

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, July 24, 2018 @ 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](mailto:dave.dowswell@cityofwinters.org)

Chairperson: Paul Myer  
Vice Chair: Lisa Baker  
Commissioners: Dave Adams, Patrick  
Riley, Gregory Contreras, Daniel  
Schrupp, Ramon Altamirano  
City Manager: John W. Donlevy, Jr.  
Management Analyst, Dago Fierros

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 May 22 and June 26, 2018 regular meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of an application by Catholic Bishop of Sacramento to amend (reconfigure) the Tentative Map for the 40 lot subdivision of the Creekside Estates Development located at the southwest corner of Grant Avenue (SR 128) and Main Street along Dry Creek.

B. Study session regarding food trucks.

C. Study session regarding and AirBnbs.

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 JULY 19, 2018



DAVID DOWSWELL, CONTRACT PLANNER, COMMUNITY DEVELOPMENT DEPARTMENT

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  
MAY 22, 2018**

***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.*

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

**PRESENT:** Commissioners, Adams, Baker, Contreras, Riley, Schrupp, Vice Chair Baker, Chair Myer

**ABSENT:** Commissioner Altamirano

**STAFF:** City Manager John Donlevy, Contract Planner Dave Dowswell, Environmental Services Manager Carol Scianna, Chief Building Official, Gene Ashdown and Management Analyst Dagoberto Fierros

Commissioner Contreras led the pledge of allegiance.

**CITIZEN INPUT:** None at this meeting.

**CONSENT ITEM:**

- A. Minutes of the February 27, 2018 regular meeting of the Planning Commission.

Commissioner Baker moved to approve, Commissioner Schrupp seconded.

**AYES:** Commissioners Adams, Contreras, Baker, Myer, Riley, Schrupp

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

**STAFF/COMMISSION REPORTS:**

Commissioner Riley mentioned there is an Airbnb near his house that is causing a lot of problems. He suggested that staff should conduct a study on Airbnb's in Winters.

**DISCUSSION ITEM:**

- A. Public Hearing and Consideration of an application by Winters Joint Unified School District located at 909 West Grant Avenue for Site Plan/Design Review to install carports with photo-voltaic roofing panels in the parking lot.

Contract Planner Dave Dowswell gave a brief description of the proposed project.

Roy Owens, Director of Facilities, Maintenance and Operations at Winters Joint Unified School District, thanks the Planning Commission for their consideration of the project.

**PUBLIC COMMENTS:**

None.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
MAY 22, 2018**

**COMMISSIONER/STAFF COMMENTS:**

Vice Chair Baker asked if perimeter trees will be removed in order to install panels. Roy stated the trees will not be removed.

Commissioner Contreras stated that allowing canopies to meet the shading requirements should be more clearly written in the ordinance.

Commissioner Riley moved. Schrupp Seconded.

**AYES:** Commissioners Adams, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** Commissioner Contreras

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

**DISCUSSION ITEM:**

- B. Consideration and approval of the City of Winters Waste Water Treatment Facility Master Plan Update.

Environmental Services Manager Carol Scianna gave a brief description of the proposed plan.

Gorman Lau, Senior Environmental Engineer of Larry Walker and Associates, discussed the importance and the urgency of creating a Wastewater Master Plan in 1996 to provide adequate services for the projected growth of the City. Updates to the Master Plan were made in 2007 and currently in 2018. He described the differences between the various alternatives. The recommendations relied most heavily on cost and regulatory environmental considerations.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER/STAFF COMMENTS:**

Vice Chair Baker asked why the various alternatives of the Wastewater Master Plan scored "low" on the regulatory environmental considerations

Lau stated that secondary treatment facilities run a higher risk of water and soil contamination during percolation, which is much less prevalent on a tertiary treatment facility.

City Manager John Donlevy addressed concerns by Commissioner Riley and Chairperson Myer. Donlevy stated that funds for the updated wastewater treatment facility come from development impact fees and increased water and sewer rates. Donlevy continued by mentioning a major goal for the city is to sell as much treated water as possible.

Discussion with Commission ensued.

Vice Chair Baker moved to approve staff recommendation with provisions to be included in the final report. Commissioner Riley seconded.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
MAY 22, 2018**

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

- C. Public Hearing and Consideration of an application by Silverio Arteaga to park a Buckhorn food truck on the property located at 3 Grant Avenue (The Winters Store).

Contract Planner Dave Dowswell shared brief history on the project and the numerous mobile food vendor issues that have arose over the years on the intersection of Grant Avenue and Railroad Avenue

**PUBLIC COMMENTS:**

Lorenzo Arce (Owner of Kountry Kitchen) stated his opposition because he is worried about safety hazards to public health. Most notably pedestrian traffic dangers and lack of restrooms.

Kim Calderone, a resident of Winters, showed support because of the trucks involvement in various community and school programs.

Stan and Sheri Lester, co-owners of Lester Farms Bakery, stated their opposition because the food truck violates City regulations the way they are currently written.

John Pickerel, owner of Buckhorn Steakhouse, gave his support of the food truck but believes regulations should be updated to include modern day food trucks.

Marie Rojo Heilman, resident, was in support for the food truck and suggested finding a permanent solution that benefits both brick and mortar as well as food trucks

Blanca Gonzalez, employee at Kountry Kitchen, showed opposition to the food truck due to safety hazards to public health.

Guellermina Cuevas, resident, showed support of the food truck and suggested an agreement be reached between all business owners on the Grant Avenue and Railroad Avenue intersection.

Silverio Arteaga, project applicant, shared information about his food truck business.

**COMMISSIONER/STAFF COMMENTS:**

Commissioner Contreras believed that the Planning Application cannot be approved because of the way the regulations are written.

Chairperson Myer stated that a study should be performed by staff in order to make proper updates on current regulations.

City Manager John Donlevy discussed with the Planning Commission the many challenges other Cities are facing in regards to mobile food vendors.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
MAY 22, 2018**

Vice Chair Baker moved that the application be put on hold until a revised ordinance is brought before the City Council at a later date. Commissioner Contreras seconded.

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

D. Public Hearing and consideration of various amendments to Title 17 (Zoning Ordinance) of Winters Municipal Code which includes the following entitlements.

- a. Finding the project Categorical Exempt from CEQA Sections 15301 (Existing Facilities).
- b. Recommending the City Council adopt an ordinance amending Chapter 17.104 (Nonconforming Uses, Structures and Lots) to allow the expansion of a nonconforming use that does not increase the discrepancy between the existing conditions and the standards of the district.

Contract Planner Dave Dowswell gave an update on the proposed project and the proposed code amendments.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER/STAFF COMMENTS:**

Minimal discussion ensued.

Commissioner Riley moved, Adams seconded.

**AYES:** Commissioners Adams, Contreras, Riley, Schrupp, Chairman Myer

**NOES:** None

**ABSTAIN:** Vice Chair Baker

**ABSENT:** Commissioner Altamirano

E. Public Hearing and Consideration of an amendment to the Amended and Restated Development Agreement for development of the property, commonly known as the Callahan Estates, between the City of Winters and Crowne Communities Winters, California LLC, a California Corporation. The property is located off Main Street, north of Grant Avenue/SR 128 and north of the Winters Ranch subdivision.

Contract Planner Dave Dowswell discussed the proposed change from 109 to 110 buildable lots due to the conversion of Lot E as a pocket park into a buildable lot.

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Kal Takhar of Crowne Communities talked about the deal that was reached with the City.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER/STAFF COMMENTS:**

City Manager John Donlevy stated that the \$90,000 that the City received from the agreement with Crowne Communities will most likely go towards the linear park at the Stones Throw subdivision.

Commissioner Riley moved, Adams seconded.

**ADJOURNMENT:** Vice Chair Baker adjourned the meeting at 8:27pm.

**ATTEST:** \_\_\_\_\_

Dagoberto Fierros, Management Analyst

\_\_\_\_\_

Paul Myer, Chairman

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
JUNE 26, 2018**

***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.*

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

**PRESENT:** Commissioners, Adams, Baker, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**ABSENT:** None.

**STAFF:** City Manager John Donlevy, Contract Planner Dave Dowswell, Environmental Services Manager Carol Scianna, Chief Building Official Gene Ashdown, Management Analyst Dagoberto Fierros

Management Analyst Dagoberto Fierros led the pledge of allegiance.

**STAFF/COMMISSION REPORTS:**

Commissioner Adams attended the Yolo County Cannabis meeting on June 12, 2018 and the Farm-to-School feast fundraiser on June 23, 2018.

Chairman Myer attended the City Parking meeting on June 13, 2018 and attended the City Council meeting on June 19, 2018.

**CITIZEN INPUT:** None at this meeting.

**CONSENT ITEM:**

- A. Public Hearing and Consideration of an application by Bobby Rodriguez for Site Plan/Design Review to add a new 983 square foot single family dwelling to the property at 800 Hemenway Street.

**AYES:** Commissioners Adams, Contreras, Baker, Myer, Riley, Schrupp

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Altamirano

Motion carried unanimously.

**STAFF/COMMISSION REPORTS:**

Commissioner Riley stated that staff should conduct a study on Airbnb's in Winters.

**DISCUSSION ITEM:**

- A. Public Hearing and Consideration of an application by Winters Joint Unified School District located at 909 West Grant Avenue for Site Plan/Design Review to install carports with photo-voltaic roofing panels in the parking lot.

Contract Planner Dave Dowswell gave a brief presentation on the proposed project.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
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Commissioner Adams asked what the difference between the proposed unit and an Accessory Dwelling Unit. Contract Planner explained the differences between the definitions with the Commission.

**PUBLIC COMMENTS:**

Richard Pitts shared concerns with the proposed project.

**COMMISSIONER/STAFF COMMENTS:**

Contract Planner Dave Dowswell stated that the General Plan encourages this type of development on corner lots that meet the respective requirements.

Vice Chair Baker asked for clarification on various conditions on the conditions of approval list.

Chairman Myer mentioned the importance of providing more housing.

Vice Chair Myer moved staff recommendation, Commissioner Altamirano seconded.

**AYES:** Commissioners Adams, Altamirano, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried unanimously.

**DISCUSSION ITEM:**

- B. Public Hearing and Consideration of an application by Nick Girimonte for Site Plan/Design Review to add a 933 square foot second story addition to the existing house located at 508 Abbey Street.

Contract Planner Dave Dowswell shared background information on the proposed project.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER/STAFF COMMENTS:**

Commissioner Riley asked for clarification on the proposed square footage of the project.

Commissioner Contreras Moved staff recommendation, Commissioner Adams seconded.

**AYES:** Commissioners Adams, Altamirano, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
JUNE 26, 2018**

**ABSENT:** None

Motion carried unanimously.

**DISCUSSION ITEM:**

- C. Public Hearing and Consideration of an application by Chris Williams for Site Plan/Design Review approval of (5) model homes to be located on Hemenway Street as part of the Olive Grove Subdivision Phase I.

Contract Planner Dave Dowswell shared brief history on the project.

**PUBLIC COMMENTS:**

Vince Valadez, one of the heirs of the Valadez property, discussed some issues he is having with the developer of the Olive Grove Subdivision, Chris Williams. Chairman Myer stated that this is a personal business matter between the two parties and not the Planning Commission or City of Winters.

Don Jordan, resident, expressed his concern with the pad elevation of the homes facing Hemenway Street. Developer Chris Williams stated that the Engineers required a 1% slope and that a retaining will surround the entire property to deal with drainage of the property.

Matt, Brickey, resident, expressed his concerns with the pad elevation and possible drainage issues.

Jeff Simmons, resident, expressed his concerns with the pad elevations, parking, and landscaping.

**COMMISSIONER/STAFF COMMENTS:**

Vice Chair Baker stated her concerns about the drainage issues that could possible arise in the future.

City Manager John Donlevy stated that new developments have strict guidelines that have to be followed before plans can be approved by Engineers.

Contract Planner Dave Dowswell made a correction to the condition of approval 3a to read "Plans for 722 and 726 Hemenway Street. To help break up the flatness of the stucco only plan right and left elevations add horizontal siding to the gable ends." Dowswell also made a correction to condition of approval 4a to read "Front yard landscaping plan, including irrigation. Plan shall include one (1) 15-gallon tree per lot."

City Manager Donlevy mentioned that clarification of pad elevations, drainage issues etc. will be brought back to the Planning Commission as an informational item.

Commissioner Adams expressed his dislike of homes that have garages that protrude further into the front yard than the front door.

Commissioner Contreras stated his concern with the density of the lots facing Hemenway Street.

Vice Chair Baker stated that there should be a policy discussed in the future about the garage and front door placements.

Vice Chair Baker moved staff recommendation, with corrections to the conditions of approval, Riley seconded.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
JUNE 26, 2018**

**AYES:** Commissioners Adams, Altamirano, Contreras, Riley, Schrupp, Vice Chair Baker, Chairman Myer

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**INFORMATIONAL ITEM:**

D. Informational item regarding food truck and AirBnB regulations.

City Manager John Donlevy stated that the summer interns are tackling these issues and plan on coming to the Planning Commission with a comprehensive report in the future.

Intern Sam Donlevy presented an update of the study staff is currently conducting on food truck regulations.

Discussion with Planning Commission ensued.

Intern Aaron Ryan presented an update of the study staff is currently conducting on property rentals such as AirBnb, VRBO etc.

Discussion with Planning Commission ensued.

**PUBLIC COMMENTS:**

Tami Jo shared her positive experiences renting out a bedroom in her Winters home through AirBnb.

**INFORMATIONAL ITEM:**

Chairman Myer expressed his concerns with the landscaping at Winters Ranch subdivision. A slideshow of images was presented.

Planning Commission encouraged staff to look at landscaping alternatives for future developments.

Discussion ensued.

**ADJOURNMENT:** Vice Chair Baker adjourned the meeting at 8:05 pm.

**ATTEST:** \_\_\_\_\_

Dagoberto Fierros, Management Analyst

\_\_\_\_\_

Paul Myer, Chairman



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chair and Planning Commissioners  
**DATE:** July 24, 2018  
**FROM:** David Dowswell, Contract Planner   
**SUBJECT:** Creekside Estates Subdivision – Public Hearing and consideration by the Winters Planning Commission of the proposed amendment to the existing Tentative Map for the forty (40) lot Creekside Estates Development

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**RECOMMENDATION:** Staff recommends the Planning Commission:

- 1) Receive a Staff Report on a proposed amendment to the Creekside Estates Tentative Map; and
- 2) Conduct a Public Hearing to consider comments on proposed amendment to the Creekside Estates Tentative Map; and
- 3) Find per Section 15061(b)(3) of the CEQA Guidelines that the proposed DA Amendment is not subject to CEQA due to the lack of direct or reasonably foreseeable indirect physical change to the environment which would result from the adoption of the proposed amendment to Tentative Map; and
- 4) Recommend that the Winters City Council adopt a resolution approving the amended Tentative Map for the property commonly known as the Creekside Estates Subdivision.

