

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, June 25, 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

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. Corrected minutes of April 23, 2019 meeting of Planning Commission.
- B. Minutes of the May 28, 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. Discussion Item - Economic Development Advisory Committee Report.

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 JUNE 20, 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 Winters 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.

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Commissioner Adams abstained due to conflict.

Planner Dowswell gave an update with minimal changes to 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, stated that the 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 stating that more than ten guests can stay at a vacation rental with Planning Commission consent.

Planner Dowswell stated that 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 that it would be difficult to prove how many people were staying at a home but believed it would be beneficial to allow the Planning Commission to vote on a guest list that exceeds ten.

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 that the diagonal parking will include additional parking that will include ADA restricted parking spaces. The one-way street will be consistent with the bulk of the traffic that comes off of Railroad Avenue already.

Commissioner Schrupp stated that certain fire safety vehicles would 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

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
MAY 28, 2019**

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

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

ABSENT: Riley

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Economic Development and Housing Manager Dan Maguire, Management Analyst Dagoberto Fierros

Matthew Keys, staff writer of the Winters Express, led the pledge of allegiance.

CITIZEN INPUT: Matthew Keys discussed a correction that was made on a story originally published in May 2019 that stated Chairman Myer denied a request for comment. Chairman Myer never denied the request. Keys stated that the May meeting of the Planning Commission will be his last as a staff writer for the Winters Express. Keys expressed his gratitude for City staff, City elected officials, and the community for their support.

CONSENT ITEM:

- A. Minutes of the April 23, 2019 regular Planning Commission meeting.

Commissioner Contreras suggested edits on the minutes.

Vice Chair Baker moved to table minutes until the June meeting.

STAFF/COMMISSION REPORTS:

A few members of the Planning Commission attended a Planning Commissioners workshop in West Sacramento on May 18, 2019.

DISCUSSION ITEM:

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 - 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.

Commissioner Adams abstained due to conflict.

Planner Dave Dowswell gave an update on the draft vacation rental ordinance. Parking for guests will be limited to parking availability on the property. Property owners within 300 feet of property approved will only

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MAY 28, 2019**

be notified for the public hearing and not after approval. Applicants that would like to have more than ten guests because the property can accommodate for that, will be sent to the Planning Commission.

Chairperson Myer addressed rental issues that were brought to his attention by neighbors.

PUBLIC COMMENTS:

Abigail Vargas, 1012 Taft Court, stated that her property has a secondary unit they plan to rent out for short term rentals. The long term goal is have her aging parents live in the secondary unit eventually. Vargas expressed her displeasure with the proposed ordinance because it is too restrictive. Vargas proposed changes and requested clarification of the language in various parts of the proposed regulations.

Benny Dippel, owner of 726 Lupine Way, shared his personal experience with vacation rentals. Divil is against the proposed ordinance.

COMMISSIONER/STAFF COMMENTS:

Commissioner Contreras stated that the proposed ordinance should be utilized through an enforcement mechanism.

Chairman Myer requested the item be moved to a future meeting in order to give individuals more time to meet with staff.

Vice Chair Baker moved to bring the item back to the June 25, 2019 regular Planning Commission meeting. The public comment period will remain open.

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

NOES: None

ABSTAIN: Adams

ABSENT: Riley

DISCUSSION ITEM:

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

Manager John Donlevy shared a report on housing issues from the state level down to the local level. Donlevy stated that the rental vacancy rate in Winters is almost always zero. The City's Housing Element expires in 2021. The state mandated Regional Housing Need Allocation (RHNA) will have an impact on the City's Housing Element future update. Governor Gavin Newsom has proposed an overall goal of producing 3.5 million units over the next planning period. New legislation and state pressures will presumably have an effect on the City of Winters.

PUBLIC COMMENTS:

Kate Laddish, 400 Morgan Street, apartment 21, stated that the densities proposed in the north area of the general plan will not meet the RHNA. She suggested that the City get creative in the affordability, density, climate compatibility for future developments. Laddish suggested the City of Winters invite SACOG Senior Planner, Greg Chew, to present RHNA at a future Planning Commission meeting.

