

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING A REZONE FROM NEIGHBORHOOD COMMERCIAL (C-1) TO CENTRAL BUSINESS COMMERCIAL (C-2) WITH A PLANNED DEVELOPMENT OVERLAY (PD) FOR A 6.01 ACRE PARCEL (APN:038-190-035) LOCATED ON THE SOUTH SIDE OF EAST GRANT AVENUE BETWEEN EAST MAIN STREET AND MORGAN STREET AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY FOR THE REZONE AMENDMENT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (COMMON SENSE EXEMPTION) OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (STATE CEQA GUIDELINES)

Whereas, the City of Winters (the “City”) is a municipal corporation duly organized under the constitution and laws of the State of California; and

Whereas, the City of Winters General Plan was adopted on May 19, 1992, by City Council Resolution No. 1992-13; and

Whereas, General Plan Housing Element updates must be prepared in accordance with the provisions set forth in Section 65583 et seq. of the Government Code; and

Whereas, on May 11, 2022, the State Department of Housing and Community Development (HCD) found that the City prepared, and adopted, its 6th Cycle Housing Element in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code); and

Whereas, the “certified” Housing Element contained several Implementation policies that required action on the part of the City related to the ability of the City to provide adequate sites for all economic segments of the community; and

Whereas, Implementation Policy II.3 of the City’s Housing Element requires the City to rezone a minimum of 4.25 acres to accommodate 70 units for lower income households; and

Whereas, the property owner of Assessor’s Parcel Number 038-190-035 is desirous to have the subject property have a new General Plan designation and be within a new zoning district in order for the City to implement the policies of its Housing Element; and

Whereas, the aforementioned rezoned lands will allow the addition of higher density residential uses at a minimum of 17.5 dwelling units per acre up to a maximum of 22 dwelling units to the acre in addition to allowing expanded commercial uses and multi-family units at or above ground level; and

Whereas, a notice of public hearing for the Rezone amendment was published in the Winters Express on May 15, 2024; and

Whereas, in accordance with Winters Municipal Code Section 17.36.030.B and Section 17.16.040, an affected property owners notice was mailed to adjacent property owners within 300 feet of the project location on May 15, 2024; and

Whereas, on May 21, 2024, the City Council conducted a duly noticed public hearing, at which time all testimony received was made part of the public record, and approved the introduction of the proposed Ordinance and passed it to a second reading.

NOW, THEREFORE, the City Council of the City of Winters does hereby ordain as follows:

Section 1. The City Council hereby approves the rezoning from Neighborhood Commercial (C-1) to Central Business Commercial (C-2) with a Planned Development Overlay (PD) for a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street.

Section 2. The City Council, based on the evidence in the record and findings set forth in Exhibit A, determines the rezoning to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines. because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Yolo in accordance with CEQA Guidelines.

Section 3. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 318 First Street, Winters, CA 95694. The custodian of these records is the City Clerk.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Winters hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 6. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Winters.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Winters, California, at a regular meeting of the City Council held on the 4th day of June, 2024.

City of Winters



By: Bill Biasi, Mayor

ATTEST:


Jeremy Craig, City Clerk

Exhibit "A"

Rezone Findings

1. The proposed rezoning from C-1 to C-2 is consistent with the General Plan designation of Central Business District (CBD)
2. The proposed rezoning of C-2 with a Planned Development (P-D) overlay meets the following Findings:
 - A. The development proposed is consistent with the general plan and the purposes of this section; This finding can be made as the General Plan map is being amended concurrently with the proposed rezone and will therefore be consistent with the General Plan. No development of the site is occurring with this amendment project.
 - B. The development proposed either complies with the applicable provisions of the basic zoning district on the property or any deviations from those provisions have been justified as necessary to achieve an improved design for the development and/or the environment; This finding can be made as the provisions of the zoning code will be met when development occurs consistent with the new zoning district. No development of the site is occurring with this amendment project.
 - C. The proposed development is essential or desirable to the public comfort and convenience; This finding can be made as the new land use designations will provide for expanded commercial and residential uses/development in the City. No development of the site is occurring with this amendment project.
 - D. The requested plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare; This Finding can be made as the new designations are enhancements to the existing land use designations and consistent in nature. No development of the site is occurring with this amendment project.
 - E. Adequate utilities, access roads, sanitation and/or other necessary facilities and services will be provided or available; This finding can be made as the site is located on a major arterial to the City where urban

infrastructure exists. No development of the site is occurring with this amendment project.

F. The development will not create an adverse fiscal impact for the city in providing necessary services. This finding can be made as the property will be developed by property owners who will pay their fare-share of impact fees necessary to provide necessary services. No development of the site is occurring with this amendment project.