

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, May 24, 2016 @ 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

Chairman: Bill Biasi
Vice Chairman: Kate Frazier
Commissioners: Dave Adams, Lisa Baker,
Paul Myer, Frank Neal, Patrick Riley
City Manager: John W. Donlevy, Jr.
Mgmt. Analyst, Planning: 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

A. Minutes of the April 26, 2016 meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

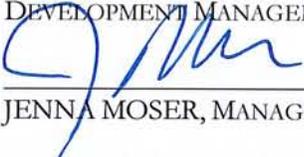
VI DISCUSSION ITEMS:

- A. Consideration of Ordinance 2016-06, an Ordinance of the City of Winters Code Pertaining to Affordable Housing Requirements
- B. Public Hearing and consideration of various amendments to Title 8 (Health and Safety, Noise Control) and Title 17 (Zoning Ordinance, Performance Standards) of Winters Municipal Code, which includes the following entitlements: 1. Finding the project Categorically Exempt from CEQA Section 15308, Actions by Regulatory Agencies to Protect the Environment. 2. Recommending the City Council adopt an ordinance amending Chapters 8.20 (Noise Control) and 17.68 (Performance Standards).
- C. Public Hearing and consideration of Various amendments to Chapter 17.80 (Sign Regulations) of the Winters Municipal Code, which includes the following entitlements: 1. Find the project Categorically Exempt from CEQA Section 15301, Existing Facilities. 2. Recommendation to the City Council to approve an ordinance amending Chapter 17.80 of the Municipal Code.
- D. Public Hearing and consideration of Site Plan/Design Review for a proposed Welding Lab Building to be located on the existing Gas Operations Technical Training Center (GOTTC) site currently under construction. The Weld Lab will be used to train and certify apprentice and journeyman welders. The Weld Lab will operate per the final EIR for the PG&E GOTTC, 7am-7pm seven days per week with normal operations occurring Monday-Friday 7am-5pm. The building totals 19,408 square feet including classroom and lab space. The building will be located along the eastern side of the site due south of the approved Transmission and Distribution (T&D) Building. The building is a pre-engineered metal building with a sloped pitch roof with roofing and siding with metal panels. The color, texture, and architecture are a continuation of the aesthetic established by the previously entitled T&D Building.

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 MAY 19, 2016



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 CITY OF WINTERS PLANNING COMMISSION MEETING HELD
APRIL 26, 2016**

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

PRESENT: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Biasi

ABSENT: None

STAFF: City Manager John Donlevy, Contract Community Development Director Dave Dowswell, Management Analyst Jenna Moser

Jim Hildenbrand led the pledge of allegiance.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: Minutes of the March 22, 2016 meeting of the Planning Commission.

Commissioner Myer moved and Riley seconded to approve Minutes of the March 22, 2016 meeting of the Planning Commission with minor typographical correction.

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

STAFF/COMMISSION REPORTS: Frazier reported on attendance at the bike rodeo. Riley reported attendance at Youth Day planning. John Donlevy promoted the Rotary Pancake Breakfast for Youth Day. Baker reported attendance at the Citizens Advisory Committee. Neal reported on the recent Fourth Friday Feast. Biasi reported on attendance at the APA Planning Commissioners training workshop.

INFORMATION ITEM: Informational Item: Carol Scianna, Environmental Services Manager, Wastewater Treatment Facility Plan Update. Gorman from Larry Walker and Associates provided an overview of the Wastewater Treatment Facility Plan Update. Scianna stated this item would be brought forward to Planning Commission and Council for approval. Discussion continued about water re-use and permitting.

DISCUSSION ITEM:

- A. Public Hearing and consideration of an application from Project applicant AKM Railroad LLC – Ken Patel or Mike Olivas for Site Plan/Design Review for deferred submittal items (lighting, awnings & window treatments, sign plan, landscaping plan) as well as consideration of the addition of a roof-deck feature with elevator for construction of a 70-unit Hotel with banquet/conference center, and approximately 10,500 square feet of commercial space and meeting rooms.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
APRIL 26, 2016**

Moser provided an overview of the staff report and deferred design items. Applicant Olivas discussed the concept of the roof-deck. Biasi opened the Public Hearing at 7:09pm. Hearing no comment, Biasi closed the Public Hearing at 7:10pm. Frazier asked about shade on the roof-deck. Olivas stated that there will be umbrellas and other deck furnishings on the deck. Myer expressed concern over parking downtown and the upcoming parking study. In light of these costs Myer asked the applicant to contribute to the parking study in the amount of \$5,000. Olivas responded that he would contribute \$5,000 to the parking study. Biasi stated concerns about retail signage and trash collection. Olivas stated he is working with the downtown property owners on a collective trash collection area with compaction. A location has not been identified; however it will not be in the Paseo park. Biasi asked about the potential for diagonal parking on Abbey Street. Moser responded that the right-of-way could not accommodate diagonal parking, and if right-of-way were to be widened it would move and reduce the size of the hotel, and was not found feasible to gain the few additional parking spaces. Riley asked about the hours of operation of the roof-deck. Olivas stated that hours would be controlled with key access, not open at all hours. Baker had questions regarding the wide variety in lighting fixtures. Moser responded that the varying fixtures reflected the architect wanting to express different facades that appear to be built at different times and with different architecture. Landscape Architect Worlburg explained the large tiles used in the courtyard area. Frazier expressed interest in exploring adding conditions of approval, discussing the roof-deck alternative, and imposing additional fees. Myer stated that no one entity can solve the potential parking problem alone and that the applicant paying into the parking study was a good faith step in the right direction. Baker stated that adding fees was not in the commissions prevue this evening, simply design review.

Commissioner Myer moved and Riley seconded to approve an application from Project applicant AKM Railroad LLC – Ken Patel or Mike Olivas for Site Plan/Design Review for deferred submittal items (lighting, awnings & window treatments, sign plan, landscaping plan) as well as consideration of the addition of a roof-deck feature with elevator for construction of a 70-unit Hotel with banquet/conference center, and approximately 10,500 square feet of commercial space and meeting rooms. The roof-deck is to be limited to hotel guests only.

After some discussion regarding adding the \$5,000 into the motion, commissioner Myer clarified to not include the \$5,000 in the motion. Riley reaffirmed his second.

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, and Riley

NOES: Biasi

ABSTAIN: None

ABSENT: None

Motion carried

B. Callahan Estates – Third Amendment to Development Agreement

Dowswell provided an overview of the staff report. Biasi opened the Public Hearing at 7:50pm. Jim Hildenbrand, applicant, spoke briefly on the project and thanked the city and staff for working on this item. Biasi closed the Public Hearing at 7:54pm. Baker asked if the project was included in the Complete Streets plan. Donlevy responded it is. Frazier asked about agreement for School Fees. Hildenbrand said that he has worked with the School and they are in agreement.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
APRIL 26, 2016**

Commissioner Baker moved and Neal seconded to approve Callahan Estates – Third Amendment to Development Agreement

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

C. Study Session – Consideration of various amendments to Chapter 8.20, Noise Control, and Section 17.68, Performance Standards, of the Winters Municipal Code
Dowswell provided an overview of the workshop item and noted key changes. Baker thanked staff for working on this item and appreciates the beauty and clarity of the new language. Riley asked where most complaints originate. Moser responded that early morning trucks cause the most complaints. Frazier asked how sound was measured. Moser responded that the Police Department responds to noise complaints and is not aware of any special tools used to measure sound, just reasonable measures. This item will return to the Commission for future consideration.

COMMISSIONER/STAFF COMMENTS: None

ADJOURNMENT: Chairman Biasi adjourned the meeting at 8:26 pm

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman



**PLANNING COMMISSION
STAFF REPORT**

TO: Honorable Chair and Planning Commissioners
DATE: May 24, 2016
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Consideration by the Winters Planning Commission of Ordinance 2016-06, an Ordinance of the City of Winters Code Pertaining to Affordable Housing Requirements.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Receive Staff Report
- 2) Recommend Adoption to City Council of Ordinance 2016-06, Amending Section Amending Section 17.200.080, Subsection (A) to the Winters Municipal Code Pertaining to Affordable Housing Requirements

BACKGROUND:

In 1992, the City of Winters completed and adopted a comprehensive update of its General Plan. As part of this effort, the City also adopted the seven elements required for a General Plan. Subsequently, Legal Services of Northern California (LSNC) challenged the adequacy of the City's Housing Element, one of the required seven elements, and brought suit against the City in Yolo County Superior Court. The City incurred significant expenses during its defense and eventually, a stipulated judgment was agreed to by all parties in 1994 and entered in Superior Court. The key provisions of the judgment included the City's adoption of an inclusionary housing ordinance in 1994 (Ordinance 94-10), which required that 15 percent of all new housing be affordable to very low-, low-, and moderate income households.

The Affordable Housing Steering Committee (AHSC), along with Yolo County Housing, Legal Services of Northern California (LSNC), and other community stakeholders started studying potential revisions to the existing Inclusionary Housing Ordinance (IHO) at the AHSC meeting on November 24, 2008. Over the course of the year, the AHSC and the aforementioned stakeholders met several

times, and agreement on the final version of the IHO was reached at the AHSC meeting on November 3, 2009. The Planning Commission reviewed the proposed ordinance at their meeting on November 26, 2009 and voted to recommend adoption of Ordinance 2009-18 to the City Council. The City Council approved the foregoing Ordinance, which excluded projects of 15 or less that were located in the Redevelopment Project Area (infill development), at the regular meeting of the City Council held on January 5, 2010.