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STAFF/COMMISSION REPORTS: None

ADJOURNMENT: Chairman Myer adjourned the meeting at 8:13pm.

ATTEST: _____

Dagoberto Fierros, Management Analyst

Paul Myer, Chairman

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NOES: None

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STAFF/COMMISSION REPORTS: None

ADJOURNMENT: Chairman Myer adjourned the meeting at 8:13pm.

ATTEST: _____

Dagoberto Fierros, Management Analyst

Paul Myer, Chairman



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: June 25, 2019
FROM: David Dowswell, Contract Planner 
SUBJECT: Public Hearing and Consideration of proposed amendments to Chapter 17.12, Planning Agency and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance).

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

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend the City Council find the proposed amendments 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 2019-02 amending Chapter 17.12, Planning and adding Chapter 17.54, Vacation Rentals to Title 17 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.

Currently, the City of Winters does not regulate 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. On May

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.

On May 28, 2019 the planning commission at a noticed public hearing took testimony from Benny Dippel and Abby Vargas on the draft ordinance. Both had a number of comments and questions about the ordinance. The commission encouraged the speakers to forward their comments to staff and if possible meet with staff directly. At the conclusion of hearing the planning commission continued the public hearing to June 25, 2019.

On June 12, 2019 staff met with Abigail Vargas to discuss the proposed ordinance. Staff also met with Benny Dippel (by phone) and Sandy Vickrey on June 13, 2019. Based on the comments received a number of additional changes were suggested. They included:

- Amending Section 17.54.030B7 to require rental rules be posted or provided at the residence.
- Deleting the requirement in Section 17.54.040D1 that the prospective renter shall sign an agreement acknowledging the house rules.
- Eliminating the first sentence in Section 17.54.040E requiring the rental permit number is included in the advertisement for a vacation rental because this language is unnecessary.
- Simplifying the language in Section 17.54.040F1 and 2.
- Combining Sections 17.54.040I (formerly J)2 and 3 into one section.

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, 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. The proposed ordinance has language allowing for annual 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. Staff does believe each facility should be subject to an annual building/fire inspection review.

Hosted and Non-hosted Vacation Rentals and Limiting Their Numbers

The proposed ordinance does 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.

At the various study sessions the commission has 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. They felt allowing more than 10 persons to stay in a vacation rental would be unfair to the neighbors who bought their house wanting not to be adversely impacted by such a use. Commissioner Contreras felt 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 proposed ordinance prohibits vacation rentals from being 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.

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 (staff) to approve hosted vacation rental permits, subject to a simplified public hearing process. Non-hosted facilities will be required obtaining a use permit from the planning commission. Allowing staff to approve or deny a permit for hosted facilities will 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 meetings with Sandy Vickrey, Abigail Vargas and Benny Dippel

Staff supports most of the changes proposed as a result of the meetings with Sandy Vickrey, Abigail Vargas and Benny Dippel. They simplify and clarify the ordinance making it less cumbersome and easier to understand.

ATTACHMENTS:

- A. Draft Vacation Rental Ordinance
- B. Clean version Vacation Rental Ordinance

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 (1/2) 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 on the property of 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.

Comment [DD2]: Modified this language and the language in 17.54.040(G)(1) for those instances where there are multiple structures on the same property.

“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-Insure~~ all designated bedrooms meet ~~all~~ current building and fire codes. An inspection by the City may be necessary to verify compliance-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 [DD3]: Deleted using number of guests to determine parking needs because more than two guests could come in one car.

Comment [DD4]: 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 Transient Occupancy Tax Ordinance (Chapter 3.24) and the city's Business License requirements Ordinance (Chapter 5.04 of this code) 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. Post or Pprovide a copy of the rental agreement, rental rules and regulations, and any associated materials as required by subsection 17.54.040(D).

Comment [DD5]: Simplified language to allow the owner to post at the site.

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 [DD6]: We include this language as a standard condition of approval for all entitlements.

~~11~~9. 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.

Comment [DD7]: Added language to clarify that fee is only paid when initially establishing at an address.

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 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~~may~~ 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 Transient Occupancy Tax Ordinance (Chapter 3.20) and the Business License Ordinance (Chapter 5.04 of this code) 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 current building and fire codes, section, and particularly including this paragraph.