**BACKGROUND:** In April 2005, the City approved the Creekside Estates Subdivision and Development Agreement (DA). In December 2012 the First Amendment approved a number of changes including extending the term of the agreement until December 20, 2018, amending the language regarding the approval of an agreement with the Winters Unified School District and how the cost of infrastructure improvements needed to develop the required park would be determined.

In 2015 the City met with representatives of Watt Communities, who at the time was looking to buy Creekside Estates from the Roman Catholic Church, to discuss possible amendments to the DA. The amendments to the Creekside Estates DA were essentially to “modernize” it to recognize capital improvements made during the interim, needs of the City and the Developer, and also to acknowledge the new fiscal realities of residential development.

On June 13, 2017 the Planning Commission recommended the City Council approve the amendments to the DA in the Amended and Restated Development Agreement. On July 18, 2017 the City Council approved the Amended and Restated Development Agreement.

**PROJECT DESCRIPTION:** The Catholic Bishop of Sacramento, a California Corporation, on behalf of the Roman Catholic Church (property owner), is requesting approval to amend the layout of the lots for the Tentative Map for the Creekside Estates Subdivision. The property is located on the southwest corner of the intersection of Grant Avenue/SR 128 and Main Street abutting Dry Creek (Attachment A). The changes to the Tentative Map (Attachment B) are being requested to create lots with more buildable area than lot layout of the current Tentative Map (Attachment C).

**ANALYSIS:** As stated, the applicant believes the current subdivision layout would create a number of lots which are unbuildable or very difficult to build on due to the required setbacks and shape of the lots (Attachment B). For example, lots 12 and 14 of the current Tentative Map are very shallow, which would only allow for a somewhat irregular shaped house. The same is somewhat true for lots 34 and 35, which back up to Dry Creek. Lot 13 is also unusual because it fronts on three streets creating a situation where there would be very little useable yard area and essentially no back yard.

The amended Tentative Map (Attachment C) layout results in more traditional shaped lots with larger buildable areas and eliminates having a lot that fronts on three streets. The lots abutting Dry Creek are still able to comply with the 50 foot creek setback from top of bank while providing more buildable area.

Staff supports the changes to the lot layout in the amended Tentative Map in that it creates lots which will be easier to develop than the current plan. It should be noted even with the amendment to the Tentative Map there may still be a need to apply to amend the Planned Development Overlay Zone (PD) in order to develop some of the lots which back onto the creek due to the requirement for a 50 foot creek setback. The determination to amend the PD will not be made until actual houses are proposed for these lots.

The City Engineer reviewed the Conditions of Approval for the approved Tentative Map (Attachment D) which apply to Engineering. A number of the conditions, shown using strikeout, are no longer applicable. For example, Condition No. 79d is no longer

applicable because the traffic signal has been installed. The developer will be required to reimburse their proportional cost of the signal. Condition No. 80c is no longer applicable for the same reason. Condition 107 is no longer applicable because the new well is being built as part of the Stone's Throw and Callahan Estates Subdivisions. A number of the new conditions, highlighted in yellow, are also being added. Condition No. 84 is being added to address the creation of a new cul-de-sac and redesign of the existing one. Condition No. 79g is being added requiring the addition of LED lights along the outer edge of the bike lane along Grant Avenue, subject to the City and Caltrans approval (Attachment E).

**PROJECT NOTIFICATION:** A notice advertising for the public hearing on this 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 and was published in the Winters Express on 7/12/18 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 at City Hall since 7/19/18.

**ENVIRONMENTAL ASSESSMENT:** Per Section 15061(b)(3) of the CEQA Guidelines, the proposed DA Amendment is not subject to CEQA due to the lack of direct or reasonably foreseeable indirect physical change to the environment which would result from the adoption of the proposed Amendment to that Development Agreement

**PLANNING COMMISSION ACTION:** Staff recommends the Planning Commission make a recommendation to the Winters City Council to adopt a resolution (Attachment F) approving the amended and Tentative Map, subject to the CEQA findings, for development of the property commonly known as the Creekside Estates Subdivision.

**CEQA findings:**

1. The Planning Commission finds that based the on their review of the amended Tentative Map ("the project") the changes are not considered significant enough to require preparation of a subsequent environmental document.
2. The Planning Commission has considered comments received on the project during the public review process.
3. The decision not to prepare a subsequent environmental document reflects the independent judgment and analysis of the City of Winters.

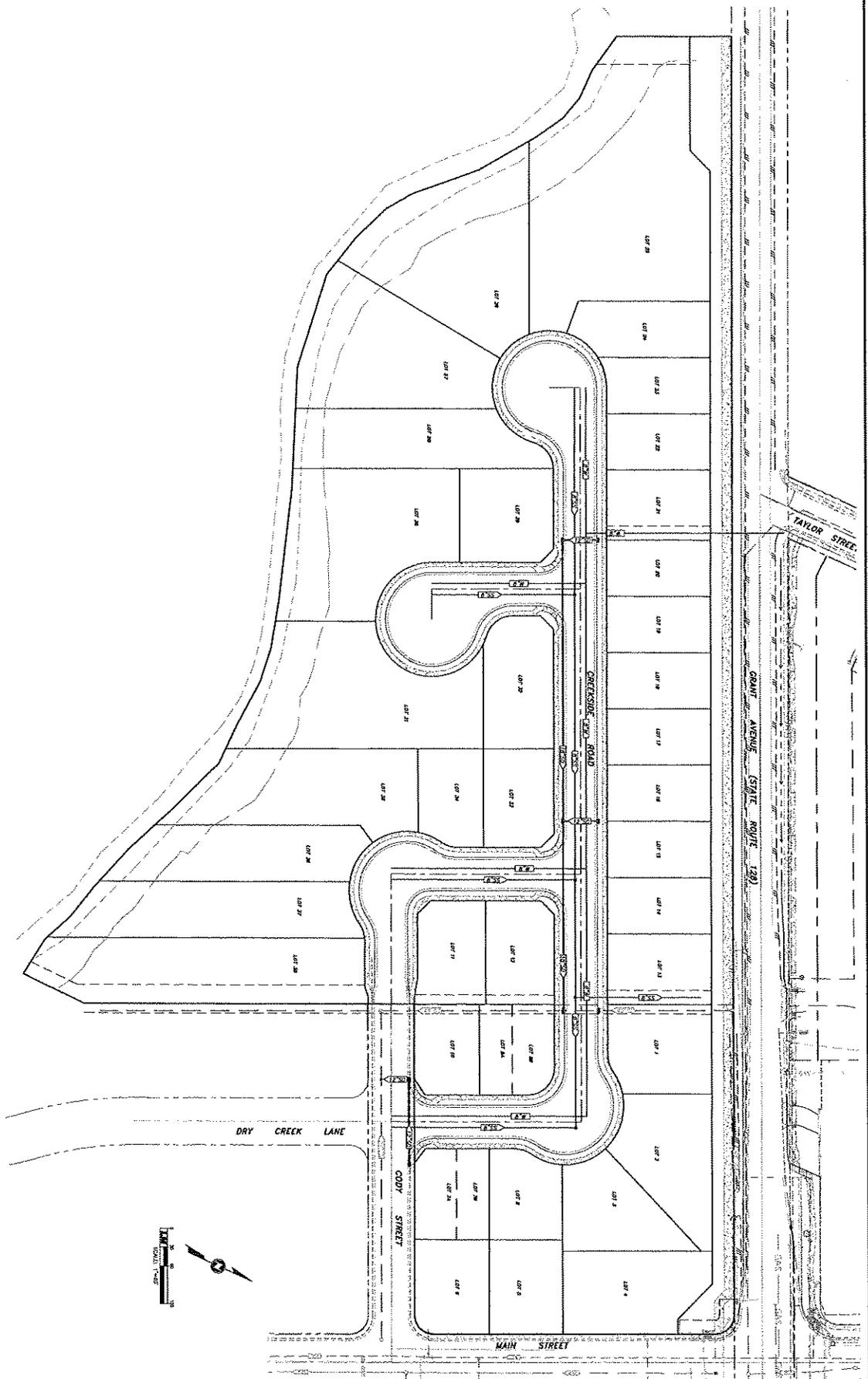
**ATTACHMENTS:**

- A. Location Map
- B. Amended Tentative Map
- C. Approved Tentative Map
- D. Approved Tentative Map Conditions of Approval
- E. Amended Engineering Conditions of Approval
- F. City Council Resolution

CREEKSIDE ESTATES  
CONTEXTUAL MAP







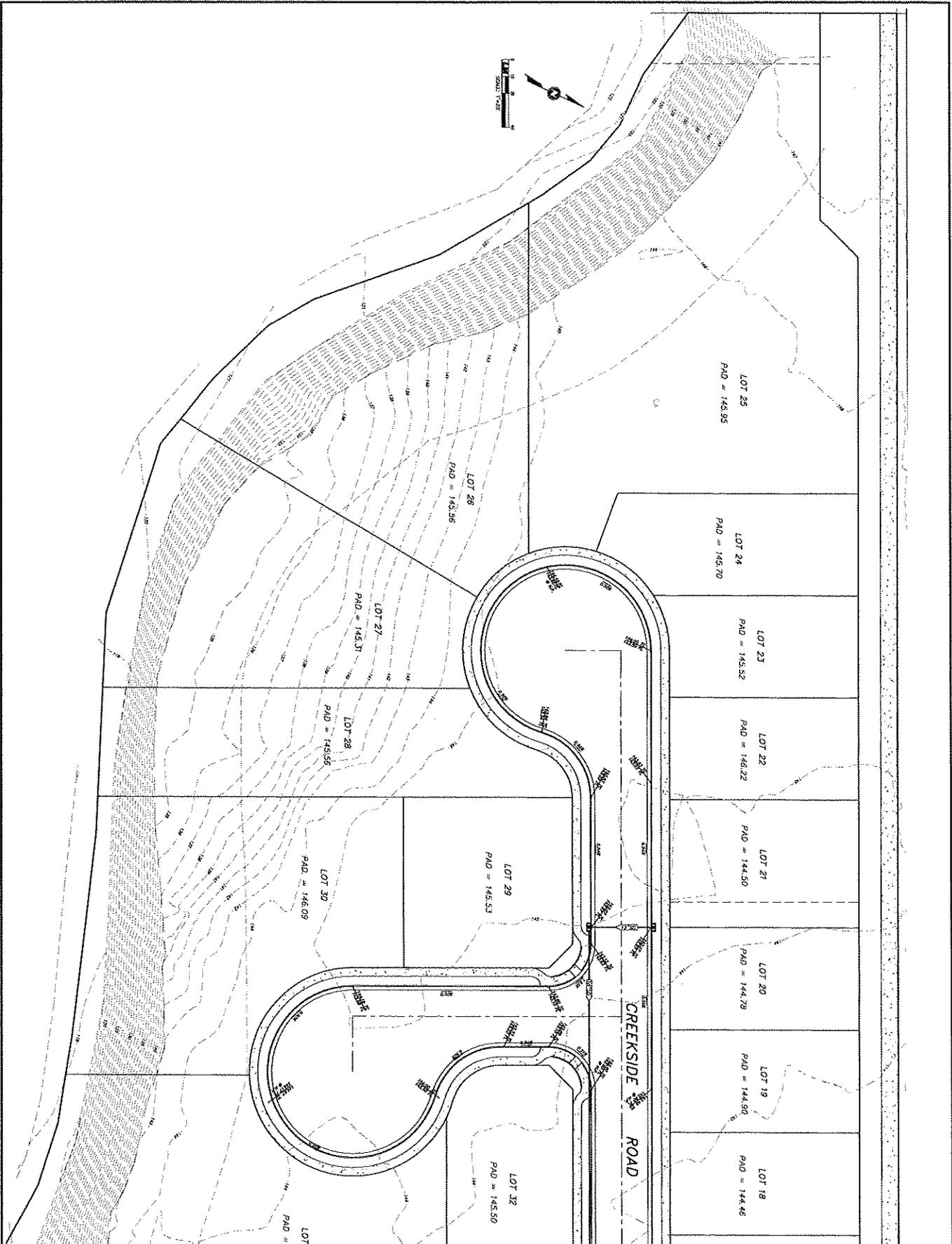
SHEET 2 OF 6  
**TM-2**  
 SCALE: 1"=40'  
 DATE: 08-15-2010  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 CITY OF WINTERS  
 PROJECT: 12300-2100-1833-2, TM-2.dwg

**PRELIMINARY UTILITY PLAN**  
 TOPOGRAPHIC SURVEY FOR AMENDED MAP  
 FOR  
**SUBDIVISION NO. 4645 CREEKSIDE ESTATES**  
 CITY OF WINTERS  
 CALIFORNIA

**LW LAUGENOUR AND MEIKLE**  
 CIVIL ENGINEERS  
 200 SOUTH PINE, HOODLAND, CALIFORNIA 95631  
 P.O. BOX 100, HOODLAND, CALIFORNIA 95631  
 TEL: (530) 888-1111 FAX: (530) 888-1111  
 BY: BRYAN R. BOWEN  
 DATE: \_\_\_\_\_ P.E. 51824

CITY OF HOODLAND  
 APPROVED BY:  
 \_\_\_\_\_  
 CITY ENGINEER  
 FOR PUBLIC IMPROVEMENTS ONLY

REV.	DATE	DESCRIPTION	BY (APP'D)



SEE SHEET TM-4

SHEET 3 OF 6  
**TM-3**  
 DATE: 05-28-2014  
 SCALE: 1"=20'  
 DRAWN: [Name]  
 CHECKED: [Name]  
 APPROVED: [Name]  
 CITY OF WATERS

**PRELIMINARY GRADING PLAN**  
 TOPOGRAPHIC SURVEY FOR AMENDED MAP  
**SUBDIVISION NO. 4645 CREEKSIDE ESTATES**  
 CITY OF WATERS

**LM LAUGENOUR AND MEIKLE**  
 CIVIL ENGINEERS  
 4500 F STREET, WOODLAND, CALIFORNIA 95694  
 BY: BRYAN R. BROWN  
 DATE: P.E. 4/20/14

