

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, February 25, 2020 @ 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. Minutes of January 28, 2020 meeting of Planning Commission.

V DISCUSSION ITEMS:

- A. Consideration of the Affordable Housing Plan for the Walnut 10 Tentative Subdivision Map to subdivide 10 acres into 54 lots. The property is located at the north end of Walnut Lane.
- B. Public Hearing and Consideration of Site Plan/Design review of a second story addition and new garage locate at 202 Russell Street. (Continued from the January 28, 2020 meeting.)
- C. Public Hearing and Consideration of an application by Homes by Towne of Ranch Cordova to amend the Tentative Map for the 395-lot subdivision of the Winters Highlands (Stones Throw) Development located off Main Street north of Grant Avenue (SR 128).
- D. Public Hearing and consideration of various amendments to Title 17 (Zoning Ordinance) of Winters Municipal Code which includes the following entitlements.
- a. Finding the project Statutorily Exempt from CEQA Section 15268, Ministerial Projects.
 - b. Recommending the City Council adopt an ordinance which amends the City's local regulatory scheme (Chapter 17.98, Accessory Dwelling Units or ADUs) for the construction of ADUs and Junior Accessory Dwelling Units (JADU) to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. (Continued from the January 28, 2020 meeting.)

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 FEBRUARY 20, 2020



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
JANUARY 28, 2020**

***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, Vice Chair Baker, Chairman Myer

ABSENT: Commissioner Schrupp

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Building Official Gene Ashdown, Management Analyst Dagoberto Fierros

Building Official Gene Ashdown led the Pledge of Allegiance.

CITIZEN INPUT: Chris Flores, Civic Spark Fellow representing the City of Winters, gave a presentation on the creation of the Climate Action Plan Development Board and all duties related to the Climate Action Plan. Commissioner Altamirano was appointed to the board.

CONSENT ITEM:

- A. Minutes of the December 10, 2019 regular Planning Commission meeting.

Commissioner Contreras moved to approve, Vice Chair Baker seconded. Motion Carried.

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

NOES: None

ABSTAIN: None

ABSENT: Commissioner Schrupp

DISCUSSION ITEMS:

- A. Public Hearing and Consideration of Site Plan/Design Review for a new two-story triplex located at 611 Second Street.

Planner Dave Dowswell gave a presentation of the project.

CITIZEN INPUT:

Mike Ahumada, 210 Grant Avenue, asked for clarification on the square footage of the project and if variances were applied to the project.

Dowswell followed up and stated no variances were needed for this project.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
JANUARY 28, 2020**

COMMISSIONER/STAFF COMMENTS:

Vice Chair Baker stated a condition should be added that a certified arborist should provide a report of the health of the tree throughout the project. Baker asked if the project is required to abide by certain accessibility requirements.

Building Official Gene Ashdown stated the project is not required to meet accessibility requirements under the current code.

Don Jordan, project manager, addressed minor changes to the project. The bricks on the walkway and the grid windows will not be included in the project.

Commissioner Riley stated the importance of having an arborist report for this project.

Commissioner Contreras asked if a middle ground can be reached regarding saving the tree and design review guidelines.

Chairman Myer suggested the conditions of approval include fence repairs and replacements include reinforced fencing with metal posts.

Vice Chair Baker moved with changes to conditions of approval. Commissioner Riley moved. Motion Carried.

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

NOES:

ABSTAIN:

ABSENT: Commissioner Schrupp

DISCUSSION ITEMS:

- B. Public Hearing and Consideration of Site Plan/Design Review of a second story addition and new garage located at 2020 Russell Street. (Applicant has requested a continuance to February 25, 2020.)
- C. Public Hearing and Consideration of various amendments to Title 17 (Zoning Ordinance) of Winters Municipal Code which includes the following entitlements:
 - 1) Finding the project Statutorily Exempt from CEQA Section 15268, Ministerial Projects.
 - 2) Recommending the City Council adopt an ordinance which amends the City's local regulatory scheme (Chapter 17.98, Accessory Dwelling Units or ADU's) for the construction of ADU's and Junior Accessory Dwelling Units (JADU) to comply with the amended provision of Government Code sections 65852.2 and 65852.22.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
JANUARY 28, 2020**

Commissioner Riley moved to carry over items B and C to the February 25, 2020 Planning Commission Meeting. Altamirano Seconded.

COMMISSIONER/STAFF COMMENTS:

None.

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

NOES: None

ABSTAIN: None

ABSENT: Commissioner Schrupp

COMMISSIONER/REPORTS:

Manager Donlevy thanked everyone who participated in the joint City Council and Planning Commission Meeting. Donlevy stated the Planning Commission will play an important role in the City of Winters Housing Element update.

ADJOURNMENT: Chairman Myer adjourned the meeting at 7:05 p.m.

ATTEST: _____

Dagoberto Fierros, Management Analyst

Paul Myer, Chairman



**PLANNING COMMISSION
STAFF REPORT**

TO: Board Chair and Members of the Planning Commission
DATE: February 25, 2020
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Walnut Lane 10 – Proposed Affordable Housing Plan

RECOMMENDATION:

That the Planning Commission:

1. Receive a Staff Report on a proposed Affordable Housing Plan for the Walnut Lane 10 Subdivision;
2. Make recommendation, along with any suggested modifications, to the Winters City Council in support of the proposed Affordable Housing Plan between the City of Winters and the Walnut Lane 10 developer, in order to amend the fulfillment of the affordable housing requirements.

BACKGROUND:

Since 2006, the City has entered into five (5) development agreements with various developers for the subdivision and development of residential projects. In 2007, the real estate market essentially “crashed” and none of the proposed projects proceeded. Because of this, amendments have been initiated and adopted over the past six years to keep the agreements current and viable for when the real estate market returns.

In August of 2013, the City Council approved amendments to the Hudson Ogando & Creekside Estates Subdivision Development Agreements and subsequently to the Winters Highlands Subdivision Development Agreement. These amendments included a revision to the affordable housing obligation, essentially “modernizing” the agreements to acknowledge the new fiscal realities of residential development. The modification included the payment of in lieu fees, in lieu of constructing the very low- and low-income housing required of the project under the existing Development Agreement. The Hudson Ogando & Callahan projects were obligated to pay \$360,000 in in-lieu fees, with the City taking on the production responsibility for 12 very low-income units, and 10 low income units.

For the Winters Highlands project, the approved Affordable Housing Plan established an in-lieu fee of \$2,000,000 for the project, as well as the dedication of a two-acre parcel zoned R-4., with the City taking on the production responsibility for 24 very low-income units and 18 low-income units.

Subsequent to these actions, Staff has been working with the developers for the Walnut Lane 10 subdivision for similar modifications to their Affordable Housing Plan to encourage construction of their project.

DISCUSSION:

In the Walnut Lane 10 Affordable Housing Plan proposal discussions, Staff focused on a number of key elements, which included the following:

1. Acknowledgement of the development of affordable housing consistent with the obligations of the project, pursuant to the existing Inclusionary Housing Ordinance.
2. Allowed for flexibility in proposed project layout and in lieu fee payments.
3. Maintained consistency with the City's adopted Housing Element Update (2013-2021) and Inclusionary Housing Ordinance (Ord. 2010-18).

The revisions of the initial proposed Affordable Housing Plan agreement were based on a very pragmatic approach to creating a balance between a project which will bring a quality project to the City and one which is financially viable to build for the developer.

In the discussions with Walnut Lane 10 developers, the focus has included each of the items above, but also has included an open discussion on the provision of affordable housing issues, which was brought before the Affordable Housing Steering Committee (AHSC) on August 22, 2019 for possible amendments to the initial proposed Affordable Housing Plan. Subsequent to the August 22nd meeting, staff worked with the Walnut Lane 10 developer on revisions to the AHP, with the revised Affordable Housing Plan presented to the AHSC on October 29, 2019 and the final meeting with the AHSC on January 14, 2020. The AHSC was unanimous in recommending approval of the final revision of AHP to the Planning Commission and City Council

DISCUSSION:

Project Description and Amendment:

The development on the 10.0-acre property consists of 54 lots, Assessor's Parcel Number 038-050-19, located at the north end of Walnut Lane. The proposed Affordable Housing Plan would amend the affordable housing requirement to accept in-lieu fees for the very low (4 units required) and low-income (2 units required) obligations of the project, changing the requirement for the construction of affordable housing.

DEVELOPMENT AGREEMENT MODIFICATIONS:

The modifications to the Walnut Lane 10 Subdivision Affordable Housing Obligation per the proposed Affordable Housing Plan ("AHP") generally include the following:

- Requiring construction of 2 units within the project, restricted to moderate income households
- Meeting the revised affordable housing through the payment of in lieu fees to satisfy the very low and low-income requirements of the project.

- Paying an In-Lieu Fee of \$53,196 per very-low and low income unit (4 very low and 2 low-income units), which will generate \$319,176 in affordable housing trust funding. Specifics to be determined but will be utilized by the City to facilitate affordable housing projects by providing a significant source of local funds to assist affordable housing project(s)

ATTACHMENTS:

1. Walnut Lane 10 Affordable Housing Plan
2. Legal Description and Project Map
3. Production Tracking Sheet from Previous Projects

AFFORDABLE HOUSING PLAN (REVISED DRAFT)

Walnut Lane 10 – 54 lot subdivision

City of Winters, California

January 14, 2020

Pursuant to the City of Winters Affordable Housing Requirements as defined by Municipal Code Section 17.200 the Walnut Lane 10 subdivision proposes to meet its requirement for fifteen percent (15%) inclusionary housing as described by the following Affordable Housing Plan. The following numbers assume that the Walnut Lane 10 tentative map will be approved for a 54 total lots. If this changes during the approval process adjustments will be necessary to the following calculations.

Site Considerations:

In terms of location, the proposed 54 lot Walnut Lane 10 subdivision is most similar to the 21 lot Olive Grove project that was approved in 2017. The Olive Grove subdivision is located approximately 900 feet north of Grant Avenue off of Apricot Road and is within an existing single-family residential neighborhood.

The Walnut Lane 10 project is located approximately 1,800 feet north of Grant Avenue off of Walnut Lane and is adjacent to an existing single-family residential neighborhood to the south and west. There are some parallels to the Highlands Ranch aka Stones Throw project located on the west side of town north of Grant Avenue, but it is significantly larger project with 404 single-family homes. The Farmstead project is located to the east, which proposes 209 single-family homes and 15 acres of commercial fronting onto Grant Avenue.

Walnut Lane 10 is larger than the Olive Grove subdivision, but is significantly smaller project than the Stones Throw project. Farmstead is not a fair comparison to Walnut Lane 10 because it does not front on Grant Avenue, and does not have the benefit of 15 acres of high visibility commercial property that is unencumbered with an affordable housing fee.

As a much smaller project than Stones Throw or Farmstead, Walnut Lane 10 will have less ability to bear the burden of on and off-site infrastructure costs as well as affordable housing fees, and this should be considered in the calculation of the affordable housing fee that will charged.

Determination of Required Inclusionary Units:

The Walnut Lane 10 project proposes 54 lots, but two of the units will consist of half-plex units located on-site on Lot 37A and Lot 37B, a corner lot located to the northeast and in the interior of the project, which resulted in adding a lot to the calculation of affordable units. The Tentative Map dated "Revised: October 2, 2019" reflects these proposed half-plex lots. The half-plex lots will allow the provision of "for-sale" moderate-income units on-site. The desire was to locate the half-plex units away from the existing homes and neighbors that are directly to the south and west. There is a high probability that the moderate income half-plex units will be sold at a loss by the builder due to limitations on the sales price. The 15% inclusionary requirement is calculated by Table 1 below. The number of units required is rounded based in discussions with Dan Maguire, the City's Economic Development and Housing Manager.

TABLE 1: Determination of Affordable Units Required

54 lots x 15%	= 8.1 affordable units => 8 affordable units required
Moderate Income at 4.5% x 54 lots	= 2.43 units => 2 units
Low Income at 4.5% x 54 lots	= 2.43 units => 2 units
<u>Very Low Income at 6.0% x 54 lots</u>	<u>= 3.24 units => 3 units</u>
Total requirement:	= 8.10 units => 8 units
<u>Less 2 on-site half-plex moderate units</u>	<u>- 2 units</u>
Remaining Requirement	6 units

The Walnut Lane 10 project will provide 2 moderate income half-plex units on-site, and the remaining requirement for six units will consist of 3 low and 3 very low-income units will be provided off-site through the payment of an affordable housing fee on a per unit basis. (Note: The initial tentative subdivision map had 53 lots and the requirement was for 7.95 affordable units, but adding the two half-plex units, the lot count increased to 54 lots and 8.10 affordable units.)

Determination of Affordable Unit Subsidy and Housing Fee:

The City of Winters gave some consideration of site location, size, and significant off-site infrastructure costs and the Walnut Lane 10 proposed in-lieu fee was determined be \$53,196 per affordable unit for the six units (low and very low) not provided on-site.

TABLE 3: Determination of Per Unit Affordable Housing Fee

(Note: Discussion of previous projects, fees, and applicant’s calculation of fee deleted for clarity.)

$$\$53,196 \times 6 \text{ affordable units (remaining requirement)} = \$319,176 \div 54 \text{ lots} = \$5,910.67 \text{ per lot}$$

Provision of Affordable Units/Timing of Fee Payment:

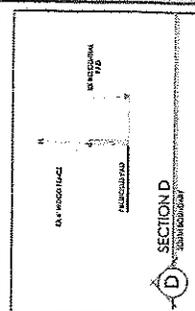
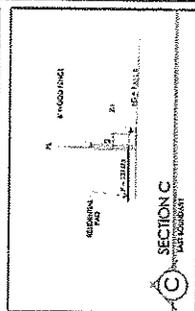
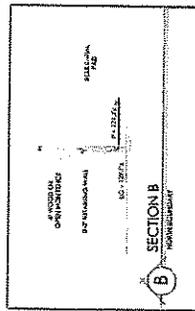
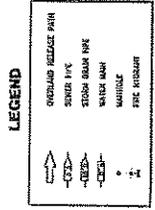
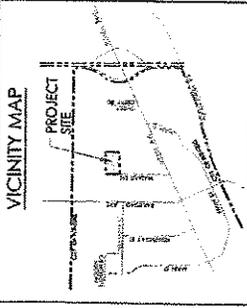
The on-site moderate-income half plex units will be restricted for a period of 10 years after they are built and sold to a qualified buyer as set forth in the Winters Municipal Code Chapter 17.200 and subject to Health & Safety Code Sections 40025.5 and 50093. The builder will need to coordinate with the City to efficiently find pre-qualified buyers for the moderate income half-plex units. The construction of the half-plex units shall be completed prior to the build-out of the 52 market rate units.

The builder will pay 50% the total fee or (\$\$159,588) prior to recordation of the Final Map, and the remaining 50% will be paid on a per unit basis (\$2,955.33) at prior to issuance of Certificate of Occupancy for each home. This arrangement will provide half of the funds well in advance home construction, and half concurrently with home sales, giving the City time to provide the low and very-low income units at an off-site location.