Comment [DB8]: 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.~~

Comment [DD9]: Most of the items mentioned above are required by the 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. 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.~~

Comment [DD10]: Deleting this requirement as a result of the change to Section 17.54.030B7.

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 the in a~~ vacation rental unit, this includes any property that has multiple habitable buildings.

Comment [DD11]: 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 [DD12]: Added this alternate 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 [DD13]: 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 [DD14]: 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.

Comment [DD15]: Simplified the language.

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 [DD16]: 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.~~

Comment [DD17]: Deleted this requirement.

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.

Comment [DD18]: Deleted this requirement. Unnecessary.

F. For each vacation rental use:

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

Comment [DD19]: Simplified wording.

2. The owner (~~hosted accommodation~~) ~~and or~~ the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within one (1) ~~day 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.

Comment [DD20]: Changed to one day. One hour isn't reasonable. In most cases staff is available until the next day.

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

Comment [DD21]: This section only applies to non-hosted facilities.

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 [DD22]: 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.

Comment [DD23]: Deleted this section as this language is included in the definition for a "hosted" facility.

~~HG.~~ 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.

~~H.~~ 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.

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

Comment [DD24]: Made it a "may" because rental unit is inspected at the outset when permit is issued. Only would inspect if there is reason too.

1. ~~If an inspection is required by the city~~ 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 Transient Occupancy Tax Ordinance (Chapter 3.24) and Business License Ordinance (Chapter 5.04) of this code).

~~3. The owner shall document compliance with all requirements of the Transient Oecupancy 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).~~

Comment [DD25]: Combined with Section 17.54.040I2 above and deleted second sentence because this language is unnecessary.

Comment [DD26]: In most instances the City creates the 300 foot mailing list. The city is responsible for mailing out the notices not the applicant.

K.J. Following an annual permit review (pursuant to subsection **J.I** 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.K. 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

Comment [DD27]: Is this section needed? If yes do we simply need to reference Chapter 1.16 or include all of the language?

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.~~

Comment [DD28]: Chapter 1.116 discusses enforcement and the fines for violating regulations in the Municipal Code.

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 (1/2) 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 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 on the property of 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. Insure all designated bedrooms meet current building and fire codes. An inspection by the City may be necessary to verify compliance.
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 Transient Occupancy Tax Ordinance (Chapter 3.24) and the city's Business License Ordinance (Chapter 5.04) of this code, and any additional administrative regulations as determined by the community development director necessary to implement this section.

7. Post or provide a copy of the rental agreement, rental rules and regulations.

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).

9. 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.)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.

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.)10 of this code. The community development director, at his or her discretion, may 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 Transient Occupancy Tax Ordinance (Chapter 3.20) and the Business License Ordinance (Chapter 5.04 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 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, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:

1. 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.

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. 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 and 10:00 p.m. to 7:00 a.m. Friday and Saturday.

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 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.

E. 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 or the authorized agent must be available by telephone at all times, twenty-four (24) hours per day, while the vacation rental is rented.

2. The owner or the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within one (1) day of being notified (by a renter, or enforcement officer) there is a need for the owner 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. 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.

H. 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.

I. Each vacation rental permit issued pursuant to this section may be subject to an annual permit review and building and fire inspection.

1. If an inspection is required by the city 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 Transient Occupancy Tax Ordinance (Chapter 3.24) and Business License Ordinance (Chapter 5.04) of this code.

J. Following an annual permit review (pursuant to subsection I 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.

K. 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.



**CITY COUNCIL/PLANNING COMMISSION
STAFF REPORT**

DATE: June 26, 2019
TO: Planning Commission
FROM: John W. Donlevy, Jr., City Manager
SUBJECT: Economic Development Advisory Committee Report

RECOMMENDATION:

That the Planning Commission:

1. Receive an overview of the report and recommendations prepared by the Economic Development Advisory Committee; and
2. Provide input to Staff and comments on how to proceed.

