

**CITY OF WINTERS PLANNING COMMISSION AGENDA  
REGULAR MEETING**

**Tuesday, July 22, 2014 @ 6:30 PM**  
City of Winters Council Chambers  
318 First Street  
Winters, CA 95694-1923  
Community Development Department  
Contact Phone Number (530) 794-6713  
Email: [jenna.moser@cityofwinters.org](mailto:jenna.moser@cityofwinters.org)

Chairman: Bill Biasi  
Vice Chairman: Pierre Neu  
Commissioners: Dave Adams, Lisa  
Baker, Kate Frazier, Luis Reyes, Patrick  
Riley  
City Manager: John W. Donlevy, Jr.  
Mgmt. Analyst: Jenna Moser

**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**

Approval of Minutes from the May 27, 2014 meeting of the Winters Planning Commission

**V STAFF/COMMISSION REPORTS**

**VI DISCUSSION ITEMS:**

- A. Study Session - Consideration of various amendments to the sign regulations (Chapter 17.80) in the Municipal Code (Zoning Ordinance).
- B. Presentation by City Intern on status of updating of the City's existing Noise Ordinance.

**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 JULY 17, 2014

  
\_\_\_\_\_  
JENNA MOSER, MANAGEMENT ANALYST, PLANNING - GIS

**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.

**THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE**

## MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD MAY 27, 2014

***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.*

Chair Bill Biasi called the meeting to order at 6:30 p.m.

**PRESENT:** Commissioners Adams, Frazier, Neu, Riley, Reyes and Chair Biasi

**ABSENT:** Baker

**STAFF:** City Manager John W. Donlevy, Jr., Management Analyst Jenna Moser, Contract Planner Dave Dowswell

Bruce Guelden, Council Member, led the Pledge of Allegiance.

**CITIZEN INPUT:** None at this meeting.

### **CONSENT ITEM:**

1. Approval of Meeting Minutes of the April 25, 2014 Regular meeting of the Planning Commission.

**Commissioner Neu moved to approve the Meeting Minutes of the April 25, 2014 Planning Commission Meeting. Seconded by Commissioner Frazier.**

**AYES:** Commissioners Adams, Frazier, Neu, Riley, Reyes and Chairman Biasi.

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Baker

**COMMISSION REPORTS:** City Manager Donlevy introduced Contract Planner Dave Dowswell to the Commission. Dave provided an overview of his background and expressed that he is pleased to be working in Winters.

**STAFF REPORTS:** None

### **DISCUSSION ITEM:**

- A. Public Hearing and Consideration of a Planning Application Submitted by Corrine Martinez – Berryessa Gap, for Approval of Site Plan/Design Review for installation of awnings, signage, lighting, and facade improvement for 15 Main Street - Berryessa Gap Wine Tasting Room (APN 003-204-10)

Management Analyst Jenna Moser provided an overview of the Staff Report and exhibits, and introduced Michael Sears, designer for the applicant. Sears explained that the reason for asking for approval of both Option 1 and Option 2 is due to costs – the applicant would like to have two options to budget out. Commissioner Neu asked about types of lighting, and bracketing. Moser explained that the lighting on the awning is similar to the awning at The Buckhorn. Commissioner Riley asked about the bracketing and lighting for the projecting sign. Sears detailed the diagram. Moser explained that the existing lettering on the

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD MAY 27, 2014**

façade would be removed prior to the installation of the new awnings and logos/lettering in order to meet sign size requirements. Donlevy asked Sears to consider not covering the existing column details on the façade with one long awning. The split awning is preferred. Biasi stated that he does like the façade as it stands now, but the scheme with the split awning is preferred to not cover the existing column details on the building. Frazier asked that the reason that this item is before the Commission is because it's in the Historic District. Moser explained that the property is in the Form Based Code area, the Historic District, and any changes to the exterior of historic buildings are to be heard before the Planning Commission. Sears explained the cornice detail to be added.

Chairman Biasi opened the Public Hearing at 6:40pm. Hearing no comments, Biasi closed the Public Hearing at 6:40pm.

**Commissioner Neu moved to approve Planning Application Submitted by Corrine Martinez – Berryessa Gap, for Approval of Site Plan/Design Review for installation of awnings, signage, lighting, and facade improvement for 15 Main Street - Berryessa Gap Wine Tasting Room (APN 003-204-10) Seconded by Commissioner Riley.**

**AYES:** Commissioners Adams, Frazier, Neu, Riley, Reyes and Chairman Biasi

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Baker

- B.** Public Hearing and Consideration of a Planning Application Submitted by Corrine Martinez – Rootstock, for Approval of Site Plan/Design Review for installation of a canopy, signage, and lighting for 22 Main Street - Rootstock Wine Tasting Room & Gift Shop (APN 003-203-009)

Management Analyst Jenna Moser provided an overview of the Staff Report and exhibits, and introduced Michael Sears, designer for the applicant. Moser reviewed the lighting details for this application. Biasi stated that it looks nice, that it's good protection from the elements. Riley asked for more detail on the projecting sign lighting – Moser referred to the Berryessa Gap exhibit on bracketing of the projecting sign.

Chairman Biasi opened the Public Hearing at 6:55pm. Hearing no comments, Biasi closed the Public Hearing at 6:55pm.

**Commissioner Riley moved to approve Planning Application Submitted by Corrine Martinez – Rootstock, for Approval of Site Plan/Design Review for installation of a canopy, signage, and lighting for 22 Main Street - Rootstock Wine Tasting Room & Gift Shop (APN 003-203-009) Seconded by Commissioner Frazier.**

**AYES:** Commissioners Adams, Frazier, Neu, Riley, Reyes and Chairman Biasi.

**NOES:** None

**ABSTAIN:** None

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD MAY 27, 2014**

**ABSENT:** Baker

- C. Public Hearing and Consideration of a proposed Site Plan for a Parcel Map (3 lots) for parcel 003-282-002 near Mermod Road and Anderson Avenue. Project applicant David Barbosa seeks to divide the existing 20,000 square foot parcel into three (3) new lots. Lot 1 – 5,850 square feet, Lot 2 – 8,089 square feet, and Lot 3 – 5,154 square feet.

