

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, May 28, 2019 @ 6:30 PM  
City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 794-6714  
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  
Contract Planner, Dave Dowswell

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 April 23, 2019 meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of recommendation by the Planning Commission on proposed amendments to Title 17 (Zoning Ordinance) of the Municipal Code regarding regulation of vacation rentals operating within city limits.

1. Find the proposed amendments to Title 17 Categorically Exempt from CEQA, Class 1 Section 15301 (Existing Facilities) and Class 4 Section 15304 (Minor Alterations to Land); and
2. Recommend the City Council adopt the proposed Ordinance 2019-02 amending Chapter 17.12, Planning Agency and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance) of the Municipal Code.

B. Housing Issues Overview. Discussion involving housing issues affecting the City of Winters.

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 MAY 22, 2019



DAVID DOWSWELL, COMMUNITY DEVELOPMENT DEPARTMENT CONTRACT PLANNER

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

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

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

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

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

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

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

GENERAL NOTES: MEETING FACILITIES ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. TO ARRANGE AID OR SERVICES TO MODIFY OR ACCOMMODATE PERSONS WITH A DISABILITY TO PARTICIPATE IN A PUBLIC MEETING, CONTACT THE CITY CLERK.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
APRIL 23, 2019**

***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, Altamirano, Contreras Riley, Schrupp, Vice Chair Baker, Chairman Myer

**ABSENT:** None

**STAFF:** City Manager John Donlevy, Contract Planner Dave Dowswell, Management Analyst Dagoberto Fierros

Commissioner Riley led the pledge of allegiance.

**CITIZEN INPUT:**

Kate Laddish, 400 Morgan Street apartment 21, expressed concerns with the discussed development of hundreds of acres in the north area of town and possible annexation of land. Laddish stressed the fact that the City's 1992 general plan is outdated and an accelerated pace of development can have an adverse effect on the existing Winter's community. Laddish requested the Planning Commission direct the City Manager to supply a written description of the purpose, scope, process, timing, and goals of the intended General Plan "refresh".

**CONSENT ITEM:**

- A. Minutes of the March 26, 2019 regular Planning Commission meeting.

Vice Chair Baker moved to approve minutes, Altamirano seconded.

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**STAFF/COMMISSION REPORTS:**

None.

**DISCUSSION ITEM:**

- A. Study Session – Discussion involving the proposed vacation rental ordinance.

Chairman Myer stated Item A is only a study session because the local paper failed to publish the public hearing notice.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD  
APRIL 23, 2019**

Commissioner Adams abstained due to conflict.

Planner Dowswell highlighted the changes to the draft ordinance since the previous update.

**PUBLIC COMMENTS:**

Jose Banuelos, 728 Lupine Way, expressed concerns with existing vacation rentals. Noise was the biggest complaint.

Sandy Vickrey, 305 Main Street, felt the proposed vacation rental ordinance is too strict and has too many regulations.

**STAFF/COMMISSION COMMENTS:**

Chairman Myer and Commissioner Riley stated the intention of the ordinance should be to preserve the residential environment in residential zones.

Commissioner Contreras suggested that language be added to the proposed ordinance allowing more than ten guests to stay at a vacation rental with Planning Commission consent.

Planner Dowswell stated the proposed ordinance puts a limit of ten people staying overnight in a non-hosted rental and anything over ten people will require Planning Commission approval.

Commissioner Contreras stated it would be difficult to prove how many people were staying at a home but believed it would be beneficial to

Discussion ensued.

**DISCUSSION ITEM:**

- B. Downtown Winters Hotel – Recommendation to the City Council on proposal to change Abbey Street to a one-way street from Railroad Avenue to First Street and to convert the parallel parking spaces to diagonal parking spaces on the south side of the street adjacent to the hotel.

Commissioner Adams abstained due to conflict.

Planner Dowswell presented the proposal.

Manager Donlevy stated the diagonal parking will increase the number of parking spaces and will include ADA restricted parking spaces. The one-way street will be consistent with the bulk of the traffic that comes off Railroad Avenue already.

Commissioner Schrupp stated certain fire safety vehicles could not fit on the road if diagonal parking and parallel parking were occupied concurrently.

**PUBLIC COMMENTS:**

Larry and Teresa Pisani expressed their opposition to the proposed one-way street and diagonal parking. Customer access and deliveries to the businesses on Abbey Street would be negatively impacted. Traffic flow would be disrupted throughout the day.

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Federica Beatrice, 8680 Wintun Way, stated her opposition to the one-way proposal. She suggested the Mariani property be utilized for parking and a lighted promenade be created along Railroad Avenue to encourage walking to destinations.

Casey Stone, 215 Abbey Street, stated opposition to the one-way street due to traffic impacts caused by one-way streets. Eight parking spaces are not worth the quality of life for those currently enjoying the street as it currently exists.

Kate Laddish, 400 Morgan Street apartment 21, expressed concerns with the proposed one-way. The change increases confusion of drivers, impacts traffic flow negatively, and negatively impacts existing businesses. The negative impacts outweigh the benefits.

**STAFF/COMMISSION COMMENTS:**

The commission expressed their concerns with the proposal.

Manager Donlevy stated that staff is exploring all options to resolve the existing downtown parking issues and meet the goals of the Downtown Parking Master Plan.

Vice Chair Baked moved to table the item for one year. Altamirano Seconded.

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

**NOES:** None

**ABSTAIN:** Adams

**ABSENT:** None

**STAFF/COMMISSION REPORTS:** None.

**ADJOURNMENT:** Chairman Myer adjourned the meeting at 8:04pm.

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

Dagoberto Fierros, Management Analyst

\_\_\_\_\_

Paul Myer, Chairman



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chair and Planning Commissioners  
**DATE:** May 28, 2019  
**FROM:** David Dowsell, Contract Planner   
**SUBJECT:** Public Hearing and Consideration of proposed amendments to Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance) regarding sidewalk and stationary food vendors operating within city limits.

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

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend the City Council find the proposed amendments Categorically Exempt from CEQA, Class 1 Section 15301 (Existing Facilities) and Class 4 Section 15304 (Minor Alterations to Land); and
- 4) Recommend the City Council adopt the proposed Ordinance 2018-06 amending Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance).

**BACKGROUND:** In 2008, a new market was created that allows homeowners to rent out a room or their whole house to strangers/customers for the night or a short period of time. This new market allows people to use their home as a makeshift hotel. Airbnb is one of the most recognizable companies in this new market. This new market was small and inconsequential to cities and local governments for the first few years, but over the last five or so years, vacation rentals have become a large business, spanning the entire globe.

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 vacation rentals – taxation, regulation and public relations. Cities,

small and large, have been receiving complaints from citizens that vacation rentals are just a destination for partying. These complaints range from noise violations, parking on neighborhood streets, littering and lack of neighborhood cohesion. The concerns about regulating vacation 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 vacation rentals. There are a number of vacation rental companies such as, Airbnb, Homeaway, HomeToGo and Vacation Rentals By Owners (VRBO). These Internet based companies allow people to rent out rooms in their house or 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.

On July 24, 2018 the planning commission held a workshop where they discussed the vacation rentals and the possibility of regulating them. After the discussion staff was directed to do further research and prepare an ordinance. Since the meeting the city attorney's office has reached an agreement with Airbnb to voluntarily collect the City's Transient Occupancy Tax (TOT) and the County's Tourism Business Improvement District (TBID) assessment. None of the other vacation rental companies have reached a similar agreement.

On January 22, 2019 the planning commission held a study session where various issues were raised concerning vacation rentals and the drafting of an ordinance. The commission was given a copy of the City of Napa ordinance for discussion. Staff was given direction to incorporate a number of changes to the Napa ordinance in drafting a city ordinance.