In early 2016, staff met with the sales staff and preferred lender for the Winters Ranch subdivision and provided copies of the City's Affordability Covenant for moderate income household home ownership. Per the approved Affordable Housing Plan for Winters Ranch and Callahan Estates, Winters Ranch is to produce 7 moderate income units during the construction of Winters Ranch. It was subsequently brought to staff's attention that recent changes in Fannie Mae and Freddie Mac guidelines precluded jurisdictions from using Affordability Covenants that utilized a shared equity model unless the jurisdiction was providing financial support to the transaction, and only to the degree that participation represented on a percentage basis. This recent change to guidelines was confirmed by the City's affordable homeownership consultant, NeighborWorks Sacramento. The City of Winters has historically not provided financial support towards the moderate income home ownership as a part of the implementation of the Inclusionary Housing Ordinance (IHO). Down payment assistance through Federal programs such as HOME and CDBG are restricted to low and very low income households and do not provide funding for assistance to moderate income households. These changes in Fannie/Freddie guidelines effectively rendered the existing Equity Share Covenant non-usable, as first mortgage loans originated with the equity share covenant could not be resold on the secondary market.

DISCUSSION:

Staff worked with our City Attorney to replace the covenant based on equity share with a covenant as prescribed by our existing municipal code. This resulted in a covenant with a significantly longer affordability period than was the case under the equity share agreement, which expired after ten-year duration. The new covenant requires affordability period with duration of 45 years at a minimum, and which tied directly to the requirements of Redevelopment Law.

The AHSC, with participation from Legal Services of Northern California, met on Wednesday, April 13, 2016 to discuss the changes brought about by the elimination of the equity share covenant with emphasis on discussing the change in the duration of the covenant. The unanimous consensus from that meeting was to recommend the Planning Commission and the City Council considers revising that requirement to allow for a covenant with a ten year affordability restriction. The AHSC participants felt this length of term was consistent with the affordability covenant it is replacing. Additionally, the recommendation took into account the desire to enhance the homeowners ability to build equity from homeownership while promoting the community's interest in preserving the affordable assets of the community, in part by the introduction of the use of a promissory note that capture the "windfall equity" that is created at first sale. This "windfall equity" is typically defined as the difference between the sales price of an affordable unit and the sales price of a similar unit sold at market rate.

The affordable housing requirements contained in this ordinance are the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the

development of market-rate housing while at the same time, providing for the creation of affordable housing necessary to meet the needs of very low-, low-, and moderate income households within the City.

PROJECT NOTIFICATION:

Public notice advertising for the public hearing on this Amendment 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. A legal notice was published in the Winters Express on Thursday, May 12, 2016. Copies of the staff report and all attachments for the proposed Amendment have been on file, available for public review at City Hall since Wednesday, May 18, 2016.

ENVIRONMENTAL DETERMINATION:

Pursuant to Section 15061 (b) (3) of the State CEQA Guidelines, a project is exempt from the California Environmental Quality Act when it can be seen with certainty that there is not possibility that the proposed Amendment may have significant effect on the environment. This Amendment entails the extension of a section of the Zoning Code regarding Affordable Housing, and therefore, constitutes administrative changes to the Zoning Code. As such, they will have no adverse effect on the environment; consequently, the project is not subject to environmental review under CEQA pursuant to Section 15061 (b) (3).

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Ordinance 2016-06 by making the affirmative motions as follows:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE WINTERS CITY COUNCIL THE ADOPTION OF ORDINANCE 2016-06 TO AMEND CHAPTER 17.200.080 OF THE CITY OF WINTERS MUNICIPAL CODE TO AMEND THE TERM OF RESALE RESTRICTION FROM FORTY-FIVE YEARS TO TEN YEARS

ATTACHMENTS:

- 1) Ordinance No. 2016-06
- 2) Ordinance No. 94-10
- 3) Ordinance No. 2009-18
- 4) Declaration of Restrictions and Right of First Refusal Agreement

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTION 17.200.080 OF THE CITY OF WINTERS MUNICIPAL CODE TO AMEND THE TERM OF RESALE RESTRICTION FOR MODERATE INCOME INCLUSIONARY UNITS FROM FORTY-FIVE YEARS TO TEN YEARS

WHEREAS, in furtherance of the public welfare, the City of Winters desires to ensure that affordable housing is constructed and maintained within the City; and

WHEREAS, in furtherance of this policy objective, in 1994 the City Council adopted Ordinance 94-10, which required that fifteen percent of all new housing be affordable to very low, low and moderate income households (the “Inclusionary Housing Ordinance”); and

WHEREAS, the Inclusionary Housing Ordinance provides that a portion of these units may be sold to eligible households at an affordable housing price, and following the initial sale shall only be sold to eligible households in the same income category for a period of not less than forty-five years; and

WHEREAS, there are some federal and state programs that provide down-payment assistance to purchasers of low and very-low income units, but the City has not provided down payment assistance or similar support to buyers or developers of for-sale moderate income housing units developed pursuant to the Inclusionary Housing Ordinance, and does not intend to provide assistance for such units in the future; and

WHEREAS, the City desires to seek a balance in its affordable housing policies to ensure that the City maintains a balance that allows moderate income homeowners to build equity from homeownership while also promoting the interest in preserving the affordable housing assets of the community; and

WHEREAS, the City believes that balance is better struck by reducing the restrictions on resale of moderate income affordable units from forty-five years to ten years, provided that neither the developer nor the purchaser of the moderate income units receives financial assistance from the City; and

WHEREAS, in the event that the developer or purchaser of a moderate income unit receives financial assistance from the City, the resale restrictions on such unit shall remain in place for not less than forty-five years; and

WHEREAS, on April 13, 2016, the City’s Affordable Housing Steering Committee considered the proposal to reduce the resale restrictions on for-sale moderate income units under the Inclusionary Housing Ordinance from forty-five to ten years, and after discussion the Committee recommended that the Planning Commission and City Council consider an ordinance to make the proposed reduction in term, provided that the forty-five year resale restriction would

be imposed on moderate income units if the developer or buyer received financial assistance from the City; and

WHEREAS, on May __ 2016, the Planning Commission recommended by a vote of __-__ that the City Council adopt Ordinance 2016-06 amending Section 17.200.080 of the City of Winters Municipal Code to Amend the Term of Resale Restriction of Moderate Income Inclusionary Units from Fort-Five Years to Ten Years; and

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

Section 1. Recitals. The above recitals are hereby found to be true and accurate and are incorporated into this Ordinance by this reference.

Section 2. Findings. The City Council hereby makes the following findings:

A. Pursuant to Winters Municipal Code section 17.28.010, the City Council hereby finds that the text amendments to the zoning code contained in this Ordinance are required for the public necessity, convenience and general welfare. The City Council further finds, based upon Planning Commission recommendation, that this Ordinance conforms to the City's general plan.

Section 3. Amendments to Section 17.200.080. Section 17.200.080 of Chapter 17.04 of Title 17 of the City of Winters Municipal Code is hereby amended to read as follows:

A. Subsection A of Section 17.200.080 is hereby amended to read as follows:

A. Duration of Affordability for Rental and Resale of Inclusionary Units. All rental and for-sale inclusionary housing units developed within the city shall remain affordable for a period of not less than ~~that required by Section 33334.3(f)(1) of the California Health and Safety Code~~ (fifty-five (55) years for rental units, forty-five (45) years for owner-occupied units that are to be sold to very-low or low income households, ten (10) years for owner-occupied units that are to be sold to moderate income households, and fifteen (15) years for mutual self-help housing units), and shall be regulated by regulatory agreement, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by the city. Notwithstanding the foregoing, in the event that the City provides any financial assistance to a developer or an eligible household in connection with the purchase or sale of an owner occupied unit to a moderate income household pursuant to this chapter, the units that is the subject of such assistance shall remain affordable for a period of not less than forty-five (45) years in accordance with the requirements of this Section.

Section 4. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly, as it is simply

a clarification of existing restrictions as currently set forth in the City of Winters Municipal Code. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. 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 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 8. 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 ____ day of _____, 2016.

City of Winters

By: Cecilia Aguilar-Curry, Mayor

ATTEST:

Nanci Mills, City Clerk

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

CITY OF WINTERS

ORDINANCE 94-10

AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM
FOR THE CITY OF WINTERS

WHEREAS, the public welfare requires the establishment of a program to encourage the provision of new affordable housing in order to meet the housing needs of the citizens of the City of Winters;

WHEREAS, federal and state funds are either extremely limited or no longer available to facilitate the construction of new affordable housing which places greater emphasis on local government and the private sector in producing affordable housing; and

WHEREAS, the City of Winters General Plan provides for several housing policies which will facilitate the development of new and rehabilitated affordable housing; and

WHEREAS, the Winters General Plan also provides for programs, activities and incentives to implement housing policy to encourage the production of housing affordable to low and very low income households.

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

Section 1. Article 31, Affordable Housing, is hereby added to Title VIII of the Winters Municipal Code to read as follows:

ARTICLE 31. AFFORDABLE HOUSING

Section 8-1.3101. **PURPOSE.** The public welfare requires the city to take action to ensure that affordable housing is constructed and maintained within the City of Winters. The General Plan contains goals, policies and implementation programs designed to facilitate the development of new and rehabilitation for affordable housing. Such policies include but are not limited to, achieving the community's fair share regional allocation for housing for very low and low income households, establishing density bonuses to facilitate construction of housing for targeted income groups, rezoning land to promote mixed uses and affordable housing, and seeking all available sources of funding (including redevelopment) to facilitate development of affordable housing by the private sector. Special needs must be addressed such as adequate bedrooms for large families and housing for seniors.

Section 8-1.3102. **DEFINITIONS.** For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section.