BACKGROUND:

Beginning in July, 2018, the City had an open committee dedicated to the formulation of recommendations to advance the City's economic development potential. The process included structured meetings, homework and eventually idea building and visioning on potential means for enhancing the economic development potential. In the end, the goal was to work toward closing the imbalance of jobs and housing, spark community vitality and enhancing the City's collaboration with local and regional partners.

Discussion:

The Final Report and Recommendations are located [HERE](#).

Some key documents and information from the Committee include the following:

- The Committee Agendas, Syllabus, Members, Speakers and Meeting dates are [HERE](#).
- The tasks of the Committee as adopted by the City Council are [HERE](#).

**Economic Development Committee Report
Planning Commission Workshop- June 26, 2019**

Page 2

- A review of the 2018 Sacramento Regional Report from the Brookings Institute was presented. [HERE](#) is the presentation and [HERE](#) is the Report. The updated Prosperity Framework from the 2019 SACOG Goal Setting Workshop is [HERE](#).
- Presentations were provided by representatives from the Solano Economic Development Corporation ([HERE](#)) and Solano Community College ([HERE](#)) on how the City can best seek to collaborate with regional partners.
- Background information provided to and reviewed by the Committee included [Winters Revenues and Sales Taxes](#), [Zoning Descriptions](#) and a [Map with Acreages](#), a review of the [City's Flood Zone with fees and acreages](#).
- A presentation on the City of Davis' 2014-16 "Achieving the Vision" strategy was also included [HERE](#).

Staff will be giving a presentation and an overview on the recommendations and is asking for discussion and direction related to the report.

FISCAL IMPACT: None by this action.



Economic Development Advisory Committee Report

In August 2018, the City convened the Economic Development Advisory Committee (EDAC). The group consisted of business owners, community members, Winters Chamber of Commerce members and a representative from Winters School District to develop recommendations to advance the economics of the City of Winters. The Committee held several meetings which focused on a variety of topics, including the fundamentals of the Winters economy, zoning and land use, regional issues, collaborations and “idea building” to generate recommendations for economic development.

The following report provides recommendations, background and analysis to support suggested steps for the City Council to consider.

Summary:

The EDAC has formulated recommendations for the City, which can bolster the local economy while maximizing the opportunities for smart, sustainable and prudent development. These recommendations propose to generate jobs, expand local investment, increase local revenues and allow needed growth to maximize local potential.

To accomplish this, the recommendations focus on:

- Collaborating with local and regional partners to create enhanced connections and synergy in developing business and economic opportunities for Winters.
- Generating “next steps” for the Central Business District and Downtown to maximize and advance existing planning and strategies.
- Exploring the expansion of some economic uses in strategic geographic locations.
- Planning and reconfiguration of some land use designations to increase opportunities for economic development, reduce development costs and provide better connectivity and access to business within the town.
- Seeking agricultural opportunities to develop local agricultural industries and provide for future opportunities through supportive zoning and operational practices.

The recommendations are broken down into two main categories Economic Strategy and Collaboration and Land Use, Developable Land and Flood Zone.

Recommendations:

Economic Strategy and Collaboration:

The need for a collaborative approach in expanding the Winters economy is seen as a critical step in attracting the development of quality business and industry. A combination of City, Chamber and business connections will be developed to seek and expand Winters economic base.

The recommendations include:

1-A. Economic Development

Coordinator/Office: The purpose will be to encourage collaboration between the City, Chamber and the business community to actively recruit new and desirable businesses to town. This would include the hiring of an Economic Development Coordinator who dedicates time and effort to economic recruitment. A dedicated office within the Downtown core will be established to serve as a hub for economic activity and a meeting place for prospective new businesses, property owners and investors. The office will develop marketing tools for recruitment to include web, print and video resources.

1-B. Establish a local Economic Development

Advisory Board: This group will consist of key community representatives available to meet and recruit prospective new businesses. The City Council, City Manager, Winters Chamber and business owners will appoint members to this group mainly from the private sector. The Economic Development Coordinator will facilitate the group.

1-C. Economic Development Partnerships: The Economic Development Coordinator and the Economic Development Advisory Board will work with regional collaborators such

as Solano College and the Solano Economic Development Corporation to maximize outreach and business development opportunities. Within the region, the most successful economic development has occurred when the private sector has taken the lead in bolstering the local economy with support from the cities. It is important to establish key partnerships to recruit and attract businesses. Additionally, collaboration with educational institutions that support industry is viewed as a key means of attracting and supporting businesses and economic growth.

