessory dwelling~~ unit. The deed restriction will stipulate they (property owner) will live in one of the two units at all times.

~~NO.~~ Before obtaining an occupancy permit for an ~~second residential accessory dwelling~~ unit the owner of an ~~second residential accessory dwelling~~ unit shall file with the County Recorder a declaration or agreement, form to be approved by the city attorney, stating the owner shall live in either the principal residence or ~~second residential accessory dwelling~~ unit at all times. This restriction shall be removed if the owner eliminates the ~~second residential accessory dwelling unit~~ or converts it into a non-dwelling unit or guest dwelling by removing the kitchen facilities.

~~OP.~~ The size of the ~~second residential accessory dwelling~~ unit shall be counted towards the maximum floor area ratio (FAR) for the site.

~~PQ.~~ ~~Second residential Accessory dwelling~~ unit permits shall not be issued for ~~second residential accessory dwelling~~ units that result in adverse impacts to the adequacy of water and sewer services, and/or result in adverse impacts on traffic flow, and/or result in adverse impacts on any real property listed in the California Register of Historic Places.

~~QR.~~ All new construction or exterior alterations to existing structures proposed under the ~~second residential accessory dwelling~~ unit permit may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.

~~47.~~ Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

~~58.~~ Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on the ____ day of _____, 2016 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cecilia Aguiar-Curry, Mayor

Nanci G. Mills, City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, December 13, 2016 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider the following project.

Various amendments to the Title 17 (Zoning Ordinance) of Winters Municipal Code, which includes the following entitlements:

1. Finding the project Statutorily Exempt from CEQA Section 15268, Ministerial Projects.
2. Recommending the City Council adopt an ordinance amending Chapter 17.04 (Definitions), Chapter 17.16 (Applications and Public Hearings), Chapter 17.52 (Land Use Regulations: Zoning Matrix), and Chapter 17.98 (Second Residential Units).

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the proposed project. 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 to dave.dowswell@cityofwinters.org. In addition, the staff report will be available on the City's website on December 8, 2016.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

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

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

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact David Dowswell, Contract Planner at (530) 794-6714.

ATTACHMENT C