- (a) "Affordable housing" means affordable sales housing or affordable rental housing. Affordable housing focuses on moderate, low and very low income households as defined hereinafter and by State Statute. The ratio of household income to ability to pay may evolve over time. However, currently affordable housing purchase payments are approximately 30% of gross monthly household income less insurance and property taxes. Affordable rental housing payments are approximately 30% of gross monthly household income less utilities.
- (b) "Moderate income" means a household earning a gross income of more than 80 percent and less than 121 percent of the median income for Yolo County as determined by the U.S. Department of Housing and Urban Development.
- (c) "Low income" means a household earning a gross income of more than 50 percent and less than 80 percent of the median income for Yolo County as determined by the U.S. Department of Housing and Urban Development.
- (d) "Very low income" means households earning a gross income of less than 50 percent of the median income for Yolo County as determined by the U.S. Department of Housing and Urban Development.
- (e) "Density bonus" means entitlement to build additional residential units above the maximum number of units permitted pursuant to existing General Plan, applicable specific plan and zoning designations. Density bonus units may be constructed only in the development where the units of affordable housing are located. Density bonus means a bonus of units awarded to a development pursuant to Government Code Section 65915 et seq.

Section 8-1.3103. APPLICABILITY OF ARTICLE. This Article is enacted pursuant to the police power of the City of Winters and is for the purpose of providing affordable housing in Winters consistent with the General Plan.

Section 8-1.3104. INDIVIDUALIZED PROJECTS. The Winters General Plan contains a policy that at least 15 percent of all new housing units will be affordable to persons of very low, low, or moderate income households, with six percent of new housing being affordable to very low income households, and nine percent being affordable to low or moderate income households in proportion to the unmet needs for each identified in the current Housing Element. This policy may be met in a variety of ways, including but not limited to, construction of dwelling units (single-family or multi-family) and sales or rentals; dedication of land; monetary payments in lieu of dedication of land, cooperative ventures with non-profit housing corporations, mutual housing associations, limited equity housing cooperatives, self-help or "sweat equity" projects, etc.

The City will explore all avenues of funding and cooperative efforts to assist in the development of affordable housing by the private and non-profit sectors.

The City's policy is to cause to be constructed 15% of all new housing for very low, low and moderate income house holds. This is a community-wide policy. Each project/subdivision will be individualized or tailored to contribute to the end policy. Every project will not be identical. A project individualized program shall be developed jointly by the developer/builders and city. The city reserves the final authority to determine whether the developer's project individualized program meets the city's affordable housing requirements.

Such programs may included but are not limited to the following: Programs may use a combination of the following elements.

- a. Construct units for sale or rental.
- b. Provide an irrevocable offer of dedication of land.
- c. Payment of an in lieu fee instead of constructing units or dedicating land.
- d. Density bonuses shall be granted for low and lower income units pursuant to State Statute.

Sections 8-1.3105 TERM. Affordable housing for low and very low income house hold shall remain affordable for a period of not less than 55 years.

Section 8-1.3106 HOUSING MIX. A community-wide housing mix is essential. Seniors and large families must be addressed as well as average size house holds. Affordable housing units shall include a mis of units sizes, and to the extant feasible, should be dispersed throughout the development.

Section 8-1.3107 MINIMUM SIZE. The city shall approve development program for affordable housing proposals with a minimum acceptable size of land dedication based upon development feasibility included standard criteria such as parking, open space, building height, etc.

Section 8-1.3108 IN-LIEU FEES. In-lieu fees shall be established by Resolution of the City Council. Any such payment shall be deposited into a separate account for independent audit and entitled "Affordable Housing Fund". This in-lieu fee shall be levied on builders only when on-sit construction and dedication of land requirements are not deemed feasible or in combination with construction and dedication. The preferred action is construction of housing as compared to payment of in-lieu fees. The city shall determine whether the payment of in-lieu fees is appropriate to meet the affordable housing requirements. The city reserve the final authority to determine whether the developer's project

individualized program meets the city's affordable housing requirements.

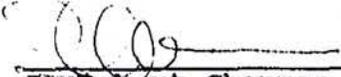
This Ordinance was introduced at a regular meeting of the Winters City Council on the 19th day of April, 1994 and was passed and adopted on the 3rd day of May, 1994 by the following roll call vote:

AYES: Curry, Mosier, Pfanner, Mayor Chapman

NOES: None

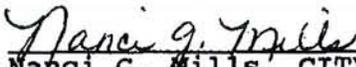
ABSENT: Martin

ABSTAINED: None



J. Robert Chapman, MAYOR

ATTEST:



Nanci G. Mills, CITY CLERK

ORDINANCE NO. 2009-18

AN ORDINANCE OF THE CITY OF WINTERS REPEALING SECTION 17.60.030(B) OF THE ZONING CODE AND ADDING CHAPTER 17.200 TO THE ZONING CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS

The City Council of the City of Winters hereby ordains as follows:

SECTION 1. Recitals.

- A. The City of Winters undertook a comprehensive study and analysis of its affordable housing program, which prompted certain revisions to the affordable housing program for the City.
- B. The affordable housing requirements contained in this Ordinance are the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the development of market-rate housing and mixed use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of individuals of very low, low and moderate income within the City.
- C. The City of Winters Planning Commission conducted a noticed public hearing regarding this Ordinance, which amends the Zoning Code to repeal Section 17.60.030(B) and add Chapter 17.200 pertaining to affordable housing requirements within the City, and has recommended approval of the Ordinance.
- D. The City Council of the City of Winters has provided public notice of its intention to amend the Zoning Code to adopt Chapter 17.200, and conducted a public hearing thereon on December 15, 2009.
- E. The proposed amendment of the Zoning Code to add Chapter 17.200 is consistent with the goals, policies, and objectives of the City of Winters General Plan, and in particular, the Housing Element, as adopted on September 1, 2009.
- F. The proposed amendment of the Zoning Code to add Chapter 17.200 has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 2. Chapter 17.200 "Affordable Housing Requirements" is hereby added to the Winters Municipal Code to read as follows:

Section 17.200.010 Purpose and Intent

The public welfare requires the City to take action to ensure that affordable housing is constructed and maintained within the City. This Chapter is intended to provide that new development projects in the City contain or assist in the production of a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives, and to implement the affordable housing policies contained in the Housing Element of the City's General Plan.

Section 17.200.020 Definitions

"Affordable Housing Steering Committee" means an advisory committee appointed by the City Council for the purpose of advising the City Council, Planning Commission, Community Development Agency and City staff on affordable housing policies and programs, use of redevelopment housing funds, proposed affordable housing projects, and other housing matters, at the request of the City Council.

"Community Development Director" means the director of the Community Development Department of the City, or his or her designee.

"Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks the City's approval of discretionary land use entitlements for all or part of a development project. "Developer" includes "owner"

"Development project" means any development project that contains residential units, including single family and multifamily units.

"Inclusionary housing agreement" means an agreement between the developer and the City setting forth the manner in which the inclusionary housing requirements will be met in the development project.

"Inclusionary housing plan" means the plan setting forth the manner in which the developer proposes to satisfy the inclusionary housing requirements of this Chapter within the development project.

"Inclusionary housing requirement" means the inclusionary housing requirements as specified in this Chapter.

"Inclusionary housing unit or inclusionary unit" means an ownership or rental unit developed or provided in satisfaction of the inclusionary housing requirements of a development project, as provided for in this Chapter, and which is affordable to very low, low income or moderate income households.

"Low income household" means a household whose income does not exceed eighty percent (80%) of median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

“Moderate income household” means a household whose income does not exceed one hundred twenty percent (120%) of median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

“Very low income household” means a household whose income does not exceed fifty percent (50%) of the median income, adjusted for household size, applicable to Yolo County, as published and periodically updated by the United States Department of Housing and Urban Development.

Section 17.200.030 Inclusionary Housing Requirements

(A) Number and Affordability of Units. Except as otherwise provided for in this Chapter, all development projects consisting of five (5) or more residential units within the City of Winters shall include inclusionary housing units equal to fifteen percent (15%) of the total number of residential units in the development project, excluding density bonus units. The fifteen percent (15%) inclusionary housing requirement shall consist of six percent (6%) very low income units and nine percent (9%) low income or moderate income units in proportion to the unmet needs for each identified in the current housing element.

(B) Exception. The following development projects are exempt from the provisions of this Chapter:

1. Redevelopment Project Area. The fifteen percent (15%) inclusionary housing requirement provided in Subsection A above shall not apply to development projects within the Winters Community Development Agency Redevelopment Project Area that contain fifteen (15) or fewer residential units. This exception shall expire on December 31, 2013, unless extended by the City Council. Any development project that has not acquired a vested right to develop in accordance with existing laws and regulations by such expiration date shall be required to comply with the provisions of this chapter.
2. Project with prior approval. A development project that has obtained discretionary approval (e.g., a Development Permit, Use Permit, Design Review, Planned Development Permit, or Variance approval) before the effective date of this Chapter; or a building permit before the effective date of this Chapter; or a Certificate of Occupancy before the effective date of this Chapter.
3. Exempt by State law. A development project that is exempt from this Chapter by State law.
4. Project with vested rights. A development project for which the City has entered into a development agreement before the effective date of this Chapter, or which otherwise demonstrates a vested right to proceed without complying with this Chapter.

(C) Implementation. The developer shall propose an inclusionary housing plan to community development director as provided for in this Chapter. A condition requiring compliance with all of the terms of the inclusionary housing plan, as approved by the Planning Commission, shall be imposed on the development project. Further, the developer and the City shall enter into an inclusionary housing agreement that requires compliance with the inclusionary housing plan, and that will be recorded upon the property as provided in this Chapter.

(D) Density Ranges. Development projects which are proposed in areas of the City zoned for medium high and high density residential use, shall only be approved if density of the development project is in the upper one-half of the density ranges specified in the Zoning Code for developments in such zones, unless site constraints effectively prohibit such intensity of development.