1-D. Economic Development Strategy: The Economic Development Advisory Board will identify and recruit key businesses and industries to develop the City's economic base including those businesses that tie into Winters regional agricultural heritage.

Land Use, Developable Land and Flood Zone:

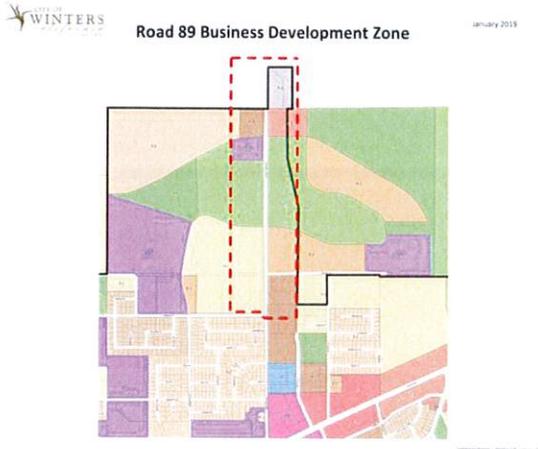
The City has very limited land zoned for economic and job development which reduces the overall area available for any significant development to occur. One of the key constraints to economic development is the existence of a flood zone, which limits development from both a physical and financial standpoint.

The Committee recommends that the City work with landowners to resolve key issues, strategically plan the area for the economic benefit of the City and to work in a manner that creates more developable land, which is economically feasible.

The recommendations are as follows:

2-A. Diversify Zoning on Road 89 for

Business Development: Rezone for a business district along Road 89 north from Anderson Street to include office and light industrial. This will allow the existing businesses to conform to zoning regulations.



The importance of creating a more centralized light industrial/office park business district which combines both commercial and local serving businesses is seen as an opportunity for local entrepreneurs, contractors and businesses to enhance our local economy.

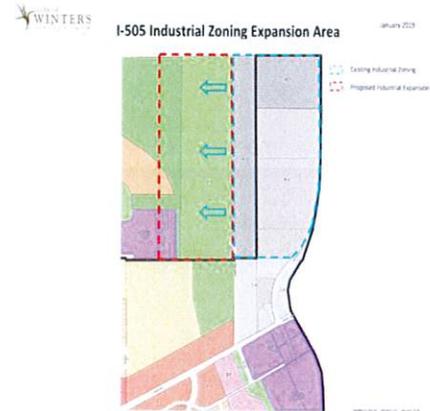
2-B. North Area Zoning and Planning: The City will work collaboratively with north area property owners to plan and expand economic development zoning. Essentially a zoning clean up will add available land for economic



development purposes.

2-C. Expand Light Industrial Zoning along

505: The City will work with property owners to re-zone and modify the area along 505 to include additional light industrial zoning, a business park and agricultural support businesses.



2-D. Downtown Plan implementation and Infill

Development: The City will pursue infill and office development along the Railroad Avenue Corridor from Grant Ave to Putah Creek. This will fill the downtown with office, residential and commercial uses.

The Master Planning has essentially transformed the area, the Form Based Code/Development Standards gives tremendous latitude on uses throughout the area, the Alley Activation (Newt's Expressway) will enable Main Street to maximize all sides. The Historic Preservation study is a guide as to what is needed to activate the second floors in the downtown commercial area; and the Parking Master Plan addresses parking issues that will be associated with development of the second floors.

- **Downtown Master Plan** was adopted in 2006 and provided for the overall redevelopment of the City's downtown. The plan includes: infrastructure, zoning, parking, building preservation/renovation and pedestrian and bike policies.
- **Form Based Code** (FBC) was adopted in 2009 and is a land use regulating plan for the Downtown Zoning District. The FBC is located within the **Downtown Master Plan Area** and consists of an overall **Regulating Plan** and includes **Development Standards**.
- **Alley Activation Plan** is a sub-plan for the Downtown Master Plan and includes strategies and land allowances for the activation of a vibrant use of alleys in the downtown core. Currently, this only addresses Newt's Expressway.
- Historic Preservation studies have been developed for the possible rehabilitation of key properties within the historic downtown core. These include the **Downtown Market Feasibility Study**, which was completed in 2009 and evaluated the Devillibis Hotel, Putah Creek Café and Masonic Buildings with costs for seismic and functional retrofits.
- **Parking Master Plan** for Downtown Winters outlines the goals and plans to improve parking within the area.