At this time Commissioner Frazier recused herself due to a possible conflict of interest.

Management Analyst Jenna Moser provided an overview of the Staff Report and exhibits, explained that the applicant has a Site Plan prepared for the property, but does not yet have a map prepared by a licensed surveyor. Moser introduced Phil Hamilton, Project Manager representing the applicant. Moser advised that tonight staff is requesting that the Commission receive the Staff Report, open the Public Hearing, and continue the Public Hearing until the June 24, 2014 meeting. Phil Hamilton stated that the intention of the application with the Site Plan was that they did not want to go to the expense of having a surveyor prepare the map without having approvals; however the Planning Commission cannot approve a Parcel Map without a map prepared by a licensed surveyor. Moser explained that a map prepared by a licensed surveyor would be before the Commission at the June meeting.

Chairman Biasi opened the public hearing at 7:10pm. Hearing no comments, Biasi continued the public hearing until the June 24, 2014 meeting of the Planning Commission.

**COMMISSIONER/STAFF COMMENTS:** City Manager Donlevy provided an update on PG&E, and Winters Highlands.

**ADJOURNMENT:** Chairman Biasi adjourned the meeting at 7:20 p.m.

**ATTEST:**

\_\_\_\_\_  
Jenna Moser, Management Analyst

\_\_\_\_\_  
Bill Biasi, Chairman





**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Chairman and Planning Commissioners

**DATE:** July 22, 2014

**THROUGH:** John W. Donlevy, Jr., City Manager

**FROM:** David Dowswell, Contract Planner 

**SUBJECT:** Study Session - Consideration of various amendments to the sign regulations (Chapter 17.80) in the Municipal Code (Zoning Ordinance).

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**RECOMMENDATION:** That the Planning Commission review the proposed amendments, ask questions, take comments from the public and give staff direction. Staff will update the draft ordinance and schedule for a public hearing.

**GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE:** The proposed Ordinance amendments will affect businesses located throughout the city. The properties affected by these amendments are designated in the General Plan as agricultural, residential, commercial, industrial, public/quasi-public and are zoned A, R-1, R-2, R-3, R-4, C-1, C-2, C-H, O-F, B-P, M-1, M-2, and PQP.

**BACKGROUND:** Staff has been reviewing the City's current sign regulations in response to concerns that have arisen during the recent approval of a number of projects, specifically the new Burger King and Taco Bell restaurants. The changes being proposed in the draft ordinance (Attachment A) are in response to these concerns.

**ANALYSIS:**

During the entitlement process for the new Burger King and Taco Bell restaurants the developer needed a variance for the new "freeway information sign". This was due to the existing regulations being so restrictive that without a variance to increase the allowable square footage for each businesses' sign from 25 to 60 square feet the signs would not have been legible to motorists travelling I-505. The current regulations (Section 17.08.030(R) (3) only permit 25 square feet in area. Also, the current

regulations (Section 17.80.030(R) (1) only permit one multi-business “freeway information sign” on the north and south side of State Route (SR) 128. With the installation of the Burger King/Taco Bell sign no more “freeway information signs” are permitted on either side of SR 128.

Staff reviewed how a number of other cities regulate freeway oriented signs. Staff found two good examples, the cities of Dixon and Palm Springs. In both instances, these signs are only permitted on properties zoned highway commercial. To address the concerns raised about freeway oriented signs Staff is proposing to revise the City’s sign regulations by creating a separate set of regulations (17.80.040) which would apply to only properties zoned Highway Service Commercial (HSC) (Attachment B), they are:

1. Requiring a use permit from the Planning Commission,
2. Restricting these types of signs from being used to advertise businesses not located on property zoned HSC,
3. Requiring they be designed to accommodate a minimum of four (4) other businesses’ signs,
4. Requiring they be architecturally designed to reflect the architecture, including colors and materials, of the buildings or center, and
5. Requiring they include either the name of the center or City of Winters on the sign.

Staff is proposing to eliminate the restriction permitting only one multi-business freeway oriented sign on the north and south side of SR 128. Instead staff is proposing, as an alternative, these types of signs are located at least 500 feet apart. Requiring some separation helps avoid one sign blocking the view of another sign and also helps to minimize the visual impact. Looking at the current zoning map, requiring a 500 foot separation would allow for two (2) additional signs of this type to be located on the south side of SR 128. No additional signs would be allowed on the north side of SR 128.

The proposed regulations address awning signs. Currently the square footage of an awning sign is counted towards a businesses’ allowable sign area. This makes it difficult, especially in the Central Business District (CBD), for a business to have their name on an awning and on the building. Staff found two good examples (cities of Sausalito and Palm Springs) that regulate these types of signs. The proposed regulations for awning signs vary slightly depending on the zoning of the property. They are more restrictive for properties zoned CBD than zoned HSC. The proposed regulations do not count the area of awning signs towards a businesses’ allowable sign area.

The proposed regulations address vertical banners/flags. Vertical banners/flags (Attachment C) are a new form of advertising/signage used to draw attention to businesses. Most cities do not have regulations for these types of signs. Staff is proposing a business be allowed to display one vertical banner/flag in front of their business except on properties zoned CDB. Staff is proposing a business be allowed to have one of these signs in addition to having one A-frame sign. The business would need to obtain a permit from the Community Development Department before installing the sign and would need to remove them or put them inside when the business was closed.

The proposed regulations also address political campaign signs. The City Attorney has indicated that the current regulations are not legal because they violate the First Amendment. There is case law against limiting how many days prior to an election that a campaign sign can be erected. There is some case law supporting a City's right to require that the signs be removed so many days after the election, but even that becomes cloudy when a person running for office is involved in a runoff election. An attorney speaking at the League of California Cities, City Attorney Conference in 2010 suggested that cities may wish to delete these regulations entirely from their code (Attachment D).