(E) Unit Size. The inclusionary housing requirement shall accommodate diverse family sizes by including a mix of studio, one, two and/or three bedroom units where feasible.

(F) Exterior Appearance. The inclusionary units shall be visually compatible with and shall have similar external building materials and finishes as the market rate units in the immediate neighborhood.

(G) Access to Common Amenities. Tenants and residents of inclusionary units shall be provided the same rights and access to common amenities within the development project as tenants and residents occupying market rate units.

(H) Small Parts of Larger Projects. The City shall not approve development projects which reasonably appear to be smaller parts of a greater project and have the effect of circumventing the requirements of this Chapter.

Section 17.200.040 Inclusionary Housing Plan

(A) Submittal Requirements. At the time of and as part of the application for a discretionary land use entitlement for a development project, the inclusionary housing plan shall be submitted to the Community Development Director by the project developer, and shall include:

1. A detailed description of the method by which the developer will comply with the requirements of this Chapter.
2. The location of the inclusionary units within the development project, if applicable, the size of the inclusionary units, and any incentives requested by the developer in accordance with Section 17.200.060 of this Chapter.
3. Where an alternative to constructing inclusionary units on-site is intended, the developer shall provide detailed information regarding the alternative selected for meeting the inclusionary housing requirement, including a written statement that the proposed parcel(s), site, or existing market rate units, if applicable,

are available and capable of being dedicated to the City by the developer and that the affordable units shall be restricted as affordable housing, by way of contractual restrictions, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

4. A phasing plan that provides a schedule for the timely development of the inclusionary units as the development project is built out.
5. Any other information deemed necessary by the Community Development Director.

(B) Affordable Housing Steering Committee Meeting. Prior to the submittal of the inclusionary housing plan, the Affordable Housing Steering Committee shall meet with and provide recommendations to the project developer regarding compliance with this Chapter.

(C) Community Development Director Preliminary Review. Upon receipt of the proposed inclusionary housing plan, the Community Development Director shall review the plan, and thereafter shall meet with the project developer to discuss the proposed plan.

(D) Plan Approval. After the preliminary review by the Community Development Director, the inclusionary housing plan shall be subject to the same review and approval as the discretionary land use entitlements.

Section 17.200.050 Alternative Methods to Meeting Inclusionary Housing Requirements

The City strongly prefers and shall encourage on-site construction of inclusionary units, however alternatives to the on-site construction of the inclusionary housing units may be proposed by the developer, consistent with the requirements set forth below in this section. The alternative methods are subject to review and approval of the City, as part of the inclusionary housing plan review process. The developer shall have the burden of demonstrating that the alternative selected is equivalent to the on-site construction of inclusionary housing units. Alternatives may include:

(A) Land Dedication. A developer may propose to dedicate land within the City sufficient to construct at least the same number of units and infrastructure to support the number of units as the developer would have been required to construct on-site subject to the inclusionary housing requirement. Land may be dedicated pursuant to this alternative provided the site will support the same number of units the developer is required to construct, has zoning of a minimum density necessary to accommodate the inclusionary housing requirement, that the site is physically and legally acceptable to the City, and that the site is restricted to affordable housing. The developer shall dedicate the land to the City at no cost the City.

(B) On-Site or Off-Site Construction. A developer may propose to develop housing to satisfy the inclusionary housing requirement at an on-site or off-site location within the City.

(C) Acquisition, Rehabilitation, and Conversion of Market Rate Units. A developer may propose to acquire and rehabilitate existing market rate units in the City which are at or above existing affordable rents, which require repair, rehabilitation, modernization or other work and convert those units to affordable housing units.

(D) Conversion of Market Rate Units. A developer may propose to convert existing market rate units in the City which do not require rehabilitation and are at or above existing affordable rents to affordable housing units by way of contractual restrictions, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

(E) Accessory Units. A developer may propose to construct accessory dwelling units (e.g. granny flats) on site of the development project to meet the inclusionary housing requirement. The lots upon which the accessory dwelling units are constructed shall be restricted to provide that the units remain affordable housing units by way of contract, recorded covenants or other legal mechanisms.

(F) Inclusionary Housing Credits. A developer may propose to use inclusionary housing credits, as defined in this Chapter, to meet the inclusionary housing requirement.

(G) Payment of In-Lieu Fees. A developer may propose to pay an in-lieu fee to the City instead of constructing affordable units to meet the inclusionary housing requirement.

(H) Cooperative Ventures. A developer may propose a cooperative venture with a non-profit housing corporation, mutual housing association, limited equity housing cooperative, or other entity.

(I) Sweat Equity Project. A developer may propose a self-help or "sweat equity" project with a non-profit corporation or other entity.

(J) Combination. A developer may propose to utilize a combination of the above alternatives to meet the inclusionary housing requirement.

(K) Other Alternatives. A developer may propose, and the City may accept, other alternatives that meet the requirements and intent of this Chapter.

Section 17.200.060 Incentives and Assistance

(A) Request for Incentives and Assistance. The developer of a development project subject to the inclusionary housing requirements of this Chapter, may request, and the City, in its discretion, may grant or deny the request for incentives as set forth in this section.

(B) Fee Waivers or Deferrals. The City may grant to a developer a program of waivers, reduction or deferrals of development fees or administrative fees for the inclusionary units.

(C) Inclusionary Housing Credits. A developer may submit as part of the inclusionary housing plan a proposal to provide affordable housing units or a donation of land in connection with a development project beyond the requirements of this Chapter. The developer may credit the additional affordable units or land against future development projects proposed by the developer within the City, subject to the provisions of this chapter. Inclusionary housing credits may also be transferred or sold to any other person or entity subject to the following conditions:

(1) Inclusionary housing credits must be applied to another development project within five (5) years of issuance of a certificate of occupancy for the inclusionary units(s) or implementation of an alternative method of meeting the inclusionary method of meeting the inclusionary housing requirement which gives rise to the credits, such as land dedication. A developer who has not used, transferred or sold credits within the time specified in this section may apply to the City for a one (1) year extension on the life of the credits. A request for extension of the inclusionary housing credit shall be reviewed by City Council who shall grant or deny the request for extension. The City Council shall consider progress and efforts the developer has made to utilize the credits during the previous five (5) years, the impact on affordable housing in the City if the extension is granted, any proposals for use of the credits should the extension be granted and other relevant factors.

(2) Inclusionary units receiving monetary subsidies through the City shall not receive credits unless the City has been reimbursed for its financial assistance.

(D) Local Public Funding. A developer may apply to the community development agency for local public funding to assist in the financing and development of affordable housing to meet the inclusionary housing requirement.

(E) Modification of Development Standards. To the extent feasible in light of the uses, design and infrastructure needs of the development project, modifications to existing City planning standards may be made for the development project. Such modifications shall be requested through a development permit, or other such permit that allows the modification of planning standards, and shall be considered in conjunction with the other discretionary land use entitlements for the development project.

(F) Mixed Use Projects. Mixed use projects containing affordable units may be proposed and approved in areas of the City where the Zoning Code and the General Plan allow such development to help off-set the cost of developing affordable units pursuant to the requirements of this chapter.

Section 17.200.070 Density Bonus

Inclusionary units required by this Chapter or otherwise proposed to be constructed as part of a development project shall not be counted towards the number of units necessary to qualify for a density bonus under applicable state or local laws.

Section 17.200.080 Restrictions on Inclusionary Units

Each inclusionary unit created as a result of this Chapter shall have limitations governing its rental, sale, and/or resale and its occupancy, unless such limitations would be in conflict with federal or state law. The purpose of these limitations is to preserve the long-term affordability and to ensure its continued availability for income eligible households.

(A) Duration of Affordability for Rental and Resale of Inclusionary Units. All rental and for-sale inclusionary housing units developed within the City shall remain affordable for a period of not less than that required by Section 33334.3(f)(1) of the California Health and Safety Code (fifty-five years for rental units, forty-five years for owner-occupied units and fifteen years for mutual self-help housing units), and shall be regulated by regulatory agreement, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

(B) Occupancy Requirements.

(1) Rental Units. Any person(s) who occupies a rental inclusionary unit shall occupy that unit as his or her principal residence and shall annually certify that he or she qualifies for the applicable affordable rent level. The Community Development Director shall annually initiate this certification process. If and when any person(s) who rents an inclusionary unit no longer qualifies at the applicable affordable rent and income levels, the person(s) shall be required to vacate the unit or pay the market rate for the unit provided another rental unit is made available at the income level of the inclusionary unit.

(2) For-Sale Units. (i) Except as provided in this section, an initial owner who purchases a for-sale inclusionary unit shall occupy that unit as his or her principal residence. The inclusionary housing agreement shall provide that a for-sale inclusionary unit may only be rented or leased with the written permission of the City, and then, only to an income eligible person and the inclusionary unit shall be rented at no greater a rental rate than the affordable rent level as defined in Health and Safety Code Section 50053. The inclusionary unit shall be rented or leased at the same income level of the original for-sale affordable housing price. For example, if the initial owner bought the unit at the very low income housing price the unit shall be rented at the very low income rent level currently in effect. Any person intending to offer a for-sale inclusionary unit for rent or lease shall first notify the City housing coordinator in writing, prior to the renting of the unit. (ii) An initial owner shall be required to execute a promissory note, secured by a deed of trust, payable to the City, for the difference between the fair market value of the unit and the actual purchase price ("Silent Second Note"). The Silent Second

Note shall accrue interest at the Local Agency Investment Fund ("LAIF") rate, and shall be due and payable upon the sale, transfer or refinancing of the unit, unless the sale is to another low income eligible buyer, as determined by the City. The proceeds of any Silent Second Notes shall be deposited in an account designated for uses related to the provision of affordable housing in the City.