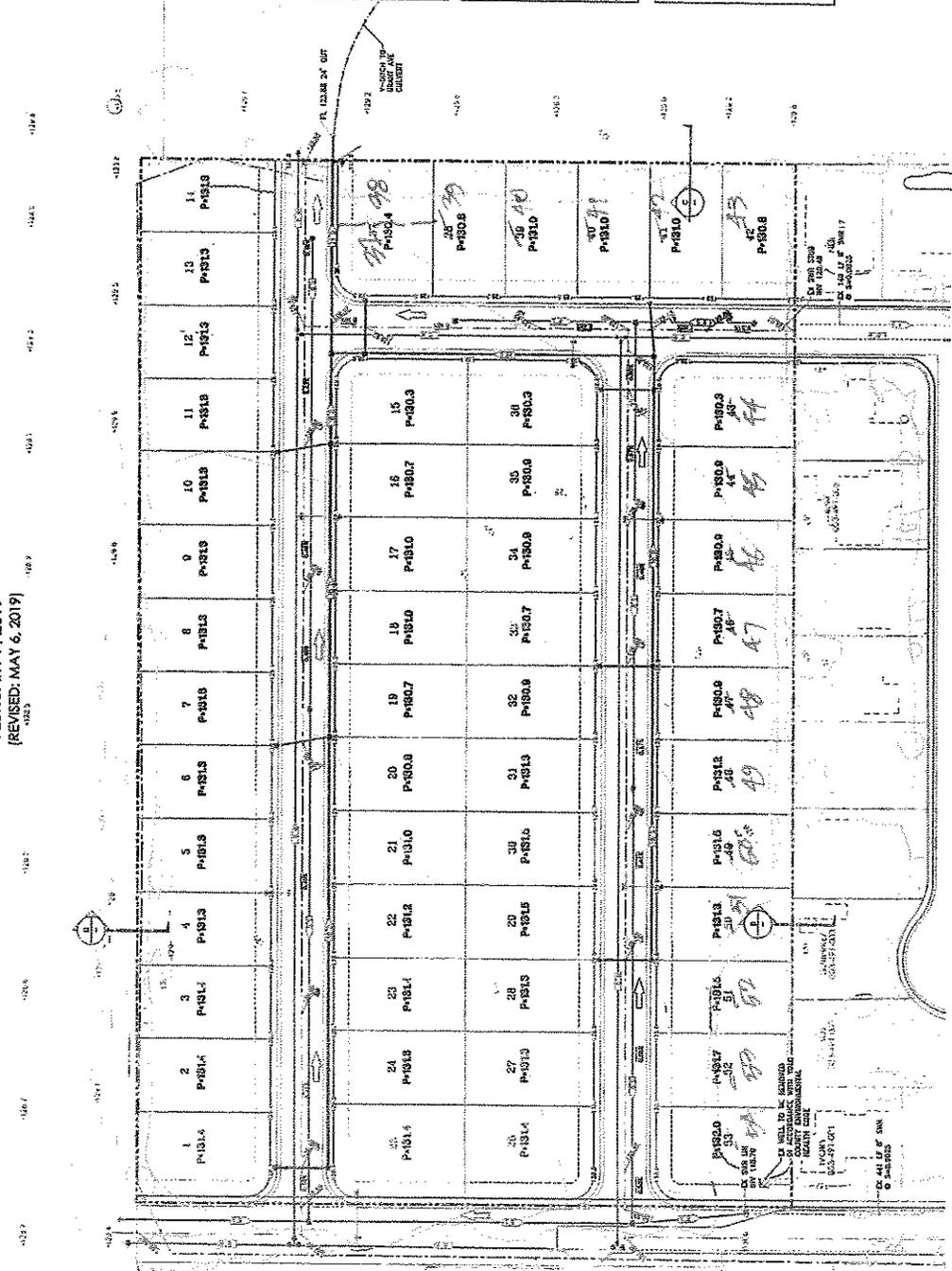
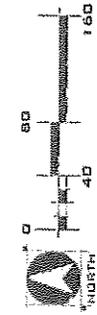
Lastly, the Affordable Housing Fee charged per market rate unit may be adjusted yearly by the City on the anniversary date of the approval of this agreement and tentative map, based upon a mutually agreed upon CPI, not to exceed 2.4% in any given year.

INFRASTRUCTURE PLAN - TRACT 5173 WALNUT LANE 10 CITY OF WINTERS, CALIFORNIA

FEBRUARY 7, 2019
(REVISED: MAY 6, 2019)



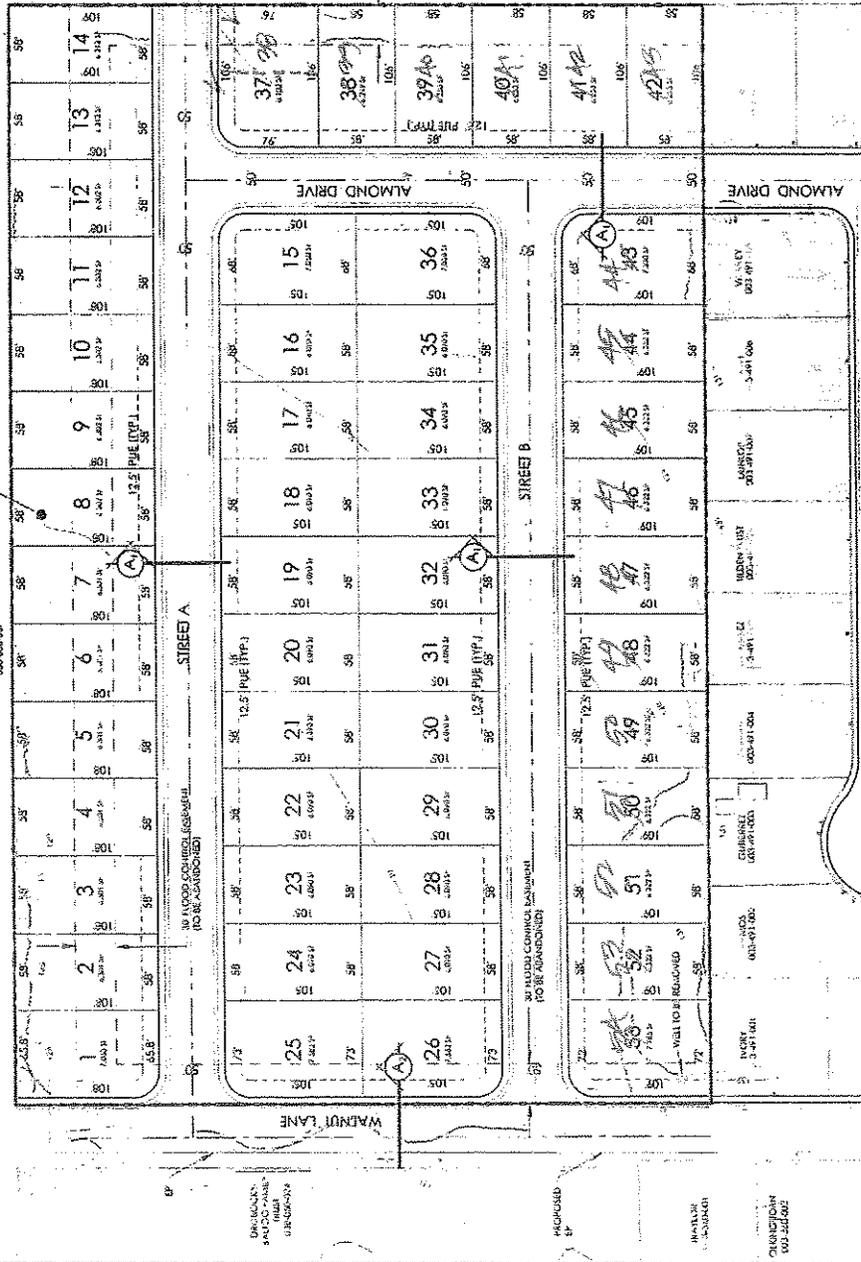
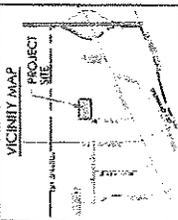
WOOD RODGERS
BUILDING RELATIONSHIP ONE PROJECT AT A TIME
3301 C ST. Bldg. 100-8
Sacramento, CA 95810
Tel: 916.344.7780
Fax: 916.344.7787



WALNUT LANE 10

TENTATIVE SUBDIVISION MAP - TRACT 5173
WALNUT LANE 10
 CITY OF WINTERS, CALIFORNIA
 FEBRUARY 7, 2019
 (REVISED MAY 6, 2019)

53 LOTS (58'x105' TYP.)
 10.0 ± AC. (G)



PROJECT NOTES

1. THE CITY OF WINTERS HAS REVIEWED THIS TENTATIVE SUBDIVISION MAP FOR CONFORMANCE WITH THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. THIS REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

2. THE CITY OF WINTERS DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

3. THE CITY OF WINTERS DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

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LEGAL DESCRIPTION

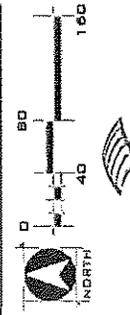
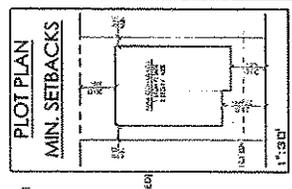
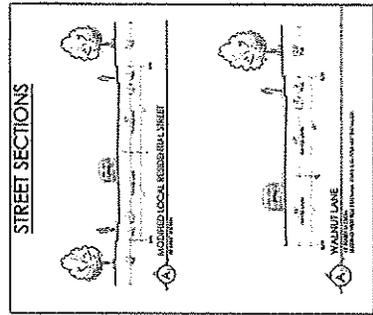
THE TRACT DESCRIBED IN THIS MAP IS SUBJECT TO THE EASEMENTS, RIGHTS, AND INTERESTS SHOWN HEREON AND TO ALL RECORDS AND INSTRUMENTS AFFECTING THE TRACT.

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LAND USE SUMMARY

LAND USE	ACRES	PERCENTAGE	NET DENSITY
RESIDENTIAL	10.0	100%	1.0



WOOD ROBBERS
 3001 C St., Bldg. 100-B
 Sacramento, CA 95816
 TEL 916.941.7760
 FAX 916.941.7769

WALNUT LANE 10 - TENTATIVE SUBDIVISION MAP

Housing Trust Fund (HTF)

Current Balance	\$724,827
Less BMT HTF gap loan	(\$465,000)
HBT/Stones Throw In Lieu (remaining payments est.)	\$1,750,000
Olive Grove In Lieu	\$75,000
Skreden/Farmstead proposed in lieu	\$1,284,052
Corbett/Walnut Lane 10 proposed in lieu	<u>\$271,596</u>
Project Future HTF balance	\$3,640,475

Historical Local Leverage per unit

Winters Village (aka Winters 2)	\$15,000
Orchard Village	\$20,000
Blue Mountain Terrace	\$32,500

City Production Obligation

Carry over from Existing Projects	1
Skreden/Farmstead Obligation	22
Corbett/Walnut lane 10 Obligation	6
Total Obligation	29

<u>Project</u>	<u>Very Low</u>	<u>Low</u>	<u>Moderate</u>
Winters Ranch & Heartland	12	7	7
Stones' Throw	24	18	18
Olive Grove	1	1	1
Total	37	26	26
Blue Mountain Terrace	47*	15	
Difference versus In Lieu Obligation	+10	-11	

* 4@25, 18 @30, 7 @ 40, & 18@50 (22 units are Extremely Low - 30% or less of AMI)



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: February 25, 2020
FROM: David Dowswell, Contract Planner 
SUBJECT: Public Hearing and consideration of Design/Site Plan Review (DR 2020-02) for an 1,863 square foot two-story addition to an existing 1,930 square foot single-story home at 202 Russell Street

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) Find the project Categorical Exempt from CEQA, New Construction or Conversion of Small Structures, Section 15303(a) single family home.
- 4) Approve Design/Site Plan Review for an 1,863 square foot addition to an existing 1,930 square foot single-story home.

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

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

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

The site is developed with a 1,930 square foot single-story home.

BACKGROUND: At the applicants' request this item was continued from the January 28, 2020 meeting.

The house was originally built in 1878. In 1950 a bedroom (Bedroom #1 as shown in Attachment A) was added at the rear of the house. In 2012 Bedroom #1 was remodeled.

In 1983 the City hired a consultant to prepare a cultural resources inventory of 109 buildings in Winters identified as possibly historically significant. The house at 202 Russell Street was included in the report (Attachment B).

In 1985 the City Council created a historical preservation commission (Attachment C). The commission had several duties. Their primary duty was to "provide for the protection, enhancement, perpetuation, or use of places, sites, building, structures, works of art and other objects having special character or special historical or aesthetic interest or value". In 1988 the commission was dissolved, and their responsibilities were assumed by the planning commission.

PROJECT DESCRIPTION: The applicants, Nick and Emarie Van Galio, are requesting approval to add an 1,863 square foot two-story addition to the existing 1,930 square foot single-story home. Included with the addition will be 567 square foot two-car garage. The addition will be built above the existing home and the new garage. The kitchen on the first floor will also be expanded. The addition will include two bedrooms, a game room, a laundry room and a bathroom.

The exterior of the addition has been designed to be compatible with the existing house. The exterior of the second floor will be finished with the same horizontal and board and batten siding used on the first floor of the existing house. The addition's windows and trim will match the existing the existing house. No changes will be made to the finish of the portion of the house (Bedroom #2 and Living Room) that faces Russell Street.

ANALYSIS:

Site Plan: With the addition, which includes the new garage, the maximum lot coverage is below the allowable of 50 percent. Addition of the garage with living space above meets the required 10-foot side yard setback. The front, rear and secondary street side yard setback meet the requirements.

Design: The house at 202 Russell Street is of historical significance due to its architectural style and the family who built the house was founding family of the city. The house is not on the National Register of Historic Places. It could possibly qualify, but the process is driven either by the property owner applying to be listed or the City taking action to designate it as such. The house is not part of the Downtown Historic District, which is on the National Register of Historic Places.

One of the Historical Preservation Commission duties is "To preserve diverse and harmonious styles and design preferences reflecting phases of the City's history and to enhance, complimentary contemporary design, construction and visual character of the City by encouraging the compatibility of architectural styles within the Historic Districts reflecting the unique and established architectural traditions." Another duty states in

Section 8-1.3006, “the commission be lenient in its judgement of plans for structures which have little or no historic value or plans for new construction except where plans would seriously impair the historic or architectural value of the surrounding structures or landmarks. In adopting this ordinance the city council does not intend to limit new construction, alteration or repairs to any particular period of architectural style.”

The design of the current home is described in the City's cultural resources inventory as Gothic Revival; Italianate influences (Attachment B). The key feature of the home, which is the basis for the description, is the design of the front portion of the house facing Russell Street. This feature is not being altered. The design of the proposed addition/remodel, includes the use of materials which mimic or copy the current design, including exterior finish materials, pitch of the roofs (house and dormers) and roofing materials. The plans do not indicate what type of horizontal siding will be used. The plans should be revised to note the horizontal siding shall match the existing siding. The gable being added to the expanded kitchen will be finished with the same architectural elements and materials as the gables on the front portion of the house. The new windows are either single or double-hung, which match those on the existing house.

