

ORDINANCE NO. 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTIONS 17.52.020 AND 17.200.120 OF, AND ADDING 17.200.130 TO, THE WINTERS MUNICIPAL CODE, RELATING TO MINISTERIAL REVIEW OF AFFORDABLE HOUSING PROJECTS AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on May 11, 2022, the California Department of Housing and Community Development (HCD) certified the City of Winters's (City's) sixth cycle (2021-2029) Housing Element and found the Housing Element in substantial compliance with State Housing Element Law (Article 10.6 of the Government Code); and

WHEREAS, the Housing Element profiles the City's compliance with various state housing laws; and

WHEREAS, Housing Element Program II.3 directs the City to amend the Winters Municipal Code to satisfy its lower-income Regional Housing Needs Allocation (RHNA); and

WHEREAS, on May 21, 2024, the City Council approved Resolution No. 2024-38 approving a General Plan amendment to the General Plan Use designation from Neighborhood Commercial (NC) to Central Business District (CBD) 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

WHEREAS, on June 4, 2024, the City Council adopted Ordinance No. 2024-05 to amend Official Zoning Map by changing the zoning of the 6.01 acre parcel (APN 038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street from C-1, Neighborhood Commercial, to C-2, Central Business District with a Planned Development Overlay; and

WHEREAS, on August 14, 2024, HCD sent a letter of inquiry to the City regarding the completion of Housing Element Program II.3; and

WHEREAS, the City forwarded a copy of Ordinance No. 2024-05 and Resolution 2024-38 to HCD; and

WHEREAS, on December 12, 2024, HCD requested additional changes related to the rezoning; and

WHEREAS, on February 25, 2025, the Planning Commission conducted a duly noticed public hearing to consider HCD's December 12, 2024 letter, recommendations by

staff, and public testimony concerning the ordinance. Following the public hearing, the Planning Commission voted to forward the ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on April 15, 2025, the City Council conducted a duly noticed public hearing to consider the ordinance, including: (1) the public testimony and agenda reports prepared in connection with the ordinance; (2) the policy considerations discussed therein; and (3) the consideration and recommendation of the Planning Commission; and

WHEREAS, the City Council of the City of Winters, at its regularly scheduled public meeting on April 15, 2025 introduced this Ordinance to amend Sections 17.52.020 and 17.200.120 of, and add Section 17.200.130 to, Title 17 of the Winters Municipal Code; and

WHEREAS, all legal prerequisites to the adoption of the ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Environmental. The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines sections 15060(c)(2) and 15061(b)(3) because it will not result in a direct or reasonably foreseeable physical change in the environment; and the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Zoning Code allows for the ministerial review of housing projects on one of the sites identified in the Housing Element and ministerial projects are not subject to CEQA. An update to the Winters Municipal Code related to density bonuses is also exempt because this action cannot cause a physical change to the environment on its own. Thus, it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. Required Findings. In accordance with section 17.28.050 of the Winters Municipal Code, the City Council hereby makes the following findings:

1. *General Plan.* The ordinance's amendments to the Winters Municipal Code are consistent with the General Plan and necessary and desirable to implement the provisions thereof. Specifically, Housing Element Program II.3 directs the City to amend the Winters Municipal Code to satisfy its lower-income RHNA. This ordinance effectuates and implements program II.3 by (1) specifying that minimum residential density is 20 dwelling units per acre; (2) specifying that the City permits owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower-income households; and (3) providing that mixed-use sites allow 100

percent residential development and requires a minimum of 50 percent of the square footage in a mixed-use development to be residential. For these reasons, the ordinance's amendments to the Winters Municipal Code are consistent with the General Plan and necessary and desirable to implement the provisions thereof.

2. *Health, Safety, and Welfare; Illogical Land Use Pattern.* Adoption of the ordinance will not adversely affect the public health, safety, and welfare as it updates the Winters Municipal Code to allow ministerial review of affordable housing projects on site that were previously evaluated for their ability to accommodate affordable housing to ensure that the Winters Municipal Code is consistent with the City's Housing Element. Finally, this ordinance will not result in an illogical land use pattern as it is only clarifies the City's existing zoning map.