The remaining changes to the sign regulations are non-substantive and are mainly for clarity. Staff used the ~~strike through~~ and underline feature to highlight the proposed changes. Staff also added comments in the margin to help explain the reason or reasons for certain changes, where the change came from or to bring up certain observations.

**METHODOLOGY:** Two actions will be required to process the requested project:

1. Confirmation of CEQA exemption finding that the proposed amendments are Categorical Exempt, Section 15301 (Existing Facilities).
2. Recommendation that the City Council adopt the ordinance amendments.

**APPLICABLE REGULATIONS:** The planning application is subject to several regulations:

- The California Environmental Quality Act (CEQA)
- State Planning and Zoning Law
- City of Winters General Plan
- City of Winters Zoning Ordinance
- City of Winters Form Based Code
- City of Winters Municipal Code

**PROJECT NOTIFICATION:** Prior to the public hearing an eighth (1/8) of a page legal notice advertising for the public hearing on the proposed amendments will be prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law.

**RECOMMENDATION:** That the Planning Commission review the proposed amendments, ask questions, take comments from the public and give staff direction. Staff will update the draft ordinance and schedule for a public hearing.

**ATTACHMENTS:**

- A. Draft ordinance showing proposed changes
- B. Zoning Map
- C. Photo of vertical banner/sign
- D. Excerpt from presentation at League of California Cities Conference, May 2010

## Chapter 17.80 SIGNS

Sections:

- 17.80.010 Purpose and intent.
- 17.80.020 General provisions.
- 17.80.030 Signs permitted in all districts.
- ~~17.80.035 Signs permitted in central business district. 17.80.040 Signs permitted in commercial office and industrial districts.~~
- ~~17.80.040 Signs permitted in highway service commercial district~~
- 17.80.045 Signs permitted in other commercial, office and industrial districts
- 17.80.050 Signs permitted in planned districts.
- 17.80.060 Signs permitted in all other districts.
- 17.80.070 Prohibited signs.
- 17.80.080 Administration.
- 17.80.090 Nonconforming signs.

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**17.80.010 Purpose and intent.**

The purpose of this chapter is to create a comprehensive and balanced system of signs which will allow adequate business identification and communication with a quality appearance. Signs authorized under this chapter should:

- A. Encourage a desirable urban character consistent with the general plan;
- B. Preserve and improve the appearance of the city as a place to live, work and visit;
- C. Eliminate confusing, distracting, or dangerous sign displays which interfere with vehicular traffic;
- D. Promote commerce;
- E. Provide for fair and equal treatment of sign users;
- F. Promote ease of sign regulation administration; and
- G. Provide for eventual elimination of pre-existing, nonconforming signs on a fair and equitable basis. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (A))

**17.80.020 General provisions.**

- A. Lighting.

An illuminated sign may be permitted only if the lighting is subdued and does not create an adverse design circumstance, interfere with the reasonable enjoyment of surrounding properties, does not present a traffic or pedestrian hazard or otherwise present a public nuisance. Installation of any new sign illumination shall be subject to securing a sign permit.

1. Sign Installation.

All signs shall be installed in a safe manner and in conformance with building codes and regulations. A building permit shall be obtained as necessary for any sign installation.

2. Sign Design.

~~A wall or projecting sign may not exceed six inches in thickness.~~ Signs should achieve general conformity with the Winters design guidelines or the Grant Avenue design guidelines, including design restrictions and/or themes specific to each designated design corridor. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (B))

Comment [D1]: Created a separate provision see #3below.

3. Sign Construction.

~~A wall or projecting sign may not exceed six (6) inches in thickness~~

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**17.80.030 Signs permitted in all districts.**

The following signs do not require a sign permit, unless otherwise noted, and are not counted in the sign area of a business.

A. Special Event Temporary Signs.

1. Signs which advertise a specific community event such as a pancake breakfast, festival, parade, etc. shall be authorized by the director of community development. Signs shall be permitted for a period not to exceeding thirty (30) days. Signs remaining beyond the approved period shall be removed by city at applicant's expense.

2. Temporary signs which advertise non-community activities, (such as Christmas tree sales) shall be regulated by the required temporary activity permit.

B. Memorial Signs or Tablets.

Memorial signs or tablets, names of buildings, and dates of building erection when cut into the surface of facade or a building.

C. Public Notices.

Official notices posted by public officers or employees in the performance of their duties.

D. Public and Quasi-Public Signs.

Signs required or specifically authorized for a public or quasi-public purpose which may be of any type, number, area, height, location, illumination, or animation authorized by the statute or regulatory ordinance under which the signs are erected. For signs not so authorized, a sign area not exceeding thirty-two (32) square feet and height of eight (8) feet shall be permitted per property.

E. Vending Machine Signs.

Signs on vending machines, gas pumps, ice containers, etc. not exceeding four (4) square feet per sign. A maximum of twelve (12) such signs are allowed per lot. The use shall include temporary advertising signs in such locations.

~~F. Regulatory and Safety Signs.~~

~~Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety, temporary signs placed by city departments.~~

**Comment [D2]:** Government signs are exempt. Don't think they need to be listed.

~~GF. Single Property Real Estate Signs.~~

~~One (1) real estate sale/lease/rental sign on any lot provided such sign is located entirely within the property to which the sign applies does not exceed six (6) square feet in area, and is removed within seven days after the sale, rental or lease has been accomplished. May also include up to five (5) off-site open house "A-frame" signs, each of which may not exceed four (4) square feet, and each of which can be placed not more than one (1) day per week.~~

**Comment [D3]:** Can they be placed on public property?

HG. Multi-lot Real Estate Signs.

Signs advertising the sale, lease or rent of developments may be allowed as shown below:

1. One (1) on-site sign advertising a multi-lot development of less than forty (40) acres, not exceeding thirty-two (32) square feet and eight (8) feet in height:
2. Up to four (4) on-site signs advertising a multi-lot development of forty (40) acres or more, not exceeding thirty-two (32) square feet per sign and eight (8) feet in height. Limit of one (1) such sign per street frontage.