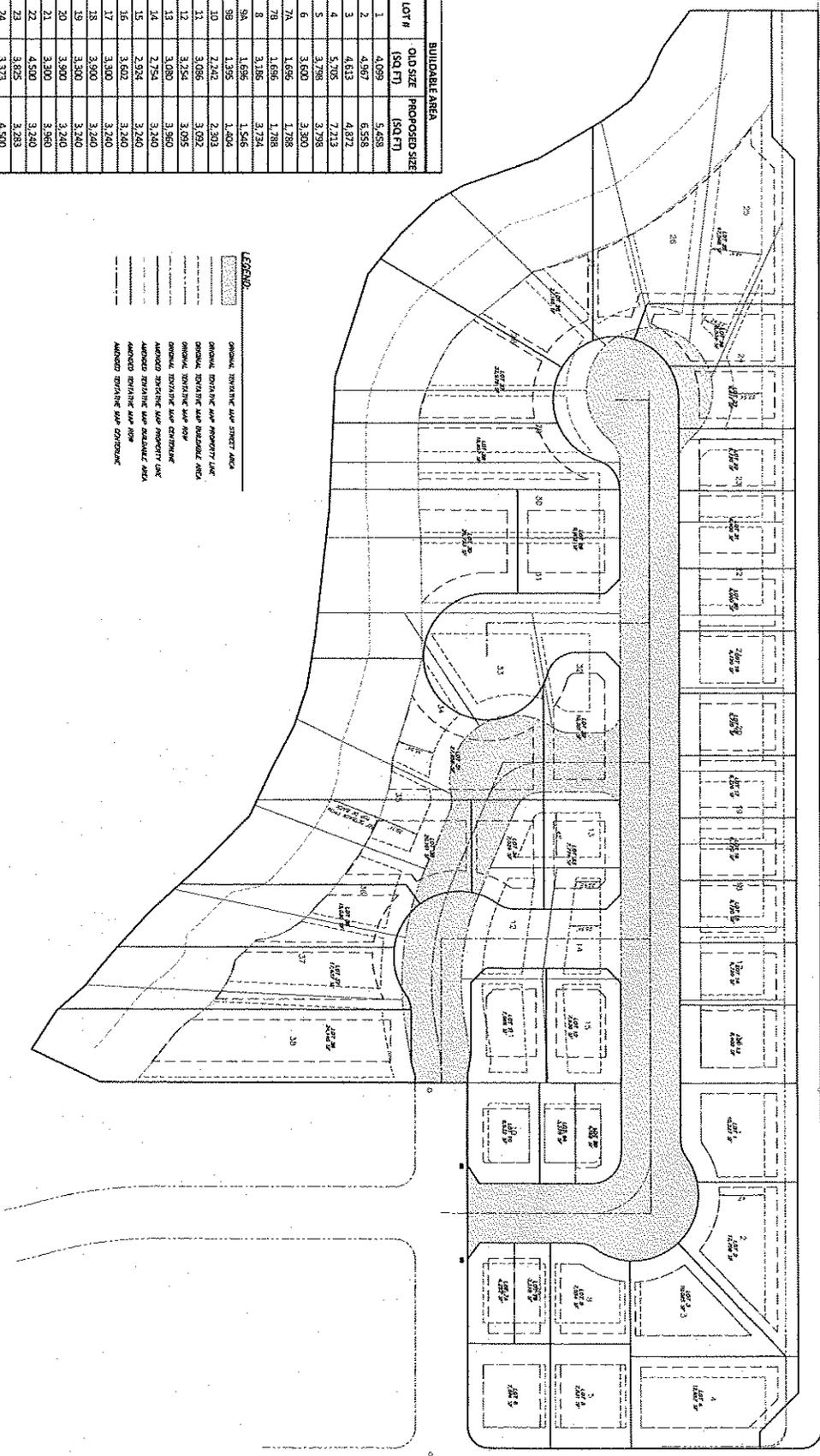
CITY OF WOODLAND  
 APPROVED BY:  
BRYN MEYER  
 CITY ENGINEER  
 FOR PUBLIC IMPROVEMENTS ONLY

REV.	DATE	DESCRIPTION	BY

© 2014 LAMG 12/15/10-2/14/14



LOT #	BUILDABLE AREA	
	OLD SIZE (SQ FT)	PROPOSED SIZE (SQ FT)
1	4,099	5,458
2	4,967	5,558
3	4,413	4,872
4	5,208	7,112
5	3,798	3,798
6	3,600	3,900
7A	1,695	1,788
7B	1,695	1,788
8	3,185	3,724
9A	1,695	1,546
9B	1,395	1,404
10	2,242	2,303
11	3,086	3,092
12	3,754	3,995
13	3,080	3,990
14	2,754	3,240
15	2,924	3,240
16	3,602	3,240
17	3,300	3,240
18	3,900	3,240
19	3,300	3,240
20	3,900	3,240
21	3,900	3,960
22	4,500	3,240
23	3,825	3,288
24	3,372	4,500
25	7,688	16,839
26	4,373	5,487
27	4,217	7,701
28	9,513	6,469
29	8,157	4,554
30	10,049	5,557
31	9,929	7,719
32	3,015	4,780
33	4,972	3,272
34	3,444	3,259
35	2,632	5,081
36	3,447	3,559
37	7,030	6,384
38	14,365	8,504
TOTAL	179,523	180,704



**LEGEND:**

- ORIGINAL PROPERTY AND STREET AREA
- ORIGINAL PROPERTY AND PROPERTY LINE
- ORIGINAL PROPERTY AND BUILDING AREA
- ORIGINAL PROPERTY AND NEW
- ORIGINAL PROPERTY AND CHANGE
- AMENDED PROPERTY AND PROPERTY LINE
- AMENDED PROPERTY AND BUILDING AREA
- AMENDED PROPERTY AND NEW
- AMENDED PROPERTY AND CHANGE

SHEET 6 OF 6 <b>TM-6</b>	<b>LOTING OVERLAY</b> TOPOGRAPHIC SURVEY FOR AMENDED MAP FOR <b>SUBDIVISION NO. 4645 CREEKSIDE ESTATES</b> CITY OF WINTERS, CALIFORNIA	<b>LAUGENOUR AND MEIKLE</b> CIVIL ENGINEERS 2000 W. 12TH STREET, SUITE 100 WINTERS, CALIFORNIA 95694 PHONE: (530) 832-1100 FAX: (530) 832-1100 BY: <b>BRYAN P. BOGGS</b> DATE: <b>P.E. 4/18/14</b>	CITY OF WOODLAND APPROVED BY: _____ CITY ENGINEER FOR PUBLIC IMPROVEMENTS ONLY	REV. DATE DESCRIPTION BY:
	DATE: 04-23-2014 TIME: 1:45 PM DRAWN BY: JMM CHECKED BY: JMM SCALE: 1"=40'	JOB NO.: 2000-7 PROJECT NO.: 4645 SHEET NO.: 6 OF 6	CITY OF WOODLAND APPROVED BY: _____ CITY ENGINEER FOR PUBLIC IMPROVEMENTS ONLY	REV. DATE DESCRIPTION BY:

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72. Fifty percent of the affordable for-sale (single family) units shall have 3 bedrooms and 2 baths and fifty percent shall have 4 bedrooms and 2 baths.

#### **Street Improvements**

73. All proposed roads within the subdivision shall comply with the City's Public Works Improvement Standards and Construction Specifications, dated September 2003 or as amended.

74. Grant Avenue:

- a) South half improvements shall be constructed from the western terminus of the tentative map to the eastern terminus of this Tentative Map with the first final map on the project. Applicant shall acquire the necessary right of way to construct full frontage improvements on the south half of Grant Ave. per the City of Winters Public Works Improvement Standards.
- b) The south half improvements shall include all necessary right-of-way and improvements to include a 12-foot northbound left turn lane, two eastbound travel lanes (26-feet), six-foot class two bike lane, and a 24-foot landscape corridor that will include an 10-foot Class 1 concrete pedestrian/bike path.
- c) The improvement plans shall include the design of a complete traffic signal that includes the conduit, pull boxes, signal poles and signal foundations, street lighting, and cabinets. The project proponent shall install all traffic signal improvements necessary for installation of a future new signal at the Grant Avenue and West Main Street intersection. This is a reimbursable expense.
- d) Applicant shall be responsible for construction of a privacy wall along entire Grant Avenue frontage in conjunction with the landscaping corridor. Prior approval of fencing design is required.
- e) No driveways shall be allowed to front load onto Highway 128 (known as Grant Avenue).
- f) A non-access restriction shall be shown on the final map along Grant Ave. frontage.

75. Main Street:

- a) No driveways shall be allowed to front load onto West Main Street within 140-feet of the tangent of the face of curb on Grant Ave.
- b) A northbound left turn lane shall be required on West Main Street at Grant Ave.
- c) A non-access restriction shall be shown on the final map along Main Street frontage.

76. Intersection Enhancement Details: Island Planters and crosswalks shall be constructed of colored brick pavers, stamped concrete or other enhanced feature as approved by the City Engineer.

77. Local Streets: Local streets shall provide for ADA compliant sidewalk turnouts where sidewalk widths do not meet ADA.

78. Tentative Map Street Cross-Sections, Sheet 1 of 1, dated February 8, 2005). Conditions and Changes shall be made as follows:

- a) Street Cross section details, including all intersection geometric design, complying with the conditions of approval, shall be revised on tentative map, submitted to the City, and approved by the City Engineer prior to submitting a final map and improvement plans.

b) A signing and striping, and stop plan is required and shall be approved by the City Engineer. All signing and striping shall be in accordance with the City of Winters Public Improvements Standards and Construction Standards.

c) Street light types shall be those historic types as approved by the City. If necessary, the applicant shall fund the analysis for designing standards and details for spacing historic lights. This is a reimbursable expense. Improvement plans shall be designed to those standards once approved.

#### **Storm Drainage and Site Grading**

79. A comprehensive storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Public Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures and (detention basins if required). The Storm Drainage Plan shall be submitted for approval prior to submittal of the first final map and/or construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan.
80. A topographic survey of the (excluding Dry Creek to its high bank) site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
81. The Tentative map Grading and Drainage plan showing grading and drainage information including topographic information, drainage routing, pipe slopes and sizing and locations and overland drainage routing are preliminary only and do not constitute approval in any way. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
82. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).
83. Applicant shall be required to coordinate with FEMA through the City's Floodplain Administrator to determine if a CLOMR or LOMR is needed for the project as a result of possible impacts to Dry Creek or Putah Creek Flood Plain. Applicant shall obtain all necessary permits and CLOMRs/LOMRs as required prior to First Final Map approval.
84. The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.
85. Drainage fees shall be paid prior to issuance of a building permit.
86. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.

87. If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.
88. All projects shall include implementation of post-construction best management practices (BMP). Post construction BMP's shall be identified on improvement plans and approved by the City Engineer.
89. Construction of projects disturbing more than one acre of soil shall require a National Pollution Discharge Elimination System (NPDES) construction permit.
90. An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by City Engineer.
91. Landscaped slopes along streets shall not exceed 5:1. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes. Exceptions shall require approval of the City Engineer.
92. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
93. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
94. Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
95. Construction equipment and engines shall be properly maintained.
96. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
97. Construction practices will minimize vehicle idling.
98. Potentially windblown materials will be watered or covered.
99. Construction areas and streets will be wet swept.

#### **Wastewater and Sewer Collection System**

100. The applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
101. The property shall be connected to the City of Winters sewer system, with a separate sewer lateral required for each parcel, in accordance with City of Winters Public Improvement standards and Construction Standards.
102. A comprehensive Sewer Collection System Plan shall be submitted for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. A registered civil engineer for project shall prepare the sewer collection system plan. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

103. The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.
104. Construction of sewer mains deeper than 16-feet at the bottom of the pipe shall be connected to laterals by a parallel mains and connections at Manholes

#### **Water Infrastructure**

105. All materials and installation of the water system shall be at the applicant's expense per City of Winters Public Improvement Standards and Construction Standards.
106. If required, per the Subdivision Map Act, project Applicant shall obtain a Water Verification (WV) prior to approval of final map that addresses the following:
- a) Actual water service to the subdivision will be predicated upon satisfaction of terms and conditions set by the water supplier
  - b) The WV is non-transferable, and can only be used for the specific tentative map for which it was issued.
  - c) The WV shall expire along with the tentative map subdivision map if a final map is not recorded within time allowed under law
  - d) Until such time as actual service connections are approved for the subdivision, the water agency may withhold water service due to a water shortage declared by the water agency.
107. Based on City water modeling, a new well is needed to serve the first phase of development. Developer shall advance fund the construction of new water well and required water system conveyance pipelines with the project per Mitigation Measure #17. In addition, the applicant shall acquire the parcel for the new well prior to approval of the first map subject to fee credits and/or reimbursements.
108. The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.
109. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection Fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.
110. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.
111. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the applicant's expense. Required location, service size and flow-rate for the fire protection system must be submitted. Actual location is subject to the

review and approval of the Public Works Department, Fire Department, and Community Development Department.

112. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
113. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.
114. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District.
115. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Winters Fire Department for replacement purposes.
116. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.
117. Prior to approval of the first final map, a comprehensive water system plan shall be prepared by a registered civil engineer for project, and shall be submitted to the City Engineer for review and approval. The master plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. Said plan shall also include provisions for cost sharing among affected adjacent development for facilities sized to accommodate the plan area. The applicant shall pay the cost associated with all improvements required by the plan, and an appropriate reimbursement agreement shall be drafted to reimburse the applicant for oversize improvements on a pro rata basis per the Project level Development Agreement. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
118. Applicant shall be required to loop water system to the new water well. This will include connecting the development water system to Taylor Street water system.
119. Forty-eight hours notice shall be given to the Winters Fire District prior to any site inspections.
120. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.
121. When the fire protection facilities are in the City of Winters, the developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.
122. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.
123. Submit three sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to the issuance of each building permit.
124. All residences shall have fire suppression sprinkler systems meeting or exceeding NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems. In no instance shall a water lateral be less than 1.5-inches in size.

### General Public Works and Engineering Conditions

125. The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.
126. The applicant agrees to adhere to the terms of the of the ordinance (Ordinance No. 96-02) adopted by the City Council to address impact fees to be paid for development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.
127. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
128. A subdivision map (Final or Parcel) shall be processed and shall be recorded prior to issuance of a Building Permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.
129. U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
130. A registered landscape architect shall design landscape and privacy wall improvements and improvements shall be per City Standards, as applicable.
131. Joint trench/utility/composite plans shall be submitted to the City Engineer for review, prior to approval of the final map and improvement plans.
132. All existing and proposed utilities (Electric, phone/data, and cable) within 100 feet of the project boundary shall be installed underground per the undergrounding ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.
133. Street lighting location plan shall be submitted and approved by the Department of Engineering, prior to approval of improvement plans and final recordation of Map.
134. Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City of Winters City Engineer and Fire Department
135. Occupancy of residential units shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition..
136. If relocation of existing facilities is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
137. A Subdivision Improvement Agreement shall be entered into and recorded prior construction of improvements, issuance of any building permits, or recordation of a final map.
138. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.