(C) Resale of For-Sale Units. The initial owner or any subsequent owner may sell a for-sale unit pursuant to the following requirements. Inclusionary for-sale units shall remain affordable to subsequent income eligible buyers pursuant to the resale restricted term provided for in subsection (A) above, and in accordance with the affordable housing costs set forth in Health and Safety Code Section 50052.5. The inclusionary for-sale unit shall be sold at the same affordable housing price income level as it was originally sold, and the new income eligible buyer shall be required to execute a new inclusionary housing agreement and Silent Second Note, secured by a deed of trust.

(1) Option to Sell to City. If the owner is unable to sell the inclusionary unit within one hundred and eighty (180) days of offering and advertising the unit for sale, the owner may offer to sell the unit to the City at the affordable housing price at the time offer. The Community Development Director may reduce the one hundred and eighty (180) day requirement specified above if the owner demonstrates, to the satisfaction of the Director, that such limit would create a hardship for the owner. If the City or its assignee does not complete the purchase of the unit within ninety (90) days of the owner's offer of sale to the City, the resale obligation of this section shall terminate; however, the provisions of this section relating to recapture upon sale shall continue to apply and remain in full force and effect.

(2) Recapture Upon Sale. If the inclusionary unit does not sell within one hundred and eighty (180) days of offering and advertising the unit for sale, or such lesser time as established by the Community Development Director upon a finding that a hardship exists, and if the City does not acquire the inclusionary unit as specified in this section, the inclusionary unit may be sold at the current market price. Upon the sale of a unit at market price, the seller shall pay to the City housing trust fund the full amount of the Silent Second Note, described above in this section. The owner shall be entitled to any appreciation in the fair market value of the unit from the time of initial sale to the present sale.

Section 17.200.090 Administration of Inclusionary Housing Requirements

(A) Inclusionary Housing Agreement. Upon approval of the inclusionary housing plan pursuant to Section 17.200.030, the Community Development Director shall prepare an inclusionary housing agreement for the development project that is consistent with inclusionary housing plan, and shall indicate ownership information, type of inclusionary unit (for-sale or rental), the number and size of the inclusionary units, the developer of the inclusionary units, the phasing and construction scheduling of the inclusionary units, commitments for inclusionary incentives and any other information required by the City

relative to the inclusionary housing requirement. In the case of alternatives to the inclusionary housing requirement, the agreement shall also contain the information required in this chapter pertaining to the alternative. Upon completion, the inclusionary housing agreement shall be recommended for approval by the City Council at the next regular City Council meeting. The inclusionary housing agreement shall provide a direct financial contribution by the City in the amount of not less than one hundred dollars (\$100) per inclusionary unit.

No final map shall be approved and no grading permit or building permit shall be issued by the City prior to the full execution and recordation of the inclusionary housing agreement against the property.

(B) Action on Inclusionary Housing Agreement. The City Council shall approve the inclusionary housing agreement upon a finding that the agreement meets all the requirements of this chapter and shall direct that the agreement be recorded upon the subject property.

(C) Affordable Rental and Affordable Housing Agreements. Prior to obtaining a certificate of occupancy for a development project which includes inclusionary units, the developer shall cause an affordable rental agreement to be executed between the owner of the property and the City which shall be recorded with the county recorder's office against the parcels identified in the inclusionary housing agreement as being inclusionary units, in a form reviewed and approved by the City Attorney. Where the inclusionary unit is a for-sale unit within a development project, prior to obtaining a certificate of occupancy for that unit the developer shall cause an affordable sale agreement to be executed between the initial owner of the inclusionary unit and the City, which shall be recorded with the county recorder's office against the parcel, in a form reviewed and approved by the City Attorney.

(D) Administrative of Affordability for Rental Inclusionary Housing. The owner of rental inclusionary units or for-sale inclusionary units offered for rent shall be responsible for certifying the income of the tenant or owner to the City at the time of initial rental and annually thereafter. The owner of a for-sale inclusionary unit shall certify to the City the income of the initial purchaser.

(E) Accessory Dwellings. Prior to obtaining a certificate of occupancy for an accessory dwelling which is designated as an inclusionary units pursuant to an inclusionary housing agreement, the developer shall cause an affordable sale agreement to be executed between the initial owner of the accessory dwelling unit and the City, which shall be recorded with the county recorder's office against the accessory dwelling unit, in a form reviewed and approved by the City Attorney.

(F) Guidelines. The Community Development Director may develop additional guidelines as necessary for implementation of this chapter.

(G) Appeal. Where the provisions of this Chapter vest the Planning Commission with final decision making authority, any applicant aggrieved by the decision of the Planning Commission may appeal the decision to the City Council, within ten (10) days of the final decision of the Planning Commission. Any appeal of a decision of the Planning Commission must be filed with the City Clerk. The City Clerk shall set the appeal before the City Council within forty (40) days of receipt of the appeal.

Section 17.200.100 Monitoring of Inclusionary Housing

(A) Developers. Developers that have entered into an inclusionary housing agreement requiring the provision of inclusionary housing units will be monitored by the City annually to assure compliance with the inclusionary housing agreement.

(B) Inclusionary Units. Inclusionary housing units developed within the City will be monitored by the City annually to verify that the units remain affordable in accordance with Section 17.200.080(B) of this chapter.

(C) Reporting. An annual reporting mechanism shall be created by the City to identify the number of inclusionary housing units that have been required for development within the City by inclusionary housing agreements during the annual reporting period and shall include the number of inclusionary housing units that have actually been developed during the annual reporting period. The report shall also include the results of the monitoring of developers and inclusionary units already in existence.

Section 17.200.110 Administrative and In-Lieu Fees

The City Council may, by resolution, establish an in-lieu fee and reasonable fees and deposits to defray costs of processing applications, proposals pursuant to this Chapter.

Section 17.200.120 Enforcement and Penalties

It is unlawful to offer for sale or to rent or lease any inclusionary unit without compliance with this Chapter. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day which any person commits, continues, permits, or causes a violation thereof and, shall be punished accordingly.

SECTION 3.

Section 17.60.030(B) of Chapter 17.60 of the Winters Zoning Code pertaining to affordable housing requirements for individualized projects is hereby repealed in its entirety.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law. The City Clerk of the City of Winters shall

cause this Ordinance to be published and posted in accordance with 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on December 15, 2009, and was passed and adopted at a regular meeting of the City Council held on January 5, 2010 by the following vote:

AYES: Council Members Aguiar-Curry, Fridae, Stone and Mayor Martin

NOES: None

ABSENT: Council Member Anderson

ABSTAIN: None



Michael Martin, MAYOR

ATTEST:



Nanci G. Mills, City Clerk

1160228.15

Free Recording Requested Pursuant to
Government Code Section 27383

When recorded, mail to:
City of Winters
318 First Street
Winters, California 95694
Attn: Redevelopment/Housing Manager

[Property address:]

----- Space Above This Line for Recorder's Use -----

**DECLARATION OF RESTRICTIONS AND
RIGHT OF FIRST REFUSAL AGREEMENT**

THIS DECLARATION OF RESTRICTIONS AND RIGHT OF FIRST REFUSAL AGREEMENT ("**Declaration**") is made as of _____, 20__, by and between _____ as _____ ("**Owner**") and the City of Winters, a municipal corporation ("**City**"). Owner is purchasing that certain real property in the City with a street address of _____, Winters, California _____, and more particularly described on Exhibit A attached hereto ("**Property**").

Section 1. Recitals.

The following recitals of fact are a material part of this Declaration:

(a) The City has developed a program to provide home ownership opportunities to individuals and families with low and moderate incomes by offering homes for sale at prices which are below those otherwise prevailing in the market;

(b) This Property was purchased by Owner at a below fair market value in accordance with the goals of the City.

NOW, THEREFORE, in consideration of the substantial economic benefits inuring to Owner and the public purposes to be achieved under the affordable housing program, Owner and City agree as follows:

Section 2. Owner Acknowledgments and Agreements. Owner hereby acknowledges and agrees that taking title to a Property shall constitute Owner's acknowledgment and agreement of the following:

THE PROPERTY IS BEING ACQUIRED BY OWNER AT A COST WHICH IS BELOW MARKET RATE FOR THE PROPERTY AND THAT THE PROPERTY IS SUBJECT TO THE RESTRICTIONS CONTAINED IN THIS AGREEMENT. THERE SHALL BE NO SALE OR TRANSFER OF THE PROPERTY EXCEPT IN ACCORDANCE WITH

THIS AGREEMENT. ANY SALE OR OTHER TRANSFER OF THE PROPERTY IN VIOLATION OF THIS AGREEMENT SHALL BE VOIDABLE BY THE CITY.

Section 3. Definitions.

As used in this Declaration, the capitalized terms set forth below shall have the following meanings:

(a) **“Affordable Price”** means the price paid by the Owner for the Property.

(b) **“City”** means the City of Winters.

(c) **“City Note”** is the promissory note executed by Owner in favor of City in the form attached as Exhibit B, which is secured by a Deed of Trust executed by Owner in favor of City. The principal amount of the City Note is the Payment Assistance plus a contingent deferred amount upon the Sale of the Property calculated pursuant to Section 7.3(c).

(d) **“Declaration”** is defined in the Preamble.

(e) **“Deed of Trust”** means the separate Deed of Trust on this Property securing Owner’s obligations under the City Note, executed by Owner in favor of the City in the form attached as Exhibit C.

(f) **“Events of Default”** are defined in Section 9.1.

(g) **“Grant Deed”** is means a standard title company form grant deed.

(h) **“Occupancy Certificate”** is defined in Section 11.3.

(i) **“Offer”** is defined in Section 7.1.

(j) **“Offer Price”** is defined in Section 7.1.

(k) **“Owner”** is defined in the Preamble.