~~HI. Construction Signs.~~

~~One (1) sign per property not exceeding fifteen (15) square feet in area or six (6) feet in height identifying contractors, owners, designers, lenders, etc. for projects under construction on that property. The sign shall be removed within seven (7) days of completion of the particular construction aspect identified on the sign.~~

IJ. Flags.

The flags, emblems or insignias of any nation or political subdivision.

KJ. Symbols or Insignias.

Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area and that all such symbols, plaques and identification emblems shall be placed flat against a building.

LK. Interior Signs.

Any sign visible only within the structure in which it is located.

ML. House Numbers and Name Plates.

House numbers and name plates not exceeding three (3) square feet in area for each one-or two-family residential building and ten (10) square feet for multifamily, commercial, office and industrial uses.

NM. Political and Campaign Signs.

Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

1. The signs may be erected not earlier than ~~ninety sixty (690)~~ ninety six (96) days prior to the election and shall be removed within ~~ten seven (710)~~ ten (10) days following the election.
2. In any residential zone no more than four (4) stationary signs are permitted on any one parcel of land. The signs shall not exceed a combined total of twenty (20) square feet in area and, if free-standing, shall not exceed six (6) feet in height. The signs shall not be erected in such a manner as to constitute a roof sign.
3. In any commercial or industrial zone, political signs are permitted provided all such signs do not exceed an aggregate sign area of thirty (30) square feet. The signs shall not be erected in such a manner as to constitute a roof sign.

**Comment [D4]:** The City attorney has suggested eliminating the 90 day restriction as there has been case law which has found that this restriction may violate the First Amendment.

**Comment [D5]:** State law regulates campaign signs that are visible from a state highway or interstate cannot be erected earlier than 90 days before and must be removed 10 days after.

ON. Holiday Decorations.

Seasonal decorations not referring to businesses or goods.

PO. Time and Temperature Signs.

Devices giving time, temperature and similar information but not having a business identification or information.

QP. Window Signs.

One (1) sign per window opening, not exceeding four (4) square feet in area or twenty-five (25) percent of the individual window opening area, whichever is less.

**Comment [D6]:** This implies that more than 25% is not allowed. What about the little market on Main Street downtown that has its windows completely covered?

R. Freeway Information Signs.

Multibusiness signs advertising freeway-oriented business near a freeway interchange may be approved subject to obtaining a sign permit from the planning commission (if the subject sign location lies within the jurisdiction of the city) and subject to the following requirements:

1. No more than one such multibusiness sign shall be allowed on the north and on the south side of State Route 128.
2. The sign shall contain space for identification of at least four businesses or centers directly served by the off-ramp.
3. No individual business identification sign shall exceed twenty-five (25) square feet.
4. Freeway information signs may not exceed a height of sixty-five (65) feet, with sign heights up to one hundred (100) feet being possible if supported by detailed line-of-sight studies, as determined by the planning commission.
5. No business identified on a multibusiness sign may have an on-site free-standing sign exceeding eight feet in height.

SQ. On-Premise Directional or Institutional Signs.

Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not advertise a business, exceed four (4) square feet in area, and which provide direction or instruction, such as parking lot entrance and exit location signs.

TR. Off-Premise Directional Signs.

1. Off-premise signs which provide direction to general places, destinations, and collections of uses may be permitted by the planning commission, so long as the city bears no expense in placing or maintaining the signs. Examples of places appropriate for directional signs might include historic downtown, central business district, restaurants, subdivisions, overnight lodging, fruit packers, and the civic center.
2. To the extent feasible, multiple directional signs shall be placed as a group in one supporting structure, rather than on individual supports.
3. The planning commission will exercise discretion as to height and dimensions of signs based upon the number of destinations being identified on one (1) sign. However, the signs

should be of modest size and height. When there are several sites or destinations on one (1) sign, there should be only a single palette of colors. Off-premise directional signs should be inspected for maintenance not less than once each year. The director of community development shall have authority to require the owners to maintain signs including repainting. If maintenance is not performed, city shall remove signs at owner's expense.

4. Written authorization to erect signs from real property owners shall be obtained prior to planning commission approval. The planning commission shall have authority to condition the use of directional signs including, but not limited to, the length of time such signs may be erected.

5. The planning commission shall not approve any off-premise directional signs in violation of state statutes. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (C))

**17.80.035 Signs permitted in central business district.**

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Each sign in this Section shall comply with architectural and design standards in Section 17.58.070.

A. Freestanding sign. One (1) freestanding identification sign per site may be permitted not exceeding twenty (20) square feet nor six (6) feet in height on a site where all buildings are set back at least ten (10) feet from the street curb or street pavement edge on which the use fronts. Where the subject property exceeds one (1) acre in size, the maximum sign area may be increased to forty (40) square feet and ten (10) feet in height.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

For buildings with only a single building frontage: one-quarter (¼) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-quarter (¼) square foot of signing for each linear foot of additional frontage. The basic sign area in a multitenant center/building may be reallocated between businesses by the center manager/building owner based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet or is located lower than eight (8) feet above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building, not exceeding four-tenths (.4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of six (6) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs must be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

**Comment [D7]:** Does the city issue permits for these types of signs? Do we enforce?

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed eight (8) inches in height.

**Comment [D8]:** From Sausalito ordinance

2. Shall be located on the front face or any valance.

**Comment [D9]:** From Palm Springs ordinance

3. Shall not exceed fifteen (15) percent of the total awning area.

**Comment [D10]:** From Palm Springs ordinance

4. May include a logo not exceeding fifteen (15) inches in height and not exceeding ten (10) percent of the total awning area.

**Comment [D11]:** From Palm Springs ordinance

5. Lettering shall be sewn, painted or self-adhered onto the awning.

**Comment [D12]:** From Palm Springs ordinance

6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

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**17.80.040 Signs permitted in a highway service commercial district.**

Freestanding signs advertising freeway oriented businesses may be approved subject to obtaining a use permit from the planning commission subject to the following requirements:

A. Freestanding Sign. One (1) freestanding sign may be permitted per parcel of land subject to the following:

1. Is located more than five hundred (500) feet from another freestanding sign.

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2. Advertises only businesses located within the Highway Commercial Service zone.