### **Easements and Right of Way**

139. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
140. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
141. A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City.
142. Per the project level Development Agreement, prior to approval of first set of improvement plans and final map, Applicant shall acquire all rights of way and easements necessary to construct off-site and on-site improvements associated with the tentative map.

### **Reimbursements for Applicant Install Improvements**

143. Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements. Where the City has deemed appropriate for reimbursement, the applicant will receive reimbursement from other parties for improvements that benefit those parties.

### **Landscaping and Lighting**

144. Project proponents shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
145. Applicant of multi-family residential, commercial and industrial project shall provide refuse enclosure detail showing bin locations and recycling facilities to the approval of the Public Works Department.
146. Prepare, and submit for approval, a utility site plan prior to preparation of full improvement plans.
147. Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer.
148. Each residence in the cul-de-sac must be able to accommodate parking for 3 vehicles: either (3) on site parking spaces or two (2) on site spaces and (1) on street space. The on street space shall be along the frontage of the subject property with no more than a 10-foot overlap across the frontage of adjacent parcels.
149. Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.
150. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.
151. The area of each lot, in square feet, shall be calculated and shown on the Final Map.
152. Encroachment permits if necessary from will be acquired from Yolo County, Caltrans, and PG&E.

153. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.
154. All public landscape areas shall include water laterals with meters and PG&E power service points for automatic controllers.
155. Prior to recording of the final map, if required, provide evidence of payment for the Habitat Mitigation Fee. This fee is paid to the Yolo County Planning Department.
156. If improvements are constructed and/or installed by a party or parties other than the Applicant, which improvements benefit Applicant's property, prior to issuance of a building permit (approval of the final map) on Applicants property, Applicant shall pay a proportionate share of the costs of said improvements, including interest, prior to the issuance of building permit(s) (approval of the final map) to Applicant.

**ENGINEERING PROPOSED CONDITIONS OF APPROVAL  
CREEKSIDE ESTATES SUBDIVISION  
(July 16, 2018)**

**Engineering**

73. The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review.
74. All proposed roads within the subdivision shall comply with the City's Public Works Improvement Standards and Construction Specifications, dated December 2015 or as amended.
75. ~~Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The City Engineer shall review the improvement plans for conformance with applicable codes, standards, and these Conditions of Approval. The Applicant shall revise and resubmit the improvement plans based upon comments provided by the City Engineer.~~
76. ~~Joint trench/utility/composite plans shall be submitted to the City Engineer for review, prior to approval of improvement plans. Applicant shall provide design and construction for conduit and boxes suitable for broadband internet service within the joint trench. The conduit shall be coordinated with all other utilities and shown on the joint trench composite plans. The conduit and boxes are to be constructed with the joint trench and completed before certificate of occupancy is issued.~~
77. ~~All existing and proposed utilities (Electric, phone/data, and cable) within 100 feet of the project boundary shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers. If relocation of existing facilities is deemed necessary, the Applicant shall perform the relocation, at the Applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.~~
78. ~~Applicant shall enter into a Public Improvement and Maintenance Agreement with the City, prior to recordation of the Final Map or work within public right of way, whichever occurs first.~~
79. Grant Avenue:
  - a) ~~An encroachment permit from Caltrans is required for all work performed in the State right-of-way along Grant Avenue (Hwy. 128).~~
  - b) South half improvements shall be constructed from the western terminus of the tentative map to the eastern terminus of this Tentative Map with the first final map on the project. Applicant shall acquire the necessary right of way to construct full frontage improvements on the south half of Grant Ave. per the City of Winters Public Works Improvement Standards.
  - c) The south half improvements shall include all necessary right-of-way and improvements to include a 12-foot eastbound travel lane, 8-foot shoulder, and a 33-foot landscape corridor that will include a 10-foot Class 1 concrete pedestrian/bike path. The ped/bike path shall be within city right of way.
  - d) ~~The improvement plans shall include the design of a complete traffic signal that includes the conduit, pull boxes, signal poles and signal foundations, street lighting and cabinets. The project proponent shall install all traffic signal improvements necessary for installation of a future new signal at the Grant Avenue and West Main intersection. This is a reimbursable expense.~~
80. Applicant shall be responsible for construction of a privacy wall along entire Grant Avenue frontage in conjunction with the landscaping corridor. Prior approval of wall design is required, and a building permit will be required.

~~7e.~~ No driveways shall be allowed to front load onto Highway 128 (known as Grant Avenue).

~~7f.~~ A non-access restriction shall be shown on the final map along Grant Ave. frontage.

~~Decorative LED lights shall be installed along the frontage of Grant Avenue between the Class 1 path and the street, with the approval of the City and Caltrans.~~

80. Main Street:

a. No driveways shall be allowed to front load onto Main Street within 140-feet of the tangent of the face of curb on Grant Ave.

b. A non-access restriction shall be shown on the final map along Main Street frontage.

~~c. A northbound left turn lane shall be required on West Main Street at Grant Avenue.~~

81. Intersection Enhancement Details: Crosswalks shall be constructed of colored brick pavers, stamped concrete or other enhanced feature as approved by the City.

82. Local Streets: Local streets shall provide for ADA compliant sidewalk turnouts where sidewalk widths do not meet ADA.

~~83. Tentative Map Street Cross Sections. Sheet 1 of 1, dated February 8, 2005. Conditions and changes shall be made as follows:~~

~~a) Street cross section details, including all intersection geometric design, complying with the conditions of approval, shall be revised on the tentative map submitted to the City and approved by the City Engineer prior to submitting a final map and improvement plans.~~

~~b) A signing, striping and stop plan is required and shall be approved by the City Engineer. All signing and striping shall be in accordance with the City of Winters Public Improvements and Construction Standards.~~

~~c) Street light types shall be historic types as approved by the City. If necessary, the applicant shall fund the analysis for designing standards and details for spacing historic lights. This is a reimbursable expense. Improvement plans shall be designed to those standards once approved.~~

~~A signing and striping, and stop plan is required and shall be approved by the City Engineer. All signing and striping shall be in accordance with the City of Winters Public Improvements Standards and Construction Standards.~~

~~Each residence in the cul-de-sac must be able to accommodate parking for 3 vehicles: either (3) on-site parking spaces or two (2) on site spaces and (1) on-street space. The on street space shall be along the frontage of the subject property with no more than a 10-foot overlap across the frontage of adjacent parcels.~~

### **Storm Drainage and Site Grading**

~~Pursuant to General Plan Policy VI.A.6, grading shall be carried out during dry months, when possible. Areas not graded shall be disturbed as little as possible. Construction and grading areas, as well as soil stockpiles, should be covered or temporarily revegetated when left for long periods. Revegetation of slopes shall be carried out immediately upon completion of grading. Temporary drainage structures and sedimentation basins must be installed to prevent sediment from entering and thereby degrading the quality of downstream surface waters, particularly Putah Creek. The full cost of any necessary mitigation measures shall be borne by the project creating the potential impacts. Pursuant to General Plan Policy VII.B.3, should the City allow any grading to occur during the rainy season, conditions shall be implemented to ensure that silt is not conveyed to the storm drainage system.~~

The applicant agrees to adhere to the terms of the of the ordinance (Ordinance No. 96-02) adopted by the City Council to address impact fees to be paid for development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.

~~88-87~~ A comprehensive storm drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Public Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures and (detention basins if required). The Storm Drainage Plan shall be submitted for approval prior to submittal of the first final map and/or construction drawings for checking. The applicant shall pay the cost associated with all improvements required by the plan.

~~89-88~~ A topographic survey of the (excluding Dry Creek to its high bank) entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, "I hereby state that all improvements have been substantially constructed as presented on these plans". Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

~~90-89~~ The Tentative Map Grading and Drainage plan showing grading and drainage information including topographic information, drainage routing, pipe slopes and sizing and locations and overland drainage routing are preliminary only and do not constitute approval in any way. Final approval for the grading and Drainage Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.

~~91~~ Construction materials for storm drain pipes within the water table shall be pre-cast rubber gasket reinforced concrete pipe (RGRCP).

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~~92-90~~ Applicant shall be required to coordinate with FEMA through the City's Floodplain Administrator to determine if a CLOMR or LOMR is needed for the project as a result of possible impacts to Dry Creek or Putah Creek Flood Plain. Applicant shall obtain all necessary permits and CLOMRs/LOMRs as required prior to First Final Map approval.

~~93-91~~ The differential in elevation between rear and side abutting lot lines shall not exceed twelve inches (12") without construction of concrete or masonry block retaining walls.

~~94-92~~ Drainage fees shall be paid prior to issuance of a building permit.

~~95-93~~ All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.

~~96-94~~ If disposal and sharing of the excavated soil from the construction of the Development occurs, prior to approval of the first Final Map, Applicant shall prepare a written agreement with the other participating property owners and submit to the City.

~~97-95~~ A SWPPP shall be included with the improvement plans, to be approved by the City Engineer. The project shall require a National Pollution Discharge Elimination System (NPDES) construction permit. Post construction Best Management Practices (BMPs) shall be identified on improvement plans.

- | ~~99-98~~ An erosion and sedimentation control plan shall be included as part of the improvement plan package. The plan shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by City Engineer.
- | ~~99~~ Landscaped slopes along street shall not exceed 5:1. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes. Excavations shall require approval of the City Engineer.
- | ~~100-97~~ All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.
- | ~~100-98~~ Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period.
- | ~~100-99~~ Construction vehicle speed on unpaved roads shall not exceed 15 MPH.
- | ~~103-100~~ Construction equipment and engines shall be properly maintained.
- | ~~104-101~~ If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.
- | ~~106-102~~ Construction practices will minimize vehicle idling.
- | ~~106-103~~ Potentially windblown materials will be watered or covered.
- | ~~107-104~~ Construction areas and streets will be wet swept.

**Wastewater and Sewer Collection System**

- | ~~108~~ The applicant shall obtain a no-cost Wastewater Discharge Permit from the Public Works Department prior to the issuance of a Building Permit.
- | ~~109-106~~ Applicant shall pay fair share costs for the benefiting use of the W. Main Sewer Pump Station and force main, which were constructed by Winters Highlands (Stone's Throw Ph 1). The cost-allocation shall be in accordance with the West Winters Sewer Benefit District.
- | ~~109-106~~ Applicant shall design and construct a sewer system to redirect existing and project sewer flows from Grant Avenue into the Carter Ranch Lift Station. A preliminary analysis and conceptual design was provided in a Tech Memo. (Wood Rodgers, April 17, 2017).
- | ~~110-107~~ The property shall be connected to the City of Winters sewer system, with a separate sewer lateral required for each parcel, in accordance with City of Winters Public Improvement standards and Construction Standards.
- | ~~114-108~~ A comprehensive Sewer Collection System Plan shall be submitted for approval by the City Engineer prior to submittal of the final map and/or construction drawings for checking. A registered civil engineer for project shall prepare the sewer collection system plan. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

~~112-109~~ The Tentative Map Sewer Plan showing sewer routing, pipe slopes and sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Sewer Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval.

~~113~~ Construction of sewer mains deeper than 16 feet at the bottom of the pipe shall be connected to laterals by a parallel mains and connection at manholes.

#### **Water and Fire Infrastructure**

~~114-110~~ All materials and installation of the water system shall be at the applicant's expense per City of Winters Public Improvement Standards and Construction Standards.

~~115~~ If required, per the Subdivision Map Act, project applicant shall obtain a Water Verification (WV) prior to approval of the final map that addresses the following:

- ~~a) Actual water service to the subdivision will be predicated upon satisfaction of terms and conditions set by the water supplier.~~
- ~~b) The WV is non-transferable, and can only be used for the specific tentative map for which it was issued.~~
- ~~c) The WV shall expire along with the tentative subdivision map if a final map is not recorded within time allowed under the law.~~
- ~~¶g) Until such time as actual service connections are approved for the subdivision the water agency may withhold water service due to a water shortage declared by the water agency.~~

~~116~~ Based on City water modeling a new well is needed to serve the first phase of development. Developer shall advance funds for the construction of the new water well and required water system conveyance pipelines with the project per Mitigation #17. In addition, the applicant shall acquire the parcel for the new well prior to approval of the first final map subject to the fee credits and/or reimbursements.

~~117-111~~ The Tentative Map Water Plan showing water routing, sizing and locations, are preliminary only and do not constitute approval in any way. Final approval for the Water Plan shall occur with the final improvements based on the requirements set forth in these conditions of approval. Applicant shall comply with making changes to water system distribution pipe sizes and alignments based on the results of the specific water modeling performed for the development. Applicant shall pay for all required water modeling for identifying water infrastructure needs to serve its development and shall construct offsite water improvements to connect to the City water distribution system.

~~118-112~~ At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection Fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.

~~113~~ Per City of Winters Cross Connection Control Program, all fire protection and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the Public Works Department.

~~119-114~~ The City of Winters Plan Review Fee applies and is due upon submittal of the maps and plans for review. Moved see Condition No. 73.

~~120-115~~ FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. All fire protection systems

and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.

~~424-115~~ WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire District.

~~424-117~~ REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the City of Woodland Fire Department for replacement purposes.

~~424-118~~ All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.

~~424-119~~ Prior to approval of the first final map, a comprehensive water system plan shall be prepared by a registered civil engineer for project, and shall be submitted to the City Engineer for review and approval. The master plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations. Said plan shall also include provisions for cost sharing among affected adjacent development for facilities sized to accommodate the plan area. The applicant shall pay the cost associated with all improvements required by the plan, and an appropriate reimbursement agreement shall be drafted to reimburse the applicant for oversize improvements on a pro rata basis per the Project level Development Agreement. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

~~425-120~~ Applicant shall be required to loop water system from Grant Avenue to Cody Street.

~~426-121~~ Forty-eight hour notice shall be given to the Winters Fire District prior to any site inspections.

~~427-122~~ A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.

~~428-123~~ When the fire protection facilities are in the City of Winters, the developer shall contact the Winters Fire District Chief or his/or agent prior to construction for a pre-construction meeting.

~~All required fire accesses that are to be locked, shall be locked with a system that is approved by the Fire Chief or his/her agent.~~

~~130. Submit three sets of plans for each fire suppression sprinkler system to the Fire Department for review and approval prior to issuance of each building permit.~~

~~131-125 All residences shall have fire suppression sprinkler systems meeting or exceeding NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems. In no instance shall a water lateral be less than 1.5 inches in size.~~

#### **General Public Works and Engineering Conditions**

~~132-126~~ The conditions as set forth in this document are not all inclusive. Applicant shall thoroughly review all City, state, and federal planning documents associated with this tentative map and comply with all regulations, mitigations and conditions set forth.

~~133-127~~ The applicant agrees to adhere to the terms of the ordinance (Ordinance No. 96-02) adopted by the City Council to address impact fees to be paid for the development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.