Parking: According to Section 17.72.040 of the Zoning Ordinance, “At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, there shall be provided off-street parking facilities in accordance with the schedule of off-street parking in this chapter”. The proposed addition would be considered a “major addition.” According to Table 6, “Off-street Parking Requirements”, a single-family home is required to have two off-street parking spaces, one of which has to be covered. The proposed two-car garage and driveway meets the required parking. The garage doors do include windows at the top and a window on the side of the garage which will let in natural light.

Trees: There is a single tree (Chinese pistache) on the east side of the driveway that will be removed when the driveway is widened to accommodate the new two-car wide driveway and garage. The tree is not significant. The applicants will be planting some new trees when the addition/remodels is completed.

PROJECT NOTIFICATION: A legal notice was published in the Winters Express on Thursday, January 16, 2020 and notices were mailed to all property owners within three hundred feet of the project boundaries ten days prior to the hearing. Copy of the staff report and all attachments were on file, available for public review on the City's web site and at City Hall beginning January 23, 2020.

ENVIRONMENTAL ASSESSMENT: The addition and remodel are Categorically Exempt, Section 15303(a) (New Construction or Conversion Small Structures) of the California Environmental Quality Act (CEQA).

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential and this designation provides for single-family detached and attached homes. The project will enhance the livability of the existing single-family residence.

The project is consistent with the provisions of the Zoning Ordinance. The Principal uses of the R-1 Zone are single-family homes and duplexes. The proposed addition is to a single-family home.

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

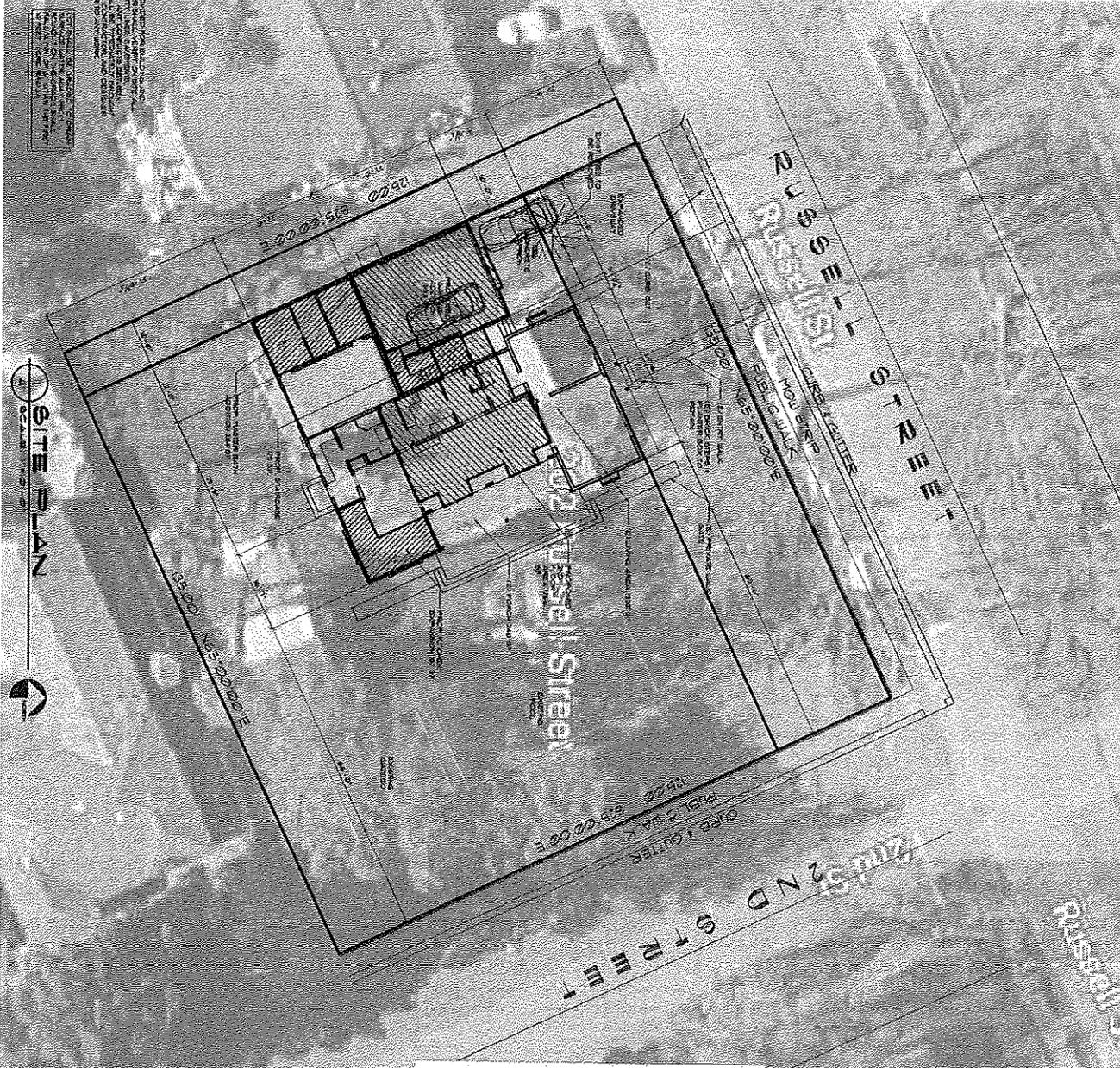
I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE DESIGN REVIEW 2020-02 FOR A 1,863 SQUARE FOOT ADDITION TO THE HOME AT 202 RUSSELL STREET BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

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

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

ATTACHMENTS:

- A. Site plan and elevations
- B. Historic Resources Inventory of 202 Russell Street
- C. Ordinance 85-03 creating Historic Preservation Commission
- D. Conditions of approval



SITE PLAN

SITE PLAN

SITE PLAN NOTES:
 1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LANTERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LANTERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LANTERS.

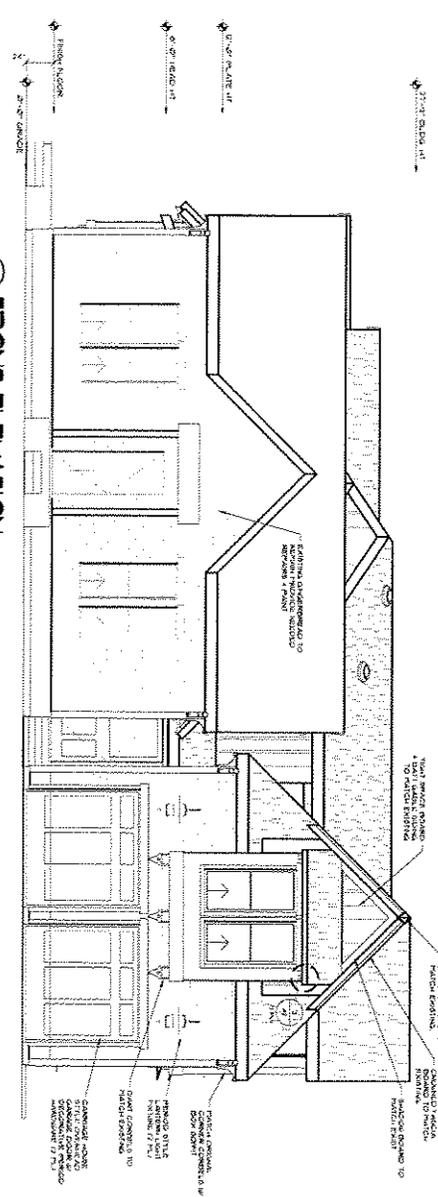
ATTACHMENT A

YAN GALIO ADDITION
 NICK & ESTER VAN GALIO APR. 003-174-018
 1001 RUSSELL ST. 953 010-1338
 LANTERS CA 95684 CITY OF LANTERS

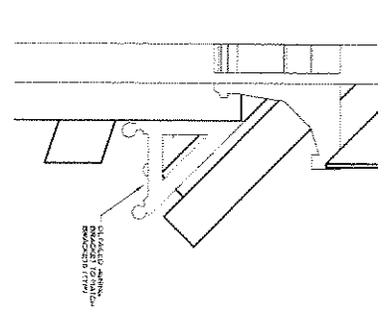


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 1570 PARKVIEW DRIVE WOODLAND, CA 95776
 (950) 662-8664

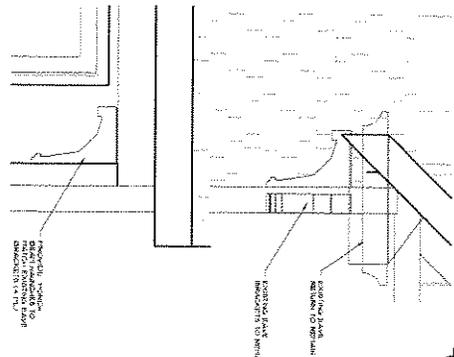
JOB NO. 99-101
DATE
REV. 000



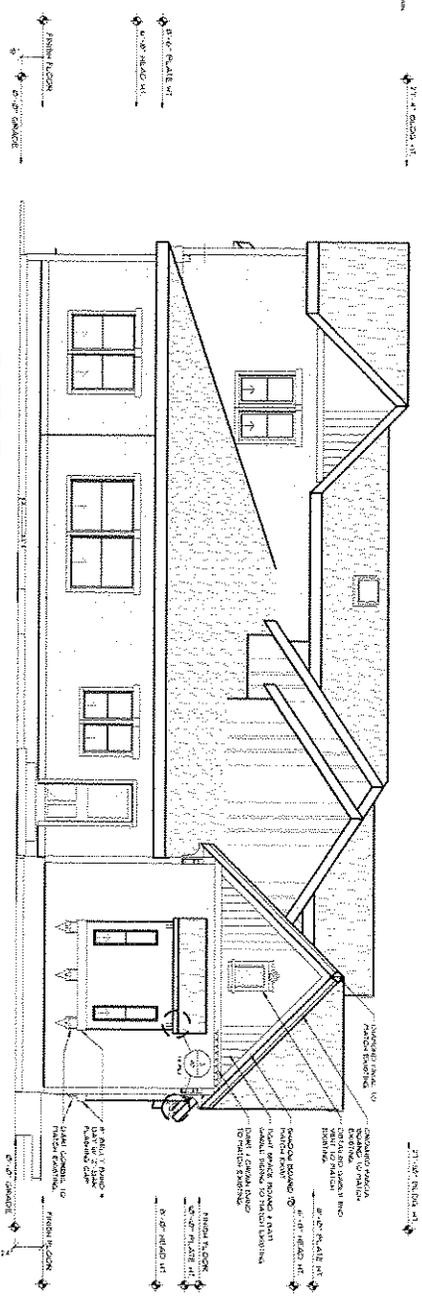
1 FRONT ELEVATION
SCALE: 1/2" = 1'-0"



2 AWNING BRACKET
SCALE: 1/2" = 1'-0"



3 EAVE BRACKERS
SCALE: 1/2" = 1'-0"



4 REAR ELEVATION
SCALE: 1/2" = 1'-0"

EXTERIOR ELEVATIONS
A2

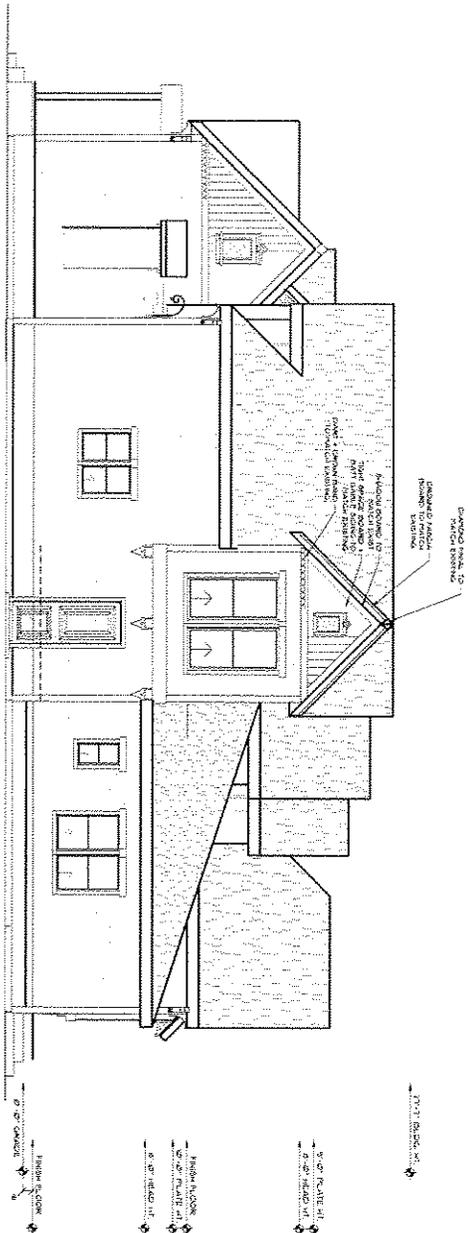
YAN GALIO ADDITION
127 RUSSELL ST. WOODLAND, CA 95776
TEL: (916) 862-3664



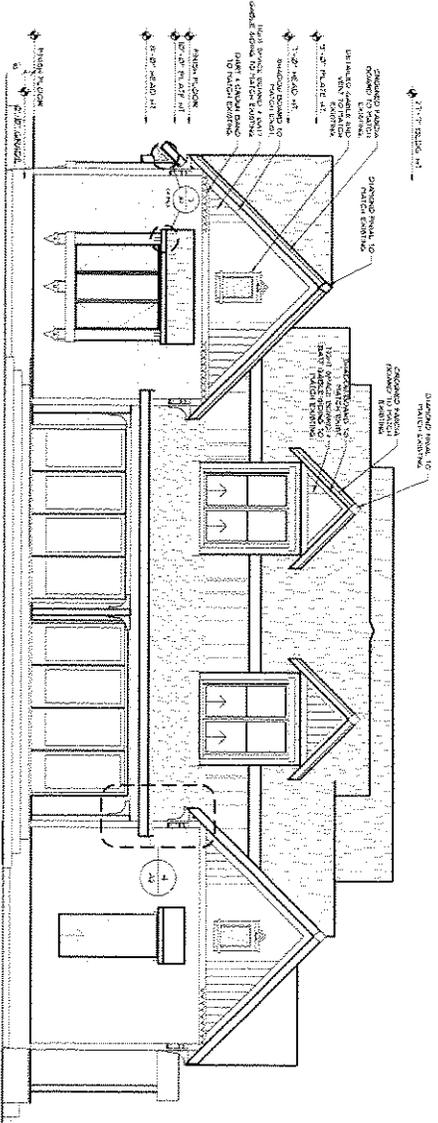
BUCK'S
DRAFTING & DESIGN
PROFESSIONAL BUILDING DESIGNER
1579 PARVIEW DRIVE WOODLAND, CA 95776
(916) 862-3664



Q (530) 304-5457
qstructuraleng@yahoo.com
STRUCTURAL ENGINEERING



3 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



4 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATIONS
A3

VAN GALIO ADDITION
1001 1/2 SQUARE VAN GALIO DR. 2003-12-01R
1001 1/2 SQUARE DR. 2003-12-01R
WATERS, CA 95684 CITY OF WATERS



BUCK'S
DRAFTING & DESIGN
PROFESSIONAL BUILDING DESIGNER
1510 PARKVIEW DR.
WALTON, CA 95776
(950) 662-9684

DATE: 03-10-10
BY: [signature]

Q (530) 304-5457
qstructuraleng@yahoo.com
STRUCTURAL ENGINEERING

SHEAR WALL SCHEDULE

SHEAR WALL IDENTIFY	TYPE	WALLING IN	SLAB MAT IN	TOP PLANTING (SLOPE IN)	ANCHOR BOLT IN	ALLOWED STRENGTH	NOTES
SW1	18" X 18" CMU	18" X 18" CMU	18" X 18" CMU	See Notes			
SW2	18" X 18" CMU	18" X 18" CMU	18" X 18" CMU	See Notes			
SW3	18" X 18" CMU	18" X 18" CMU	18" X 18" CMU	See Notes			
SW4	18" X 18" CMU	18" X 18" CMU	18" X 18" CMU	See Notes			

- Notes:
1. Shear walls shall be constructed in accordance with the provisions of the International Building Code (IBC) and the California Building Code (CBC).
 2. For reinforced concrete, minimum reinforcement shall be provided in accordance with the provisions of the International Building Code (IBC) and the California Building Code (CBC).
 3. Shear walls shall be constructed in accordance with the provisions of the International Building Code (IBC) and the California Building Code (CBC).
 4. Shear walls shall be constructed in accordance with the provisions of the International Building Code (IBC) and the California Building Code (CBC).
 5. Shear walls shall be constructed in accordance with the provisions of the International Building Code (IBC) and the California Building Code (CBC).