3. Contains space for identification of at least four (4) businesses or centers directly served by the nearest off-ramp.

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4. Where applicable, shall include the name of the center or the City of Winters on the sign.

**Comment [D13]:** From Dixon ordinance

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5. The area of freestanding and the number of leasable spaces shall be determined as part of the design review permit. Subdivision of leasable space, other than as approved as part of the design review permit, is not allowed.

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6. Shall not exceed forty (40) feet in height. The planning commission may approve sign heights up to sixty-five (65) feet if supported by detailed line-of-sight study.

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7. Any business identified on a freestanding sign may have one (1) on-site freestanding sign not exceeding eight (8) feet in height.

8. The square footage of the sign for any business identified on freestanding sign shall not be counted towards the business's allowable sign area.

**Comment [D14]:** From Dixon ordinance

9. The freestanding sign shall be designed to include architectural elements and materials of the adjoining buildings that are using the sign for advertising.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

For buildings with only a single building frontage: one-half (½) square foot for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-half (½) square foot for each ground-level linear foot of primary building frontage and one-quarter (¼) square foot of signing for each linear foot of additional frontage. The basic sign area in a multitenant center/building may be reallocated between businesses by the center manager/building owner based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet or is located lower than eight (8) feet above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building not exceeding four-tenths (4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of twenty (20) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding an area of four (4) square feet and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs must be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed eight (8) inches in height

**Comment [D15]:** From Sausalito ordinance

2. Shall be located on the front face or any valance.

3. Shall not exceed twenty (20) percent of the total awning area.

Comment [D16]: From Palm Springs ordinance

4. May include a logo not exceeding fifteen (15) inches in height and not exceeding ten (10) percent of the total awning area.

Comment [D17]: From Palm Springs ordinance

5. Lettering shall be sewn, painted or self-adhered onto the awning.

6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

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H. Vertical Banner/Flag Sign. One (1) vertical banner/flag sign not exceeding seven (7) feet in height or fourteen (14) square feet in area may be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign on the property under the terms prescribed in this chapter. Vertical banner/flag signs must be removed when the business it advertises is closed.

**17.80.0405 Signs permitted in commercial, office and industrial districts.**

A. Free-standing sign. One (1) free-standing identification sign per site allowing one-quarter ( $\frac{1}{4}$ ) foot of sign area per foot of lot frontage on which the sign is to be located, not to exceeding twenty (20) square feet in area nor six (6) feet in height on a site where all buildings are set back at least ten (10) feet from the street curb or street pavement edge on which the use fronts. Where the subject property exceeds one (1) acre in size, the maximum sign area may be increased to forty (40) square feet and height to ten (10) feet in height.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not to exceeding one-hundred (100) square feet:

For buildings with only a single one building frontage: one-half ( $\frac{1}{2}$ ) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-half ( $\frac{1}{2}$ ) square foot of sign area for each ground-level linear foot of one primary building frontage and one-quarter ( $\frac{1}{4}$ ) square foot of signing for each linear foot of additional frontage. The basic sign area in a multitenant center may be reallocated between businesses by the center manager based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet in area or is located lower than seven (7) feet, six (6) inches above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Signs. One (1) projecting sign per building, not to exceeding four-tenths ( $\frac{4}{10}$ ) square feet for every linear foot of main entrance facade frontage, not to exceeding a maximum of twenty (20) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet in area.

F. A-Frame Signs. One (1) freestanding A-frame sign not exceeding an area of four (4) square feet and three (3) feet in height, shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs shall be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed fourteen (14) inches in height.
2. Shall be located on the front face or any valance.
3. Shall not exceed twenty (20) percent of the total awning area.
4. May include a logo not exceeding twenty (20) inches in height and not exceeding ten (10) percent of the total awning area.
5. Lettering shall be sewn, painted or self-adhered onto the awning.
6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

Comment [D18]: From Palm Springs ordinance

Comment [D19]: From Palm Springs ordinance

Comment [D20]: From Palm Springs ordinance

Comment [D21]: From Palm Springs ordinance

Comment [D22]: From Palm Springs ordinance

H. Vertical Banner/Flag Sign. One (1) vertical banner/flag sign not exceeding seven (7) feet in height or fourteen (14) square feet in area may be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign on the property under the terms prescribed in this chapter. Vertical banner/flag signs must be removed when the business it advertises is closed.

**17.80.050 Signs permitted in planned districts.**

Each sign in a planned district shall comply with regulations in this Section applicable to each use permitted by the planned district development plan. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (E))

**17.80.060 Signs permitted in all other districts.**

A. Free-Standing Signs. One (1) free-standing identification sign not exceeding sixteen (16) square feet in area nor a height of five (5) feet if all on-site building are set back at least twenty (20) feet from the street curb or street pavement edge on which the use fronts.

B. Wall Signs. One (1) wall sign per occupant not exceeding sixteen (16) square feet in area for each building frontage on the site.

C. Residential Use. No free-standing or wall signs other than as prescribed elsewhere in this chapter may be permitted for any residential uses of property. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (F))

**17.80.070 Prohibited signs.**

Unless otherwise authorized by this chapter, it is unlawful to erect, reconstruct, alter, maintain, or place; and no permit shall be issued for, the following types of signs:

A. Off-Premise Signs Advertising a Specific Location, Business, Product, Use.

1. No new off-premise signs shall be allowed which advertise a specific business, product, use, etc., except as permitted herein for freeway information signs.
2. Existing off-premise signs advertising specific businesses, products, uses, etc. shall be allowed to remain, pursuant to the nonconforming sign criteria of this section.

B. Roof Signs.

Signs attached to the roof of a building or projecting over the roof or parapet of a building.

C. Wind Activated and Balloon Signs.

Including pennants, streamers, bunting, banners, balloons or inflatable signs or figures, kites and similar devices, except as authorized for a special event temporary sign.