On March 26, 2019 and April 23, 2019 the planning commission held additional study sessions where the proposed vacation rental ordinance was discussed. At the April meeting Sandy Vickrey spoke regarding the proposed ordinance and expressed some concern about certain elements in the ordinance. Also, Jose Banuelos spoke at the meeting about having to live next door to an existing vacation rental and often being disturbed by the guests.

Staff met with Sandy Vickrey on May 2 and May 22, 2019 to discuss the proposed ordinance. We were able to identify some regulations which could be simplified or eliminated and others that needed clarifying. They included:

- Clarifying the fee an applicant pays for permitting a vacation rental is not a recurring fee. Only the business license fee is recurring.
- Eliminating in Section 17.54.010, Purpose and Intent, the wording which limits the total number of permits the city might issue for vacation rentals. Eliminating this wording was consistent with the commission's previous direction.

- Modifying the wording in Section 17.54.030.5 to require parking based on the number of guest vehicles and not the number of guests.
- Eliminate Section 17.54.030B10. This language is already a standard condition of approval in all city entitlements.
- Possibly delete Section 17.54.030G. This section requires staff to do something that is not required for any other entitlement. A person, if interested, can contact the city when a decision is made regarding a vacation rental application and can appeal either the zoning administrator's decision per Section 17.16.070 of the Zoning Ordinance.
- Delete most of Section 17.54.040C because the items mentioned that must be complied with are required by the current building and fire codes.

In addition to the items we discussed she also submitted a letter (Attachment C) asking that she be given more time to meet with staff to further refine the ordinance.

**ANALYSIS:** The City of Winters has no regulations regarding vacation rentals. In reviewing other city ordinances and listening to comments from the commission and the community at the previous study sessions staff identified the following key elements the City should consider:

- Defining various terms associated with vacations rentals.
- Requiring a vacation rental permit must meet specific regulations.
- Renewing vacation rental permits annually.
- Distinguishing between non-hosted and hosted facilities.
- Limiting how many days one can rent out a room or the entire house and the maximum number of persons who can stay in the vacation rental.
- Establishing a minimum number of days a vacation rental must be rented before needing a permit.
- Deciding who can issue a vacation rental permit, staff or the planning commission.
- Establishing a new fee for hosted facilities.
- Insurance requirements.

### **Definitions**

There are a number of new definitions which define what a vacation rental is and explain that it is different from a traditional hotel, motel, hostel, and bed and breakfast.

### **Requiring Vacation Rentals Meet Specific Regulations**

Section 17.54.030 of the proposed ordinance lists a number of specific requirements all hosted and non-hosted vacation rentals will need to meet. They include: all rooms being slept in must meet the building and fire codes, location of off-street parking, copy of the rental agreement, name and number of owner or authorized agent for a non-hosted facility and obtaining a business license. Failure to comply with all of the requirements at any time could result in the vacation rental permit being revoked.

### **Vacation Rental Annual Review**

Staff does not believe vacation rental permits should be subject to an annual review by the community development department or the planning commission because it would be too burdensome. Staff does, however, believe each facility should be subject to an annual building/fire inspection review. The proposed ordinance has language allowing for a vacation rental permit to be subject to review by the community development department or the planning commission if it becomes a problem. Vacation rentals will have to renew their business license annually.

### **Hosted and Non-hosted Vacation Rentals and Limiting Their Numbers**

The proposed ordinance will not limit the numbers of vacation rentals (hosted and non-hosted) that can be allowed. The ordinance can always be amended in the future if the city wants to establish limits on each type of vacation rental. During the application process applicants will need to indicate if the vacation rental will be hosted or non-hosted.

### **Establishing Limits on How Many Days a Room or the Entire House Can be Rented and Maximum Number of Persons that Can Stay in a Vacation Rental.**

The City of Napa does not place a limit on how many days in a calendar year a vacation rental can be rented. The City of Sacramento allows a non-hosted facility to be rented a maximum of 90 days and a hosted facility to be rented a maximum of 6 months. The commission supported not having a maximum number of days a house could be rented out. The commission could limit the maximum number of days as part of a use permit for non-hosted facilities. The commission supported requiring compliance with the ordinance if a room or the entire house is rented one or more days in a calendar year.

At the March 26, 2019 meeting it was suggested, rather than limiting hosted facilities to renting of only two bedrooms with two people per bedroom, the ability to provide required parking would determine how many guests could stay at a hosted facility. A vacation rental would still need to comply with the City's business license regulations and pay the transient occupancy tax. A majority of the commission felt 10 persons should be the maximum allowed in a vacation rental. Many of the commissioners felt allowing more than 10 persons would be unfair to the neighbors who bought their house wanting not to be adversely impacted by such a use. Commissioner Contreras felt that the number of guests for a non-hosted vacation rental should be determined by the planning commission as part of the use permit process. He requested the draft ordinance provide, as an option, language allowing the planning commission to determine the number of guests. Staff has added this language to Section 17.54.040D2.

The City of Napa prohibits vacation rentals to be used for weddings, auctions, commercial functions or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood. A similar restriction is included in the proposed ordinance.

### **Who Will Issue a Vacation Rental Permit**

Staff has updated the draft ordinance (Chapter 17.12.D.10) by adding language to allow for the zoning administrator to approve hosted vacation rental permits, subject to a simplified public hearing process. Non-hosted facilities will be required to obtain a use permit from the planning commission. Allowing zoning administrator to approve or deny a permit for hosted facilities would streamline the process making the application fee less costly. There are provisions in the City's Municipal Code where a decision of zoning administrator can be appealed to the planning commission and ultimately to the city council. The proposed ordinance will also allow the community development director to refer an application for a hosted facility to the planning commission if the vacation rental could adversely impact a neighborhood.

### **Establishing a Fee for a Permit and a Use Permit.**

Staff will need to propose to the city council amending the City's fee schedule to determine what the fee should be for zoning administrator approval of a hosted facility. The fee for a use permit, which is part of the City's existing fee schedule, is \$1,820. Both fees are one-time fees.

### **Insurance Requirements.**

Staff was able to find under the "Terms Specific for Hosts" on the Airbnb website the following language, "7.1.8 Airbnb recommends that Hosts obtain appropriate insurance for their Host Services. Please review any respective insurance policy carefully, and in particular make sure that you are familiar with and understand any exclusions to, and any deductibles that may apply for, such insurance policy, including, but not limited to, whether or not your insurance policy will cover the actions or inactions of Guests (and the individuals the Guest has booked for, if applicable) while staying at your Accommodation or participating in your Experience, Event or other Host Service."

### **Changes as a result of meeting with Sandy Vickrey**

Staff supports all of the changes proposed as a result of the two meetings with Sandy Vickrey. They simplify and clarify the ordinance making it less cumbersome to understand while not reducing its effectiveness.

Ms. Vickrey in her letter has requested the commission postponed taking any action on the updated ordinance until she can complete reviewing the draft ordinance with staff. If the commission were to continue taking action on the proposed ordinance you should continue the hearing until June 25, 2019.

### **ATTACHMENTS:**

- A. Draft Vacation Rental Ordinance
- B. Clean version Vacation Rental Ordinance
- C. Letter from Sandy Vickrey dated May 21, 2019

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS  
AMENDING CHAPTER 17.12 (PLANNING AGENCY) AND CHAPTER 17.54 (VACATION  
RENTALS OF THE WINTERS MUNICIPAL CODE

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

1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Vacation Rentals.
2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.
3. Amendments to Title 17. The City hereby makes the following amendments to Title 17 of the Municipal Code:

a. Chapter 17.12 of the Municipal Code is hereby amended to read as follows:

**Chapter 17.12**  
**PLANNING AGENCY**

**17.12.030 Powers and duties of the zoning administrator**

D. Projects Subject to Zoning Administrator Review.

1. Minor Modifications and Extensions of Time of Planned Developments.
  - a. The zoning administrator may approve minor modifications of the detailed development plans or detailed development standards as well as time extensions in planned development (PD) overlay zones.
  - b. Findings.