- ~~134-128~~ Conform to County Health regulations and requirements for the abandonment of a septic tanks and water wells.
- ~~135-129~~ Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.
- ~~136-130~~ A Final Map shall be processed and shall be recorded prior to issuance of a Building Permit. The Developer shall provide, to the City Engineer, one recorded Mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.
- ~~137-131~~ U.S. Post Office mailbox locations shall be shown on the improvement plans subject to approval by the City Engineer and Postmaster.
- ~~138-132~~ A registered landscape architect shall design landscape and privacy wall improvements and improvements shall be per City Standards, as applicable. Combined with Condition No. 146.
- ~~139~~ Joint trench/utility/composite plans shall be submitted to the City Engineer for review prior to approval of the final map improvements plans.
- ~~140-133~~ All existing and proposed utilities (electric, phone/data and cable) within 100 feet of the project boundary shall be installed underground per the undergrounding ordinance and shall meet the policies, ordinances and programs of the City of Winters and the utility providers.
- ~~141~~ Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans and recordation of the final map.
- ~~142-134~~ Roads must be constructed and paved prior to issuance of any building permit. Under specific circumstances, temporary roads may be allowed, but must be approved by the City of Winters City Engineer and Fire Department
- ~~143-135~~ Occupancy of residential units shall not occur until on-site and off-site improvements have been accepted by the City Council and the City has approved as-built drawings. Applicants, and/or owners shall be responsible to so inform prospective buyers, lessees, or renters of this condition.
- ~~144-136~~ If relocation of existing facilities is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.
- ~~145~~ A Subdivision Improvement Agreement shall be entered into and recorded prior to construction of improvements, issuance of any building permits, or recordation of a final map.
- ~~146-137~~ At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.
- ~~Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.~~
- ~~The area of each lot, in square feet, shall be calculated and shown on the Final Map.~~

**Easements and Right of Way**

- | 149-140 Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
- | 149-141 The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.
- | 154-142 A ten (10) foot public utility easement back of sidewalk, adjacent to all public streets within the development shall be dedicated to the City and may be required elsewhere as requested by the utility companies and approved by the City.
- | 154-143 Per the project level Development Agreement, prior to approval of first set of improvement plans and final map. Applicant shall acquire all rights of way and easements necessary to construct off-site and on-site improvements associated with the tentative map.

**Reimbursements for Applicant Install Improvements**

- | 154-144 Applicant shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements. Where the City has deemed appropriate for reimbursement the applicant will receive reimbursement from other parties for improvements that benefit both parties.

**Landscaping and Lighting**

- | 154-145 Landscaping and irrigation plans shall be prepared by a licensed landscape architect, and included as part of the improvement plans and/or site plans. These plans shall be subject to review and approval by the City. The improvement plans shall include landscaping and automatic irrigation for the project frontage along Grant Avenue and the sound wall. The landscape architect shall review and revise the landscaping plans, subject to City review and approval, to ensure full compliance with the State Landscape Model Water efficiency Ordinance, the Governor's executive orders, and recent emergency regulations related to water conservation.
- | 154-146 Project proponents shall enter into the City wide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping, sound walls, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
- | 154-147 Prepare improvement plans for any work within the public right-of-way and submit them to the Public Works department for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal. The Developer shall provide, to the City Engineer, one Mylar original and four sets of the improvement plans and electronic media (AutoCAD .DWG or DXF on Zip Disk or Compact Disk), for approval of plans by the City Engineer.
- | 154-148 Street light types shall be decorative, as approved by the City. Applicant shall fund the analysis for designing standards and details for spacing decorative lights. Improvement plans shall be designed to those standards once approved.
- | 154-149 All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.
- | 154-150 All public landscape areas shall include water laterals with meters, approved automatic controllers with PG&E power service point.

164.151 Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.

**RESOLUTION NO. 2018-41**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS  
APPROVING AN AMENDED TENTATIVE SUBDIVISION MAP FOR THE  
CREEKSIDE ESTATES SUBDIVISION**

**WHEREAS**, on July 24, 2018 the Planning Commission of the City of Winters recommended to the City Council approval of Amended Tentative Subdivision Map No. 4645 for the Creekside Estates Subdivision (the "Amended Tentative Map"); and

**WHEREAS**, the Amended Tentative Map is in the form attached hereto as **Exhibit A**,

**WHEREAS**, the City Council finds and determines that it can be seen with certainty that adoption of this Resolution approving an Amended Tentative Map will not have a significant effect on the environment. Thus, the adoption of this Resolution is exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS  
RESOLVES AS FOLLOWS:**

SECTION 1. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, the City Council hereby approves Amended Tentative Map as depicted in **Exhibit A**.

SECTION 2. Except as specifically amended herein, the Amended Tentative Map, all Findings of Fact and Conditions of Approval approved by the City Council therewith, and all other approvals and conditions approved by the City pursuant to Resolution No 2018-41 remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its adoption.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted by the City Council of the City of Winters at a regular meeting held on the 21st day of August, 2018, by the following vote:

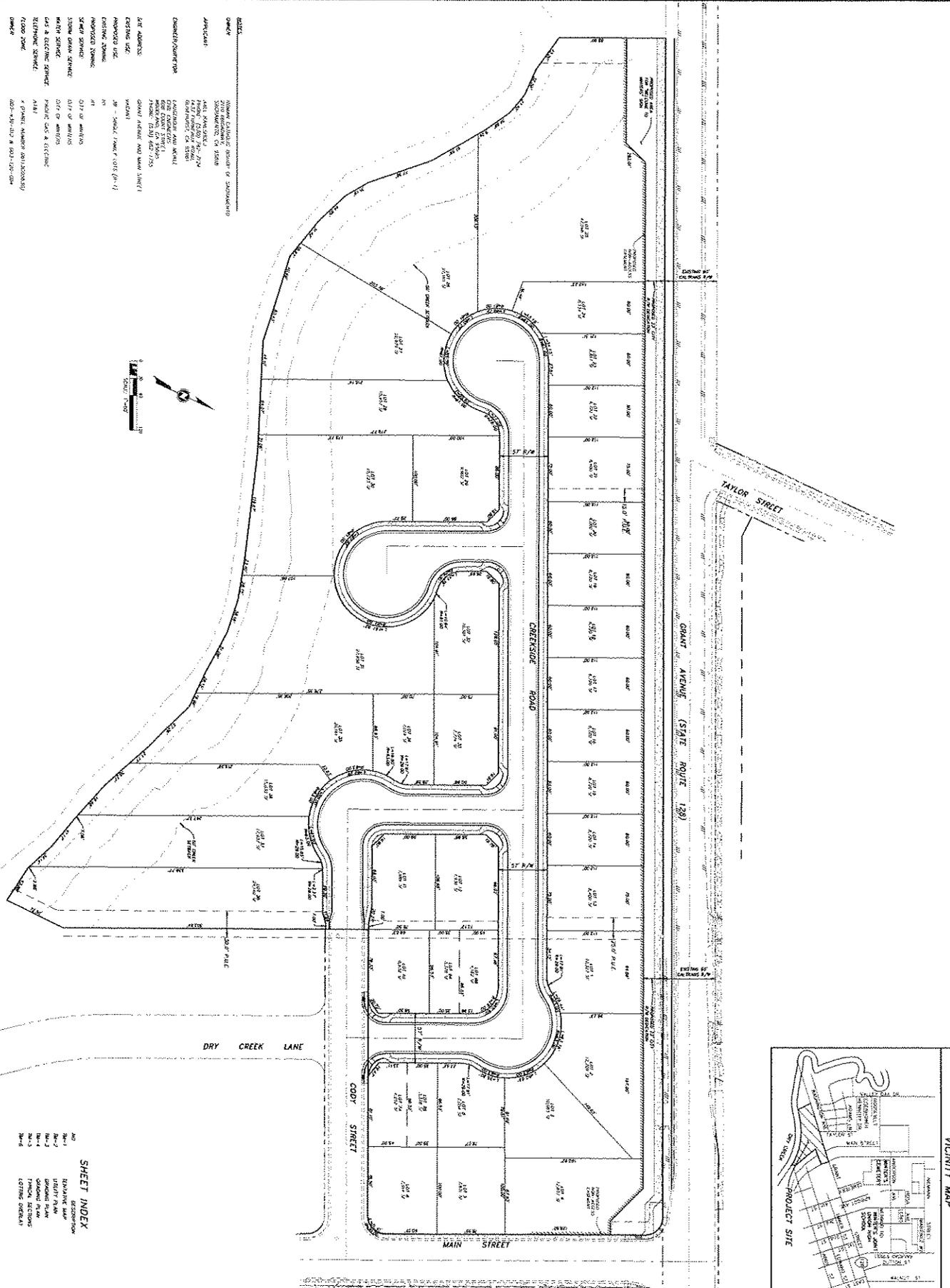
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

\_\_\_\_\_  
Wade Cowan, Mayor  
City of Winters

\_\_\_\_\_  
Tracy Jensen, City Clerk  
City of Winters

**ATTACHMENT F**



**OWNER:** NORTON CHARLES HENNER OF SUNDOWNERS  
3010 WOODLAND BLVD  
WOODLAND, CA 95694

**APPLICANT:** A&M LAND SURVEY  
PROJECT: 4645 STATE ROUTE 128  
WOODLAND, CA 95694

**DATE:** 05/27/2010

**PROJECT:** SUBDIVISION AND REZONING  
FOR 4645 STATE ROUTE 128  
WOODLAND, CA 95694

**PROJECT NUMBER:** 4645-001-001

**PROJECT ADDRESS:** 4645 STATE ROUTE 128  
WOODLAND, CA 95694

**PROJECT USE:** RESIDENTIAL

**PROJECT ZONING:** R1

**PROJECT AREA:** 1.17 AC

**PROJECT PERMITS:** 1.17 AC

**PROJECT DATE:** 05/27/2010

**PROJECT TIME:** 10:00 AM - 4:00 PM

**PROJECT CONTACT:** 916-938-1234

**PROJECT PHONE:** 916-938-1234

**PROJECT FAX:** 916-938-1234

**PROJECT EMAIL:** info@aandm.com

**PROJECT WEBSITE:** www.aandm.com

**PROJECT ADDRESS:** 4645 STATE ROUTE 128  
WOODLAND, CA 95694

**PROJECT USE:** RESIDENTIAL

**PROJECT ZONING:** R1

**PROJECT AREA:** 1.17 AC

**PROJECT PERMITS:** 1.17 AC

**PROJECT DATE:** 05/27/2010

**PROJECT TIME:** 10:00 AM - 4:00 PM

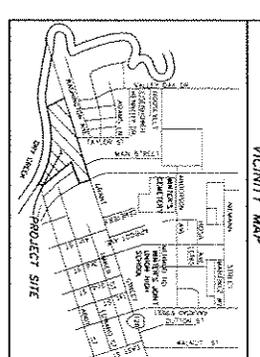
**PROJECT CONTACT:** 916-938-1234

**PROJECT PHONE:** 916-938-1234

**PROJECT FAX:** 916-938-1234

**PROJECT EMAIL:** info@aandm.com

**PROJECT WEBSITE:** www.aandm.com



**SHEET INDEX**

NO.	DESCRIPTION
1	TOPOGRAPHIC MAP
2	PROPOSED LOTS
3	PROPOSED STREETS
4	PROPOSED UTILITIES
5	PROPOSED EROSION CONTROL

**TENTATIVE MAP**  
TOPOGRAPHIC SURVEY FOR AMENDED MAP  
FOR  
SUBDIVISION NO. 4645 CREEKSIDE E...

**LAUGENOUR AND MEIKLE**  
LAND SURVEYORS AND ENGINEERS  
1000 17TH STREET, WOODLAND, CALIFORNIA 95694  
(916) 938-1234

**CITY OF WOODLAND**  
APPROVED BY:  
BRENT BERRY  
CITY ENGINEER  
FOR LOCAL IMPROVEMENTS ONLY

REV.	DATE	DESCRIPTION	BY	APP'D.

DATE: 05/27/2010  
TIME: 10:00 AM - 4:00 PM  
PROJECT: 4645 STATE ROUTE 128  
PROJECT ADDRESS: 4645 STATE ROUTE 128, WOODLAND, CA 95694  
PROJECT USE: RESIDENTIAL  
PROJECT ZONING: R1  
PROJECT AREA: 1.17 AC  
PROJECT PERMITS: 1.17 AC  
PROJECT DATE: 05/27/2010  
PROJECT TIME: 10:00 AM - 4:00 PM  
PROJECT CONTACT: 916-938-1234  
PROJECT PHONE: 916-938-1234  
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PROJECT EMAIL: info@aandm.com  
PROJECT WEBSITE: www.aandm.com

**EXHIBIT A**



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chairman and Planning Commissioners  
**DATE:** July 24, 2018  
**FROM:** Sam Donlevy, Management Intern  
**SUBJECT:** Chapter 5.36 Street Vendors Ordinance – Study Session and consideration to amend and update the Street Vendors Ordinance of the City of Winters to allow mobile food vendors to operate within city limits.

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

- 1) Receive a staff report regarding the proposed changes to the Chapter 5.36 Street Vendors ordinance for the purpose of accommodating mobile food vendors (food trucks); and
- 2) Receive public comment on the proposed changes to Chapter 5.36 Street Vendors ordinance; and
- 3) Provide staff direction regarding the proposed changes to Chapter 5.36 Street Vendors ordinance.

**BACKGROUND:** In 2010 an application was received to allow placing a hot dog stand on the sidewalk on the west side of Railroad Avenue between Grant Avenue and Baker Street. The use did not happen.

On March 15, 2011 the City Council adopted an urgency ordinance placing a 45-day moratorium on all street vendor applications to allow staff time to study possible amendments to Section 5.36 of the Municipal Code which regulates street vendors. On April 19, 2011 the urgency ordinance was extended another 10 months and 15 days to allow for further study. At the end of the year nothing was done to amend the ordinance.

On January 13, 2014 there was a notice of a Zoning Administrator action approving allowing a food truck as an accessory use to the Winters General Store. The owner of the store made the application. It appears the use never happened.

On May 23, 2018, Contract Planner Dowswell discussed with the planning commission an application for a conditional use permit to allow a food truck (Buckhorn) to sell food on the property located at 3 Grant Avenue (Winters General Store).

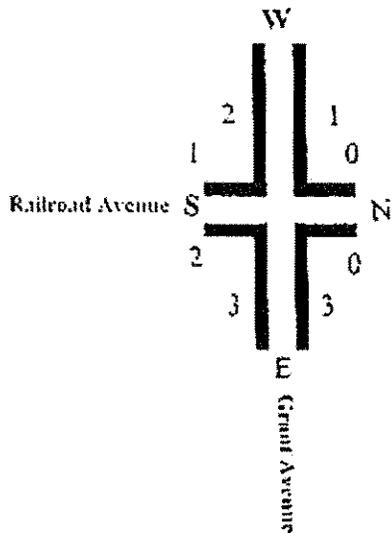
Presently, Yolo County has a simple 4 step process for mobile food vendors to locate within the county. These steps are:

- Mobile Food Vendor approval to operate in the county
- Processing and approval for application to sell within the county
- Inspection of vehicle and labeling of tags and legal permitting
- Finalized approval to operate within the county

While these vendors are able to operate in the county, our current ordinance does not allow for county approved mobile food vendors to operate within city limits.