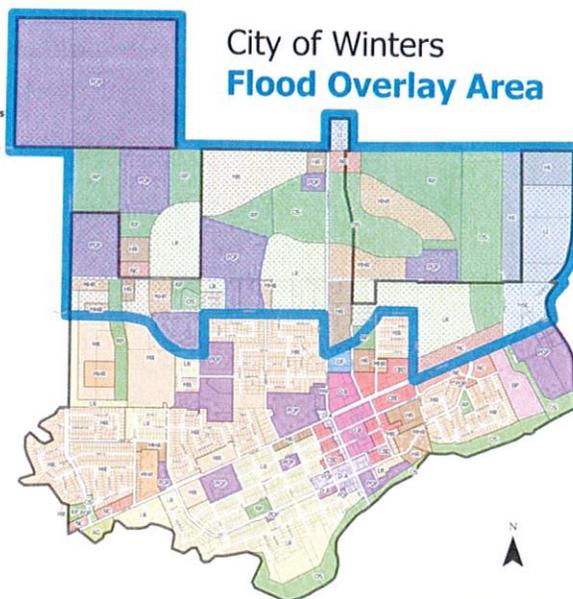
Utilization of the planning documents to promote and maximize office, commercial and higher density residential development within the core area will bring vitality and help the economics of the City.

- 2-E. **Expand Downtown Master Plan to include Russell Street:** This will include Russell Street between Railroad and First Street.
- 2-F. **Include Ag industry in Industrial Zoning:** Including agriculture in combination with manufacturing and processing will add value to local business. This would aid in the recruitment of Ag businesses and the potential for an agricultural "hub" in a single location.
- 2-G. **Resolve Flood Area Issues and make land more economically feasible for development:** The majority of property available for economic development activity is located within a flood zone that has significant impact fees making future development of this land costly. In order for economic activity to happen, the City must work with owners of these properties to develop a feasible solution, which could lower development costs.



General Plan Land Use Designations

AG	Agriculture
BP	Business/Industrial Park
NC	Neighborhood Commercial
CBD	Central Business District
HSC	Highway Service Commercial
D-A	Downtown A
D-B	Downtown B
HI	Heavy Industrial
LI	Light Industrial
OF	Office
OS	Open Space
PR	Parks and Recreation
PQP	Public/Quasi-Public
LR	Low Density Residential
MR	Medium Density Residential
MHR	Medium/High Density Residential
HR	High Density Residential
RR	Rural Residential
Flood Overlay Area	
City Limits	



Recommendation H focuses on the key deterrent to local economic development, which

is the existence of a "flood area" which makes the development of business both practically and economically unfeasible. The need for a comprehensive flood solution that addresses issues while enabling development is needed for the overall fiscal sustainability of the City. The flood area includes 1,031 acres of land, of which only 465 acres (45%) are zoned for development uses. This means that 566 acres (55%) are exempted from impact fees making the balance carry the full cost load for the flood facilities that causes, in most cases, that the flood fees are higher than the actual value of the land.

The ability to find a solution along with expansion of land zoned for development will help reduce fees, increase the number of acres for job creation and make Winters more attractive for development.

Strengths, Weaknesses, Opportunities and Threats:

Strengths:

- Location and Proximity to key regions (Sacramento, Bay Area, I80 and I5)
- Ag Economy
- Credibility and a relaxed environment
- Current and Future Housing Development
- Downtown and C-2 Zonings
- Downtown plans, zoning and infrastructure is in place.