Such minor modifications may be approved only if consistent with required findings in Section 17.48.110. Time extensions may be approved if consistent with required findings in Section 17.48.100.

2. Home Occupations.

a. Approval Authorized: The zoning administrator may approve applications for home occupations in residential (R) zones.

b. Findings: A home occupation shall be approved only if it is found to comply with the provisions of this section and Section 17.60.080 of this title. No public hearing shall be required, although notice of the application shall be provided to all contiguous property owners.

3. Review and Approval of Projects Exempt from California Environmental Quality Act (CEQA).

a. Approval Authorized. The zoning administrator may review and approve projects (other than ministerial projects) which are exempt from CEQA. However, the zoning administrator may refer projects involving substantial development, such as large additions to existing structures, to the planning commission for review and approval.

b. Findings. Such projects shall be approved only if found to comply in all respects with the provisions of this title.

4. Lot Splits on Parcels Less than One-Half Acre in Size.

a. Approval Authorized. The zoning administrator may review and approve lot splits on parcels less than one-half (1/2) acre in size.

b. Findings. Such lot splits shall be approved only if found to comply in all respects with provisions of this title, applicable criteria of the city's subdivision regulations, environmental law and the State Subdivision Map Act.

5. Use Permits and Variances.

a. Approval Authorized. The zoning administrator may approve use permit and variance applications for certain projects as specified elsewhere in this title.

b. Findings. Use permit and variance applications shall only be approved if found to comply with the provisions of this section and with the required

findings for approval of use permit and variance applications specified in Chapters 17.20 and 17.24, respectively.

6. Temporary Activity Permits.

a. Approval Authorized. The zoning administrator may approve temporary activity permits for certain activities as specified in this title. The zoning administrator shall determine the appropriate level of noticing, if any, required for each application.

b. Findings. A temporary activity permit shall only be approved if found to comply in all respects with the provisions of this section and with the required findings in Chapter 17.32.

7. Exotic Animals.

a. Approval Authorized. The zoning administrator may approve a permit for the keeping of exotic animals. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved if the applicant can demonstrate that the keeping of such animal(s) will not create a general nuisance (such as excessive noise or odor) or pose a safety hazard to the general neighborhood, and that appropriate approvals from regulatory state and/or federal agencies are first obtained.

8. Expansion of Nonconforming Structures.

a. Approval Authorized. The zoning administrator may approve the expansion of nonconforming structures. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved subject to compliance with this section and Chapter 17.104.

9. Sign Permit Review.

a. Approved Authorized. The zoning administrator may approve certain sign permits pursuant to Chapter 17.80.

b. Findings. The application may only be approved subject to compliance with this section and Section 17.80.080(D).

10. Vacation Rentals.

a. Approval Authorized. The zoning administrator may approve a permit for a "hosted accommodation" vacation rental. While no public hearing is required, notice of the application shall be provided to all property owners located with one hundred (100) feet of the proposed vacation rental.

b. Findings. The application may only be approved subject to compliance with this sections and Chapter 17.54.

b. Subdivision (B) of Section 17.54 of the Municipal Code is hereby amended to read as follows:

**Chapter 17.54**

**VACATION RENTALS**

**Sections:**

- 17.54.010 Purpose and intent**
- 17.54.020 Definitions**
- 17.54.030 Requirements for an application**
- 17.54.040 Permit requirements**
- 17.54.050 Enforcement**

**17.54.010 Purpose and intent.**

The purpose of this chapter is to minimize the potential adverse impacts of transient occupancy uses in residential neighborhoods on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, ~~and to impose limitations on the total number and types of permits issued for vacation rentals~~ in order to ensure the long term availability of housing stock in compliance with the Housing Element of the city of Winters General Plan.

**Comment [DD1]:** Language being deleted per the Planning Commission's direction not to place limits on the number of vacation rentals.

**17.54.020. Definitions.**

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the city of Winters.

"Applicant" is as defined in Section 17.04.140 of this code.

"Authorized agent" means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-

hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

“Bedroom” means any habitable room with no less than seventy (70) square feet of floor area and no dimension less than seven (7) feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entry ways without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the standards of the code.

“Community development director” as defined in Section 17.04 of this code.

“Enforcement officer” means the community development director, building official, code enforcement officer, city department manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the community development director or city manager to enforce this section.

“Guest” means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

“Hosted accommodation” means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, ~~and no more than two (2) bedrooms are rented~~ for transient occupancy pursuant to this section.

“Non-hosted accommodation” means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

“Owner” is as defined in Section 17.04.140 of this code.

“Permittee” means the person to whom a vacation rental permit is issued pursuant to this section. To the extent this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable (see Chapter 1.16.).

“Renter” means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

“Reside,” as used in this section, means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one (1) domicile.

“Transient occupancy” means any person’s use or possession, or right to use or possess, a building (or any portion thereof) for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less (counting portions of calendar days as full days).

“Vacation rental” means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term “vacation rental” shall be used to include all vacation rental businesses, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

“Vacation rental permit” means a permit issued by the community development director or a use permit issued by the planning commission.

“Vacation rental unit” means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

“Zoning administrator” means the office of the zoning administrator pursuant to Section 65900 of the Government Code of the state.

#### 17.54.030 Requirements for an application

The community development director shall invite applications for vacation rental permits pursuant to this subsection

A. The community development director shall issue a written notice inviting applications for vacation rental permits in accordance with this section. Each written notice pursuant to this subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the community development director shall endeavor to use other reasonably available means of communications such as the city’s Internet website.

B. Each application for a vacation rental permit shall include the following information, signed by the owner and the authorized agent for non-hosted accommodations:

1. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
2. Identify whether the application is for a hosted or a non-hosted accommodation.
  - a. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
  - b. If the vacation rental is proposed as a non-hosted accommodation, identify the owner’s authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
3. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection 17.54.040(D). ~~For hosted accommodations, identify the location of each room to be rented as a vacation rental.~~
4. Document all designated bedrooms meet all current building and fire codes. An inspection by the City may be necessary to verify the bedrooms meet all current building and fire codes.
5. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants. Each vacation rental must provide one (1) legal off-street parking space for each two (2) guest vehicle.

**Comment [DD2]:** Deleted using number of guests to determine parking needs because more than two guests could come in one car.

**Comment [DD3]:** Added this language to regulate the maximum number of people who can stay in a vacation rental. This language would be used to determine how many guests could stay at a facility. Comment DD2 discusses whether there should be a maximum number of guests.

6. Acknowledge the owner and authorized agent for non-hosted accommodations has read all regulations pertaining to the operation of a vacation rental, including this section, the city's business license requirements (Chapter 5.04 of this code), the city's transient occupancy tax requirements (Chapter 3.24 of this code), and any additional administrative regulations as determined by the community development director necessary to implement this section.

7. Provide a copy of the rental agreement, rental rules and regulations and any associated materials as required by subsection 17.54.040(D).

**Comment [DD4]:** It is not clear what type of an agreement a user signs in order to rent a unit listed on Airbnb or similar sites. Need to research.

8. Provide any other information as the community development director deems reasonably necessary to administer this section, ~~as identified in the notice inviting applications.~~

9. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the revocation of the vacation rental permit pursuant to subsection 17.54.040(A).

~~10. Agree to hold harmless, indemnify and defend the city against claims and litigation arising from the issuance of the vacation rental permit.~~

**Comment [DD5]:** We include this language as a standard condition of approval for all entitlements.

10. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.

C. The community development director shall evaluate permit applications, and process the applications for review by ~~staff~~ the zoning administrator pursuant to Section 17.12.030(D)10 or the planning commission pursuant to Chapter 17.20 of this code and subsection D. Each applicant shall provide the following supplemental submittal in a form acceptable to the community development director:

1. Payment of the application and processing fee established by city council resolution. The fee is paid when establishing the use and is not recurring.