HOLDOWN SCHEDULE

INDEX	TYPE	ALLOWABLE WEIGHT (LBS)	PARTNERS	ANCHORS	MIN FOOTING WIDTH (IN)	MIN FCG DEPTH (IN)	FOOTS
1	H032	3075	18" X 18" CMU	SST718/89/94/12	8	18	4M
2	H032	5840	18" X 18" CMU	SST718/89/94/12	8	20.5	4M
3	H032	9070	18" X 18" CMU	SST718/89/94/12	8	20.5	4M
4	H032	11175	18" X 18" CMU	SST718/89/94/12	8	20.5	4M
5	W150	24500		SST718/89/94/12	38	18	

STRAP SCHEDULE

INDEX	TYPE	ALLOWABLE UPLIFT (LBS)	ANCHOR BOLTS (#/MATERIAL)
1	CS16	1700	22-104
2	MS14	4200	34-160
3	MS10	6200	44-160

Notes:
1. Use of 2324 with 16d @ 8" which nail is required at all holddown locations.

KEYNOTES

1. All dimensions shall be in feet and inches.
2. All dimensions shall be in feet and inches.
3. All dimensions shall be in feet and inches.
4. All dimensions shall be in feet and inches.
5. All dimensions shall be in feet and inches.
6. All dimensions shall be in feet and inches.
7. All dimensions shall be in feet and inches.
8. All dimensions shall be in feet and inches.
9. All dimensions shall be in feet and inches.
10. All dimensions shall be in feet and inches.

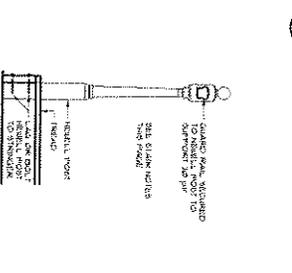
SHEAR WALL NOTES

1. All dimensions shall be in feet and inches.
2. All dimensions shall be in feet and inches.
3. All dimensions shall be in feet and inches.
4. All dimensions shall be in feet and inches.
5. All dimensions shall be in feet and inches.
6. All dimensions shall be in feet and inches.
7. All dimensions shall be in feet and inches.
8. All dimensions shall be in feet and inches.
9. All dimensions shall be in feet and inches.
10. All dimensions shall be in feet and inches.

SIMPSON HOLDOWN NOTES

1. All dimensions shall be in feet and inches.
2. All dimensions shall be in feet and inches.
3. All dimensions shall be in feet and inches.
4. All dimensions shall be in feet and inches.
5. All dimensions shall be in feet and inches.
6. All dimensions shall be in feet and inches.
7. All dimensions shall be in feet and inches.
8. All dimensions shall be in feet and inches.
9. All dimensions shall be in feet and inches.
10. All dimensions shall be in feet and inches.

2 STAIR DETAIL



3 GUARDRAIL DETAIL

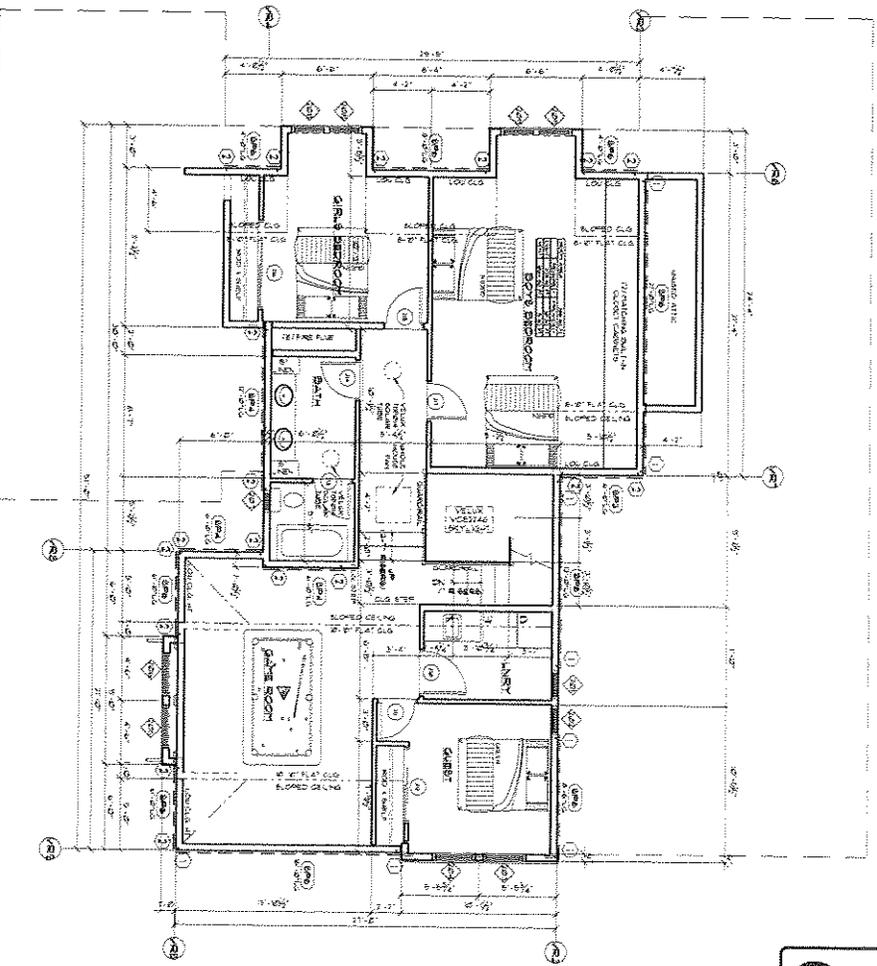


DOOR SCHEDULE

MARK	DOOR	TYPE	NOTES
D1	6'0" X 8'0"	SWING	
D2	6'0" X 8'0"	SWING	
D3	6'0" X 8'0"	SWING	
D4	6'0" X 8'0"	SWING	
D5	6'0" X 8'0"	SWING	
D6	6'0" X 8'0"	SWING	
D7	6'0" X 8'0"	SWING	
D8	6'0" X 8'0"	SWING	
D9	6'0" X 8'0"	SWING	
D10	6'0" X 8'0"	SWING	

WINDOW SCHEDULE

MARK	SIZE	TYPE	NOTES
W1	6'0" X 8'0"	SWING	
W2	6'0" X 8'0"	SWING	
W3	6'0" X 8'0"	SWING	
W4	6'0" X 8'0"	SWING	
W5	6'0" X 8'0"	SWING	
W6	6'0" X 8'0"	SWING	
W7	6'0" X 8'0"	SWING	
W8	6'0" X 8'0"	SWING	
W9	6'0" X 8'0"	SWING	
W10	6'0" X 8'0"	SWING	



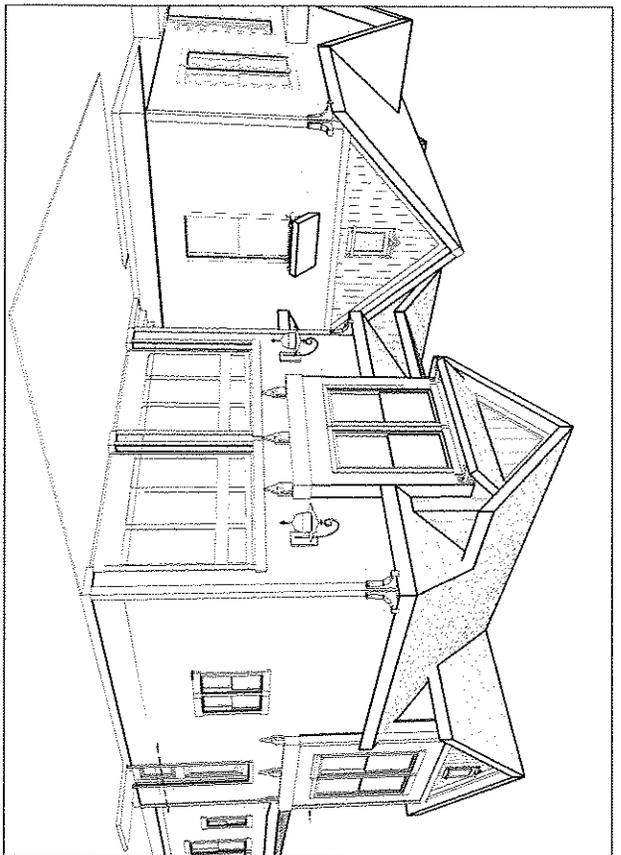
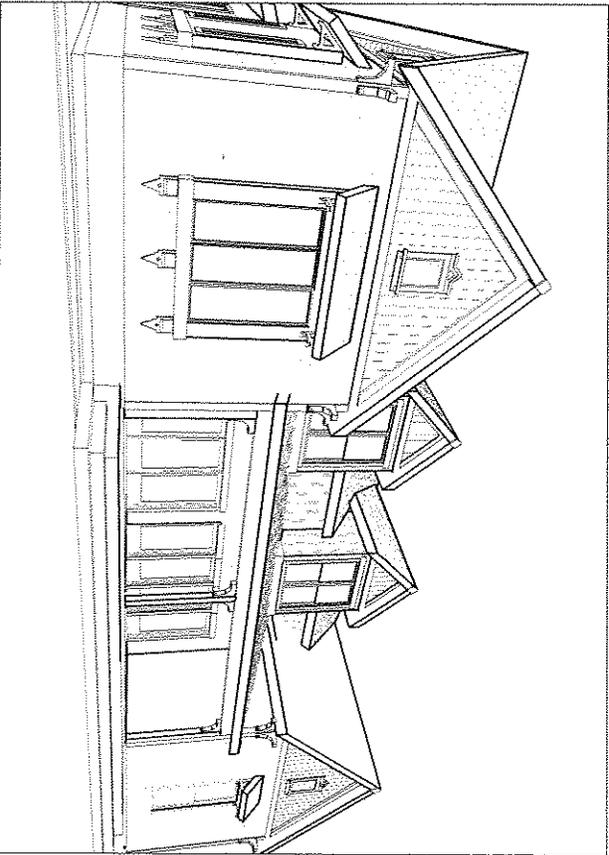
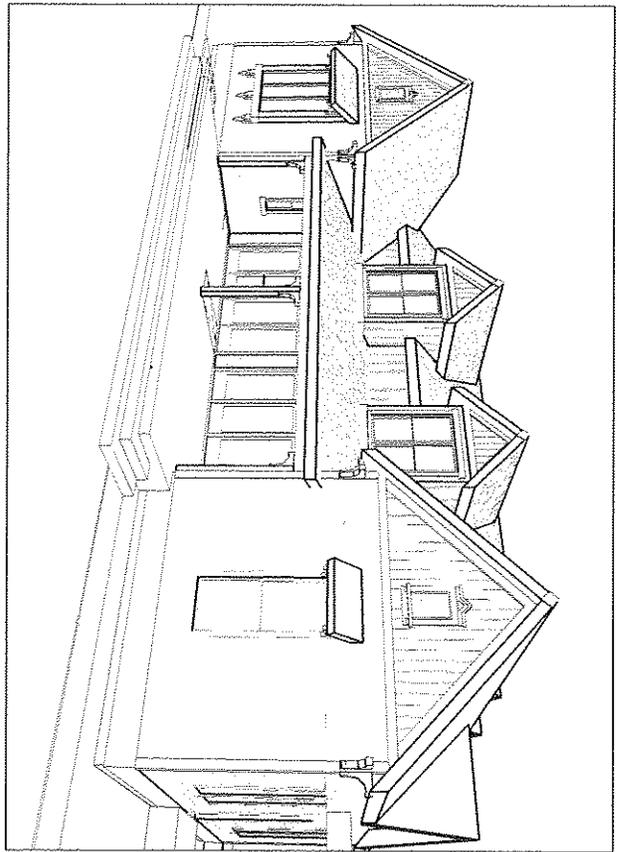
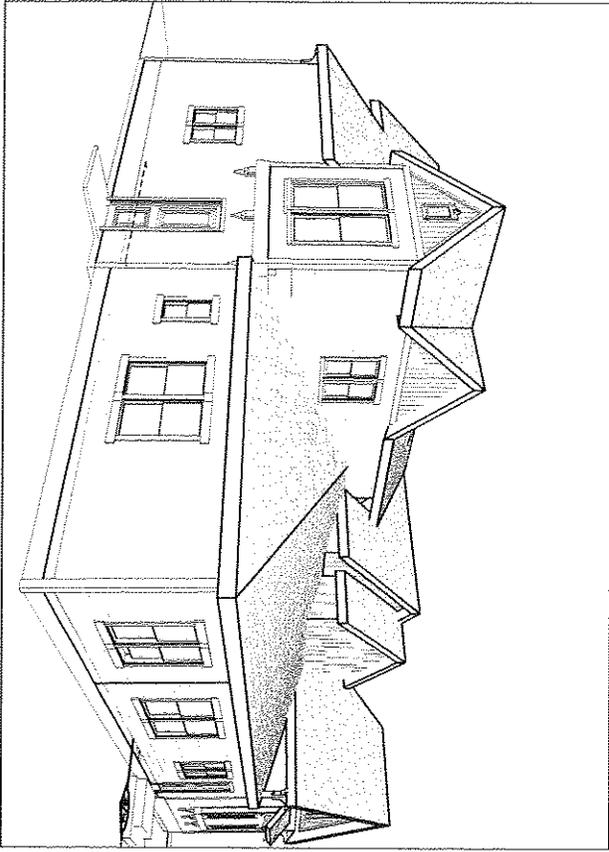
2ND FLOOR PLAN

2ND FLOOR PLAN

YAN GALIO ADDITION
 107 RIVER ST. #2
 LIVERMORE, CA 94550

BUCK'S DRAFTING & DESIGN
 PROFESSIONAL BUILDING DESIGNER
 1379 PARKVIEW DRIVE
 WALTON, CA 94776
 (925) 667-8664

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 structuraleng@yahoo.com



PERPPY
 EXTERIOR
 ELEVATIONS

1570 PARVIEW DRIVE
 WALKER, CA 95777
 (950) 682-9864

VAN GALIO ADDITION
 1570 PARVIEW DRIVE WALKER, CA 95777
 200 SQUARE FT. 600 BTR. USE
 WINTERS, CA 95684 CITY OF WINTERS



BUCK'S
 DRAFTING & DESIGN
 PROFESSIONAL
 BUILDING DESIGNER

1570 PARVIEW DRIVE
 WALKER, CA 95777
 (950) 682-9864

Q
 STRUCTURAL ENGINEERING
 (530) 304-5457
 qstructuraleng@yahoo.com

Ser. No. _____	
HABS _____ HAER _____ NR <u>3</u> SHL _____ Loc _____	
UTM: A <u>10-589761-4263780</u> B _____	
C _____ D _____	

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

Common name: Young House

Historic name: Bell House

Street or rural address: 202 Russell St.