**ANALYSIS:** The amendment to the ordinance would adopt section **5.36.080** regarding Mobile vendors and section **5.36.180** regarding Temporary Permits. There are four key components that must be acknowledged for these sections to be implemented.

1. **Location:** - Currently mobile vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet. No mobile vendors are permitted north of Railroad Avenue, nor are any permitted within fifty (50) feet of the high school campus. Specialty permits will be provided upon site approval by the City of Winters. Additionally, in order to prevent the concentration of mobile vendors in a given area, not specifically designed for multiple vendors, the number and location of mobile vendors shall be limited pursuant to the image below.



2. **Size:** Staff is looking to allow the size of these mobile vendors to no greater than twenty-nine (29) feet in length, twelve (12) feet in width, and twelve (12) feet in height. This allows for presently owned vehicles to operate in the city while creating room to accommodate for more modern, lengthy mobile vendors to enter and operate within city limits.
  
3. **Marketability:** Staff is seeking to allow for mobile vendors to bring forth key features that would provide a comfortable dining experience for patrons. This means that vendors would be allowed to provide parcels, benches, chairs, and other such materials to improve the dining experience of those seeking to dine at their mobile business. It is important to note that all provided materials by the mobile vendor must be stored offsite and all provided material will be noted in the permitting process.
  
4. **Permits:** Staff is looking to add permits that feature short term lengths of stay for vendors. This is specifically catered to mobile vendors that would be in town for short periods of time compared to stationary vendors or carts that function for times ranging from weeks to months.

**ATTACHMENTS:**

1. Chapter 5.36 Street Vendors of the Winters Municipal Code (Existing)
2. Chapter 5.36 Street Vendors of the Winters Municipal Code (Proposed Amendments)

**5.36.010 Findings.**

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending, since it should be their burden to insure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel. (Ord. 91-10 § 2 (part): prior code § 10-5.501)

**5.36.020 Definitions.**

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

“City” means city of Winters.

“Public street or sidewalk” includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

“Stand” means any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered with the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

“Vendor” means any person, including an agent or employee of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle, or from his or her person. (Ord. 91-10 § 2 (part): prior code § 10-5.502)

**5.36.030 Permit.**

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street in the city without first securing a permit and paying the fee therefor. (Ord. 91-10 § 2 (part): prior code § 10-5.503)

**5.36.040 Application for permit.**

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

- A. Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- B. Address of place of residence during the past three years if other than present address;
- C. Age of applicant;
- D. Physical description of applicant;

- E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;
- F. Name and address of employer during the past three years if other than the present employer;
- G. Description sufficient for identification of the type of commodity to be vended;
- H. Period of time for which the permit is applied;
- I. The date, or approximate date, of the last previous application for permit under this chapter, if any;
- J. If a permit is issued to the applicant under this chapter has ever been revoked;
- K. If the applicant has ever been convicted of a violation of a felony under the laws of the state of California or any other state or federal law of the United States;
- L. Names of commodities;
- M. Names of the three most recent communities where the applicant has engaged in street vending;
- N. Proposed method of operation;
- O. Signature of applicant;
- P. Social Security Number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the city in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided. (Ord. 91-10 § 2 (part); prior code § 10-5.504)

**5.36.050 Revocation of permit.**

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States Mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof. (Ord. 91-10 § 2 (part): prior code § 10-5.505)

**5.36.060 Regulations—Motor vehicles.**

The following rules and regulations shall be complied with by each person using a vehicle for street vending:

- A. It shall be unlawful for any street vendor to sell or attempt to sell any commodity:
  - 1. By means of any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than three hundred (300) feet, or when passing a hospital, or a church or other place of worship during the hours when services are being held;
  - 2. Within five hundred (500) feet of any school or publicly owned property at any time unless a special use permit is approved by the community development department. A special use permit shall not be required for fundraising activities/special sales which are sponsored by the school district.
- B. It is unlawful for any such vendor to use, play or employ the use of, any sound, outcry, amplifier, loud speaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.
- C. The use by any such vendor of any outcry, sound, amplifier, loud speaker, radio, phonograph with a loud speaker or amplifier or any instrument or device which emits a loud sound shall be prohibited prior to nine a.m. or after seven p.m.
- D. It is unlawful for any vendor to:
  - 1. Exceed a speed of twelve miles an hour when cruising neighborhoods seeking sales or when attempting to make a sale;
  - 2. Make more than two stops in any one block to make any sale;
  - 3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;

4. Double park, or park in any manner contrary to any ordinance relating to parking when attempting a sale or when making a sale;
5. Make a U-turn on any block;
6. Drive a vehicle backwards to make or attempt any sale;
7. Sell to any person who is standing in the street;
8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;
9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;
10. Conduct business within twenty (20) feet of any handicapped parking space or access ramp;
11. Sell or attempt to sell along any particular route more than two times during a twenty-four (24) hour period. (Ord. 2003-04 § 9; Ord. 91-10 § 2 (part): prior code § 10-5.506)

**5.36.070 Regulations—Stands.**

Vendors with stands must comply with the following regulations:

- A. Hours of Operation. Vendors shall be allowed to engage in the business of vending only between the hours of nine a.m. and seven p.m., Monday through Saturday. No vending from stands shall be permitted on Sundays and observed holidays, except by appointment and approval from the city of Winters police department.
- B. All vending stands must be removed from public property during non-vending hours.
- C. Vendor stands shall not:
  1. Exceed eight feet in length, eight feet in width, or eight feet in height;
  2. Impede access to the entrance of any adjacent building or driveway;
  3. Occupy more than half of the available sidewalk width or five feet of such sidewalk, whichever is less;
  4. Locate within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.
- D. All trash and debris accumulating within fifty feet of a stand shall be collected by the vendor and deposited in a trash container. (Ord. 91-10 § 2 (part): prior code § 10-5.507)

**5.36.080 Stationary vendors.**

A. Purpose.

This section is intended to address the community's concerns regarding the permitted location of stationary vendors in order to minimize adverse impacts on the community.

B. Regulations.

The following provisions shall regulate stationary vending stands and carts or other operations deemed similar by the zoning administrator, which operate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way:

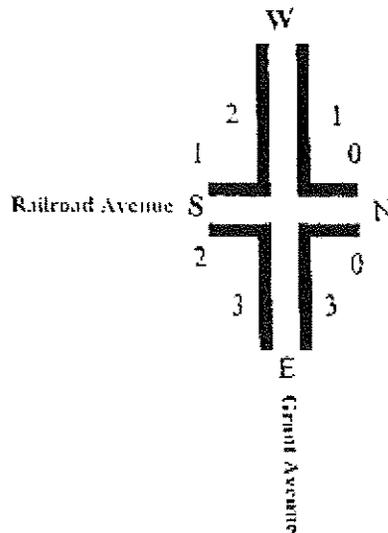
1. Hours of operation may be limited as determined by the zoning administrator.
2. All vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
3. Vendor stands shall not exceed eight feet in length, eight feet in width, or eight feet in height not including a sign which could project four feet beyond; nor shall stands impede access to the entrance of any adjacent building or driveway.
4. Stands shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.
5. If an existing trash container does not exist within twenty-five (25) feet of the stand, the vendor shall supply a trash container.
6. Vending stands shall be designed such they add to the aesthetic value of the vicinity. Design elements should include the use of umbrellas or other attractive shading devices, temporary landscaping, and attractively designed carts.
7. Signs for vending carts and stands shall be limited to one freestanding, non-illuminated sign not to exceed four feet in any dimension, to be placed within ten (10) feet of the cart, and one sign attached to the cart which is not more than three feet in any one dimension.
8. Vendor shall obtain a certificate of compliance from the county health department, as appropriate.
9. Vendor shall obtain a letter of agreement to use the site from the property owner if the property is not owned by the vendor.
10. Stationary vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker

Street; west on Grant Avenue three-hundred feet. No stationary vendors will be permitted north on Railroad Avenue, nor any permitted within fifty (50) feet of the high school campus.

11. In order to prevent the concentration of vending carts in a given area, that is not specifically designed for multiple stationary vendors. The number and location of stationary vendors shall be limited pursuant to Exhibit A set out at the end of this section.
12. Tables for customer use shall be prohibited unless vending carts are located in a given area that is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities.
13. The use of noise, moving signs for forms of advertisement other than signs shall be prohibited.
14. Stationary vendor permits may be revoked upon just cause.
15. The stationary vendor permit shall expire in one year and may be extended upon zoning administrator approval.
16. No stationary vendors or signs shall be located in the Caltrans right-of-way.
17. Stationary vendor permits shall automatically terminate if the use or operation ceases to exist or continue for two months without prior notice to the zoning administrator.
18. Stationary vendors shall only be permitted to sell seasonal produce, prepared foods, flowers and other similar disposable and perishable goods. No alcoholic beverages may be sold. Temporary sales by nonprofit organizations shall be exempt from the provisions of this section.

C. Process.

1. A use permit shall be obtained from the zoning administrator to allow a stationary vending operation. The permit shall be processed in accordance with and subject to the standard use permit requirements contained in Chapter 17.20.
2. In addition to the use permit findings in Chapter 17.20, the planning commission must also make the following finding prior to taking action to approve a use permit for a stationary vendor:
  - a. That the proposed use shall be consistent with all applicable regulations contained in subsection B.



**Exhibit A**

(Ord. 97-03 § 2 (part): prior code § 8-1.6014)

**5.36.090 Violation—Nuisance.**

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter. (Ord. 91-10 § 2 (part): prior code § 10-5.508)

**5.36.100 Insurance.**

No permit shall be issued to an applicant unless the applicant furnishes proof to the city of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars (\$300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant. (Ord. 91-10 § 2 (part): prior code § 10-5.509)

**5.36.110 Fees.**

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits shall be valid for one year from the date of issuance, unless sooner revoked as provided herein. (Ord. 91-10 § 2 (part): prior code § 10-5.510)

**5.36.120 Renewals.**

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The city may review applications for renewal to determine that:

- A. The applicant is in full compliance with the provisions of this chapter;
- B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by subsequent resolution of the Winters city council.

If the city finds that the applicant meets the above requirements, the city shall issue a new permit. (Ord. 91-10 § 2 (part): prior code § 10-5.511)

**5.36.130 Enforcement.**

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any Winters police officer is authorized to enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident. (Ord. 91-10 § 2 (part): prior code § 10-5.513)

**5.36.140 No preemption.**

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law. (Ord. 91-10 § 2 (part): prior code § 10-5.513)

**5.36.150 Violation—Penalty.**

Any person, firm, corporation, or organization which violates any provision of this chapter shall, upon conviction thereof be subject to the maximum allowable fine pursuant to the requirements set forth in state law.

Upon conviction thereof, punishment shall be a fine subject to the maximum allowable pursuant to the requirements set forth in state law, or imprisonment for a term not exceeding six months, or by both a fine and imprisonment. (Ord. 2003-04 § 10: Ord. 91-10 § 2 (part): prior code § 10-5.515)

**5.36.160 Nuisance—Injunction.**

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (Ord. 91-10 § 2 (part): prior code § 10-5.516)

## Chapter 5.36 STREET VENDORS

Sections:

<u>5.36.010</u>	Findings.
<u>5.36.020</u>	Definitions.
<u>5.36.030</u>	Permit.
<u>5.36.040</u>	Application for permit.
<u>5.36.050</u>	Revocation of permit.
<u>5.36.060</u>	Regulations—Motor vehicles.
<del><u>5.36.070</u></del>	<del>Regulations—Stands.</del>
<u>5.36.070</u>	Stationary vendors.
<u>5.36.080</u>	Mobile Vendors
<u>5.36.090</u>	Nuisance
<u>5.36.110</u>	Insurance.
<u>5.36.120</u>	Fees.
<u>5.36.130</u>	Renewals.
<u>5.36.140</u>	Enforcement.
<u>5.36.150</u>	No preemption.
<u>5.36.160</u>	Violation—Penalty.
<u>5.36.170</u>	Nuisance—Injunction.
<u>5.36.180</u>	Temporary Permits

### **5.36.010 Findings.**

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending or mobile vending, since it should be their burden to insure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel.

### **5.36.020 Definitions.**

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

“City” means city of Winters.

“Public street or sidewalk” includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

“Mobile Vendors” means any vehicle used as a means for transportation that sells food which is cooked within the vehicle. This type of vendor is commonly associated with food trucks.

“Stationary vendors” means any newsstand, table, bench, booth, rack, stand, cart or any other fixture or similar device which is not required to be licensed and registered with the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

“Vendor” means any person, including an agent or employee of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle, or from his or her person.

**5.36.030 Permit.**

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street in the city without first securing a permit and paying the fee therefor.

**5.36.040 Application for permit.**

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

- A. Name and address of present place of residence and length of residence at such address; also, business address if other than present address;
- B. Address of place of residence during the past three (3) years if other than present address;
- C. Age of applicant;
- D. Physical description of applicant;
- E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;
- F. Name and address of employer during the past three (3) years if other than the present employer;
- G. Description sufficient for identification of the type of commodity to be vended;
- H. Period of time for which the permit is applied;
- I. The date, or approximate date, of the last previous application for permit under this chapter, if any;
- J. If a permit is issued to the applicant under this chapter has ever been revoked;
- K. If the applicant has ever been convicted of a violation of a felony under the laws of the state of California or any other state or federal law of the United States;
- L. Names of commodities;
- M. Names of the three most recent communities where the applicant has engaged in street vending;
- N. Proposed method of operation;
- O. Signature of applicant;
- P. Social Security Number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the city in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be

numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.

**5.36.050 Revocation of permit.**

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States Mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof.

**5.36.060 Regulations—Motor vehicles.**

The following rules and regulations shall be complied with by each person using a vehicle for street vending:

A. It shall be unlawful for any street vendor to sell or attempt to sell any commodity:

1. By means of any outcry, sound, speaker or amplifier, or any instrument or ~~device which can be heard for a distance greater than three hundred (300) feet, or when passing a hospital, or a church or other place of worship during the hours when services are being held;~~ which violates the City of Winters noise ordinance contained in Chapter 8.20.

2. Within five hundred (500) feet of any school or publicly owned property at any time unless a special use permit is approved by the community development department. A special use permit shall not be required for fundraising activities/special sales which are sponsored by the school district.