2. Public notice mailing labels for "non-hosted accommodation" (to notify neighboring property owners, pursuant to Section 17.16.040(C)).

3. Provide any other information as the community development director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.

**Comment [DD6]:** Added language to clarify that fee is only paid when initially establishing an address.

D. If the community development director determines an applicant has failed to satisfy the application requirements of subsection B or C of this section, the community development director shall provide written notice to the applicant of the determination.

E. If the community development director determines an applicant (hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing ~~review by the zoning administrator pursuant to Section 17.12.030(D)10 16.040~~ of this code. The community development director, at his or her discretion, could refer an application for a hosted facility to the planning commission. The notice shall identify the date and

time on which ~~community development department zoning administrator shall~~ consider the permit application

F. If the community development director determines an applicant (non-hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing of the planning commission pursuant to Section 17.16.040 of this code. The notice shall identify the date and time the planning commission shall consider the use permit application.

~~G. Upon the decision of the community development director or the planning commission the community development director shall provide written notice to all property owners within three hundred (300) feet of the conditional approval of the vacation rental permit, to include:~~

~~1. A concise summary of the terms of the use permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit; (ii) the maximum number of vehicles which are allowed to be parked on the property; (iii) any special conditions or restrictions applied to the vacation rental permit; and (iv) how to obtain a complete copy of the use permit and this section.~~

~~2. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, twenty-four (24) hours per day.~~

~~3. The city of Winters Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this section and any conditions of approval).~~

~~4. The right of an interested person to file an appeal within ten (10) calendar days of the permit or use permit decision (pursuant to Chapter 17.16 of this code).~~

#### **17.54.040 Permit requirements**

Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

A. Each vacation rental permit issued under the authority of this section may be subject to an annual review by the community development department or planning commission.

B. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this code) for the vacation rental use.

C. The owner shall comply with each of the requirements of this paragraph. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this chapter and with the current building and fire codes, section, and particularly including this paragraph.

**Comment [DD7]:** The requirement to notify property owners of the zoning administrator's or planning commission's decision is more than is done for any other entitlement. A property owner may contact the city if they wish to know what the decision was involving a vacation rental. The right to appeal a decision is stated in Section 17.16.070 of the Zoning Ordinance.

1. ~~The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.~~
2. ~~Smoke detectors shall be installed per the California Building Code.~~
3. ~~No double-keyed dead bolts may be installed on exit doors.~~
4. ~~A portable fire extinguisher shall be provided.~~
5. ~~Exit doors may not be obstructed and/or prohibited from fully opening.~~
6. ~~Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.~~
7. ~~Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of ten (10) feet from the building.~~
8. ~~BBQs and open fires must be in an approved appliance or enclosure.~~
9. ~~No electrical wiring may be exposed or open in any outlet, switch or junction boxes.~~
10. ~~The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.~~
11. ~~The garage firewall shall not have any penetrations in sheet rock.~~
12. ~~An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.~~

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D. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the community development director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the community development director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:

**Comment [DD8]:** Most of the items mentioned above are required by the building and fire codes.

1. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.

2. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two (2) ~~persons~~ guests per bedroom, plus two (2) additional ~~persons~~ guests per vacation rental unit. Each vacation rental must meet all current building and fire codes and shall comply with all applicable provisions and requirements of Title 17 of this code. ~~In no case may more than ten (10) persons/guests, not including the host family, be allowed to sleep at their a vacation rental unit, this includes any property that has multiple habitable buildings.~~

**Comment [DD9]:** Added this language.

In no case may more than ten (10) guests, not including the host family, be allowed to sleep in a hosted vacation rental unit, this includes any property that has multiple habitable buildings.

**Comment [DD10]:** Added this language to deal with the one property that has multiple buildings people can sleep in. Commission was divided as to whether to put a cap on the maximum persons. Ten seemed to be the maximum number regardless as to the number of available bedrooms.

The planning commission as part of the use permit process shall determine the number of guests allowed to sleep in a non-hosted vacation rental unit.

**Comment [DD11]:** Alternative language added for the commission to consider. Places a limit of 10 guests on hosted vacation rentals but allows the planning commission to determine the maximum number of guests through the use permit process.

3. The permittee shall limit the number of ~~vehicles of~~ overnight renters to the maximum number of ~~overnight renters~~ designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

4. The permittee shall provide access to the garage ~~or carport of the residence~~ if that area has been included in the determination of the number of available onsite spaces per this code.

5. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 8.04 of this code. Trash cans shall not be placed on the street prior to twenty-four (24) hours before pick up day and shall be promptly removed from the street following service.

6. Quiet times shall be 9:00 p.m. to 7:00 a.m. Sunday through Thursday evenings and 10:00 p.m. to 7:00 a.m. Friday and Saturday evenings.

7. The permittee shall ensure the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, ~~or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the city does not intend to authorize, and the city does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.~~

**Comment [DD12]:** This language is unnecessary.

8. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this code or state law) promptly act to stop the violation and prevent a recurrence of the violation.

9. Pools and hot tubs ~~shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation shall be 7:00 a.m. to 10:00 and shall be clearly posted adjacent to the facility. Hours shall comply with paragraph (7) of this subsection.~~

**Comment [DD13]:** Simplified language.

10. It is prohibited to use the vacation rental unit for any wedding, reception, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.

11. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.

E. Each written advertisement (whether paper or electronic form) for a vacation rental shall include the "City of Winters Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is an approved hotel or bed and breakfast inn; or (b) the use is a vacation rental, which has been issued a vacation rental permit or a use permit pursuant to Chapter 17.20 of this code.

F. For each vacation rental use:

1. The owner (hosted accommodation) and the authorized agent (non-hosted accommodation) must be available by telephone at all times while the vacation rental is rented, twenty-four (24) hours per day.

2. The owner (hosted accommodation) and the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within one (1) hour of being notified (by a renter, or by the community development director or enforcement officer) there is a need for the owner (hosted accommodation) or the authorized agent (non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

3. Only one (1) rental agreement per vacation rental unit shall be in effect at any one time.

4. It is a violation of this section for any accessory dwelling unit (as defined by Chapter 17.98 of this code) to be used for transient occupancy purposes.

G. For each hosted accommodation:

1. The owner must sleep at the vacation rental unit while it is being rented.

2. The owner must reside and sleep in a bedroom not rented to any renter.

~~3. No more than two (2) bedrooms may be rented for transient occupancy uses.~~

**Comment [DD14]:** Deleted this language limiting the number of bedrooms guests can stay in a hosted vacation rental and added the language in Section 17.54.030(B)5.

H. Each vacation rental permit issued in accordance with this section shall be personal to the owner to whom the permit is issued (hereinafter "permitted owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this subsection H. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

I. A use permit is transferrable to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions of approval in the use permit and set forth in this paragraph. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the community development director has approved the transfer of the permit. The permitted owner shall submit to the community development director a written notice of intent to transfer the permit to the purchaser.

J. Each vacation rental permit issued pursuant to this section shall be subject to an annual building and fire inspection-, no later than one (1) year after the effective date of the permit or use permit.

1. The owner shall pay the annual inspection fee established by city council resolution. The owner shall document compliance with the requirements of subsection 17.54.040 (C) of this section.

2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this code).

3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.24 of this code). The owner shall

also document each date on which the vacation rental was rented during the previous term of the permit.

4. The owner shall document that written notice was provided to property owners within three hundred (300) feet of the vacation rental unit, with the information required by subsection 17.54.030(G).

K. Following an annual permit review (pursuant to subsection J of this section):

1. If the community development director determines the permittee is in compliance with all requirements of this section and the permit, the community development director shall provide written notice to the permittee.

2. If the community development director determines the permittee has failed to comply with this section or the permit, the community development director shall notice a public hearing of the planning commission pursuant to Section 17.20.050 of this code.