City Winters Zip 95694 County Yolo

Parcel number: 3-241-19-1

Present Owner: Robert Young Address: same address

City Winters Zip 95694 Ownership is: Public _____ Private X

Present Use: residential Original use: residential

DESCRIPTION

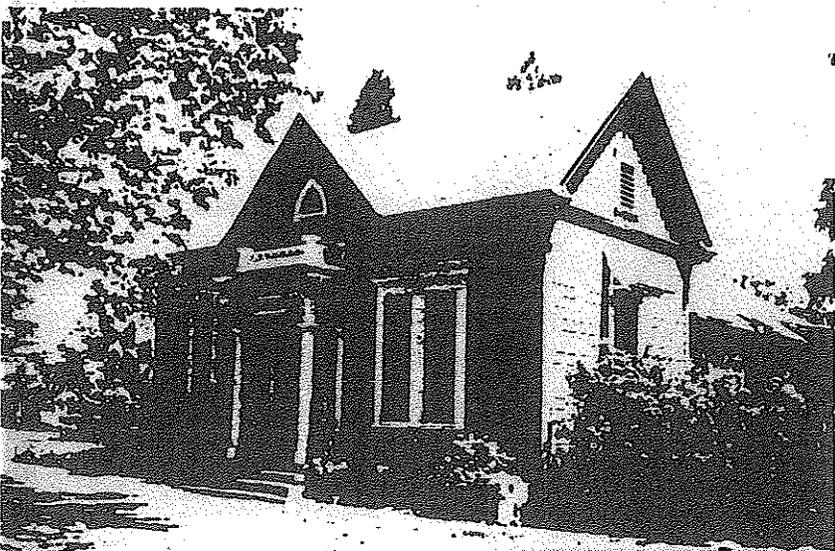
Architectural style: Gothic Revival; Italianate influences.

Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

This one-and-one-half story Gothic Revival house is topped with intersecting gabled roofs, and sheathed in shiplap siding. The form and proportion of the house and its intersecting gables, and ornamental touches such as the gable and window-frame detailing, are characteristic of the style. The porch suggests Italianate design. On the front and sides are double-hung windows enframed in decorative molding, with pendants at the window bottoms. A small projecting porch with decorative spindles and a small cutwork balcony is supported by chamfered posts with column caps. Ornamental brackets support the eaves at the gable ends. Gable ends hold a vertical design, finished with a patterned banding.

The property originally contained a tank house, windmill and a well, and an underground water system for irrigating the citrus and nut trees. The front brick steps and planters were built in 1960. The addition of a back bedroom was built in 1950. No interior changes have been made since 1950.

The grounds surrounding the house are abundantly planted in lawn, shrubs and a variety of trees, contributing importantly in character to the image of the house.



8. Construction date: Estimated _____ Factual 1878

9. Architect unknown

10. Builder unknown

11. Approx. property size (in feet)
Frontage 75 Depth 175
or approx. acreage _____

12. Date(s) of enclosed photograph(s)
September 1982

13. Condition: Excellent ___ Good X Fair ___ Deteriorated ___ No longer in existence ___
14. Alterations: Removal of original outbuildings; addition of brick entry stairs and planters; concrete and brick in east porch; back bedroom addition.
15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up ___ Residential X Industrial ___ Commercial ___ Other: ___
16. Threats to site: None known X Private development ___ Zoning ___ Vandalism ___ Public Works project ___ Other: ___
17. Is the structure: On its original site? X Moved? ___ Unknown? ___
18. Related features: n/a

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)
 The house gains significance from its historic associations with important local families and its architectural qualities.

Dr. W.T. Bell, a native of Virginia and one of the sixteen founders of Winters built the house in 1878. Bell, a country horse and buggy doctor, added on the front portion of the house in order to receive his patients. Mrs. Bell and children Mary, William, and Henry came to California from Louisiana on the Trans-Continental Railroad to join Dr. Bell in the west in 1869. A third son, Byron, was born in the house December 24, 1878. The Bells moved to Oakland in 1884 and sold the house to Joseph G. Young, who built the first railroad bridge over Putah Creek connecting Yolo and Solano Counties in 1875, the year Winters was founded. Joseph and Nellie Young raise two sons, Walter B. and Herbert A., in this house. The house was a rental for a year after the death of Nellie in 1936, before present owners Robert A. and Lavinia Young married and moved in. They raised four children -- Diane, Robert, Joseph and William in the house.

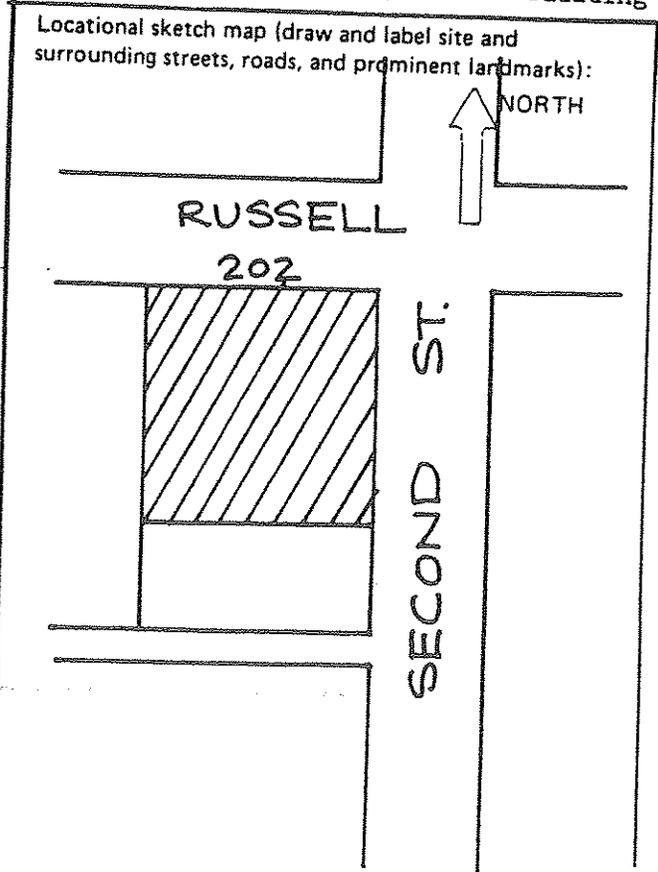
The house is the best example of Gothic Revival styling in Winters. The highly decorative porch is an elegant focal point and contributes strongly to the building's design. An outstanding structure and an important visual component, the building is a key community resource.

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
 Architecture 1 Arts & Leisure ___
 Economic/Industrial 2 Exploration/Settlement ___
 Government ___ Military ___
 Religion ___ Social/Education ___

21. Sources (List books, documents, surveys, personal interviews and their dates).
 Yolo County Archives
 Sanborn Maps
 Winters Express: March 1926
 Carroll S. Culton, interview, 1975
 Arthur H. Bell, interview, 1975

22. Date form prepared June 1983
 By (name) Historic Environment Cons.
 Organization City of Winters
 Address: 318 First Street
 City Winters Zip 95694
 Phone: (916) 795-4910

Sources (con.);
 Robert and Lavinia Young, interview,
 1975



ORDINANCE 85-03

AN ORDINANCE ESTABLISHING A HISTORICAL
PRESERVATION COMMISSION AND PROCEDURE
FOR DESIGNATING AND PROTECTING HISTORICAL
LANDMARKS AND HISTORICAL DISTRICTS

THE CITY COUNCIL OF THE CITY OF WINTERS DOES HEREBY
ORDAIN AS FOLLOWS:

Section One. This ordinance is adopted to establish a historical preservation program for the City of Winters that will "provide for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having special character or special historical or aesthetic interest or value" (as stated in the California Government Code, Sections 25373 and 37361, and outlined in the Historic Preservation Element of the Winters General Plan of 1984.

This ordinance is also adopted to preserve areas, specific structures and objects within the City that reflect special elements of the City's architectural, artistic, cultural, engineering, economic, aesthetic, historical, political, social, and other heritage; to stabilize and improve property values in historic districts; and to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, preservation, and use of these cultural resources for the following reasons:

A. To safeguard the City's heritage as embodied and reflected in such resources;

B. To encourage public knowledge, understanding, and appreciation of the City's past;

C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;

D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the City;

E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to enhance, complementary contemporary design, construction and the visual character of the City by encouraging the compatibility of architectural styles within Historic Districts reflecting unique and established architectural traditions;

F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;

G. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors (thereby stimulating business and industry);

H. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;

I. To foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

Section 2. ARTICLE 7 is hereby added to Chapter 3, Title II of the Winters Municipal Code to read as follows:

SECTION 2-3.701. Creation of Historical Preservation Commission

There is created a Historical Preservation Commission. The Commission will consist of 5 members appointed by the Mayor, with the consent of the City Council.

SECTION 2-3.702. Qualification of Members.

To be eligible for appointment to the commission, an individual must have a demonstrated interest in historic preservation.

SECTION 2-3.703. Term of Office.

The term of office for each member is 2 years. The members first appointed shall qualify themselves by lot so that 3 members serve until June 30, 1985, and 2 members serve until June 30, 1986. Each member serves until his successor is appointed and qualifies.

SECTION 2-3.704. Removal or Vacancy.

A member of the commission may be removed by a majority vote of the City Council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

SECTION 2-3.705. Vacancy Caused by Absence from Meeting.

If a member of the commission is absent without cause from 3 successive meetings of the commission, the office becomes vacant automatically. The commission shall immediately notify the council of the vacancy.

SECTION 2-3.706. Time and Place of Regular Meetings.

The commission shall fix the time and place of its regular meetings.

SECTION 2-3.707. Appointment of Officers.

The commission shall appoint a chair and vice-chair and secretary from among its members. The chair and vice-chair serve for a term of 1 year and until the successor of each is appointed and takes office.

SECTION 2-3.708. Adoption of Rules.

The commission shall adopt rules for the transaction of its business.

SECTION 2-3.709. Commission Records.

The commission shall keep a public record of its resolutions, transactions, findings and determinations.

SECTION 2-3.710. Quorum.

Three members of the commission constitutes a quorum for

the transaction of business.

SECTION 2-3.711. Duties of Officers.

(a) Chair: The chair shall preside at all meetings of the commission. He or she shall appoint each committee and shall perform the duties necessary or incidental to the office.

(b) Vice-Chair: The vice-chair is chair in the absence of the chair or in case of inability of the chair to act.

(c) Secretary: The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chair voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns.

SECTION 2-3.712. Powers and Duties.

The Historical Preservation Commission shall have the following powers and duties:

(a) To undertake a comprehensive historic resources inventory, to maintain a historic register; and to maintain such historical collections as may be donated to the City;

(b) To establish various criteria, guidelines and standards to carry out the intent of this ordinance;

(c) To recommend to the City Council the designation of historical landmarks and historical districts;

(d) To participate in administrating regulations pertaining to historical landmarks and historical districts;

(e) To recommend to the City Council ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts;

(f) To recommend to the Council the means to implement the Historic Preservation Element of the General Plan and this Ordinance by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the City;

(g) To perform such other duties as the City Council may direct;

(h) To integrate preservation planning into the general planning review process.

Section 3. ARTICLE 30 is hereby added to TITLE VIII, Chapter 1 of the Winters Municipal Code to read as follows:

SECTION 8-1.3001. Definitions. The following definitions of terms found in this Article shall apply:

A. "Alteration" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within a historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological

sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

B. "Cultural resource" means improvements, buildings, structures, signs, features, sites, places, areas or other areas of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the City.

C. "Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

D. "Historic District" means any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to the history of the City, and which improvements constitute a distinct section of the City that has been designated an historic district pursuant to this ordinance.

E. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

F. "Designated Structure" (landmark, cultural resource, historic structure) means any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the City, the State of California, or the nation and that has been designated pursuant to this ordinance.

G. "Designated site" (historic site, cultural resource site, landmark site) means a parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been deemed a designated pursuant to this ordinance.

H. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

I. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

SECTION 8-1.3002. Creation of Historic Districts

(a) In accordance with recommendations made in the Winters Cultural Resources Inventory Report (1983), the council finds that the area described in subsection (b) contains

improvements which have either a special character or special historical interest or aesthetic interest or value and represent a period or style of architecture typical of eras in the city's history. Because of these factors the area constitutes a distinct section of the City.

(b) The Council designates Historic District One. The Historic District One consists of each parcel of property, and each designated landmark, located within the area described as follows;

Main Street, between Railroad Avenue and First Street. The area described is more particularly shown on a map attached to this Ordinance and designated as "Map of Historic District One of the City of Winters." The map designated as Map of Historic District One of the City of Winters is made a part of this ordinance by reference.

SECTION 8-1.3003. Approval required.

No person may undertake any of the following within the historic district without a certificate of approval from the Historical Preservation Commission.

- (1) construction of a new structure;
- (2) the moving, demolition or alteration of an existing structure in any manner which affects the exterior appearance of the structure;
- (3) a change in land use which affects the exterior appearance of a structure;
- (4) the erection, remodeling, or replacing or a sign which affects the exterior appearance of a structure.

SECTION 8-1.3004. Application for a permit to construct or alter structures.

(a) A person who desires to construct, alter, move or demolish a structure within the historic district shall file an application with the building inspector on a form prescribed by the city. The application shall include all necessary information required by the rules of the Historical Preservation Commission. When the application is filed, it shall be referred to the commission.

(b) The commission shall prescribe the rules for the giving of Notice and the holding of a public hearing upon applications filed under this ordinance.

SECTION 8-1.3005. Factors to be considered upon application.

In reviewing and acting upon each application, the commission shall consider:

- (1) The historic value and significance, or the architectural value and significance or both, of the structure and its relation to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;
- (3) The general compatibility of exterior design, arrangement, texture and material which is proposed by the applicant.