B. It is unlawful for any such vendor to use, play or employ the use of, any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.

~~C. The use by any such vendor of any outcry, sound, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any instrument or device which emits a loud sound shall be prohibited prior to nine a.m. or after seven p.m.~~

C. It is unlawful for any vendor to:

1. Exceed a speed of twelve (12) miles an hour when driving neighborhoods seeking sales or when attempting to make a sale;

2. Make more than two (2) stops in any one (1) block to make any sale;

3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;
4. Double park, or park in any manner contrary to any ordinance relating to parking when making a sale or attempting a sale or when making a sale;
5. Make a U-turn on any block;
6. Drive a vehicle backwards to make or attempt any sale;
7. Sell to any person who is standing in the street;
8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;
9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;
10. Conduct business within twenty (20) feet of any handicapped parking space or access ramp;
11. Sell or attempt to sell along any particular route more than two (2) times during a twenty-four (24) hour period.

**5.36.070 Regulations—Stands.**

Vendors with stands must comply with the following regulations:

~~A. Hours of Operation. Vendors shall be allowed to engage in the business of vending only between the hours of nine a.m. and seven p.m., Monday through Saturday. No vending from stands shall be permitted on Sundays and observed holidays, except by appointment and approval from the city of Winters police department.~~

~~B. All vending stands must be removed from public property during non-vending hours.~~

~~C. Vendor stands shall not:~~

- ~~1. Exceed eight feet in length, eight feet in width, or eight feet in height;~~
- ~~2. Impede access to the entrance of any adjacent building or driveway;~~
- ~~3. Occupy more than half of the available sidewalk width or five feet of such sidewalk, whichever is less;~~
- ~~4. Locate within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.~~

~~D. All trash and debris accumulating within fifty feet of a stand shall be collected by the vendor and deposited in a trash container. (Ord. 91-10 § 2 (part); prior code § 10-5.507)~~

**5.36.070 Stationary vendors.**

A. Purpose.

This section is intended to address the community's concerns regarding the permitted location of stationary vendors in order to minimize adverse impacts on the community.

## B. Regulations.

The following provisions shall regulate stationary vending stands and carts or other operations deemed similar by the zoning administrator, which operate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way:

1. Hours of operation may be limited as determined by the zoning administrator.
2. All vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
3. Vending stands and carts shall not exceed eight (8) feet in length, eight (8) feet in width, or eight (8) feet in height not including a sign which could project four (4) feet beyond; nor shall stands impede access to the entrance of any adjacent building or driveway.
4. Stands shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.
5. If an existing trash container does not exist within twenty-five (25) feet of the stand, vendor shall supply a trash container. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site. If the site is sullied prior to the vendor's arrival, the fault will not fall on the vendor.
6. Vending stands shall be designed such they add to the aesthetic value of the vicinity. Design elements should include the use of umbrellas, awnings, or other attractive shading devices, temporary landscaping, and attractively designed carts.
7. Signs for vending carts and stands shall be limited to one (1) freestanding, non-illuminated sign not to exceed four (4) feet in any dimension, to be placed within ten (10) feet of the stand or cart, and one sign attached to the cart which is not more than three (3) feet in any one dimension. . No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes).
8. Vendor shall obtain a certificate of compliance from the county health department, as appropriate. ~~Additionally, vendors must complete the Reciprocity Checklist of Yolo County~~
9. Vendor shall obtain a letter of agreement to use the site from the property owner if the property is not owned by the vendor.
10. Stationary vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three (3) corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet. No stationary vendors will be permitted north on Railroad Avenue, nor any permitted within fifty (50) feet of the high school campus. Specialty permits will be provided upon site approval by the City of Winters.
11. In order to prevent the concentration of vending carts and mobile vendors in a given area, not specifically designed for multiple stationary vendors, the number and location of stationary vendors shall be limited pursuant to Exhibit A set out at the end of this section.

12. Tables and chairs for customer use shall be prohibited unless vending carts are located in a given area that is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities. Additionally, any chairs, tables, and any such transportable parcel must be stored off site unless previously stated approval of the property owner is declared during the application process.

~~13. The use of noise, moving signs or forms of advertisement other than signs shall be prohibited.~~

13. Stationary and mobile food vendor permits may be revoked upon there being just cause.

14. The stationary vendor permit shall expire in one (1) year and may be extended upon zoning administrator approval.

15. No stationary vendors or signs shall be located in the Caltrans right-of-way.

16. Stationary vendor permits shall automatically terminate if the use or operation ceases to exist or continue for two (2) months without prior notice to the zoning administrator.

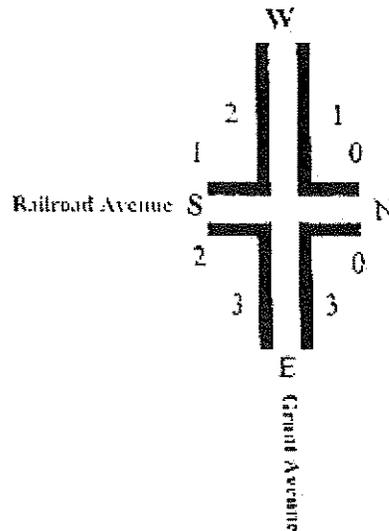
17. Stationary vendors shall only be permitted to sell seasonal produce, prepared foods, flowers and other similar disposable and perishable goods. No alcoholic beverages may be sold. Temporary sales by nonprofit organizations shall be exempt from the provisions of this section.

C. Process.

1. A use permit shall be obtained from the zoning administrator to allow a stationary vending operation. The permit shall be processed in accordance with and subject to the standard use permit requirements contained in Chapter 17.20.

2. In addition to the use permit findings in Chapter 17.20, the planning commission must also make the following finding prior to taking action to approve a use permit for a stationary vendor:

a. That the proposed use shall be consistent with all applicable regulations contained in subsection B.



**Exhibit A**

5.36.080 Mobile vendors.

A. Purpose.

This section is intended to address the community's concerns regarding the permitted location of mobile vendors in order to minimize adverse impacts on the community.

B. Regulations.

The following provisions shall regulate mobile vendors or other operations deemed similar by the zoning administrator, which operate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way:

1. Hours of operation may be limited as determined by the zoning administrator.
2. All mobile vendors, signs, rubage containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
3. Mobile vendors truck shall not exceed twenty-nine (29) feet in length, twelve (12) feet in width, or twelve (12) feet in height not including a sign which could project four (4) feet beyond; nor shall mobile vendors impede access to the entrance of any adjacent building or driveway.
4. Mobile vendors shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.
5. Mobile vendors shall supply a trash container immediately adjacent to the truck. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site. If the site is sullied prior to the vendors arrival, the fault will not fall on the vendor.

6. Mobile vendors trucks shall be designed such they add to the aesthetic value of the vicinity. Design elements should include the use of umbrellas, overhangs, or other attractive shading devices, temporary landscaping, and attractively designed vehicles.
7. Signs for mobile vendors shall be limited to one (1) freestanding, non-illuminated sign not to exceed four (4) feet in any dimension, to be placed within ten (10) feet of the mobile vendor and one (1) sign attached to the truck which is not more than four (4) feet in any one (1) dimension. No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes). No mobile vendor's signs shall be located in the Caltrans right-of-way.
8. Mobile vendors shall obtain a certificate of compliance from the county health department, as appropriate. ~~Additionally, vendors must complete the Reciprocity Checklist of Yolo County.~~
9. Mobile vendors shall obtain a letter of agreement to use the site from the property owner if the property is not owned by the vendor.
10. Mobile vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet. No mobile vendors will be permitted north on Railroad Avenue, nor any permitted within fifty (50) feet of the high school campus. Specialty permits will be provided upon site approval by the City of Winters.
11. In order to prevent the concentration of mobile vendors in a given area, not specifically designed for multiple vendors, the number and location of mobile vendors shall be limited pursuant to Exhibit A set out at the end of this section.
12. Tables and chairs for customer use shall be prohibited unless mobile vendors are located in a given area that is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities. Additionally, any chairs, tables, and any such transportable parcel must be stored off site unless previously stated approval of the property owner is declared during the application process.
14. Mobile vendor permits may be revoked upon there being just cause.
15. Mobile vendors permit shall expire in one (1) year and may be extended upon zoning administrator approval
16. Mobile vendor permit shall automatically terminate if the use or operation ceases to exist or continue for two (2) months without prior notice to the zoning administrator.
18. Mobile vendors shall only be permitted to sell seasonal produce, prepared foods, flowers and other similar disposable and perishable goods. No alcoholic beverages may be sold. Temporary sales by nonprofit organizations shall be exempt from the provisions of this section.
19. Mobile vendors operating in parking lots must minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.

C. Process.

1. A use permit shall be obtained from the zoning administrator to allow a mobile vending operation. The permit shall be processed in accordance with and subject to the standard use permit requirements contained in Chapter 17.20.
2. In addition to the use permit findings in Chapter 17.20, the planning commission must also make the following finding prior to taking action to approve a use permit for a mobile vendor:
  - a. That the proposed use shall be consistent with all applicable regulations contained in subsection B.

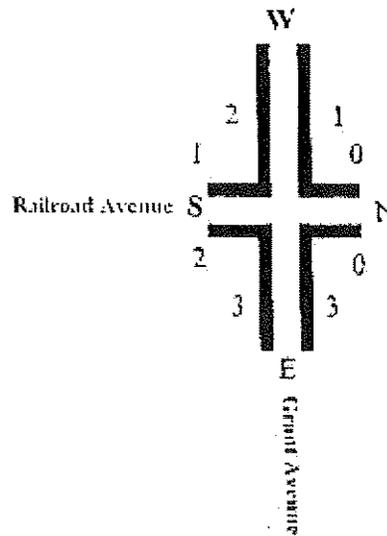


Exhibit A

**5.36.090 Violation—Nuisance.**

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter. (~~Ord. 91-10 § 2 (part); prior code § 10-5.508~~)

**5.36.110 Insurance.**

No permit shall be issued to an applicant unless the applicant furnishes proof to the city of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars (\$300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant. (~~Ord. 91-10 § 2 (part); prior code § 10-5.509~~)

**5.36.120 Fees.**

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits shall be valid for one (1) year from the date of issuance, unless sooner revoked as provided herein. (~~Ord. 91-10 § 2 (part); prior code § 10-5.510~~)

**5.36.130 Renewals.**

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The city may review applications for renewal to determine that:

- A. The applicant is in full compliance with the provisions of this chapter;
- B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by subsequent resolution of the Winters city council.

If the city finds that the applicant meets the above requirements, the city shall issue a new permit. (~~Ord. 91-10 § 2 (part); prior code § 10-5.511~~)

**5.36.140 Enforcement.**

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any Winters police officer is authorized to enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident. (~~Ord. 91-10 § 2 (part); prior code § 10-5.513~~)

**5.36.150 No preemption.**

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law. (~~Ord. 91-10 § 2 (part); prior code § 10-5.513~~)

**5.36.160 Violation—Penalty.**

Any person, firm, corporation, or organization which violates any provision of this chapter shall, upon conviction thereof be subject to the maximum allowable fine pursuant to the requirements set forth in state law.

Upon conviction thereof, punishment shall be a fine subject to the maximum allowable pursuant to the requirements set forth in state law, or imprisonment for a term not exceeding six (6) months, or by both a fine and imprisonment. (~~Ord. 2003-04 § 10; Ord. 91-10 § 2 (part); prior code § 10-5.515~~)

**5.36.170 Nuisance—Injunction.**

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. (~~Ord. 91-10 § 2 (part); prior code § 10-5.516~~)

**5.36.180 Temporary Permits**

Temporary permits provided to vendors are strictly regulated and shall provide guidelines in which vendors must abide by. These permits will be range in costs and shall be adjusted based on the length of time in which the mobile food vendor is serving within the city limits and shall go into effect upon approval from the City of Winters and shall expire upon the designated time noted on the approved permit.



**PLANNING COMMISSION REPORT  
STAFF REPORT**

**TO:** Chair and Planning Commissioners  
**DATE:** July 24, 2018  
**FROM:** Aaron Ryan, Management Intern  
**SUBJECT:** Analysis of Temporary Rentals in Winters – Workshop and Consideration by the Winters Planning Commission for future regulations regarding temporary rentals in Winters

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**RECOMMENDATION:** Staff recommends the Planning Commission:

- 1) Receive a staff report regarding analysis and options for regulation of temporary rentals in Winters; and
- 2) Receive public comment on the analysis and impact of temporary rentals in Winters; and
- 3) Provide staff direction regarding the potential future permitting and regulation of temporary rentals in Winters.

**BACKGROUND:** In 2008, a new market was created that allows homeowners and home renters to rent out a room or their whole house to strangers/customers for the night or a short period of time. This new market has been deemed The Sharing Economy. This new market place allows people to use their place of residence as a makeshift hotel. Airbnb one of the most recognizable companies that utilizes this new market place. It was small and inconsequential to cities and local governments in the first few years, but over the last five or so years, Airbnb has become one of the largest businesses in the sharing economy, spanning the entire globe (Attachment 3).

In recent years, the success of Airbnb and other similar companies has caught the attention of cities and local governments. There are three main components when it comes to dealing with temporary rentals like Airbnb – taxation, regulation and public relations. Cities, small

and large have been receiving complaints from citizens who claim that temporary rentals are just a destination for partying (Attachment 2). These complaints range from noise violations, parking on neighborhood streets, littering and lack of neighborhood cohesion. The concerns about regulating temporary rentals range from, tax collection, registration for business licenses, code violations and proper zoning.

Currently, the City of Winters does not have any regulations or ordinances when it comes to temporary rentals. These rental companies consist of Airbnb, HomeAway, HomeToGo and Vacation Rentals By Owners (VRBO). These internet based companies allow people to rent out rooms in their house, rent out accessory dwelling units, which are also known as in-law units, or rent out their entire house. Guests rent out rooms and units for a short time – essentially using the property like a hotel. Presently, Winters has about 14 Airbnb rentals available, two of which are full houses for rent; there are no rentals available for VRBO, HomeToGo or HomeAway at this time in the City of Winters.

Other cities in Yolo County have few if any regulations when it comes to temporary rentals. Woodland currently has no regulations specific to specific to temporary rentals in their code, other than a Transient Occupancy Tax (TOT) ordinance; Davis has an ordinance in their municipal-code to collect TOT, but no other regulations have been created. Lastly, West Sacramento has no ordinances in their municipal-code regulating temporary rentals.

The City Attorney's Office is currently in the process of obtaining an agreement with Airbnb to facilitate collection of the City's TOT and the County Tourism Business Improvement District (TBID) assessment.

#### **ANALYSIS:**

As aforementioned, the City of Winters has no regulations regarding temporary rentals; the following list provides options regarding regulations and collection of fees, based on similar regulations adopted in other jurisdictions, which the City Council and the Planning Commission can adopt or disregard or modify.