3. Upon revocation of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

L. At any time during the term of a vacation rental permit, the community development director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the community development director determines in his or her discretion: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit.

1. Pursue any of the remedies set forth in Chapter 17.40 of this code; including, but not limited to notice a public hearing of the planning commission to consider a revocation of the use permit pursuant to Section 17.20.050 of this code.

2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 of this code and subsection 17.54.050.

**17.54.050 Enforcement**

It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Chapter 17.20 of this code. Notwithstanding the limitations of Chapter 1.16 of this code, the amount of the fine imposed for each violation of this section shall be:

1. \$500.00 for a first violation;

2. \$750.00 for a second violation of the same code section within twelve (12) months; and

**Comment [DD15]:** Is this section needed? If yes do we simply need to reference Chapter 1.16 or include all of the language?

3. \$1,000.00 for each day of each additional violation of the same code section within twelve (12) months.

Any determination made by the city pursuant to this section shall be final unless appealed pursuant to the requirements of this subsection.

1. Any determination by the planning commission to: approve, conditionally approve, or deny a use permit application (pursuant to Chapter 17.20 of this code and subsection 17.54.030(D), to transfer a permit to a purchaser (pursuant to subsection 17.54.030(H) of this section), or to modify or revoke a use permit (pursuant to Section 17.20.050 of this code) may be appealed only in accordance with the requirements of Chapter 17.16 of this code.
2. Any enforcement action taken by the community development director or the enforcement officer may be appealed only by requesting an administrative hearing in accordance with the requirements of Section 17.16.060 of this code.
3. Failure to timely appeal in the manner required by Section 17.16.060 of this code shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the city pursuant to this subsection.

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS  
AMENDING CHAPTER 17.12 (PLANNING AGENCY) AND CHAPTER 17.54 (VACATION  
RENTALS OF THE WINTERS MUNICIPAL CODE

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

1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Vacation Rentals.

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

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

a. Chapter 17.12 of the Municipal Code is hereby amended to read as follows:

**Chapter 17.12**  
**PLANNING AGENCY**

**17.12.030 Powers and duties of the zoning administrator**

D. Projects Subject to Zoning Administrator Review.

1. Minor Modifications and Extensions of Time of Planned Developments.

a. The zoning administrator may approve minor modifications of the detailed development plans or detailed development standards as well as time extensions in planned development (PD) overlay zones.

b. Findings.

Such minor modifications may be approved only if consistent with required findings in Section 17.48.110. Time extensions may be approved if consistent with required findings in Section 17.48.100.

2. Home Occupations.
  - a. Approval Authorized: The zoning administrator may approve applications for home occupations in residential (R) zones.
  - b. Findings: A home occupation shall be approved only if it is found to comply with the provisions of this section and Section 17.60.080 of this title. No public hearing shall be required, although notice of the application shall be provided to all contiguous property owners.
3. Review and Approval of Projects Exempt from California Environmental Quality Act (CEQA).
  - a. Approval Authorized. The zoning administrator may review and approve projects (other than ministerial projects) which are exempt from CEQA. However, the zoning administrator may refer projects involving substantial development, such as large additions to existing structures, to the planning commission for review and approval.
  - b. Findings. Such projects shall be approved only if found to comply in all respects with the provisions of this title.
4. Lot Splits on Parcels Less than One-Half Acre in Size.
  - a. Approval Authorized. The zoning administrator may review and approve lot splits on parcels less than one-half (1/2) acre in size.
  - b. Findings. Such lot splits shall be approved only if found to comply in all respects with provisions of this title, applicable criteria of the city's subdivision regulations, environmental law and the State Subdivision Map Act.
5. Use Permits and Variances.
  - a. Approval Authorized. The zoning administrator may approve use permit and variance applications for certain projects as specified elsewhere in this title.
  - b. Findings. Use permit and variance applications shall only be approved if found to comply with the provisions of this section and with the required

findings for approval of use permit and variance applications specified in Chapters 17.20 and 17.24, respectively.

6. Temporary Activity Permits.

a. Approval Authorized. The zoning administrator may approve temporary activity permits for certain activities as specified in this title. The zoning administrator shall determine the appropriate level of noticing, if any, required for each application.

b. Findings. A temporary activity permit shall only be approved if found to comply in all respects with the provisions of this section and with the required findings in Chapter 17.32.

7. Exotic Animals.

a. Approval Authorized. The zoning administrator may approve a permit for the keeping of exotic animals. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved if the applicant can demonstrate that the keeping of such animal(s) will not create a general nuisance (such as excessive noise or odor) or pose a safety hazard to the general neighborhood, and that appropriate approvals from regulatory state and/or federal agencies are first obtained.

8. Expansion of Nonconforming Structures.

a. Approval Authorized. The zoning administrator may approve the expansion of nonconforming structures. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.

b. Findings. The application may only be approved subject to compliance with this section and Chapter 17.104.

9. Sign Permit Review.

a. Approved Authorized. The zoning administrator may approve certain sign permits pursuant to Chapter 17.80.

b. Findings. The application may only be approved subject to compliance with this section and Section 17.80.080(D).

10. Vacation Rentals.

a. Approval Authorized. The zoning administrator may approve a permit for a "hosted accommodation" vacation rental. While no public hearing is required, notice of the application shall be provided to all property owners located with one hundred (100) feet of the proposed vacation rental.

b. Findings. The application may only be approved subject to compliance with this sections and Chapter 17.54.

b. Subdivision (B) of Section 17.54 of the Municipal Code is hereby amended to read as follows:

**Chapter 17.54**

**VACATION RENTALS**

**Sections:**

<b>17.54.010</b>	<b>Purpose and intent</b>
<b>17.54.020</b>	<b>Definitions</b>
<b>17.54.030</b>	<b>Requirements for an application</b>
<b>17.54.040</b>	<b>Permit requirements</b>
<b>17.54.050</b>	<b>Enforcement</b>

**17.54.010 Purpose and intent.**

The purpose of this chapter is to minimize the potential adverse impacts of transient occupancy uses in residential neighborhoods on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals in order to ensure the long term availability of housing stock in compliance with the Housing Element of the city of Winters General Plan.

**17.54.020. Definitions.**

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the city of Winters.

“Applicant” is as defined in Section 17.04.140 of this code.

“Authorized agent” means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-

hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

“Bedroom” means any habitable room with no less than seventy (70) square feet of floor area and no dimension less than seven (7) feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entry ways without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the standards of the code.

“Community development director” as defined in Section 17.04 of this code.

“Enforcement officer” means the community development director, building official, code enforcement officer, city department manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the community development director or city manager to enforce this section.

“Guest” means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

“Hosted accommodation” means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented for transient occupancy pursuant to this section.

“Non-hosted accommodation” means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

“Owner” is as defined in Section 17.04.140 of this code.

“Permittee” means the person to whom a vacation rental permit is issued pursuant to this section. To the extent this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable (see Chapter 1.16.).

“Renter” means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

“Reside,” as used in this section, means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one (1) domicile.

“Transient occupancy” means any person’s use or possession, or right to use or possess, a building (or any portion thereof) for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less (counting portions of calendar days as full days).

“Vacation rental” means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term “vacation rental” shall be used to include all vacation rental businesses, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

“Vacation rental permit” means a permit issued by the community development director or a use permit issued by the planning commission.

“Vacation rental unit” means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

“Zoning administrator” means the office of the zoning administrator pursuant to Section 65900 of the Government Code of the state.

#### **17.54.030 Requirements for an application**

The community development director shall invite applications for vacation rental permits pursuant to this subsection

A. The community development director shall issue a written notice inviting applications for vacation rental permits in accordance with this section. Each written notice pursuant to this subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the community development director shall endeavor to use other reasonably available means of communications such as the city’s Internet website.