SECTION 8-1.3006. Commission restricted to exterior features only. The commission shall consider and pass upon only the exterior features of a structure and may not consider the interior arrangement of the structure. The commission may not disapprove applications except in regard to the considerations set forth in Section 8-1.3003.

It is the purpose and intent of this ordinance that the commission be STRICT in its judgment of plans for structures, or landmarks considered to have significance in the historic and architectural history of the city, particularly those in the historic districts established in this ordinance.

It is also the purpose of this ordinance and the intent of the city council that the commission be LENIENT in its judgment of plans FOR STRUCTURES WHICH HAVE LITTLE OR NO HISTORIC VALUE or plans for new construction except where the plans would seriously impair the historic or architectural value of surrounding structures or landmarks. In adopting this ordinance the city council does not intend to limit new construction, alteration or repairs to any particular period of architectural style.

SECTION 8-1.3007. Procedure upon application.

(a) Upon the filing of an application, the secretary of the commission shall set the matter for hearing and shall give notice in accordance with the rules of the commission. The commission shall hold a public hearing and shall make its decision within 30 days from the date the application is filed. If the commission fails to act within 30 days, the application is considered approved unless the applicant and the commission agree to an extension of time.

(b) At the conclusion of the hearing the commission shall make its decision and shall file a certificate of approval or certificate of rejection with the building inspector. No person may do any work upon a structure which is a subject of an application until the commission has filed its certificate of approval. If the commission files a certificate of rejection, the building inspector shall not issue a building permit.

(c) The commission shall have the right to refuse the issuance of a building permit, or to halt the demolition of a structure up to 180 days.

SECTION 8-1.3008. Special considerations.

(a) If the commission is satisfied that the proposed construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application.

(b) If the commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the commission shall approve the application.

(c) If the commission considers the structure or landmark valuable for the history or period of architecture it

represents and important to the neighborhood in which it exists, the commission may nevertheless approve the application if any of the following circumstances exist:

(1) The structure is a deterrent to a major improvement program which substantially benefits the city;

(2) Retention of the structure causes an undue financial hardship to the owner; or

(3) Retention of the structure is not in the interest of the majority of inhabitants of the city.

(e) The commission may approve the moving of a structure or landmark of historical or architectural value as an alternative to demolition.

SECTION 8-1.3009. Exceptions from regulations.

The regulations contained in this ordinance for approval by the commission do not apply to painting, routine maintenance or repair of a structure or landmark within the historic district.

SECTION 8-1.3010. Appeal.

A person aggrieved by an action of the Historical Preservation Commission may appeal the decision to the City Council. The time for taking an appeal, the notice and hearing and the rules applicable to the hearing and decision which apply to land use matters shall apply to an appeal from the commission.

SECTION 8-1.3011. Regulations enforced by building official.

The provisions of this chapter shall be enforced by the building inspector of the city with the aid of persons from such other city departments as may be requested by the building inspector. The provisions of the State Historic Building Code (California Administrative Code, Title 24, Part 8) shall be applicable in permitting repairs, alterations, and additions necessary for the preservation, restoration, moving or continued use of a historical building or structure.

SECTION 8-1.3012. Violation is a nuisance and may be abated.

A person who violates the provisions of this chapter is guilty of maintaining a public nuisance. An authorized employee of the building department may mail written notice to the owner that the violation exists. The owner then shall have thirty days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. The city may follow the procedure conferred by Government Code Sections 38773, 38773.5, Civil Code Section 3494, Code of Civil Procedure Section 731, or other lawful authority.

SECTION 8-1.3013. Penalty for violation.

Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding six months or be so fined and

imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 8-1.3014. Remedies are cumulative.

The remedies for violation of the provisions of this chapter are alternative and cumulative rather than exclusive in nature.

SECTION 8-1.3015. Showing of hardship.

The commission or City Council need not disapprove an application for permit to carry out any proposed work in an historic district, or on a landmark or a landmark site, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the commission or city council that such disapproval will work immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be the property owner, tenant or resident, or because of conditions peculiar to the particular improvement, building or structure or other feature inconsistent with the purposes of this Chapter. If a hardship is found to exist under this section, the Commission or City Council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding.

SECTION 8-1.3016. Severability.

If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this ordinance and adopted this Chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

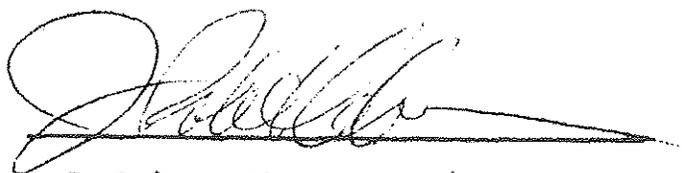
Section 4. Taking effect: This Ordinance shall take effect thirty (30) days after its passage and shall be published as required by law.

The foregoing ordinance was first introduced at a regular meeting of the Winters City Council on May 7, 1985. A Public Hearing was held on May 21, 1985. On May 21, 1985, the ordinance was adopted by said City Council, at a regular meeting, by the following vote:

AYES: J. Robert Chapman, Mayor
 Roger Mosier, Vice-Mayor
 Roy Jones, Councilman
 Gilbert Sebastian, Councilman
 Wayne Stewart, Councilman

NOES: None

ABSENT: None



J. Robert Chapman, Mayor

ATTEST:



Gale A. Bruhn, City Clerk

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

**CONDITIONS OF APPROVAL
February 25, 2020**

1. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action or proceeding to attach set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, or any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the Applicant in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employee, the Winters Planning Commission, any advisory agency to the City, local district and the City Council.
2. The project is described in the February 25, 2020 Planning Commission staff report. The plans approved by the Planning Commission are those included with the staff report dated February 25, 2020. Minor changes to the architectural design or finish of the approved plans may be approved by the Community Development Director. Significant changes to the approved plans may require approval of the Planning Commission at a noticed public hearing, cost to be paid for by the applicants.
3. Plans submitted to the Building Department shall note that the horizontal siding used on the addition/remodel will match the existing horizontal siding.
4. Approval of the applicants' project shall be null and void if the applicants fail to submit a building permit for the project within one year (March 6, 2021) of Planning Commission approval or request and receive an extension from the Community Development Director.
5. All work within the public right-of-way or easement shall comply with the specifications of the City of Winters' Engineering Design and Construction Standards. An encroachment permit shall be required for all work performed in the public right-of-way.

6. The applicants shall obtain all required City permits shall pay all applicable fees (building, impact, encroachment, etc.).
7. The applicants shall provide the City with a proof of payment for Winters Joint Unified School District facility fees at building permit issuance.
8. Water used in the course of construction shall be metered and shall be at the cost adopted annually by the City Council.



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: February 25, 2020
FROM: Dave Dowswell, Contract Planner 
SUBJECT: Stones Throw (formerly Winters Highlands) Subdivision - Public Hearing and Consideration by the Winters Planning Commission of the proposed amendment to the existing Tentative Map for the three hundred ninety-five (395) lot Stones Throw Subdivision.

RECOMMENDATION: Staff recommends the Planning Commission:

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

BACKGROUND: In April 2006 the City Council entered into a development agreement (DA) involving the Winters Highlands Subdivision. A First Amendment to the DA was approved in November 2006 and a Second Amendment in January 2009.

On January 5, 2015 the Planning Commission recommended the City Council approve an Amended and Restated Development Agreement between the City of Winters and GBH-Winters Highlands, LLC.

On January 20, 2015 the City Council approved the Amended and Restated Development Agreement. Included with the approval the Council also amended a number of the Conditions of Approval relating to design.

On July 25, 2017 the Planning Commission approved the design of the model homes for Phase 1 of the Stones Throw Subdivision.

PROJECT DESCRIPTION: The applicant has submitted an application requesting to amend the Stones Throw Tentative Map by subdividing seven (7) single family corner lots into fourteen (14) duplex lots (Attachment A). The amendment is being requested because the applicant believes converting the single-family lots to duplex lots would be beneficial from a marketing perspective by allowing them to have more lower priced homes for sale. The exiting approved duplex lots are highlighted in purple and circled in light blue. The new duplex lots are circled in light green. The lots highlighted in purple but not circled are no longer being proposed as duplex lots.

ANALYSIS: When the City approved in 2006 the tentative map and development agreement for the Winters Highlands Subdivision it included 413 lots, 395 single-family lots and 18 duplex lots. In 2015 when the City Council approved the revised tentative map for Winters Highlands it included only 404, 395 single-family lots and 9 duplex lots. The proposed amendment would result in their being 411 lots, 395 single-family lots and 16 duplex lots (Attachment A). Allowing duplexes on corner lots is consistent with the City's Housing Element and are permitted in Table 3B of the Zoning Ordinance.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this planning application was prepared by the Community Development Department's Management Analyst in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on 02/13/20 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to the hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 02/20/20.

ENVIRONMENTAL ASSESSMENT: An Environmental Impact Report was prepared for this project and certified by the City Council on April 4, 2006 (Resolution 2006-08).

PLANNING COMMISSION ACTION: Staff recommends the Planning Commission make a recommendation to the Winters City Council to adopt Resolution 2020-12 (Attachment B) approving the amended and Tentative Map, subject to the CEQA findings and conditions of approval as stated in Amended and Restated Development Agreement recorded on April 20, 2015, for development of the property commonly known as the Stones Throw Subdivision.

CEQA findings:

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

ATTACHMENTS:

- A. Amended Tentative Map illustrating lots being converted from single-family to duplex lots
- B. City Council Resolution 2020-12

WINTERS HIGHLANDS

OPTION 9A



WINTERS JOINT
UNIFIED SCHOOL DISTRICT
000 1998-00253400

LOT 2 2.106 ACRES
OPEN SPACE
WETLANDS

LOT 2 & 3 CURB
PARKING STACED
10 FT. WIDE

LOT 1
APARTMENTS (50 UNITS)
2.016 ACRES

LOT 1 (TRAP)
2.016 ACRES

NOODY SLOUGH ROAD COUNTY ROAD 333

UTAH SPORTS PARK

1 TRAFFIC CALMING FEATURE

CLASS I BIKE PATH

CLASS II BIKE PATH

TRAFFIC CALMING FEATURE
SEE DETAIL 1 THIS SHEET

PARK AREA

PUD OVERLAY

DUPLEX LOTS

WETLANDS AREA

EXCHANGE PARCEL

LEGEND

CLASS I BIKE PATH

CLASS II BIKE PATH

TRAFFIC CALMING FEATURE
SEE DETAIL 1 THIS SHEET

PARK AREA

PUD OVERLAY

DUPLEX LOTS

WETLANDS AREA

EXCHANGE PARCEL

GENERAL NOTES

1. EXISTING CONDITIONS AS SHOWN ON RECORD MAPS AND FIELD SURVEY.

2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE UTAH CONSTRUCTION CODE AND THE UTAH ZONING ORDINANCE.

3. ALL UTILITIES SHALL BE DEPTH MARKED AND SHALL BE PROTECTED.

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TRAFFIC CALMING FEATURE

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LM

LAND MANAGEMENT

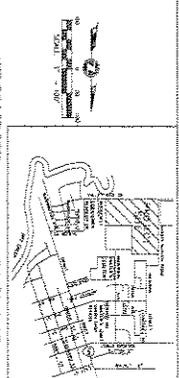
1000 N. 1000 W.

ST. GEORGE, UT 84770

PHONE: (435) 633-1111

FAX: (435) 633-1112

WWW.LMUTAH.COM



ATTACHMENT A

RESOLUTION NO. 2020-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
APPROVING AN AMENDED TENTATIVE SUBDIVISION MAP FOR THE
STONES THROW SUBDIVISION**

WHEREAS, on February 25, 2020 the Planning Commission of the City of Winters recommended to the City Council approval of Amended Tentative Subdivision Map No. 4507 for the Stones Throw (formerly Winters Highlands) Subdivision (the "Amended Tentative Map"); and

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

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

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

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

SECTION 2. Except as specifically amended herein, the Amended Tentative Map, all Findings of Fact and Conditions of Approval approved by the City Council therewith, and all other approvals and conditions approved by the City pursuant to Resolution No 2020-12 remain in full force and effect.

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

I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of Winters at a regular meeting held on the ___ day of April 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

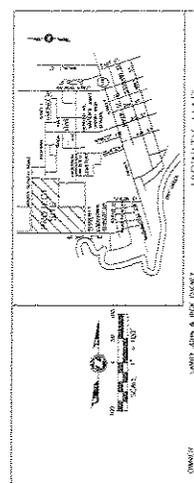
ATTEST:

Bill Biasi, Mayor
City of Winters

Tracy Jensen, City Clerk
City of Winters

ATTACHMENT B

WINTERS HIGHLANDS



OWNER: WINTERS HIGHLANDS, INC. 1111 COLLEGE AVENUE, SUITE 100 WINTERS, CALIFORNIA 95694
 PHONE: (916) 396-5200
 SUBDIVISION: WINTERS HIGHLANDS, PHASE 1
 LICENSED PROFESSIONAL ENGINEER: JAMES W. HARRIS, CIVIL ENGINEER
 LICENSE NO. 44877
 PROJECT: WINTERS HIGHLANDS, PHASE 1, TRAFFIC CALMING FEATURES
 DRAWING NO. 1999-0025-3400
 DATE: 08/11/99

PROJECT: WINTERS HIGHLANDS, PHASE 1, TRAFFIC CALMING FEATURES
 SHEET NO. 1999-0025-3400-01
 TOTAL SHEETS: 01-04
 THIS SHEET SHOWS: TRAFFIC CALMING FEATURES
 SEE SHEET 1999-0025-3400-02 FOR: PAVEMENT, UTILITIES, AND OTHER FEATURES
 SEE SHEET 1999-0025-3400-03 FOR: LANDSCAPE ARCHITECTURE
 SEE SHEET 1999-0025-3400-04 FOR: SITE PLAN AND LEGAL DESCRIPTION

ENGINEERING: JAMES W. HARRIS, CIVIL ENGINEER
 LICENSE NO. 44877
 ADDRESS: 1111 COLLEGE AVENUE, SUITE 100, WINTERS, CA 95694
 PHONE: (916) 396-5200
 FAX: (916) 396-5201
 E-MAIL: JHARRIS@WINTERSHIGHLANDS.COM
 WEBSITE: WWW.WINTERSHIGHLANDS.COM

TRAFFIC CALMING FEATURES:
 CLASS I BIKE PATH
 CLASS II BIKE PATH
 TRAFFIC CALMING FEATURE (SEE DETAIL 1, THIS SHEET)
 PARK AREA
 PUD OVERLAY
 DUPLEX LOTS
 WETLANDS AREA
 EXCHANGE PARCEL

LEGEND:
 CLASS I BIKE PATH: Dashed line with diagonal hatching
 CLASS II BIKE PATH: Dashed line with cross-hatching
 TRAFFIC CALMING FEATURE: Dashed line with circular hatching
 PARK AREA: Stippled pattern
 PUD OVERLAY: Horizontal hatching
 DUPLEX LOTS: Vertical hatching
 WETLANDS AREA: Dotted pattern
 EXCHANGE PARCEL: Diagonal hatching (top-left to bottom-right)