(l) **“Payment Assistance”** means an amount equal to \$ _____ which the City has provided to Owner to assist owner in making its down payment on the Property. The Payment Assistance is included in the principal amount of the City Note.

(m) **“Principal Residence”** means the location at which an individual resides for ten (10) months out of each calendar year or such shorter period of time as City, in its sole discretion, shall determine.

(n) **“Prohibited Transfer”** is defined in Section 6.3.

(o) **“Property”** is defined in the Preamble.

(p) **“Purchaser”** means a third party to whom the Property is Sold in accordance with this Declaration.

(q) **“Revised Offer”** is defined in Section 7.1.

(r) **“Revised Offer Price”** is defined in Section 7.1.

(s) **“Right of First Refusal”** is defined in Section 7.1.

(t) **“Sale”, “Sell” or “Sold”** means a Transfer of the Property for monetary consideration.

(u) **“Sales Price”** means the gross price being paid to Purchase the Property, either by the City or a Purchaser.

(v) **“Senior Lender”** means a bank, savings and loan association, insurance company, pension fund, publicly traded real estate investment trust, governmental agency, or charitable organization engaged in making loans which customarily makes residential purchase money loans and has loaned money to Owner to purchase or refinance the purchase of the Property.

(w) **“Senior Lien”** means a single deed of trust for the purpose of securing a loan from the Senior Lender to finance or refinance the purchase of the Property.

(x) **“Senior Loan”** means the purchase money loan obtained by Owner from the Senior Lender.

(y) **“Transfer”** means any voluntary or involuntary assignment or transfer of any interest in the Property.

Section 4. Related Documents.

Owner executed the Deed of Trust on the Property in favor of City, dated _____, 20__ securing the City Note.

Section 5. Restrictions.

5.1 Restrictions. Owner shall own and occupy the Property as Owner’s Principal Residence, and Owner shall not Transfer the Property, or any portion thereof, in violation of this Declaration.

5.2 Term. This Declaration shall remain in effect until such time as the Property is Sold pursuant to the terms of this Declaration.

5.3 Owner Representations and Warranties. Owner represents and warrants to City that the financial and other information Owner previously provided to City for the purpose

of qualifying to purchase the Property was true and correct at the time it was given and remains materially true and correct as of the date of this Declaration.

Section 6. Transfer Procedures.

6.1 Transfers for No Consideration. The following Transfers of the Property without monetary consideration are permitted under this Declaration:

- (a) Transfer of title by gift, devise, or inheritance to an Owner's spouse;
- (b) Transfer of title by devise or inheritance to an Owner's natural or adopted children;
- (c) Transfer of title by an Owner's death to a surviving joint tenant, tenant by entireties, or a surviving spouse of community property;
- (d) Transfer of title to a spouse as part of divorce or dissolution proceedings; or
- (e) Transfer of title or any interest in the Property to the spouse in conjunction with marriage.

6.2 Notification of City for Transfers for No Consideration. If the proposed Transfer is made under the provisions of Section 6.1, Owner, the trustee, executor or new owner, as the case may be, shall notify the City in writing of the change in ownership of the Property within 20 days of such event giving rise to such Transfer. Any such transferee shall be bound by and subject to the provisions of this Declaration.

6.3 Prohibited Transfers. Any Transfer other than as permitted under this Declaration is a "Prohibited Transfer". A Prohibited Transfer specifically includes any Transfer of a use, rental or leasehold interest in a Property. Any Sale of the Property other than in strict accordance with this Declaration is a Prohibited Transfer.

Section 7. Right of First Refusal.

7.1 Grant of First Right of Refusal. Owner grants to City a right of first refusal to purchase the Property if the Owner desires to Sell the Property ("**Right of First Refusal**"). Owner shall provide, or cause its real estate agent to provide, to the City an offer which shall contain the proposed offering price ("**Offer Price**") and other customary terms of the proposed Sale, which terms shall be reasonable and customary in accordance with the real estate market within the City ("**Offer**"). Upon request, the Owner shall provide to the City reasonable documentation of its Offer Price, such as by way of example and not limitation, sales prices of comparable houses or an appraisal. The City shall have fifteen (15) days accept, reject or negotiate the terms of the Offer in writing; provided, however that the failure of the City to respond within such 15-day time period shall be deemed to be a rejection of the Offer. Upon the rejection or deemed rejection of the Offer, the Owner may Sell the Property to any third party; provided however that the Owner shall not accept any offers from third parties for less than the Offer Price or on terms that are materially more favorable than the Offer without first notifying

the City in writing of the proposed new purchase price (“**Revised Offer Price**”) and new terms of the sale (“**Revised Offer**”). The City shall have an additional five (5) days to accept or reject the Revised Offer at the Revised Offer Price in writing; provided, however that the failure of the City to respond within such 5-day time period shall be deemed to be a rejection of the Revised Offer at the Revised Offer Price and the Owner may Sell the Property to any third party; provided however that the Owner shall not accept any offers from third parties for less than the Revised Offer Price or on terms that are materially more favorable than the Revised Offer without first notifying the City in writing. Owner shall be required to re-offer the Property to the City until such time as (a) the City accepts the Offer or Revised Offer or (b) a third party has agreed to purchase the Property on terms that are substantially the same as the Offer or Revised Offer (including without limitation at the Offer Price or Revised Offer Price).

7.2 Closing Procedures For Sale to City. If the City accepts the Offer (either at the Offer Price or at the Revised Offer Price) at closing, Owner shall convey the Property to the City by Grant Deed. Owner shall cause a mutually acceptable title company to issue to the City a CLTA standard coverage owner’s form of title insurance policy in the amount of the Sales Price insuring title to the Property vested in the City, subject only to standard printed form exceptions, and exclusions, liens for current taxes and assessments not yet due or payable, and such other matters as were exceptions to title as of the date this Declaration is recorded in the Official Records of Yolo County or are accepted by the City in writing. All closing costs and title insurance premiums shall be paid pursuant to the custom in the City; provided that in no event shall the City be required to pay any real estate brokerage fees or commissions.

7.3 Non-Liability of City. City shall not be held liable by reason of its exercise or non-exercise of the Right of First Refusal.

Section 8. Distribution of Sales Price. At closing of a Sale of the Property, the Sales Price shall be distributed as follows:

(a) First, to pay the amounts necessary to release the Senior Lien (unless assumed in writing by the Purchaser with the consent of the Senior Lender);

(b) Second, to pay the City the amount of the Payment Assistance;

(c) Third, all remaining appreciation shall be shared between the City and Owner as follows:

(i) If the Sale occurs within one year of the date of this Agreement, then the City shall receive 90% and the Owner shall receive 10%.

(ii) If the Sale occurs within two years of the date of this Agreement, then the City shall receive 80% and the Owner shall receive 20%.

(iii) If the Sale occurs within three years of the date of this Agreement, then the City shall receive 70% and the Owner shall receive 30%.

(iv) If the Sale occurs within four years of the date of this Agreement, then the City shall receive 60% and the Owner shall receive 40%.

(v) If the Sale occurs within five years of the date of this Agreement, then the City shall receive 50% and the Owner shall receive 50%.

(vi) If the Sale occurs within six years of the date of this Agreement, then the City shall receive 40% and the Owner shall receive 60%.

(vii) If the Sale occurs within seven years of the date of this Agreement, then the City shall receive 30% and the Owner shall receive 70%.

(viii) If the Sale occurs within eight years of the date of this Agreement, then the City shall receive 20% and the Owner shall receive 80%.

(ix) If the Sale occurs within nine years of the date of this Agreement, then the City shall receive 10% and the Owner shall receive 90%.

(x) If the Sale occurs after nine years of the date of this Agreement, the Owner shall receive 100%.

Section 9. Default and Remedies.

9.1 Events of Default. The occurrence of any one of the following events or circumstances shall constitute an “**Event of Default**” by Owner under this Declaration.

(a) Owner has actually Transferred or attempted to Transfer the Property in violation of the covenants and restrictions contained in this Declaration.

(b) City has determined in City’s sole discretion that the Property is not Owner’s Principal Residence.

(c) Owner fails to pay real estate taxes, assessments or homeowner’s association dues, or Owner fails to maintain insurance in such amounts as required under this Declaration, or Owner places any mortgages, encumbrances or liens upon the Property in violation of this Declaration, and such event or condition shall not have been cured within thirty (30) days following the date of written notice to cure by City to Owner.

(d) Owner fails to perform any other agreements or obligations on Owner’s part to be performed under this Declaration, and such failure continues for thirty (30) days following the date of written notice to cure by City to Owner, or in the case of a default not susceptible of cure within thirty (30) days, Owner fails to promptly commence such cure within thirty (30) days and thereafter fails to diligently prosecute such cure to completion.

(e) Owner causes or permits a default under the Senior Lien and fails to cure the same in accordance with the cure provisions in the Senior Lien.

9.2 Remedies. Upon the occurrence of an Event of Default by Owner, City may exercise any or all of the remedies set forth below:

(a) City shall have the right to institute an action for specific performance of the terms of this Declaration, for an injunction prohibiting a proposed Transfer in violation of this Declaration, or for a declaration that a Transfer is void; and

(b) City shall have the right to exercise all other remedies permitted by law or at equity.

Section 10. Lender Provisions.

10.1 Purposes of Financing. Owner may encumber title to the Property for the sole purpose of securing (a) purchase money financing, (b) refinancing (but only up to the amount of the original financing), or (c) refinancing up to the amount of the original financing, plus (___) percent (___%) of the Affordable Price. Refinancing under option (c), above, shall only be permitted for making capital improvements to the Property, meeting educational expenses, or meeting the costs of an Owner's or Owner's immediate family member's catastrophic illness. Owner shall not cause or permit any other mortgages, encumbrances or liens upon the Property.