Weaknesses:

- Lack of Overall Strategy to attract businesses
- Lack of commercially zoned land/properties

- Ratio of Industrial zoning to parks/other
- Flood Fees and the flood zone
- Not enough job producing land available.
- Lack of Office space
- Lack of light industrial/business park
- Availability of affordable market rate housing (apartments)

Opportunities:

- Cut red tape for new businesses
- Ag Business- Processing/Zoning/Manufacturing/Value adding
- Downtown second stories
- Small businesses
- USDA- Our size, location etc make us ripe for loans and grants
- Reputation- We have a positive reputation with large business- PG&E
- Solano College
- We can move some zoning west to increase light industrial zoning.
- Increase commercial up Rd 89
- Proximity to biotechnology, agricultural production and businesses like ICON Aircraft.

Threats:

- Losing small town feel.
- Lack of commercial zoning.
- Parking
- Market rate rentals.
- Vacaville- they already have everything in place.

Addendum
Land Use and Economics Review

Economic Analysis:

Revenues:

The City of Winters is currently financed with the property and local taxes which make up the majority of the local economy (61% of all General Fund Revenues come from 3 sources). Top revenues funding general City services includes:

- Property Taxes/In Lieu- 28%
- Local Taxes (UUT and Muni Tax) 20%
- Sales Taxes 13%

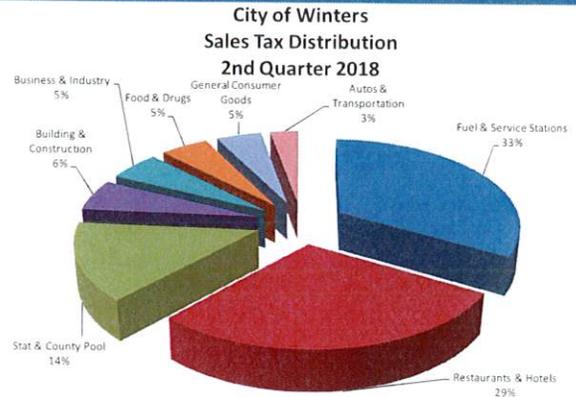
Below is a chart that shows the actual Revenues for the Year July 1, 2017 through June 30, 2018.

Source: 2017-2018 City of Winters Comprehensive Annual Financial Report (CAFR)

With the development of the projected hotels, the City anticipates that the revenue generated from these businesses will exceed \$600,000 annually and make the Transient Occupancy Tax (TOT) the number four revenue after the first year of operation.

Sales Tax Overview:

Community “sales taxes” become a reflection of both the economic vitality and diversity of the local economy because it includes the spending of both visitors and residents in support of local business. For Winters, it is clear that the visitor serving businesses provide the majority of sales within the community. The following is a breakdown of sales taxes:



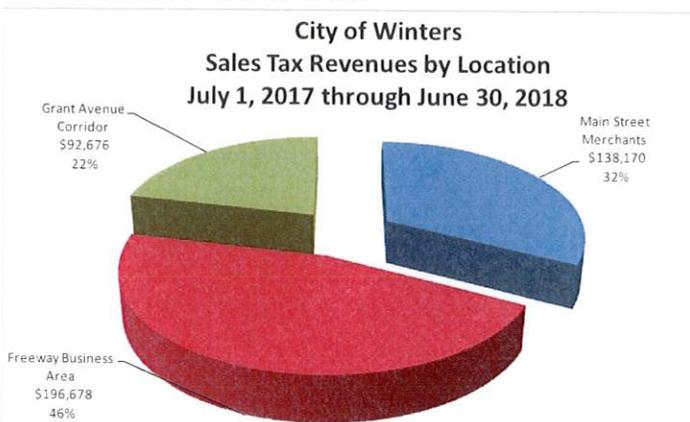
1. Fuel and Service Stations-33.1%
2. Restaurants- 28.7%
3. State and County Pools- 14.4%
4. Comparison Goods(General Consumer Goods)- 4.7%
5. Other- 19.1%

The most telling number that leakage is occurring is “comparison goods” which represents the most consumable purchases made by both residents and businesses (clothing, furniture, electronics, vehicles, etc). In a 2006 economic sustainability study, it was estimated that that 95% of all shopping by Winters residents is occurring outside the City. This is a reflection of both the lack of such businesses and the need to increase the “critical mass” of the population to support these types of enterprises opening within the City.