#### **Definitions**

- 1) Define temporary rentals for purposes of regulation.
  - a. In the Municipal Code, under definitions, define what a temporary rental is and explain that it is different from a traditional hotel, motel, hostel, etc.
    - i. Sacramento Example
      1. See Attachment 1

#### **Business License Requirement and/or Permitting**

- 2) Decide whether or not to require temporary rental hosts to obtain a yearly business license

- a. Business license fees can be as much as other business' in Winters or they can have their own fee bracket
  - b. Currently a business license in Winters cost \$60 per year
  - c. Or, continue to let temporary rentals conduct business without a business license
- 3) Decide whether or not to require temporary rental hosts to obtain an operating permit
- a. Decide whether or not to require said permit
    - i. If so, should permit be handled administratively or legislatively
  - b. Decide on the cost of permit and how often it needs to be renewed
  - c. Decide if and when a permit can be revoked
  - d. Or, continue to let temporary rentals conduct business without a permit

**Residential Occupancy**

- 4) Set limitations on who is allowed to host temporary rentals
- a. Hosts can only rent out rooms, accessory dwelling units and whole houses, if they themselves, the owner or renter, live in said house or on the property
  - b. Or, have no limitations and owners do not have to be present in the residence while renting out their house, accessory dwelling unit, etc.
- 5) Require limitations on the amount of days one could use their rental per year
- a. This specific section would apply to those who rent out their whole house but do not live in the house
    - i. Require a day limit per year that a home owner could rent out their entire house for temporary rental use
      - 1. Sacramento City example
        - a. Requires home owner only rents out their whole house no more than 90 days per year
        - b. Unless the homeowner lives in said house for 6 months, then they can temporarily rent out the home for up to 6 months

**City Codes/Neighborhood Cohesion**

- 6) Require Airbnb users to adhere to city noise ordinances, nuisance ordinances and parking ordinances
- a. Hosts and guests have to adhere to these local laws already, but the city could impose restrictions applicable to temporary rentals, and/or set limits on the amount of times a host or guest could violate these laws before their permit gets revoked
    - i. Example – two noise complaints or violations every six months or two or more parking violations every six months

1. Any violations accrued past the set limit and their right to do business as a temporary rental host can be revoked
- 7) Requiring hosts, who have a business license, to have their rooms, in-law units, and houses (if renting out the whole house) up to code.
  - a. This regulation would require that hosts pass the same state and local business codes that all businesses have to adhere too.
    - i. Requiring hosts to have fire alarms, CO detectors, exit signs on doors, ADA compliant etc. (subject to further legal research on permissible building code restrictions)
    - ii. Be subject to a building inspection by the Fire Department and/or Building Department

### **Zoning Issues**

- 8) Considering zoning concerns for temporary rentals
  - a. Discuss whether or not temporary rentals under different zoning districts should have different code enforcement and restrictions
    - i. Business vs Residential

### **Municipal Code**

- 9) Lastly, discuss and decide whether or not future proposed regulations should be done through amending current codes or creating a stand-alone ordinance that specifically deals with temporary rentals.

**FISCAL IMPACT:** None at this time. Future administrative enforcement costs would to be analyzed in the event the City adopts temporary rental regulations and permitting.

### **Issues and Loopholes Regarding Temporary Rental Regulation**

- 10) How to enforce new fee requirements and regulations?
  - a. The business license fee and operation permit would be based on the honor system and only hosts that volunteer to apply and pay for a business license or permit will have one
  - b. One way to enforce fee requirements is having the planning department or another designated department intermittently check temporary rental websites and see if hosts who are advertising have registered with the city.
  - c. Penalties for not having a license could be as minimal or large as the City would like – ranging from a warning and informing host they need a business license and permit to operate a temporary rental unit, to a cease and desist order

- 11) How to enforce noise violations, nuisance violations and parking violations?
  - a. The police department would need to be made aware of and agree to enforcing noise, nuisance, parking ordinances for temporary rental properties
    - i. Records must be kept on any violations issued to temporary rental properties
    - ii. Code enforcement reports would be filed to ensure a record keeping system consistent with permitting and business licensing.
  
- 12) How to enforce local and state business code?
  - a. The City could require all hosts to adhere to State and local business codes, but the Building Department would need to enforce said codes
    - i. This would require the Building Department to preform visual walkthroughs of the property and site hosts if needed
  
- 13) Section 5.04.380 of the Municipal Code states
  - a. 5.04.380 Minimum gross receipts.
    - i. Any person transacting business within the city and having a fixed place of business in the city or operating out of his or her home in the city and having gross receipts for the license tax year of less than one thousand (\$1,000.00) dollars shall not be required to pay a license tax, provided, however, such person shall be required to comply with all the provisions of this chapter pertaining to transacting business within the city and may be required by the tax collector to file a statement certifying to the fact that his or her gross receipts from such business transacted within the city were less than one thousand (\$1,000.00) dollars within such license year.
  - b. There is a good chance that most of the temporary rental hosts will meet this criterion - grossing less then \$1,000 in one calendar year - which would allow them to not need a business license
    - i. The city could require that all temporary rental hosts have a business license no matter their gross income
    - ii. Or require only those who exceed the \$1,000 gross limit to have a business license

**ATTACHMENTS:**

- 1 - Sacramento City Municipal Code - Definition of Temporary Rental**
- 2 - Sacramento Bee news article on public relations and possible new regulations in Sacramento**
- 3 - Quartz Media article explaining the size and scope of Airbnb's success**

- A. Bed and breakfast inn in RE, R-1, R-1A, R-1B, and R-2 zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in these zones. The bed and breakfast inn shall not have more than seven guest rooms. Conferences, weddings, fund raisers, and similar gatherings of non-lodgers are prohibited.
- B. Bed and breakfast inn in R-2A, R-2B, R-3, and R-3A zones. A zoning administrator's conditional use permit is required to establish a bed and breakfast inn in these zones. The bed and breakfast inn shall not have more than 14 guest rooms. In these zones, the zoning administrator's conditional use permit may allow facilities for conferences, weddings, fund raisers, and other similar gatherings and functions attended by non-lodgers as a part of the bed and breakfast inn use, and may include conditions restricting type, frequency, and timing of events, and other limits on operations as the decision-maker determines necessary to issue the conditional use permit. Except as expressly authorized in the conditional use permit, gatherings and functions attended by non-lodgers are prohibited.
- C. Notwithstanding subsections A and B of this section, a short-term rental, as defined in subsection D, is a permitted use of a dwelling unit and a zoning administrator's conditional use permit is not required for that use. A short-term rental must comply with the requirements in chapter 5.114. The provisions of chapter 17.228 (Home Occupations) do not apply to short-term rentals.
- D. For purposes of this section, a "short-term rental" means a bed and breakfast inn that is limited as follows:
1. Lodging is provided for no more than six persons at any time; and
  2. If the dwelling unit is not the primary residence of the permittee, lodging is provided for no more than an aggregate of 90 days in any calendar year. "Primary residence of the permittee" means the dwelling unit in which the person issued the short-term rental permit, established in chapter 5.114, resides for at least 184 days during a calendar year.
- E. Except as specifically stated, nothing in this section exempts the operation of a bed and breakfast inn or short-term rental from the requirements of any other provision of this code, including chapter 3.08 (Business Operations Tax) and chapter 3.28 (Uniform Transient Occupancy Tax). (Ord. 2016-0003 § 6; Ord. 2013-0020 § 1; Ord. 2013-0007 § 1

## **Attachment 1**

The 'hotel' next door: Airbnb rentals face backlash in some Sacramento neighborhoods  
**BY TONY BIZJAK AND KELLEN BROWNING**  
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Updated June 17, 2018 12:22 PM

The little East Sacramento bungalow with the bright red door and trim camellias looks like any other family home on its street.

It's not. For the past year, neighbors complain, they have dealt with noise at times from pool parties, the comings and goings of groups of strangers at night and extra cars parked on the street.

The house on La Purissima Way is one of several hundred houses in neighborhoods around the city that have been turned into short-term rentals by their owners. It's part of the "sharing economy" phenomenon, fueled by Airbnb and other online companies, in Sacramento.

Several La Purissima residents have gotten noisy themselves: They put up yard signs with the word "Airbnb" slashed by a red line and have gone to City Hall to push for tighter controls on how many people can stay there and for how long.

"It doesn't feel like an appropriate use to have a non-owner-occupied Airbnb that is constantly turning over in a neighborhood full of kids," said Sharon Huntsman, who lives with her family next door.

Most renters are fine, she said. But not all. "You never know what to expect. Every week there is something else."

For their part, city officials say they are scrambling to get a handle on how many homes have been turned into short-term rentals. So far, 143 property owners have obtained city permits to use their homes as short-term rentals, said Brad Wasson, the city's revenue chief.

But that is only a slice of the reality. Wasson said the number of nonpermitted home rentals could be 450 or more, based on an internet search of rental ads city officials did last year.

Some of those owners may be willfully avoiding the city permit process, essentially running underground businesses. But many may simply be unaware they need to register and pay fees, officials said.

The city plans to hire a company this summer to scour internet ads and get more rental homeowners to sign up. A permit costs \$125 with \$90 annual renewals and a \$50 annual city business operations tax.

City code officers say that will help them keep better watch and potentially shut down nuisance properties. It also should allow the city to enforce a key aspect of its rules: Homeowners who don't live on site cannot rent their property more than 90 days a year. Someone who lives at a house more than half a year, however, can rent it out the rest of the year.

The city set that rule so investors won't buy houses in large numbers and turn them into businesses. "That would deplete our housing stock," Wasson said. "The city already has

affordable housing issues for our residents."

At this point, the city doesn't know how many days any particular house is being rented out. Officials say they hope the consultant they hire this summer will help them keep tabs. Airbnb spokeswoman Jasmine Mora said her company has been working with the city to get more hosts to sign up for permits and that the "overwhelming majority" are responsible hosts.

Sacramento County is dealing with similar issues of nonpermitted rentals, as well as some confusion about county rules.

Currently, the county issues vacation rental permits that allow homeowners or renters to rent out their primary residences or accessory units, with a 30-day maximum per rental. An owner does not have to be on site when renting it out.

But the county ordinance fails to cap how many total rental days per year can occur and still be considered an owner-occupied home, planner Jessica Brandt said.

The county has approved 22 short-term rentals since it began requiring rental permits in 2015, but officials say they suspect many more are being run as rentals without permits. County officials say they will draw up new guidelines this summer to clarify how many days a home can be rented out, as well as to encourage more people to register and to help the county track unregistered properties.

"What we are interested in is getting to a program that's a lot more clear to implement and clear for property owners to follow," said Chris Pahule of the county's office of planning and environmental review.

The short-term-rental phenomenon has ignited fights in many communities, notably in tourist draws like San Francisco, Santa Monica and the wine country, where people gather for bachelor parties, weddings and other big events.

"City after city after city is moving to establish regulations on short-term rentals," said David Wachsmuth, a professor at McGill University who studies the relationship between short-term rentals and the housing market. It's a "recognition that this is a growing and increasingly large feature in economic activity and housing activity in cities."

Sacramento code enforcement officers say they have gotten only a few dozen complaints in the two years since the city enacted an ordinance. Those complaints are typically about noise, late-night activity, cars parked on the street and strangers in the neighborhood.

"It's not a lot of complaints," said Wasson, "but the (neighbors) who are upset are really upset."

### **Short-term rental permits**

So far, 143 property owners have obtained city permits to use their homes as short-term rentals in Sacramento.

Source: City of Sacramento  
The Sacramento Bee

One complaint is that an out-of-town host can't keep good tabs on renters' behavior. Michael Baiocchi, the owner of that rental house on La Purissima, lives mainly in the Seattle area but said he spends time in the Sacramento house. He has family members in

Sacramento who can check on the house, he said. But they do not live in the neighborhood. He said he makes a point of telling his guests to be respectful, noting in his Airbnb ad: "Out of respect to our entire community, please keep neighbors in mind when you are in our home."

"I have (outdoor) cameras on the property," he said. "If I see a keg go into the house, you are going to leave." He said he's also thinking about getting a noise meter.

Councilman Jeff Harris has fielded complaints about more than the allowed number of people staying at rental properties. He is leading the push for better city oversight.

A big question, he says, is how many homeowners do not pay the required 12 percent transient-occupancy tax, also known as the hotel tax, for renting out their properties. The city relies on Airbnb to collect the tax and remit it to the city. Airbnb handles an estimated 80 percent of the online-based, short-term-rental market in Sacramento, Wasson said. The city does not have a similar deal with other online rental companies, such as VRBO, HomeToGo and Craigslist, that cover most of the remaining estimated 20 percent.

"We have no way to verify who their operators are and where, unless we get complaints," Harris said. "I think the city is probably losing out on revenue."

Harris wants the city to persuade Airbnb to publish each host's city permit number on its website. That way only homeowners who have city permits can advertise on the site. The city will meet with Airbnb later this month to discuss that, Wasson said.

Harris said he will watch to see how things work out in the coming months but that he would be willing to propose that no homes be used as short-term rentals unless the owner lives at the property, similar to the county policy.

One such homeowner is Romer Cristobal, who has been renting rooms in his North Natomas house through Airbnb for 10 years. He loves it, he said, because it brings in extra money, and he gets to meet people from around the world, many of whom stay a night in Sacramento and visit the Capitol on their way to and from San Francisco, Napa, Lake Tahoe and Yosemite.

But he says he wouldn't dream of renting his house if he weren't living in it. "For my own comfort level, I want to be there," he said. "I don't want them to have parties, destroying property."

□

## **Attachment 2**

## **Airbnb will soon be booking more rooms than the world's largest hotel chains**

More over, hotels

WRITTEN BY

Zainab Mudallal

January 20, 2015

Airbnb has already overtaken major hotel companies in terms of its valuation by investors, but its growth could have it outpacing them in more concrete terms—actual guest bookings—in a few years, according to a Barclays research report.

The rooms available in 2014 jumped from 300,000 in February to a million in December, while the largest hotel company in Europe measured by rooms, InterContinental Hotels Group (IHG), had about 698,000 rooms in its portfolio. Airbnb offers more rooms than many of the largest hotel groups in the world—Hilton, InterContinental and Marriott—which each maintain just under 700,000 rooms. (Marriott said today at the World Economic Forum that it expects its portfolio of hotels to surpass 1 million rooms by the end of 2015.)

The size comparison isn't a direct one, since Airbnb doesn't own the rooms booked on its site, and many listings aren't available year-round. And when it comes to guest bookings, Airbnb still has a long way to go: Barclay's report estimates that Airbnb's current bookings are about 37 million room-nights per year, which is only around 20% of IHG's 177 million last year.