B. Each application for a vacation rental permit shall include the following information, signed by the owner and the authorized agent for non-hosted accommodations:

1. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
2. Identify whether the application is for a hosted or a non-hosted accommodation.
  - a. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
  - b. If the vacation rental is proposed as a non-hosted accommodation, identify the owner’s authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
3. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection 17.54.040(D).
4. Document all designated bedrooms meet all current building and fire codes. An inspection by the City may be necessary to verify the bedrooms meet all current building and fire codes.
5. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants. Each vacation rental must provide one (1) legal off-street parking space for each two ~~(2)~~ guest vehicle.

6. Acknowledge the owner and authorized agent for non-hosted accommodations has read all regulations pertaining to the operation of a vacation rental, including this section, the city's business license requirements (Chapter 5.04 of this code), the city's transient occupancy tax requirements (Chapter 3.24 of this code), and any additional administrative regulations as determined by the community development director necessary to implement this section.

7. Provide a copy of the rental agreement, rental rules and regulations and any associated materials as required by subsection 17.54.040(D).

8. Provide any other information as the community development director deems reasonably necessary to administer this section. 9. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the revocation of the vacation rental permit pursuant to subsection 17.54.040(A).

10. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.

C. The community development director shall evaluate permit applications, and process the applications for review by the zoning administrator pursuant to Section 17.12.030(D.)<sup>10</sup> or the planning commission pursuant to Chapter 17.20 of this code and subsection D. Each applicant shall provide the following supplemental submittal in a form acceptable to the community development director:

1. Payment of the application and processing fee established by city council resolution. The fee is paid when establishing the use and is not recurring.

2. Public notice mailing labels for "non-hosted accommodation" (to notify neighboring property owners, pursuant to Section 17.16.040(C)).

3. Provide any other information as the community development director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.

D. If the community development director determines an applicant has failed to satisfy the application requirements of subsection B or C of this section, the community development director shall provide written notice to the applicant of the determination.

E. If the community development director determines an applicant (hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a review by the zoning administrator pursuant to Section 17.12.030(D.)<sup>10</sup> of this code. The community development director, at his or her discretion, could refer an application for a hosted facility to the planning commission. The notice shall identify the date and time on which zoning administrator shall consider the permit application

F. If the community development director determines an applicant (non-hosted accommodation) has satisfied the application requirements of subsections B and C of

this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing of the planning commission pursuant to Section 17.16.040 of this code. The notice shall identify the date and time the planning commission shall consider the use permit application.

**17.54.040 Permit requirements**

Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

A. Each vacation rental permit issued under the authority of this section may be subject to an annual review by the community development department or planning commission.

B. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this code) for the vacation rental use.

C. The owner shall comply with each of the requirements of this paragraph. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this chapter and with the current building and fire codes.

D. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the community development director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the community development director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:

1. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.

2. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two (2) guests per bedroom, plus two (2) additional guests per vacation rental unit. Each vacation rental must meet all current building and fire codes and shall comply with all applicable provisions and requirements of Title 17 of this code. In no case may more than ten (10) guests, not including the host family, be allowed to sleep in a vacation rental unit, this includes any property that has multiple habitable buildings.

In no case may more than ten (10) guests, not including the host family, be allowed to sleep in a hosted vacation rental unit, this includes any property that has multiple habitable buildings.

The planning commission as part of the use permit process shall determine the number of guests allowed to sleep in a non-hosted vacation rental unit.

3. The permittee shall limit the number overnight renters to the maximum number designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

4. The permittee shall provide access to the garage or carport if that area has been included in the determination of the number of available onsite spaces per this code.

5. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 8.04 of this code. Trash cans shall not be placed on the street prior to twenty-four (24) hours before pick up day and shall be promptly removed from the street following service.

6. Quiet times shall be 9:00 p.m. to 7:00 a.m. Sunday through Thursday evenings and 10:00 p.m. to 7:00 a.m. Friday and Saturday evenings.

7. The permittee shall ensure the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct.

8. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this code or state law) promptly act to stop the violation and prevent a recurrence of the violation.

9. Pools and hot tubs hours of operation shall be 7:00 a.m. to 10:00 and shall be clearly posted adjacent to the facility.

10. It is prohibited to use the vacation rental unit for any wedding, reception, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.

11. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.

E. Each written advertisement (whether paper or electronic form) for a vacation rental shall include the "City of Winters Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is an approved hotel or bed and breakfast inn; or (b) the use is a vacation rental, which has been issued a vacation rental permit or a use permit pursuant to Chapter 17.20 of this code.

F. For each vacation rental use:

1. The owner (hosted accommodation) and the authorized agent (non-hosted accommodation) must be available by telephone at all times while the vacation rental is rented, twenty-four (24) hours per day.

2. The owner (hosted accommodation) and the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within one (1) hour of being notified (by a renter, or by the community development director or enforcement officer) there is a need for the owner (hosted accommodation) or the authorized agent (non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

3. Only one (1) rental agreement per vacation rental unit shall be in effect at any one time.

4. It is a violation of this section for any accessory dwelling unit (as defined by Chapter 17.98 of this code) to be used for transient occupancy purposes.

G. For each hosted accommodation:

1. The owner must sleep at the vacation rental unit while it is being rented.

2. The owner must reside and sleep in a bedroom not rented to any renter.

H. Each vacation rental permit issued in accordance with this section shall be personal to the owner to whom the permit is issued (hereinafter "permitted owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this subsection H. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.

I. A use permit is transferrable to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions of approval in the use permit and set forth in this paragraph. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the community development director has approved the transfer of the permit. The permitted owner shall submit to the community development director a written notice of intent to transfer the permit to the purchaser.

J. Each vacation rental permit issued pursuant to this section shall be subject to an annual building and fire inspection, no later than one (1) year after the effective date of the permit or use permit.

1. The owner shall pay the annual inspection fee established by city council resolution. The owner shall document compliance with the requirements of subsection 17.54.040 (C) of this section.

2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this code).

3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.24 of this code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit.

4. The owner shall document that written notice was provided to property owners within three hundred (300) feet of the vacation rental unit, with the information required by subsection 17.54.030(G).

K. Following an annual permit review (pursuant to subsection J of this section):

1. If the community development director determines the permittee is in compliance with all requirements of this section and the permit, the community development director shall provide written notice to the permittee.

2. If the community development director determines the permittee has failed to comply with this section or the permit, the community development director

shall notice a public hearing of the planning commission pursuant to Section 17.20.050 of this code.

3. Upon revocation of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

L. At any time during the term of a vacation rental permit, the community development director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the community development director determines in his or her discretion: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit.

1. Pursue any of the remedies set forth in Chapter 17.40 of this code; including, but not limited to notice a public hearing of the planning commission to consider a revocation of the use permit pursuant to Section 17.20.050 of this code.

2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 of this code and subsection 17.54.050.

#### **17.54.050 Enforcement**

It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Chapter 17.20 of this code. Notwithstanding the limitations of Chapter 1.16 of this code, the amount of the fine imposed for each violation of this section shall be:

1. \$500.00 for a first violation;

2. \$750.00 for a second violation of the same code section within twelve (12) months; and

3. \$1,000.00 for each day of each additional violation of the same code section within twelve (12) months.

Any determination made by the city pursuant to this section shall be final unless appealed pursuant to the requirements of this subsection.

1. Any determination by the planning commission to: approve, conditionally approve, or deny a use permit application (pursuant to Chapter 17.20 of this code and subsection 17.54.030(D), to transfer a permit to a purchaser (pursuant to subsection 17.54.030(H) of this section), or to modify or revoke a use permit (pursuant to Section 17.20.050 of this code) may be appealed only in accordance with the requirements of Chapter 17.16 of this code.