3. *Consistency with Title 17.* This ordinance is consistent with the purpose and intent of Winters Municipal Code Title 17 because it does not alter or revise the type or intensity of allowed uses and ensures that the provisions thereof are consistent with the City's Housing Element.

4. *Environmental.* See Section 2 above.

SECTION 4. Code Amendment. Section 17.52.020 (Land Use/Zone Matrix) to Title 17 of the Winters Municipal Code is hereby amended in its entirety to read as follows:

17.52.020 Land Use/Zone Matrix.

LAND USE/ZONE MATRIX

KEY: Zoning Designations:

C= Conditional Use

P= Permitted Use

T= Temporary Use

(A-1) General Agricultural

(R-R) Rural Residential

(R-1) Single family, 7,000 square foot average minimum

(R-2) Single-family, 6,000 square foot average minimum

(R-3) Multifamily Residential

(R-4) High Density Residential

(C-1) Neighborhood Commercial

(C-2) Central Business District

(C-H) Highway Service Commercial

(O-F) Office

(B/P) Industrial/Business Park

(M-1) Light Industrial

(M-2) Heavy Industrial

(PQP) Public/Quasi-Public

(P-R) Parks and Recreation
(O-S) Public Open Space
(PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	PD*
Agricultural Operation	P	C														P	
Animal Production	P															C	
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					
Automobile Repair, Major							C	C			C	C	P				
Automobile Repair, Minor							P	P	P		P						
Bar, Cocktail Lounge							C	C									
Bed and Breakfast Inn			C	C	C	C		C									
Business Service							P	P		P	P						
Businesses and Uses Prohibited by State or Federal Law																	
Commercial Cannabis (retail storefront only)							C ⁸	C ⁸									
Financial Institutions							P	P		P	P						
Equipment Sales, Rental, Repair							P	P			P						
Funeral Parlor								P			C						

Hotel, Motel								C	C									
Nurseries	P						P	P			C	C						
Office, Business and Medical							P	P		P	P							
Outdoor Sales							C	C			C							
COMMERCIAL AND OFFICE USES (Continued)																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Personal Retail Services							P	P										
Personal Storage								C			C	C			C	C		
Recreation, Indoor or Outdoor							C	C			C	C						
Recreational Vehicle Park									C		C							
Restaurant							P	P	P		C							
Restaurant, Drive-Through							C	C	P									
Retail Sales, General							P	P	C		C							
Roadside Stand	P	C					C	C										
Service Station							P	P	P		P							
Stationary Food Vendor							C	C	C									
Veterinary Hospital, Kennel	C						C	P										
INDUSTRIAL USES																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Businesses and Uses Prohibited by State or Federal Law																		

Finished Goods Assembly												P	P	P				
Heavy Equipment Terminal												C	C	P				
Laboratory, Research, Equipment											C		C	C				
Manufacturing, Heavy General														C				
Manufacturing, Light General													C	P				
Mineral Extraction	C													C	C		C	
Recycling Center Collection							P	P				P	P	P				
Recycling and Salvage Yards														C				
Warehouse, Wholesale, Freight Terminal													C	P				
PUBLIC & QUASI-PUBLIC USES																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Assembly Hall/Community Services	C	C					C	C		C	C			C	C			
Businesses and Uses Prohibited by State or Federal Law																		
Cemetery	C													C		C		
PUBLIC & QUASI-PUBLIC USES (Continued)																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	

Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C							C			
Cultural Facility						C	C							C	C		
Day Care, General		C	C	C	C	C				C	C			C			
Emergency Shelter					P	P		P						P			
Government Offices										C	C			C	C		
Hospital										C	C			C			
Public Parks	C	C	C	C			C	C	C					C	C	C	
Religious Institutions			C	C			C	C		C	C			C			
Safety Services							C	C		C	C			C			
Utility Services, Major	C	C											C	C	C	C	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														C			
RESIDENTIAL USES																	
	A-1	R-1	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Accessory Dwelling Units		P	P	P													
Businesses and Uses Prohibited by State or Federal Law																	
Day Care, Limited		P	P	P	P	P											
Dwelling, Multiple-Family					P	P	C	P		C							
Dwelling, Single-Family	P	P ⁴	P ⁴	P ⁴	C	C ⁴		C ²								C	
Dwelling, Two-Family or Duplex			P ¹	P	C	C											