D. Flashing or Moving Signs.

Whether electrically or wind driven (except clocks, thermometers and traditional-type barber poles that rotate).

E. Exposed Bulb Signs.

Any signs with exposed fluorescent tubes or incandescent bulbs or LED lights (not including neon).

F. Damaged Signs.

Any sign with cracked or broken panels, peeling paint, missing letters, or other signs of poor maintenance shall be repaired within sixty (60) days.

Any sign which has been more than fifty (50) percent damaged or destroyed by any cause, and the damage or destruction is other than facial copy replacement, and the display is not repaired within thirty (30) days of the date of its damage or destruction, shall be removed.

G. Unauthorized Signs.

No sign may be placed on a private or public property without the permission of the owners of the property.

H. ~~Incompatible Signs.~~

~~Any commercial sign which, whether aesthetically or by size, adversely affects adjacent commercial uses.~~

**Comment [D23]:** Too subjective.

H. Nonconforming Signs.

See Section 17.80.090.

J. Hazardous Signs.

No sign may be erected in such a manner as to interfere with, obstruct, confuse or mislead traffic or create a pedestrian or vehicular safety hazard. A-frame signs permitted under Section 17.80.040(F) may only be placed on a sidewalk where there is adequate width for both pedestrians and vehicle overhang from the street.

K. Signs Near Street Intersections.

No free-standing advertising sign may be erected at a street intersection within a triangular area formed by the street curb lines and their projection and a line connecting them at points forty (40) feet from the intersection of the projected curb lines. In cases where curbs do not exist, the edge of street pavement shall be used for measuring purposes.

L. Mobile Signs.

No sign may be placed upon a vehicle which is parked for the purpose of advertising to the passing public. (Ord. 97-03 § 2 (part): prior code § 8-1.6005(G))

**17.80.080 Administration.**

A. Sign Permit Required.

No person may erect, enlarge, or maintain a sign or modify the design or location of any existing sign without the issuance of a sign permit, unless the sign is exempt under Section 17.80.030.

B. Application.

An applicant for a sign permit shall submit a completed application form, processing fee (as applicable), and plan as required by the community development director.

C. Reviewing Body.

Signs shall be reviewed according to the following Table 7:

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**TABLE 7 SIGN REVIEW**

<b>Planning Commission Action</b>	<b>Community Development Director Action Zoning Administrator Action</b>	<b>Community Development Director Action</b>	<b>No Sign Permit Required</b>
Freeway Oriented Identification Business Sign	Illuminated Sign	Temporary Special Community Event Sign	Permitted Signs (per Section 17.80.030, unless otherwise noted)
Off-Premise Directional Sign	Multi-lot Real Estate Sign	Master Building Directional Sign	
Any Free-Sstanding, Wall or Marquee Signs in the CBD Historic District	Any Free-Sstanding, Wall or Marquee Signs in a Commercial Zone	Any Free-Sstanding, Wall or Marquee Signs in an Office or Industrial Zone	
All Projecting Signs		Signs in non-residential, Commercial or Industrial Zones (per Section 17.80.060)	
Any Sign Variance		A-Frame Sidewalk Sign	

Comment [D24]: Make all of these subject to CD Director action.

D. Findings Required.

The reviewing body or person may approve a sign permit (where required) only when it finds that all the following conditions exist:

1. The sign conforms to city ordinance requirements;
2. The design conforms to the Winters design guidelines;
3. The design is compatible with the character and design of the exterior architecture of the building(s) on the property where the sign is to be located;
4. The sign will not create a visual or safety hazard; and

5. The sign location will not impair use of the subject property, adjacent property or public right-of-way.

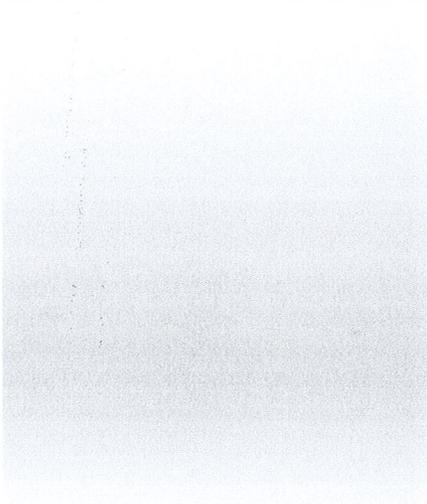
E. Variance.

A variance from the regulations set forth in this chapter may be granted under the procedure set forth in Chapter 17.24. (Ord. 97-03 § 2 (part); prior code § 8-1.6005(H))