NOTES:
 1. EXISTING STREET RIGHTS-OF-WAY AND EASEMENTS SHOWN ON ORIGINAL MAP OF THE APPROVED TRACT ARE SHOWN WITHIN THE BOUNDARIES OF THIS SUBDIVISION AND SHALL BE RESPECTED WITH THE FINAL MAP.
 2. ALL UTILITIES SHOWN ON THIS MAP SHALL BE IN ACCORDANCE WITH THE CITY OF WINTERS SPECIFICATIONS.
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TRAFFIC CALMING FEATURE

TRAFFIC CALMING FEATURE
 SEE DETAIL 1, THIS SHEET

LEGEND:
 CLASS I BIKE PATH
 CLASS II BIKE PATH
 TRAFFIC CALMING FEATURE (SEE DETAIL 1, THIS SHEET)
 PARK AREA
 PUD OVERLAY
 DUPLEX LOTS
 WETLANDS AREA
 EXCHANGE PARCEL

WINTERS JOINT
 UNIFIED SCHOOL DISTRICT
 800-1999-0025-3400

LOT 17
 OPEN SPACE
 WETLANDS

LOT 18
 PARKING SPACE
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 PARKING SPACE
 WETLANDS

LOT 99
 PARKING SPACE
 WETLANDS

LOT 100
 PARKING SPACE
 WETLANDS

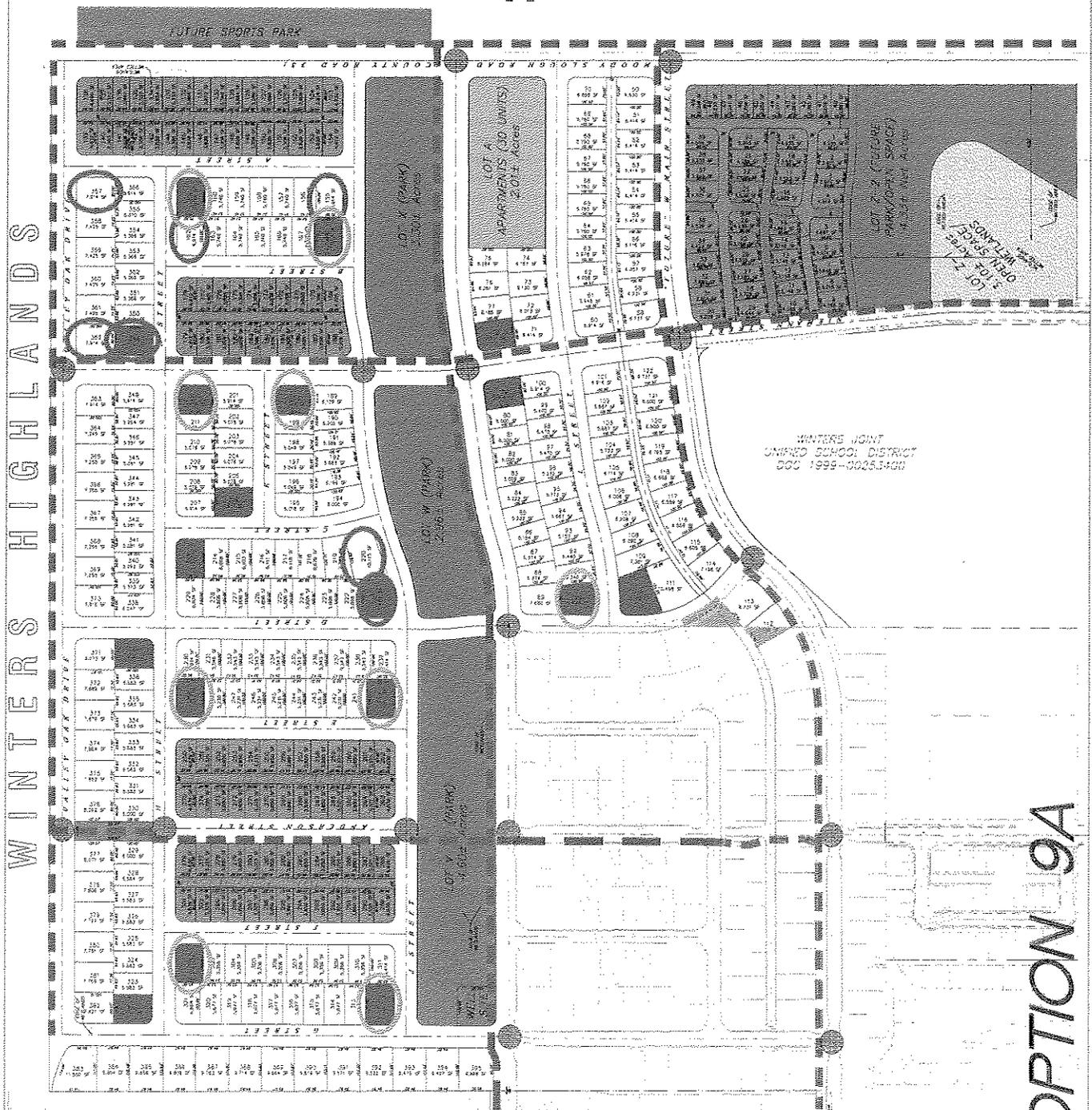


EXHIBIT A

OPTION 9A



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**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners

DATE: February 25, 2020

FROM: David Dowswell, Contract Planner 

SUBJECT: A Resolution 2020-01 of the Planning Commission of the City of Winters, California, recommending the City Council adopt Ordinance 2020-01 amending Chapter 17.04, Introductory Provisions and Definitions and Chapter 17.98, Accessory Dwelling Units (ADUs) of the Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units (JADUs) and determining the ordinance to be exempt from CEQA

RECOMMENDATION: Staff recommends the Planning Commission recommends

- 1) Adopt Resolution 2020-01 of the Planning Commission of the City of Winters recommending that the City Council adopt the ordinance amending Chapter 17.04, Introductory Provisions and Definitions and 17.98, Accessory Dwelling Units, of the Municipal Code relating to ADUs and JADUs and determining the ordinances to be exempt from CEQA, and
- 2) The City Council consider for first reading Ordinance 2020-01, an ordinance of the City Council of the City of Winters amending Chapter 17.04, Introductory Provisions and Definitions and Chapter 17.98, Accessory Dwelling Units, of the Winters Municipal Code relating to ADUS and JADUs and determining the ordinance to be exempt from CEQA.

BACKGROUND: In 2019, the California Legislature approved, and the Governor signed into law, a number of bills in the "New ADU Laws") which, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs. The New ADU Laws took effect January 1, 2020. The City's ordinance became null and void on that date.

ANALYSIS: The proposed ordinance amends the City's local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22.

Key changes to the accessory dwelling unit regulations include:

- Cities must approve an ADU, if the ADU complies with the regulations, within 60 days without discretionary review
- Cities must automatically approve ADUs of 800 square feet or less if converted from existing space in the home or other structure (e.g., a garage) which can be accessed from the exterior or is detached with a maximum height of 16 feet and has a side or rear yard setback.
- Cities cannot require owner-occupancy of either the ADU or principal residence for any new ADUs applied for between January 1, 2020 and January 1, 2025.
- Cities cannot require additional off-street parking for an ADU.
- Cities must allow conversions of existing garages to an ADU without having to replace the parking provided by the garage.
- Cities cannot charge impact fees for ADUs under 750 square feet.
- Cities cannot count the area/footprint of a detached ADU towards the allowable lot coverage.
- Cities must allow ADUs on lots with multi-family structures. Maximum number of ADUs that can be added cannot exceed 25 percent of the existing number of multi-family units.

The attached resolution and the draft ordinance (Attachments A and B) include changes to the City of Winters Municipal Code Chapter 17.04, Introductory Provisions and Definitions and Chapter 17.98, Accessory Dwelling Units, substantially in the form attached.

ENVIRONMENTAL ASSESSMENT: Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small

structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. The ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot.

PROJECT NOTIFICATION: A notice advertising for the public hearing on this application was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law and was published in the Winters Express on 11/27/19 ten days prior to the hearing.

ATTACHMENTS:

- A. Planning Commission Resolution 2020-01
- B. Ordinance 2020 - 01 with edits and with edits accepted

RESOLUTION NO. 2020-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINTERS CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 17.04, INTRODUCTORY PROVISIONS AND DEFINITIONS AND CHAPTER 17.98, ACCESSORY DWELLING UNITS OF THE WINTERS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the New ADU Laws took effect January 1, 2020, and because the City's ADU ordinance did not comply with the New ADU Laws, the City's ordinance became null and void on that date as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, failure to comply with Government Code sections 65852.2 and 65852.22 (as amended) as of January 1, 2020 rendered the City's ordinance regulating ADUs and JADUs null and void, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety.

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, on November 27, 2019, the City gave public notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered; and

WHEREAS, on December 10, 2019 the Planning Commission continued the hearing date until January 28, 2020 and on January 28, 2020 continued the hearing date until February 25, 2020, at which the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WINTERS DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot.

Section 2. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan as the purpose of the proposed ordinance is to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 3. The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 17.04, INTRODUCTORY PROVISIONS AND DEFINITIONS AND CHAPTER 17.98 ACCESSORY DWELLING UNITS, OF THE CITY OF WINTERS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

Section 4. The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 17.04, INTRODUCTORY PROVISIONS AND DEFINITIONS AND CHAPTER 17.98, ACCESSORY DWELLING UNITS, OF THE CITY OF WINTERS MUNICIPAL CODE

RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

Section 5. The proposed ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 17.04, INTRODUCTORY PROVISIONS AND DEFINITIONS AND CHAPTER 17.98, ACCESSORY DWELLING UNITS OF THE CITY OF WINTERS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at Winters City Hall, 318 First Street, Winters, California 95694.

APPROVED this __ day of ____, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Paul Myer, Planning Commission Chair

DATE

ATTEST:

Dago Fierros, Management Analyst

DATE

ORDINANCE NO. 2020 - 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.04, INTRODUCTORY PROVISIONS AND DEFINITIONS AND
CHAPTER 17.98, ACCESSORY DWELLING UNITS OF THE WINTERS MUNICIPAL CODE

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

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

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

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

a. Subdivision (B) of Section 17.04.140 of the Municipal Code is hereby amend the following definitions:

17.04.140 Definitions

"Accessory building or accessory structure", which excludes accessory dwelling units, means a detached subordinate structure or building located on the same premises as the main building or buildings located on the same premises as the main building or buildings (or proposed for development concurrently with the main building or buildings), the use of which is customarily incidental to that of the main building or the use of land. Where any portion of a wall of accessory building or structure is attached to the main building where an accessory structure is attached to the main building in a substantial manner by a roof or deck, the accessory building or structure shall be considered and treated as part of the main building.

"Accessory dwelling unit" or "ADU" means a dwelling unit attached or detached from the principal permitted dwelling which provides complete and independent living facilities, including living, sleeping, eating, cooking and sanitation facilities, for rent but not for sale. An accessory dwelling unit also includes an efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code and a manufactured home, as defined by Section 18007 of the California Health and Safety Code.

Definitions "Accessory use" through "Complete application" unchanged.

"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Definitions "Cottage food operation" through "Dwelling unit" unchanged.

"Efficiency kitchen" means a kitchen that includes each of the following:

1. A cooking facility with appliances,
2. A food preparation counter that total at least fifteen (15) square feet in area, and
3. Food storage cabinets that total at least thirty (30) square feet of shelf space.

Definitions "Emergency vehicle" through "Independent review" unchanged.

"Junior accessory dwelling unit" or "JADU" means a residential unit that is as follows:

1. Is no more than five hundred (500) square feet in size,
2. Is contained entirely within an existing or proposed single-family structure.
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
4. Includes an efficiency kitchen, as defined.

Definition for "Landscaping" unchanged.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

Definitions for "Living quarters" to "Parking space" unchanged.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to an entrance of an ADU or JADU.

Definitions for "Paved" to "Projecting sign" unchanged.

"Public transit" means a location, including, but not limited to, a bus stop, subway or train station. Where the public may access buses, trains, subways and other forms of transportation that charge set fares, run fixed routes.

Definitions for "Recreational vehicle" to "Structure" unchanged.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Definitions "Temporary sign" to "Zone" unchanged.

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

Chapter 17.98

ACCESSORY DWELLING UNITS

Sections:

17.98.010 Purpose and intent.

17.98.020 Administration

17.98.030 Development Standards for all accessory dwelling units

17.98.040 Development standards for streamlined approval of accessory dwelling units.

17.98.010 Purpose and intent

The purpose of this section is to permit accessory dwelling units in single-family and multi-family residential zoning districts consistent with state law (California Government Code Sections 65852.1502 through 65852.22). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. Accessory dwelling units, which includes junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with ~~all of~~ all the provisions in Chapter 17, except as modified in this chapter.

17.98.0230 Administration

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

B. Application.

1. ~~4.~~ Applications for an accessory dwelling unit ~~permit shall be filed with the community development director on forms provided by the community development department.~~
2. An application for an accessory dwelling unit ~~permit shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this subsection.~~
3. Once an application is deemed complete the application must be approved or denied within one hundred and twenty-sixty (1260) days if there is an existing single-family or multi-family dwelling on the lot.

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

17.98.030 Development Standards for all accessory dwelling units

~~All accessory dwelling units shall comply with the following development standards:~~

A. Only one (1) accessory dwelling unit shall be allowed for each single-family residential lot. An accessory dwelling unit shall not be permitted on a lot already having two (2) or more dwelling units located thereon.

B. The minimum floor space of an detached accessory dwelling unit shall be one hundred fifty (150) square feet and the maximum area of floor space of a detached accessory residential unit shall not exceed one thousand two hundred (1,200) square feet of living area on lots with a net lot area of twenty thousand (20,000) square feet or more and seven hundred fifty (750) square feet one thousand two hundred (1,200) square feet of living area on lots with a net lot area of less than twenty thousand (20,000) square feet. The maximum area of floor space of an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet.

C. A detached accessory dwelling unit that is eight hundred (800) square feet or less and sixteen (16) feet or less in height may have a side and rear setback of four (4) feet.

D. An accessory dwelling unit built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations

D. The size of the accessory dwelling unit shall not be counted towards the maximum floor area ratio (FAR) for the site.

~~B. The site on which the proposed accessory dwelling unit is to be located meets the minimum lot size requirements for the zone in which it is located and in no instance is less than six thousand (6,000) square feet.~~

~~CE. Construction under this section~~Accessory dwelling units shall be subject to complying with zoning requirements applicable to residential construction in single family (R-R, R-1, and R-2, R-3 and R-4) zones, except as modified by the conditions of this section.

~~DE.~~ The lot on which the accessory dwelling unit is proposed shall contain a principal residence at the time of construction of the accessory dwelling unit. In the case of vacant lots, the principal residence and accessory dwelling unit may be constructed at the same time.

~~EG.~~ The accessory dwelling unit is self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.

~~F.~~ Only one accessory dwelling unit shall be allowed for each principal residence per lot. An accessory dwelling unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guest dwelling. A guest dwelling shall not be permitted on any lot developed with an accessory dwelling unit.

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

H. An accessory building or structure, including a garage or carport, may be converted into an accessory dwelling unit, subject to complying with the Title 24 of the California Code of Regulations. No off-street parking shall be required for an accessory dwelling unit. Replacement parking is not required when a garage or carport is converted to an accessory dwelling unit.