10.2 Subordination. This Declaration shall be subordinate to a lien securing purchase money financing or refinancing. Upon request by an Owner or Senior Lender, City shall executed a subordination agreement with the Senior Lender in the form reasonable satisfactory to the City.

10.3 Default and Foreclosure. Owner shall provide a copy of any notice of default to City within three (3) days of Owner's receipt. In the event of any default under the Senior Lien, City shall have the right to (a) cure such default within the time period afforded Owner, or (b) foreclose its Deed of Trust on the Property. City's rights under this section shall not prevent the Senior Lender from commencing a judicial or nonjudicial foreclosure of the Senior Lien. City may foreclose its Deed of Trust under clause (b) pursuant to the terms of that Deed of Trust.

10.4 Right to Cure. Owner authorizes City, in City's name, but without any obligation to do so, to perform any act required of Owner in order to prevent a default under, or acceleration of the indebtedness secured by, the Senior Lien or the commencement of any foreclosure or other action to enforce the collection of such indebtedness. If City elects to cure any such default, Owner shall pay the expenses incurred by City in effecting any cure upon demand, together with the interest thereon at the maximum interest rate permitted by law.

Section 11. Miscellaneous.

11.1 Damage and Destruction; Condemnation; Insurance. If the Property is condemned or the improvements damaged or destroyed, all proceeds from insurance or condemnation shall be distributed to Owner or its successors or assigns, for purposes of restoring or replacing the Property, unless the Senior Lender deed of trust or, if not covered by the Senior Lender Deed of Trust, the Deed of Trust provides otherwise, in which case the Senior Lender

Deed of Trust or, if not covered by the Senior Lender Deed of Trust, the Deed of Trust shall control.

11.2 No Discrimination.

(a) Owner covenants by and for itself, its successors, its assigns and every successor in interest to the Property or any part thereof, that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual orientation, source of income, age, physical or mental handicap, medical condition, ancestry or national origin in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, nor shall Owner itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Property. The foregoing covenants shall run with the land and shall remain in effect in perpetuity.

(b) All deeds and contracts made relative to the Property shall contain or be subject to the following nondiscrimination or nonsegregation clauses set forth in Health and Safety Code Section 33436 in substantially the same form:

(i) In deeds: "The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual orientation, source of income, physical or mental handicap, medical condition, ancestry, or national origin in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the grantee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land."

(ii) In contracts: "There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, sexual orientation, source of income, age, physical or mental handicap, medical condition, ancestry, or national origin in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land, nor shall the transferee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land."

11.3 Owner Occupancy Verification. To insure compliance with this Declaration's requirement that Owner use the Property as his/her Principal Residence, Owner shall provide City with a completed Occupancy Certificate ("**Occupancy Certificate**"), to be provided by the City, upon request by the City from time to time.

11.4 Notices. Any notice, demand or other communication required or permitted to be given under this Declaration by either party to the other party shall be in writing and sufficiently given or delivered if transmitted by (a) registered or certified United States mail, postage prepaid, return receipt requested, (b) personal delivery, or (c) nationally recognized private courier services, in every case addressed as follows:

If to City: City of Winters
 318 First Street
 Winters, California 95694
 Attention: Redevelopment/Housing Manager

If to Owner: at the Property address

Any such notice, demand or other communication transmitted in accordance with this section shall be deemed delivered upon receipt, or upon the date delivery was refused. Any party may change its address for notices by written notice given to the other party in accordance with the provisions of this section.

11.5 Remedies Cumulative. City's rights and remedies, whether provided by law, in equity or by this Declaration, shall be cumulative, and the exercise of any one or more of such rights or remedies shall not preclude the exercise of any other or further rights or remedies for the same or any other default or breach. No waiver with respect to the performance of any of Owner's obligations shall be effective except to the extent the particular obligation is expressly waived, nor shall it be a waiver with respect to any other rights or remedies of any other of Owner's obligations.

11.6 Time for Performance. Time is of the essence in the performance of the terms of this Declaration. All dates for performance (or cure) shall expire at 5:00 p.m. on the performance or cure date. Any performance date which falls on a Saturday, Sunday or City holiday is automatically extended to the next City working day. Unless otherwise specified, whenever an action is required in response to a submission, request or other communication, the responding party must respond within thirty (30) days.

11.7 Amendments. Any modification or waiver of any provision of this Declaration or any amendment thereto must be in writing and signed by a person or persons having authority to do so, on behalf of both City and Owner.

11.8 Controlling Agreement. Owner covenants that Owner has not executed and will not execute any other agreement with provisions contradictory to or in opposition to the provisions of this Declaration. Owner understands and agrees that this Declaration shall control the rights and obligations between Owner and City.

11.9 Successors and Assigns. This Declaration shall inure to the benefit of, and shall be binding upon, the successors, assigns, personal representatives, estates, heirs and legatees of Owner.

11.10 Governing Law. This Declaration shall be governed by, and construed and enforced in accordance with, the internal laws of the state of California.

11.11 Recordation. Owner shall cause this Declaration to be recorded in the County's Official Records.

IN WITNESS WHEREOF, Owner and City have executed this Declaration as of the date written above.

CITY:

OWNER:



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: May 24, 2016
FROM: David Dowswell, Community Development Department 
SUBJECT: Public Hearing and Consideration of various amendments to Chapter 8.20, Noise Control, and Section 17.68, Performance Standards, of the Winters Municipal Code.

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

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend the City Council find the proposed amendments Categorically Exempt from CEQA; and
- 4) Recommend the City Council adopt the proposed amendments to Chapter 8.20, Noise Control and Section 17.68, Performance Standards of the Winters Municipal Code.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The proposed Municipal Code amendments to the Noise Control regulations and Performance Standards will affect properties designated in the General as agricultural, residential, commercial, industrial, public/quasi-public and zoned A-1, R-R, R-1, R-2, R-3, R-4, C-1, C-2, C-H, D-A, D-B, O-F, B-P, M-1, M-2, P-R and PQP.

BACKGROUND: For some time now staff has been aware of problems interpreting, and potentially enforcing the City's Noise Control Ordinance. The ordinance is overly descriptive; for example, there is a long list of prohibited noise generating uses, many of which are unlikely to ever occur, such as repairing an aircraft (Section 8.20.110F) or are preempted from being regulated, like the use of emergency signals by police and fire. The ordinance also states it is unlawful to sound a car horn except as a warning signal (Section 8.20.110C). There is language about developing a plan for land uses placed in proximity to local airports; there is likely never going to be an airport in Winters. There is a whole section (Section 8.20.040) devoted to the authority and duties of the noise control officer,

which includes coordinating the enforcement with other city departments, county and city agencies. There is another somewhat duplicative section (Section 8.20.050) devoted to departmental cooperation and the maximum allowable noise levels are more restrictive than permitted by the General Plan (Attachment A). Due to the complexities and restrictiveness of the ordinance staff was directed to study how it could be simplified.

On July 22, 2014 the Planning Commission held a study session where the status of the updating of the Noise Control Ordinance in Chapter 8.20 and the Performance Standards in Chapter 17.68 of the Municipal Code was discussed. At the conclusion of the discussion staff indicated we would return in the future with a draft ordinance.

On April 26, 2016 the Planning held a second study session where they reviewed the draft amendments to the Noise Control regulations and Performance Standards. The Commission asked a few questions of staff but did not recommend any changes be made.

ANALYSIS: The proposed ordinance (Attachment A) simplifies the City's existing noise regulations and mirrors ordinances from many other cities. The revised ordinance is not intended to be all encompassing, but rather designed to address the most common sources of noise complaints. The allowable daytime noise levels in parks and recreation/public quasi-public and residential zones have been slightly increased to be more consistent with what is allowed by other cities while still complying with the General Plan. The exterior noise level standards in Chapter 17.68 Performance Standards are being amended to be consistent with the allowable levels in the Noise Control Ordinance.

METHODOLOGY: Two actions are required to process the requested project:

1. Confirmation of CEQA exemption finding – Noise Control and Performance Standards are Categorical Exempt, Section 15308 (Actions by Regulatory Agencies to Protect the Environment).
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 Municipal Code

PROJECT NOTIFICATION: An eighth (1/8) of a page legal notice (Attachment B) advertising for the public hearing on this planning application was prepared in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. The notice was published in the Winters Express on 5/12/16, ten days prior to public 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 5/19/16.

ENVIRONMENTAL ASSESSMENT: The proposed project is categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15308 (Actions by Regulatory Agencies).

RECOMMENDED FINDINGS FOR PROPOSED AMENDMENTS TO CHAPTER 8.20 AND SECTION 17.68 OF THE CITY OF WINTERS MUNICIPAL CODE.

CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Sections 15308 (Actions by Regulatory Agencies to Protect the Environment).

General Plan and Zoning Consistency Findings:

- 1) The project is consistent with the goals and policies of the General Plan.
- 2) The project will not result in a negative fiscal impact upon the City.

RECOMMENDATION: Staff recommends the Planning Commission recommend the City Council approve the proposed amendments to the Municipal Code by making an affirmative motion as follows:

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE MUNICIPAL CODE, CHAPTER 8 AND SECTION 17.68, 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
- Recommend City Council approval of the amendments to Chapter 8.20 and Section 17.68 of the City of Winters Municipal Code, as shown in Attachment A.

ALTERNATIVES: The Planning Commission can elect not to recommend approval of the two amendments, modify the amendments or refer the amendments back to staff for additional review.

ATTACHMENTS:

- A. Draft Noise and Performance Standards Ordinance redline and clean copies
- B. Notice of Public Hearing published 5/12/16

CITY COUNCIL

ORDINANCE NO. 2015-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING VARIOUS SECTIONS OF CHAPTER 8.20 (NOISE CONTROL) AND AMENDING
SECTION 17.68.030 (GENERAL STANDARDS) 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 Chapter 8.20 Noise Control and Section 16.68.030 Performance Standards which regulate noise.