**17.80.090 Nonconforming Signs.**

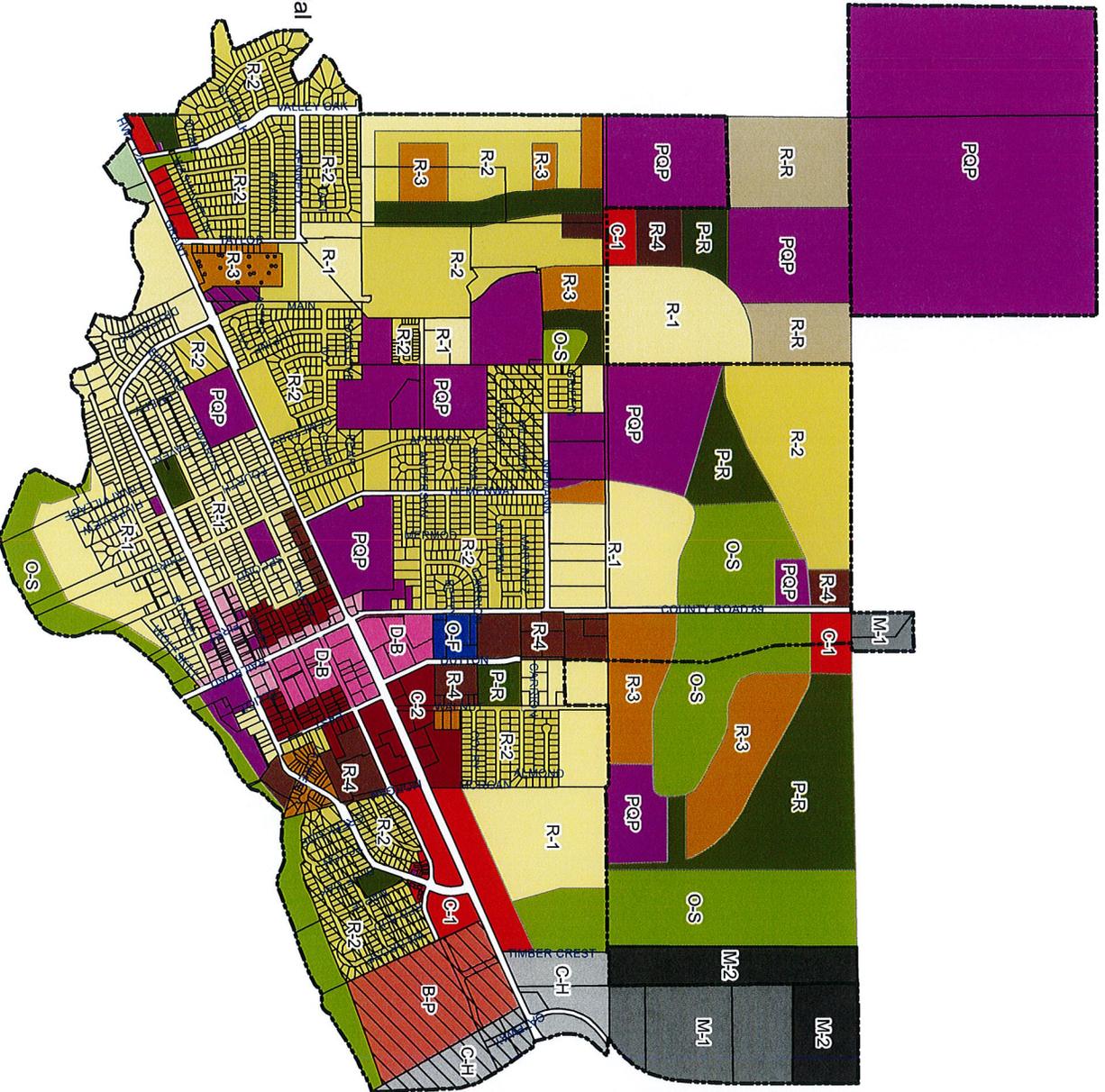
A. No sign which is made nonconforming by the provisions of this title may be modified in any manner which is inconsistent with this chapter, except by the replacement of sign faces within existing sign frames or by minor maintenance activities required to repair or prevent damage to signs.

B. Nonconforming signs damaged or modified more than fifty (50) percent of their replacement value, including major repairs or structural modifications, shall be brought into full compliance with this title. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (I))



# City of Winters Zoning

- Zoning Districts**
- A-1 General Agriculture
  - B-P Business/Industrial Park
  - C-1 Neighborhood Commercial
  - C-2 Central Business District
  - C-H Highway Service Commercial
  - D-A Downtown A (FBC)
  - D-B Downtown B (FBC)
  - M-1 Light Industrial
  - M-2 Heavy Industrial
  - O-F Office
  - O-S Open Space
  - P-R Parks & Recreation
  - PQP Public Quasi Public
  - R-1 Single Family Residential (7,000)
  - R-2 Single Family Residential (6,000)
  - R-3 Multi-Family Residential
  - R-4 High Density Multi-Family Residential
  - R-R Rural Residential
  - Planned Development Overlay (PD)
  - City Limit



Attachment B

Data Source: 01-2012 Winters Parcels, 2003 Zoning Ordinance, 01-2009 Winters Street Centerline  
 08/17/12 - Author: Jenna Moser - Winters GIS



Attachment C

## REGULATION OF POLITICAL, CAMPAIGN AND ELECTION SIGNS

copyright 2009, 2010 Randal R. Morrison

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www.signlaw.com

Presented at the California League of Cities, City Attorneys Convention, Santa Barbara, May 2010.

The opinions expressed in this paper and in the live presentation are those of the author / presenter and do not necessarily reflect those of the League of California Cities or any of its officials, officers, or employees.

### I. POLITICAL, CAMPAIGN AND ELECTION SIGNS

Special rules for “political signs” or “campaign signs” or “election oriented signs” are common in sign ordinances, and pose a major legal risk.

When challenged in court, political sign rules are almost always invalidated and the government is ordered to pay large attorney fee awards to challengers. The key problem is that political sign rules, even when written to “treat everybody alike,” still amount to “the government choosing the topic of debate,” and thus violating the Mosley principle.

### II. THE *MOSLEY* PRINCIPLE: NO GOVERNMENT FAVORITISM

The most basic idea in sign regulation comes from *Police Dept. of Chicago v. Mosley*, 408 U.S. 92 (1972):

The central problem with Chicago’s ordinance is that it describes permissible picketing in terms of its subject matter. Peaceful picketing on the subject of a school’s labor-management dispute is permitted, but all other peaceful picketing is prohibited. The operative distinction is the message on a picket sign. **But, above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.**

### III. STATUTORY LIMITS ON POLITICAL SIGN RULES

Limits on private agreements (leases *etc.*) banning political messages: Cal. Civil Code 1353.6 – common interest housing, noncommercial speech; Cal. Civil Code 798.51(e) – political signs on mobile homes. Caltrans is statutorily prohibited from regulating political or other noncommercial messages on signs. B&P 5275.

### IV. IMPORTANT POLITICAL SIGN CASES

A city may not ban political and other non-commercial signs from residential areas. *Ladue v. Gilleo*, 512 U.S. 43 (1994) (ban on all residential signs except those falling in one of ten exemptions, which did not include political, religious and personal messages). However, reasonable TPM rules are permissible.

*Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) (complete ban on all signs on utility poles and guy wires: valid); *Sussli v. San Mateo*, 120 Cal.App.3d 1 (1981) (city can ban all inanimate signs on public property).