~~I.~~ One (1) off-street uncovered parking space shall be provided for every accessory dwelling unit in addition to parking required for the principal residence. The off-street uncovered parking space may be provided in the front setback to the side of the existing driveway or in tandem on the driveway, subject to complying with Section 17.98.030I. When development of the accessory dwelling unit displaces existing required off-street parking (e.g., conversion of a garage) the required parking shall be concurrently replaced on the property in compliance with the off-street parking regulations in Chapter 17.72.

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

~~Within one-half (1/2) mile of public transit;~~

~~In an historic district;~~

~~In part of an existing principal residence or existing accessory building or structure;~~

~~In an area requiring on-street parking permits but they are not offered to the ADU occupant; or~~

~~Within one block of a car-sharing vehicle pick-up/drop-off location.~~

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

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

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

M. Accessory dwelling units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to an accessory dwelling unit shall be located on the front building elevation of the principal residence if the accessory dwelling unit is attached to the residence, in order to maintain the appearance of the structure as a single-family residence unit.

J. All accessory dwelling units created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the accessory dwelling unit was created. Any application received for an accessory dwelling after January 1, 2020 is not subject to the owner-occupancy requirement.

Any application received for an accessory dwelling unit after January 1, 2025 is subject to the owner-occupancy agreement and a person with equitable title to the property shall occupy either the principal or accessory dwelling unit as their principal or primary residence as defined by the County Assessor. If either unit should become non-owner-occupied the accessory dwelling unit, upon notification by the city, shall be converted into a non-accessory dwelling unit by removing the kitchen facilities. To ensure the property is owner-occupied the property owner shall record a deed restriction prior to obtaining a certificate of occupancy for the accessory dwelling unit.

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

~~O. Before obtaining an occupancy permit for an accessory dwelling unit the owner of an accessory dwelling unit shall file with the County Recorder a declaration or agreement, form to be approved by the city attorney, stating the owner shall live in either the principal residence or accessory dwelling unit at all times. This restriction shall be removed if the owner eliminates the accessory dwelling unit or converts it into a non-dwelling unit or guest dwelling by removing the kitchen facilities.~~

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

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

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

L. No impact fee shall be imposed on an accessory dwelling unit that is less than seven hundred fifty (750) feet in size. For purposes of this section "impact fees" include the fees specified in Section 6600 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. Except as mentioned above, the city council may, by resolution, establish fees for accessory units that mitigate the impact of an accessory dwelling unit on public infrastructure or services based on the square footage of the accessory dwelling unit in relation to the square footage of the principal residence.

M. An accessory dwelling unit may be required to have a new or separate utility connection directly between the accessory dwelling unit and the utility. The city council may adopt by resolution a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water and sewer system. The fee shall be based upon either square footage of the accessory dwelling unit or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. Accessory dwelling units shall be exempt from any requirements to install a new or separate utility connection and pay any connection fees or charges if it is created by the conversion of interior space of the principal residence, unless the unit is constructed with a new single-family residence.

N. The owner of an accessory dwelling unit built before January 1, 2010 may request any correction of building standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code be delayed subject to the following:

1. Prior to January 1, 2030 the owner requests in writing enforcement of any violation of a building standard be delayed for five (5) years.
2. The community development director, in consultation with the building official determines, the enforcement of the building standard or standards is not necessary to protect the health and safety.

17.98.040 Development standards for streamlined approval of accessory dwelling units.

The community development director shall ministerially approve a building permit application for an accessory dwelling unit meets the following:

A. Converted space on a single-family lot. Only one (1) accessory dwelling unit shall be allowed on a lot with a proposed or existing single-family dwelling, where the accessory dwelling unit.

1. Is within the walls of the proposed or existing single-family dwelling, or within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress, has an exterior access independent of the single-family dwelling and has side and rear yard setbacks that comply with the applicable building and fire codes.
2. Has an exterior access independent of the single-family dwelling.
3. Has side or rear setbacks sufficient for fire and safety, as required by applicable building and fire codes.

B. Limited detached or single-family lot. One (1) new detached accessory dwelling unit on a lot with a proposed or existing single-family dwelling, in addition to any junior accessory dwelling that might otherwise be established on the lot allowed in subsection A above, if the detached accessory dwelling unit satisfies the following limitations:

1. The side- and rear- yard setbacks are at least four (4) feet.
2. The total floor area is eight hundred (800) square feet or less.
3. The height is sixteen (16) feet or less.

C. Converted on multi-family lot. Multiple accessory dwelling units within portions of existing multi-family dwelling structures not used as livable space, including but not limited storage rooms, passageways, attics, basements, or garages that satisfies the following:

1. If each converted accessory dwelling unit complies with the state building standards for dwellings.
2. At least one (1) converted accessory dwelling unit is allowed within an existing multi-family dwelling, but the number of accessory dwelling units may not exceed twenty-five (25) percent of the existing multi-family units.

A.D. Limited detached on a multi-family lot. No more than two (2) detached accessory dwellings units on a lot with an existing multi-family dwelling if each detached accessory dwelling units satisfies the following limitations:

1. The side- and rear-yard setbacks are at least four (4) feet.
2. The total area is eight hundred (800) or less.

E. Junior accessory dwelling units shall not be more than five hundred (500) square feet and must be contained within the walls of the existing single-family dwelling. The unit may have separate sanitation facilities or share facilities with the single-family dwelling. If sanitation facilities are shared there must be a connecting interior door between the junior accessory dwelling unit and the single-family dwelling. The unit shall include cooking appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the unit.

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

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

INTRODUCED at a regular meeting on the ____ day of _____ and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____ 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Tracy S. Jensen, City Clerk

Bill Biasi, Mayor

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

ORDINANCE NO. 2020 - 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.04, INTRODUCTORY PROVISIONS AND DEFINITIONS AND
CHAPTER 17.98, ACCESSORY DWELLING UNITS OF THE WINTERS MUNICIPAL CODE

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

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

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

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

a. Subdivision (B) of Section 17.04.140 of the Municipal Code is hereby amend the following definitions:

17.04.140 Definitions

"Accessory building or accessory structure", which excludes accessory dwelling units, means a detached subordinate structure or building located on the same premises as the main building or buildings located on the same premises as the main building or buildings (or proposed for development concurrently with the main building or buildings), the use of which is customarily incidental to that of the main building or the use of land. Where any portion of a wall of accessory building or structure is attached to the main building where an accessory structure is attached to the main building in a substantial manner by a roof or deck, the accessory building or structure shall be considered and treated as part of the main building.

"Accessory dwelling unit" or "ADU" means a dwelling unit attached or detached from the principal permitted dwelling which provides complete and independent living facilities, including living, sleeping, eating, cooking and sanitation facilities, for rent but not for sale. An accessory dwelling unit also includes an efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code and a manufactured home, as defined by Section 18007 of the California Health and Safety Code.

Definitions "Accessory use" through "Complete application" unchanged.

"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Definitions "Cottage food operation" through "Dwelling unit" unchanged.

“Efficiency kitchen” means a kitchen that includes each of the following:

1. A cooking facility with appliances,
2. A food preparation counter that total at least fifteen (15) square feet in area, and
3. Food storage cabinets that total at least thirty (30) square feet of shelf space.

Definitions “Emergency vehicle” through “Independent review” unchanged.

“Junior accessory dwelling unit” or “JADU” means a residential unit that is as follows:

1. Is no more than five hundred (500) square feet in size,
2. Is contained entirely within an existing or proposed single-family structure.
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
4. Includes an efficiency kitchen, as defined.

Definition for “Landscaping” unchanged.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

Definitions for “Living quarters” to “Parking space” unchanged.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to an entrance of an ADU or JADU.

Definitions for “Paved” to “Projecting sign” unchanged.

“Public transit” means a location, including, but not limited to, a bus stop, subway or train station. Where the public may access buses, trains, subways and other forms of transportation that charge set fares, run fixed routes.

Definitions for “Recreational vehicle” to “Structure” unchanged.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

Definitions “Temporary sign” to “Zone” unchanged.

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

Chapter 17.98

ACCESSORY DWELLING UNITS

Sections:

- 17.98.010 Purpose and intent.**
- 17.98.020 Administration**
- 17.98.030 Development standards for all accessory dwelling units**
- 17.98.040 Development standards for streamlined approval of accessory dwelling units.**

17.98.010 Purpose and intent

The purpose of this section is to permit accessory dwelling units in single-family and multi-family residential zoning districts consistent with state law (California Government Code Sections 65852.2 through 65852.22). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. Accessory dwelling units, which includes junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all the provisions in Chapter 17, except as modified in this chapter.

17.98.030 Administration

A. Accessory Dwelling Unit Approval Required. Approval of an accessory dwelling unit shall be obtained prior to construction, conversion and/or development of an accessory dwelling unit. Pursuant to California Government Code Section 65852.2, approval of the accessory dwelling unit shall be considered ministerial without any discretionary review or a hearing. Accessory dwelling units are exempt from the California Environmental Quality Act.

B. Application.

1. Applications for an accessory dwelling unit shall be filed with the community development director on forms provided by the community development department.
2. An application for an accessory dwelling unit shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this subsection.
3. Once an application is deemed complete the application must be approved or denied within sixty (60) days if there is an existing single-family or multi-family dwelling on the lot.

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

17.98.030 Development standards for all accessory dwelling units

A. Only one (1) accessory dwelling unit shall be allowed for each single-family residential lot. An accessory dwelling unit shall not be permitted on a lot already having two (2) or more dwelling units located thereon.

B. The minimum floor space of an detached accessory dwelling unit shall be one hundred fifty (150) square feet and the maximum area of floor space shall not exceed one thousand two hundred (1,200) square feet. The maximum area of floor space of an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet.

C. A detached accessory dwelling unit that is eight hundred (800) square feet or less and sixteen (16) feet or less in height may have a side and rear setback of four (4) feet.

D. An accessory dwelling unit built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations

D. The size of the accessory dwelling unit shall not be counted towards the maximum floor area ratio (FAR) for the site.

E. Accessory dwelling units shall be subject to complying with zoning requirements in R-R, R-1, R-2, R-3 and R-4 zones, except as modified by the conditions of this section.

F. The lot on which the accessory dwelling unit is proposed shall contain a residence at the time of construction of the accessory dwelling unit. In the case of vacant lots, the residence and accessory dwelling unit may be constructed at the same time.

G. The accessory dwelling unit is self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.

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

Regulations. No off-street parking shall be required for an accessory dwelling unit. Replacement parking is not required when a garage or carport is converted to an accessory dwelling unit.

I. Accessory dwelling units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to an accessory dwelling unit shall be located on the front building elevation of the principal residence if the accessory dwelling unit is attached to the residence, in order to maintain the appearance of the structure as a single-family residence.

J. All accessory dwelling units created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the accessory dwelling unit was created. Any application received for an accessory dwelling after January 1, 2020 is not subject to the owner-occupancy requirement.

Any application received for an accessory dwelling unit after January 1, 2025 is subject to the owner-occupancy agreement and a person with equitable title to the property shall occupy either the principal or accessory dwelling unit as their principal or primary residence as defined by the County Assessor. If either unit should become non-owner-occupied the accessory dwelling unit, upon notification by the city, shall be converted into a non-accessory dwelling unit by removing the kitchen facilities. To ensure the property is owner-occupied the property owner shall record a deed restriction prior to obtaining a certificate of occupancy for the accessory dwelling unit.

K. All new construction or exterior alterations to existing structures proposed for an accessory dwelling unit may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.

L. No impact fee shall be imposed on an accessory dwelling unit that is less than seven hundred fifty (750) feet in size. For purposes of this section "impact fees" include the fees specified in Section 6600 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. Except as mentioned above, the city council may, by resolution, establish fees for accessory units that mitigate the impact of an accessory dwelling unit on public infrastructure or services based on the square footage of the accessory dwelling unit in relation to the square footage of the principal residence.

M. An accessory dwelling unit may be required to have a new or separate utility connection directly between the accessory dwelling unit and the utility. The city council may adopt by resolution a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water and sewer system. The fee shall be based upon either square footage of the accessory dwelling unit or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. Accessory dwelling units shall be exempt from any requirements to install a new or separate utility connection and pay any connection fees or

charges if it is created by the conversion of interior space of the principal residence, unless the unit is constructed with a new single-family residence.

N. The owner of an accessory dwelling unit built before January 1, 2010 may request any correction of building standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code be delayed subject to the following:

1. Prior to January 1, 2030 the owner requests in writing enforcement of any violation of a building standard be delayed for five (5) years.
2. The community development director, in consultation with the building official determines, the enforcement of the building standard or standards is not necessary to protect the health and safety.

17.98.040 Development standards for streamlined approval of accessory dwelling units.

The community development director shall ministerially approve a building permit application for an accessory dwelling unit meets the following:

- A. Converted space on a single-family lot. Only one (1) accessory dwelling unit shall be allowed on a lot with a proposed or existing single-family dwelling, where the accessory dwelling unit.
 1. Is within the walls of the proposed or existing single-family dwelling, or within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress, has an exterior access independent of the single-family dwelling and has side and rear yard setbacks that comply with the applicable building and fire codes.
 2. Has an exterior access independent of the single-family dwelling.
 3. Has side or rear setbacks sufficient for fire and safety, as required by applicable building and fire codes.
- B. Limited detached or single-family lot. One (1) new detached accessory dwelling unit on a lot with a proposed or existing single-family dwelling, in addition to any junior accessory dwelling that might otherwise be established on the lot allowed in subsection A above, if the detached accessory dwelling unit satisfies the following limitations:
 1. The side- and rear- yard setbacks are at least four (4) feet.
 2. The total floor area is eight hundred (800) square feet or less.
 3. The height is sixteen (16) feet or less.
- C. Converted on multi-family lot. Multiple accessory dwelling units within portions of existing multi-family dwelling structures not used as livable space, including but not limited storage rooms, passageways, attics, basements, or garages that satisfies the following:

1. If each converted accessory dwelling unit complies with the state building standards for dwellings.
 2. At least one (1) converted accessory dwelling unit is allowed within an existing multi-family dwelling, but the number of accessory dwelling units may not exceed twenty-five (25) percent of the existing multi-family units.
- D. Limited detached on a multi-family lot. No more than two (2) detached accessory dwellings units on a lot with an existing multi-family dwelling if each detached accessory dwelling units satisfies the following limitations:
1. The side- and rear-yard setbacks are at least four (4) feet.
 2. The total area is eight hundred (800) or less.
- E. Junior accessory dwelling units shall not be more than five hundred (500) square feet and must be contained within the walls of the existing single-family dwelling. The unit may have separate sanitation facilities or share facilities with the single-family dwelling. If sanitation facilities are shared there must be a connecting interior door between the junior accessory dwelling unit and the single-family dwelling. The unit shall include cooking appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the unit.

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

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

INTRODUCED at a regular meeting on the ___ day of _____ and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ___ day of _____ 2020 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

ATTEST:

 Tracy S. Jensen, City Clerk

 Bill Biasi, Mayor

APPROVED AS TO FORM:

Ethan Walsh, City Attorney