In the four quarter period July 1, 2017 through June 30, 2018, the City generated \$539,915. 79.2% of all sales tax is generated by 56 businesses, with 97 businesses generating the balance of sales tax (20.08%). The top sales tax generation is broken down geographically as follows:

- Freeway (36.4%)- 4 businesses
- Downtown (25.6%) 42 businesses
- Grant Avenue Corridor (17.2%) 10 businesses

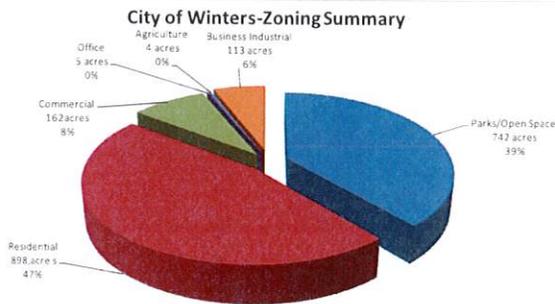
Sales tax is viewed as a potential for significant revenue growth for the City with the potential to capture “local” spending by both residents and businesses.



SALES PER CAPITA



Comparatively, the City of Winters receives approximately \$2,000 “per capita” in sales taxes compared to \$4,200 (average) of the other Yolo County cities and the \$4,000 average for the rest of jurisdictions within the State of California.



Land Use and the Flood Area:

The City of Winters General Plan and Sphere of Influence Area equals approximately 1,924

City of Winters-Zoning Summary

Description	Acres	% of Total
Parks/Open Space	742 acres	39%
Residential	898 acres	47%
Commercial	162 acres	8%
Office	5 acres	0%
Agriculture	4 acres	0%
Business Industrial	113 acres	6%
Total	1,924	

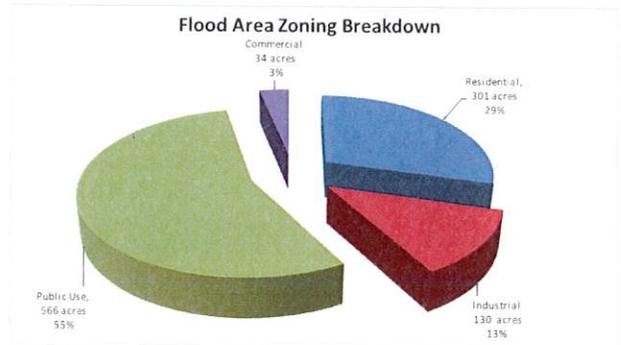
acres. The breakdown of total acreage and zoning is shown in the following table. The total General Plan area for the City includes 1,924 acres. Residential and Parks/Open Space make up 85% of the total zoning leaving less than 15% for economic purposes such as jobs and revenue production.

Zoning	Acres	% of Total
Residential	301	29%
Industrial	130	13%
Public Use	566	55%
Commercial	34	3%
Total Flood Zone	1,031	

Flood Area:

The Flood Area of the City encompasses approximately 1,031 acres or 53% of the total City and Sphere. Within this area, 55% of the land is zoned for “public uses” (parks, open space, PQP), 29% for residential, 13% for business/industrial and 3% for commercial.

From an economic development standpoint, the City has very little remaining land which is zoned for job producing uses. The light and heavy industrial uses are burdened by exorbitant flood fees which are caused by the predominance of public uses designated within the flood area.



Typical per acre flood fees for light and heavy industrially zoned properties are between \$59,000 and \$63,000 creating a huge cost burden causing the typical per acre combined cost for impact fees exceeding \$100,000, essentially pricing Winters out of the competitive market for development versus neighboring communities.

City of Winters Flood Zone Fees							
Zone	1	2	3	4	5	5A	5B
RR	\$47,432						
R-1	\$50,060	\$66,905		32,597		\$49,383	\$29,931
R-2		\$80,414		\$39,178			
R-3		\$78,102		\$38,052			
R-4		\$78,653		\$38,321			
NC		\$85,477		\$41,645			
HI		\$75,888	\$59,006				
LI			\$62,727		\$40,132		
HSC					\$41,186		
PC						\$61,107	\$-
Com/BP							