Farmworker Housing Unit	P		P	P	P	P		P ⁵										
Farmworker Housing Complex	P				P	P		P ⁵										
Mobilehome Park		C	C	C	C	C												
Single Room Occupancy					P	P		C										
Residential Care Facility		C	C	C	C									C				
Vacation Rental (Hosted)		C	C	C	C													
Vacation Rental (Nonhosted)		C	C	C	C													
TEMPORARY USES																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Arts and Crafts Show	T						T	T	T	T	T	T	T	T	T	T	T	T
TEMPORARY USES (Continued)																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Businesses and Uses Prohibited by State or Federal Law																		
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T													T	T	T	T	
Seasonal Sales	T	T					T	T	T		T	T		T	T	T	T	

Footnotes:

1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.

2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
 3. Reserved.
 4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).
 5. For single farmworkers, single room occupancy housing is permitted.
 6. Vacation rental (hosted) is allowed in all residential zones upon zoning administrator approval of a vacation rental permit.
 7. Vacation rental (nonhosted) is allowed in all residential zones upon planning commission approval of a conditional use permit (CUP).
 8. A Commercial Cannabis Permit (CCP) is required. A retail storefront commercial cannabis business must be within the C-1 or C-2 zone and located on Assessor's Parcel Maps, Book 03-16, 03-221, 03-321, 03-35, 03-37, 038-05, 038-07 and 038-19.
- * All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

SECTION 5. Code Amendment to Renumber Section 17.200.120 (Enforcement and penalties) is hereby renumbered as Section 17.200.130.

SECTION 6. Code Amendment. A new Section 17.200.120 is hereby added to Title 17 of the Winters Municipal Code to read as follows:

17.200.120 – By-Right Housing Projects.

- A. Purpose and Intent. It is the purpose of this section to facilitate the development of qualifying affordable housing units by implementing Program A.1-1 from the City of Winters 2020-2028 Housing Element ("Program A.1-1") and codifying the

statutory requirements found in California Government Code section 65583.2(c) governing the same.

- B. Applicability. This section applies to the following sites: Assessor's Parcel Number (APN) APN 038-190-035.
- C. Effect. Residential projects allowed as a use by right under this section shall be exempt from discretionary review and any corresponding discretionary permits that would otherwise be required by Title 17 of this Code. For purposes of this section, "use by right" has the same meaning as provided in Government Code section 65583.2(i).
- D. Requirements. A proposed owner-occupied or multifamily residential project shall be allowed as a use by right under this section if all of the following requirements are satisfied:
 - 1. The project is located on a site listed in subsection (B) above.
 - 2. The project complies with all applicable objective City policies, development standards, and design standards established in the General Plan or Zoning Code. Where there is a conflict between other City requirements and this section, the provisions of this section apply.
 - 3. The minimum residential density is 20 dwelling units per acre.
 - 4. At least 20 percent of the units are affordable to lower income households in accordance with Government Code section 65583.2(c).
 - 5. The mixed-use allows 100 percent residential development and requires a minimum of 50 percent of the square footage in a mixed-use development to be residential.

SECTION 7. Publication. A summary of this ordinance shall be published in a newspaper published and circulated in the City of Winters at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A certified copy of the full text of the proposed ordinance shall be posted in the office of the City Clerk. Within 15 days after adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

SECTION 8. Effective Date. This Ordinance of the City of Winters shall be effective thirty (30) days after the date of its passage. This Ordinance shall be published in accordance with Government Code Section 36933.

SECTION 9. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent

jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 10. Records. The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 318 First Street, Winters, CA 95694. The City Clerk is the custodian of the record of proceedings.

INTRODUCED on the 15th day of April, 2025, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this 6th day of May, 2025, by the following vote:

AYES:	Council Members Casavecchia, Loren, Scianna, Mayor Pro Tem Biasi, Mayor Vallecillo
NOES:	None
ABSENT:	None
ABSTAIN:	None

CITY OF WINTERS



Albert Vallecillo, Mayor

ATTEST:


Jeremy Craig, City Clerk