*Baldwin v. Redwood City*, 540 F.2d 1360 (9<sup>th</sup> Cir. 1976) (size limits: 16 sf per sign, 80 sf cumulative for all political signs on the property - valid; cumulative size limit for any one candidate or issue – unconstitutional; ban on political signs in residential areas – unconstitutional; inspection and removal fees – unreasonable under the factual record; summary seizure of nonconforming signs – violation of due process).

*G.K. Ltd. Travel v. Lake Oswego*, 436 F.3d 1064, 1067 (9<sup>th</sup> Cir. 2006) (display right turns on event – election – not message, and applies regardless of message content; valid).

*Verilli v. Concord*, 548 F.2d 262 (9<sup>th</sup> Cir. 1977) (size limits, removal bond, requirement that political signs be freestanding, all unconstitutional).

*Whitton v. Gladstone*, 54 F.3d 1400 (8<sup>th</sup> Cir. 1995) (close of election did not moot challenge to political sign rules; 30 day display rule, 7 day removal rule, ban on external illumination, vicarious liability for failure to remove signs after election – all unconstitutional).

*Arlington County Republic Party v. Arlington County*, 983 F.2d 587 (4<sup>th</sup> Cir. 1993) (limit of two political signs per residence – unconstitutional).

*Beaulieu v. Alabaster*, 454 F.3d 1219 (11<sup>th</sup> Cir. 2006) (city allowed political signs only in residential area; attorney running for elective judgeship should not have to cover over her law office shingle to display “vote for me” sign; “message substitution did not solve the whole problem”).

*Maguire v. American Canyon*, 2007 WL 1875974 (ND CA 2007) (90 day display limit is unconstitutional); *Antioch v. Candidate’s Outdoor Graphic Service*, 557 F.Supp. 52 (ND CA 1982) (60 day display limit is unconstitutional).

See: Regulating Election Signs, Public Law Journal, Vol. 31, No. 2 (Spring 2008) (California version); Regulating Election Signs, Municipal Lawyer Magazine (July August 2008; published by International Municipal Lawyers Ass’n) (national version of same article).

## V. ELECTION DAY RULES

In *Burson v. Freeman*, 504 U.S. 191 (1992) a plurality of the U.S. Supreme Court approved a rule forbidding all electioneering, including signs, within 100 feet of a polling place on election day. This is one of the rare examples of content based regulation of “core speech” being sufficiently justified (preventing voter intimidation and maintaining the integrity of the election system). California has codified essentially the same rule at Election Code 18370.

## **VI. AVOIDING “POLITICAL SIGN” PROBLEMS**

Recommendation: purge the sign ordinance, and all city code, of all rules that are specific to political signs, and replace them with rules that apply to temporary structures displaying any kind of noncommercial messages. Allow such signs at all times and on all properties. An option: increase the allowable display area a certain defined period of time before the election; so long as the rule applies equally to every variety of noncommercial message, it will qualify as a time rule, and should have a good chance of being sustained on a court challenge. See *G.K. Ltd. Travel v. Lake Oswego OR*, 436 F.3d 1064 (9<sup>th</sup> Cir. 2006). Consider: on non-residential properties, consider allowing a certain amount of display area on temporary structures that can be used only for noncommercial messages.

If the city allows any kind of commercial speech on traditional public forum areas (sidewalks, streets, parks, exterior of city hall), then equal display rights must be granted to all varieties of noncommercial speech. This issue usually arises when “open house” / Real Estate For Sale signs are allowed on sidewalks.



**TO:** Chairman and Planning Commissioners  
**DATE:** July 17, 2014  
**FROM:** Charlie Tschudin – Intern *CT*  
**SUBJECT:** Status Report on proposed amendments to the Noise Element in the General Plan and the Noise Ordinance in the Municipal Code.

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**REQUEST:** The applicant (City of Winters) requests consideration on the proposed Amendments to the Noise Element in the General Plan and the Noise Ordinance in the Municipal Code.

**Applicant:** City of Winters  
318 1st St  
Winters, CA 95694

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

- 1) Receive the staff report; and
- 2) Solicit public comment; and
- 3) Give staff direction

**GENERAL PLAN & ZONING DESIGNATION:** The proposed amendments to the Noise Element and Noise Ordinance will have an effect in the General Plan on all lands designated agricultural, residential, commercial, industrial, public/quasi-public and zoned A, R-1, R-2, R-3, R-4, C-1, C-2, C-H, O-F, B-P, M-1, M-2, and PQP.

**BACKGROUND:** Staff has been reviewing the current Noise Ordinance of the City of Winters for possible revisions and towns of similar character, demographics and size with successful Noise Ordinances have been used as a point of reference for comparison.

**ANALYSIS:** Staff has visited various locations (from all of the various zones) and noted the measurable standards of decibels set forth in the Noise Ordinance are unrealistically low and the true average decibel levels in the areas visited are louder than Table 7-1 of the City Noise Ordinance permits.

**APPLICABLE REGULATIONS:** The planning application is subject to several regulations:

- City of Winters General Plan
- City of Winters Municipal Code
- State Planning and Zoning Law
- City of Winters Zoning Ordinance

**RECOMMENDATION:** That the ask questions, take comments from the public and give staff direction. Staff will prepare a draft ordinance and schedule it for a public hearing.

**ATTACHMENTS:**

- A. Table 7-1 City Noise Ordinance

**Table 7-1  
EXTERIOR NOISE LEVEL LIMITS**

Noise levels in dBA not to be exceeded continuously during any five-minute period of, if the noise level varies above and below the limit, for more than one time interval during any five-minute period.

<b>Type of zone</b>	<b>Daytime</b>	<b>Nighttime</b>
	<b>7 a.m. to 10 p.m.</b>	<b>10 p.m. to 7 a.m.</b>
Rural (OS)	50	40
Residential	50	45
Parks and recreation (P-R)	50	45
Commercial (C-1, C-2, NC, CH, CS)	63	45
Manufacturing/industrial (M-1, M-2, PI)	73	70