2. Any enforcement action taken by the community development director or the enforcement officer may be appealed only by requesting an administrative hearing in accordance with the requirements of Section 17.16.060 of this code.
3. Failure to timely appeal in the manner required by Section 17.16.060 of this code shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the city pursuant to this subsection.

Sandra T Vickrey  
305 Main St.  
Winters, CA 95694

May 21, 2019

Dear Planning Commission Members,

The reason for this letter is I am unable to attend the Planning Commission Meeting on May 28, 2019 as I am out of town. At the April 2019 Planning Commission meeting I spoke up about the proposed Vacation Rental Ordinance that was under discussion. I pointed out that there are several things in the proposed ordinance that do not coincide with how vacation rentals work and would be impossible to comply with and enforce. I listened to the complaints of some of the neighbors who live close to some of the local Vacation Rentals and I totally sympathize with them. I have a barking dog who lives in my neighborhood who barks at all times in the early morning and late at night and I truly wish he was a "Vacation renter!"

At the end of the meeting, I volunteered to meet with Dave Doswell to go over the Ordinance and see if we couldn't come up with an ordinance that is much easier to read, understand and enforce. Unfortunately, as of the date of this letter we have only been able to meet once and only got half way through the proposed ordinance. As you know, Dave is a very busy man and only here two days a week. My next meeting with Dave is May 22 at 2 pm which is the day Dave said he promised to get the Ordinance in your package for the May 28 Planning Commission meeting. My concern is that anything we discuss at our May 22 meeting at 2 pm will not be updated into the Ordinance.

I truly believe we can draft an ordinance that better reflects the workings of the Vacation Rental market. I think it is a great idea that we take our time to make this important document right from the start and design an Ordinance that can be a model for others to use.

Therefore, I am asking that you table adopting an Ordinance until we have had the opportunity to create an ordinance that works for all of us. I don't see the need to rush into getting something adopted "before summer begins." When I return on June 9, I am eager to continue working on the ordinance with Dave for as long as it takes and I offer my 30 years of property management experience to help with the project.

Respectfully Submitted,



Sandra T. Vickrey

ATTACHMENT C



**CITY COUNCIL  
STAFF REPORT**

**DATE:** May 21, 2019  
**TO:** Chairman and Planning Commission Members  
**FROM:** John W. Donlevy, Jr., City Manager  
**SUBJECT:** Housing Issues Overview

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**RECOMMENDATION:**

That the Planning Commission receive an introductory overview on housing issues affecting Winters, and the broader issues within the State of California, along with key policies which deal with housing.

**BACKGROUND:**

- Governor Gavin Newsom has declared that the severity of the State's housing crisis has made it one of the top issues of his administration. He has hinted at tying critical funding, such as transportation funding, to planning and production of both market rate and affordable housing in communities. He recently initiated litigation against 75 cities whose housing elements were not certified.
- The top project with the Sacramento Area Council of Governments (SACOG) in the coming months will be facilitating the Regional Housing Needs Allocation (RHNA) which is a critical portion for each city's housing element and must be coordinated with the Metropolitan Transportation Plan. SACOG has initiated preliminary planning discussions with the cities' planning staff and those discussions are ongoing.
- The City of Winters Housing Element will expire in 2021 and will require the City to develop a new plan in concert with the RHNA numbers.
- There is currently a very low vacancy rate in Winters, as there is in other communities in Yolo -as of May 14, 2019, the City has 4 existing single family homes on the market and one (1) market rate apartment unit available.

## **Housing Overview Workshop**

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- Controversy in Winters over planning!

To get a better understanding of these key issues and to frame the discussion around housing issues, this report and a presentation will cover a number of key elements of the City's housing policy and suggest avenues for additional policy discussion and possibilities on the horizon.

### **DISCUSSION:**

This report will give overviews of the following:

- City's Housing Element
- Winters Affordable Housing
- State Housing Policy, Legislation and the Governor's priorities.
- Regional Housing Policy- directives and recommendations
- City policies in relation to directives and recommendations.
- Infill Housing
- Densities
- Growth rate and housing production.
- City staff directives to developers and land owners

### **City's Housing Element:**

The State Office of Planning and Research provides State policy guidelines on city general plan housing elements as follows:

“Providing adequate housing for all residents is a priority for cities and counties throughout California. The housing element implements the declaration of State law that “the availability of housing is a matter of vital statewide importance and the attainment of decent housing and a suitable living environment for all Californians is a priority of the highest order” (Gov. § Code 65580). Provisions in the housing element are more specific and directive than other elements, and contain detailed guidance and reviews. The law also provides the Department of Housing and Community Development (HCD) with unique authority over the housing element.”

Housing element updates must be consistent with other general plan elements, including the land use element and diagrams. Integrating considerations of general plan goals and policies through the housing element and each update may improve efficiency by ensuring consistency. Additionally, incorporating a holistic view of the document will allow the housing element to compliment other elements in addressing challenges such as climate change mitigation and adaptation, and working towards local goals, such as promoting infill development, Transit Oriented Developments, and healthy, safe, and equitable communities. Periodic updates assure

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that local governments “will prepare and implement housing elements...toward the attainment of the state housing goal” (Gov. Code §65581). The law requires that HCD review and certify the housing element and that local jurisdictions submit annual progress reports to HCD. The housing element must be revised and submitted periodically on a four, five, or eight year cycle, depending on various factors (Gov. Code §65588).

The City of Winters [Housing Element](#) is on a cycle consistent with the development of the SACOG Regional Housing Needs Allocation (RHNA- referred TO and pronounced as “Ree Nah”). The certified plan was adopted in 2013 and was given an eight (8) year certification from the State’s Housing and Community Department who is responsible for the review of housing elements.

The Housing Element is based on seven strategic goals:

1. To designate adequate land for a balanced range of housing types and densities for all economic segments of the community;
2. To encourage the maintenance, improvement, and rehabilitation of the City’s existing housing stock and residential neighborhoods;
3. To encourage energy efficiency in both new and existing housing;
4. To promote the production and construction of affordable housing;
5. To ensure the provision of adequate services to support existing and future residential development;
6. To promote equal opportunity to secure safe, sanitary, and affordable housing for all members of the community regardless of race, creed, color, religion, sex, marital status, ancestry, national origin, disability, age, or sexual orientation; and
7. To preserve existing affordable housing.

A summary of the policy goals and implementation programs for the 2013 Housing Element include:

- Broad mix of housing types
- Inclusionary housing
- Housing for all economic segments
- Multi-family units for families
- Pursue Federal and State Funding
- Maintain the Affordable Housing Steering Committee
- Expedite processing.
- Avoid excess costs to housing
- Promote secondary housing units
- Promote mobile/manufactured housing
- Collaboration with non-profits
- Incentives for developers
- Mixed use/Second story dwelling units
- Local builders
- Preserve existing affordable units

### **Winters Affordable Housing:**

Upon adoption of the 1992 General Plan, the City of Winters entered litigation with the affordable housing advocacy group, Legal Services of Northern California (Michel v City of Winters) primarily due to the lack of an affordable housing plan, strategy and the location of densities in the flood overlay area. In 1994, the Yolo County Superior Court issued a stipulated judgment which provided as follows:

- 15% Inclusionary Housing City-wide.
- Stipulation that 6% of housing be dedicated to very-low affordable units and 9% to low and moderate incomes.
- Annual Reporting
- Revision of the City's Housing Element
- Coordination between the City and the Community Development Agency.

In response, the City adopted an [Inclusionary Housing Ordinance](#) which implements Michel V City of Winters and established the Affordable Housing Steering Committee which includes key stakeholders including City Council, Planning Commission, Legal Services, the Housing Authority of Yolo County and At Large members.

The City currently has nine (9) key projects in its affordable housing inventory totaling 335 units which amounts to a 14.56% inclusionary housing percentage. The projects include:

- Orchard Village Apartments- 73
- Almondwood Apartments- 39
- Winters Apartments I- 44
- Winters Apartments II- 34
- Winters Senior Apartments- 38
- Cradwick Apartments- 6
- Putah Creek Hamlet- 64
- Winters Ranch- 7
- Cottages at Carter Ranch- 30

### **State Housing Policy, Legislation and the Governor's Priorities:**

The State of California lists "housing" as the single highest economic cost for residents with transportation being second. Both the [Governor](#) and the [State Department of Housing and Community Development](#) have listed this amongst their highest priorities in addressing livability, quality of life and addressing climate change.

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In 2018, the State produced approximately 77,000 which the Governor deemed “deplorable” and he has proposed an overall goal of 3.5 million units over the next planning period. In the current legislative session the Governor and allies are proposing the following:

- Dense Housing Bill including SB50 which encourages density in and around transit and job centers.
- Rent control and stabilization
- Tenant Rights
- Preservation of existing low income housing.
- Tax credits.

The Governor has allocated \$500 million in planning grants to cities through [SB2 planning grants](#) of which the City of Winters will receive \$125,000 to plan for expanded housing development.

The current legislative session has included a significant number of bills. [HERE](#) is a list of the current bills under consideration.

### **Regional Housing Policy- directives and recommendations**

In State Planning, the authority linking transportation and planning includes extensive linkage with the various regional planning organizations and in our case, the Sacramento Area Council of Governments (SACOG). Under State guidelines, SACOG is responsible for the development of the RHNA which is meant to link with the Metropolitan Transportation Plan (MTP).

According to the [California Department of Housing and Community Development \(HCD\)](#), California has required since 1969 that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. MPOs and COGs such as SACOG play a significant role in how this is done through the Regional Housing Needs Allocation process. HCD will issue a Regional Housing Needs Determination to SACOG’s six-county region for the planning period of October 31, 2021 to October 31, 2029.

This is the sixth cycle of [RHNA](#). HCD calculates the regional determination using information provided by the California Department of Finance. The regional determination includes an overall housing need number, as well as a breakdown of the number of units required in four income distribution categories, as further defined below.

Based on the regional determination provided by HCD, SACOG must develop a Regional Housing Needs Allocation (RHNA) and a Regional Housing Needs Plan (RHNP). These State-mandated documents allocate a projected share of the regional determination to each of the cities and counties in SACOG’s six-county region.

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The RHNA establishes the total number of housing units that each city and county must plan for within the eight-year planning period. Based on the adopted RHNA, each city and county must update its housing element to demonstrate how the jurisdiction will meet the expected growth in housing need over this eight-year planning period.

The RHNA is divisive because the combination of projected need and then allocation generates concerns on growth, pace and the ability for more urban communities to achieve the allocated numbers.

The City of Winters can expect to receive our RHNA numbers by early Fall, 2019 which are then to be incorporated into our planning process once we move forward with our housing element update which will occur directly following.

In order to assist member communities, SACOG has developed the [Housing Policy Tool Kit](#) which provides planning alternatives and will be extensively advertised in the coming months.

### **City policies in relation to directives and recommendations**

The City's [Land Use](#) and [Housing](#) Elements serve as the basis for the development of key policies and directives in how proposals and programs are developed.

The SACOG Housing Policy Tool Kit includes a number of suggestions for addressing availability for a number of special groups. From the 2013 Housing Element Implementation Program, the following tools have been incorporated into our zoning code.

- Allowance for [Pre-Manufactured Buildings](#) to allow more mobile/manufactured homes within the community which are viewed as more affordable.
- Allowance for [Accessory Dwelling Units](#) which have been incorporated into State law and provide higher densities to support senior and lower income housing.
- Guidelines for [Single Room Occupancy](#).
- In 2017, the City adopted regulations for support of [Farmworker Housing](#), [Supportive Housing](#) for those with disabilities and [Transitional Housing](#) for those moving from various circumstances.

### **Infill Housing:**

A primary emphasis of “smart growth”, “new urbanism” and legislation including SB375 and AB 32 is to reduce sprawl and rejuvenate urban cores in the promotion of diversification of zoning to allow for complimentary mixed uses, vertical construction and increased residential densities which can benefit from connectivity, a pedestrian orientation, enhanced transportation, multi-model transit and shared opportunities for parking and other uses. Filling the land use within a community allows for a maximization of land use.

In Winters, the [Downtown Master Plan](#) has placed a primary emphasis on encouraging constructive re-use of properties and maximizing our small urban area. One of the defining elements of the Downtown Master Plan is the [Form Based Code](#) (FBC) which amended the zoning code by creating a special planning area to combine residential, retail and business uses within the Downtown Master Plan Area.

In relation to housing, the FBC allows the City’s highest density at 28.1 units per acre within a mixed use.

**General Plan Designation Corollary Zoning Districts:**

Housing production is predicated on the allowable densities within a community. Density allows for diversification of housing types, utility planning and the fundamentals of the overall land use plan dictating population.

The following is the land use density chart from the City’s Zoning Code.

RESIDENTIAL DENSITIES

GENERAL PLAN DESIGNATION	COROLLARY ZONING DISTRICTS	RESIDENTIAL DENSITY RANGE
Agriculture	A-1	1 unit/5 acres
Rural Residential	R-R	.5 to 1.0 units/acre
Low Density Residential	R-1	1.1 to 7.3 units/acre
Medium Density Residential	R-2	5.4 to 8.8 units/acre
Medium High Density Residential	R-3	6.1 to 10.0 units/acre
High Density Residential	R-4	10.1 to 20.0 units/acre
Neighborhood Commercial	C-1	6.1 to 10.0 units/acre
Central Business District	CBD	10.1 to 20.0 units/acre
Downtown- Form Based Code	CBD	10.1 to 28 units/acre
Office	O-F	6.1 to 10.0 units/acre
Planned Commercial	P-D Overlay	6.1 to 10.0 units/acre

**Growth Rate:**

One of the most common questions relates to “what is the City’s Growth Rate”? The reality is that growth is most often economy based and cyclical. To put it into perspective, from 2006 to 2016, single family home production in Winters was either zero or a single digit by number and less than one tenth of a percent, total.

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Beginning in 2016, the City had 615 single family units approved with entitlements to build. The actual and projected growth (based on 2,300 current units) is as follows:

2016- 34 units (1.4%)	2021-78 units (3%)
2017- 36 units (1.4%)	2022-78 units (3%)
2018- 4 units (.007%)	2203-78 units (3%)
2019- 54 units (2%)	2024-78 units (3%)
2020- 78 units (3%)	2025-78 units (3%)

Given economics and averages, over a 20 year period 2006-2025 the total residential growth rate would be 1.14% average with a peak of 3% annual growth.

### **City Staff Direction to Developers and Property Owners:**

The City Staff operates under the direction of the City Council and the City's General Plan and its Housing Element which serves as the advocating document for implementing housing direction. The policies outlined in the 2013 Housing Element are critical to housing discussions and serve as the primary reference point, as will a new housing element in 2021 once adopted by the City Council.

Some priority items Staff is telling developers and property owners who come to talk about housing are the following:

- Market rate rental housing for Winters is critical.

The City falls within the Solano County rental market. In order to qualify for a market rate rental unit the income qualification is currently \$36 per hour or \$74,855 in annual income, shutting most young people and families out of the market. To see the Solano Housing Report, go [HERE](#).

In a recent discussion with a housing developer, the approximate cost for a market rate apartment is approximately \$240,000. For an "affordable unit" the costs now exceed \$350,000.

- Affordable housing which integrates into the overall plan along with moderate housing being constructed within projects is critical.
- Presenting Affordable Housing Plans are a must before any subdivision is submitted and must be submitted in conjunction with any subdivision.
- Planning is viewed as critical for meeting future needs and addressing climate related issues.
- Downtown Infill Projects with mixed uses with residential is viewed as highly desirable

**FISCAL IMPACT:** None by this action.