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. Amendment to Chapter 8.20. Chapter 8.20 of the Municipal Code is hereby amended to read as follows:

**Chapter 8.20
NOISE CONTROL**

Sections:

- [8.20.010](#) Declaration of policy.
- ~~[8.20.020](#) Liberal construction.~~
- ~~[8.20.0320](#) Definitions.~~
- ~~[8.20.0430](#) Authority and duties of noise control office.~~
- ~~[8.20.050](#) Departmental cooperation.~~
- ~~[8.20.0640](#) General noise regulations and factors.~~
- ~~[8.20.0750](#) Noise measurement procedure.~~
- ~~[8.20.0860](#) Exterior noise limits.~~
- ~~[8.20.090](#) Interior noise limits.~~
- ~~[8.20.1070](#) Prohibited actions.~~
- ~~[8.20.08110](#) Motor vehicle noise limits.~~
- ~~[8.20.10290](#) Exemptions.~~
- ~~[8.20.130](#) Pre-existing industrial or commercial noise sources transition period.~~
- ~~[8.20.1400](#) Variance procedure.~~
- ~~[8.20.150](#) Hearing board.~~
- ~~[8.20.160](#) Appeals.~~
- ~~[8.20.1710](#) Regulations not exclusive.~~
- ~~[8.20.1820](#) Enforcement.~~

8.20.010 Declaration of policy.

In order to control unnecessary, excessive and annoying noise and vibration in the city, it is declared to be the policy of the city to prohibit such noise and vibration generated from or by all sources as specified in this chapter. It shall be the policy of the city to maintain quiet in those areas which exhibit low noise levels ~~to~~ and to implement programs aimed at reducing noise in those areas within the city where noise levels are above acceptable values.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to public interest. The provisions of this chapter and the remedies contained herein shall be cumulative and are not intended to replace any otherwise available remedies for public, private, or mixed nuisances, nor any other civil or criminal remedies otherwise available. ~~(Ord. 89-04 (part); prior code § 6-7.01)~~

8.20.020 Liberal construction.

~~This chapter shall be liberally construed so as to effectuate its purposes. (Ord. 89-04 (part); prior code § 6-7.02)~~

8.20.0320 Definitions.

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards institute (ANSI) or its successor body.

"A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or ~~dB(A)~~.

Comment [D1]: Term not used in this chapter.

~~"Agricultural property" means a parcel of property used primarily, in whole or in part, for agriculture purposes.~~

"Agricultural operation" means the use of a parcel of real property for the cultivation, planting, growing and harvesting of crops grown on the parcel and the feeding, pasturing and maintenance of livestock and poultry raised on the parcel. The term "agricultural operation" shall not include the use of a parcel of real property for processing farm crops, livestock, and poultry not grown or raised on the parcel.

"Ambient noise level" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location excluding any alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

~~"Commercial area" means any commercial zoned area as defined in the city zoning ordinance, Title 17 of the Winters Municipal Code, as amended from time to time. Current commercial area designations are as shown on the zoning map, as amended.~~

~~"Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or of public or private rights-of-way, structures, utilities or similar property.~~

Comment [D2]: Defined in California Building Code

~~"Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.~~

Comment [D3]: This term is not used anywhere in the existing ordinance.

"Decibel" means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micro-pascals.

~~"Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.~~

Comment [D4]: Defined in the California Building Code.

"Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

~~"Fixed noise source" means a stationary device which creates sounds while fixed or motionless including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.~~

Comment [D5]: Revised name and inserted after "noise disturbance".

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

~~"Impulsive sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop force impacts, and the discharge of firearms.~~

Comment [D6]: Term not used in this chapter.

~~"Industrial area" means any industrial area as defined in the city zoning ordinance, Title 17 of the Winters Municipal Code, as amended from time to time. Current industrial area designations are as shown on the zoning map, as amended.~~

~~"Intrusive noise" means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.~~

"Licensed" means the possession of a formal license or a permit issued by the appropriate jurisdictional authority; or, where no permits or license are issued, the sanctioning of the activity by the jurisdiction as noted in the public record.

~~"Mobile noise source" means any noise source other than a fixed noise source.~~

Comment [D7]: Combined with Noise Disturbance.

"Motor vehicle" includes any ~~and all self-propelled motor~~ vehicles as defined in the California Motor Vehicle Code, as amended from time to time, including all on-highway type motor

vehicles subject to registration under said Code, and all off-highway type motor vehicles subject to identification under said Code.

~~"Motor boat" means any vessel propelled by machinery whether or not such machinery is the principal source of propulsion but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto (Section 651(n), Harbors and Navigation Code).~~

Comment [D8]: Motor boat is licensed by state as a "motor vehicle".

~~"Muffler or sound dissipative device" means a device consisting of a series of chambers or baffle plates or other mechanical design, for the purpose of receiving exhaust gas from the internal combustion engine, and effective in reducing noise.~~

~~"Noise control office (NCO)" municipal agency or department having lead responsibility for this chapter shall be the office of the city manager or its duly authorized representative.~~

"Noise disturbance" means any sound which, ~~as judged by the Noise Control Office:~~ (1) endangers or injures the safety or health of human beings, or animals, or (2) annoys or disturbs reasonable persons of normal sensitivities; or (3) endangers or injures personal or real property; or (d4) violates the factors set forth in Section 8.20.0640. Compliance with the quantitative standards as listed herein shall constitute elimination of a noise disturbance.

~~"Noise source" means any device either fixed or mobile which creates sounds, including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners, refrigeration equipment, and sound amplifying vehicle..~~

~~"Noise sensitive zone" means any area designated pursuant to Section 8.20.040 for the purpose of ensuring exceptional quiet.~~

~~"Noise zone" means any defined areas or regions of a generally consistent land use wherein the ambient noise levels are within a range of five db.~~

"Person" means any individual, firm, association, partnership, joint venture, corporation or other entity, public or private in nature, including an instrumentality of a state or any political subdivision of a state; person shall also include any officer, employee or agent of any of the foregoing.

~~"Powered model vehicle" means any self-propelled, airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designed to carry persons, including but not limited to, a model airplane, boat, car, or rocket.~~

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

"Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

~~"Pure tone" means any sound which can be judged as audible as a single pitch or a set of single pitches by the noise control office.~~

"Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

~~"Residential area" means any residential zoned area as defined in the city zoning ordinance Title 17 of the Winters Municipal Code as amended from time to time.~~

"Sound amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios, tape decks, compact discs, mp3 players, etc., when used and heard only by the occupants of the vehicle in which radio, tape deck, compact disc, etc., is installed. "Sound amplifying equipment," as used in this chapter, shall not include warning devices on any vehicle used only for traffic safety purposes.

"Sound amplifying vehicle" means any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

"Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meter, S1.4-1971, or the most recent revision thereof.

~~"Vibration perception threshold" means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 in/sec over the range of 1 to 100 Hz.~~

"Weekday" means any day, Monday through Friday, which is not a legal holiday. ~~(Ord. 2003-04 §§ 15, 16 (part); Ord. 89-04 (part); prior code § 6-7.04)~~

8.20.0430 Authority and duties of noise control office.

A. ~~Lead (Agency/Official).~~

The noise control program established by this chapter shall be administered by the office of the city manager or its duly appointed representative. The enforcing department shall be the Winters police department.

~~B.—Powers.~~

~~In order to implement and enforce this chapter and for the general purpose of noise abatement and control, the NCO shall have, in addition to any other authority vested in it, the power to:~~

~~1.—Studies. Conduct, or cause to be conducted, studies, research, and monitoring related to noise, including joint cooperative investigation with public or private agencies and the application for, and acceptance of, grants;~~

~~2.—Education.~~

~~a.—Conduct programs of public education regarding:~~

~~i.—The cause and effects of noise and general methods of abatement and control of noise, and~~

~~ii.—The actions prohibited by this ordinance and the procedures for reporting violations, and~~

~~b.—Encourage the participation of public interest groups in related public information efforts;~~

~~c.—Provide for training of field inspectors and other technical personnel concerned with noise abatement, in conformance with standards for technical qualifications as established by the State Office of Noise Control;~~

~~3.—Coordination and cooperation.~~

~~a.—Coordinate the noise control activities of all municipal departments,~~

~~b.—Cooperate where practicable with all appropriate state and federal agencies,~~

~~c.—Cooperate where practicable with appropriate county and municipal agencies,~~

~~d.—Advise on the availability of low noise emission products for replacement or retrofit of existing or planned city owned or operated equipment;~~

~~4.—Actions of other departments.~~

~~Request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that action is not consistent with this chapter;~~

~~5.—Public and private projects.~~

~~On all public and private projects which are likely to cause noise in violation of this chapter and which are subject to mandatory review or approval by any other departments:~~

- ~~a.— All projects will be subject to the California Environmental Quality Act as amended;~~
- ~~b.— Review for compliance with the intent and provision of this chapter;~~
- ~~c.— Require sound analysis which identify existing and projected noise sources and associated noise levels;~~
- ~~d.— Require usage of adequate measures to avoid violation of any provision of this chapter;~~

~~6.— Inspections.~~

~~Upon presentation of proper credentials, enter and/or inspect any private property, place, report or records at any time when granted permission by owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, the NCO shall obtain the cooperation of the Winters police department who may obtain a search warrant from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests;~~

~~7.— Production performance standard recommendations.~~

~~Develop and recommend provisions regulating the use of operation of any product, including the description of maximum sound emission levels of such product, but not in such a manner as to conflict with federal and state new product regulations;~~

~~8.— Noise sensitive zone recommendations.~~

~~Prepare recommendations to be reviewed by the Winters planning commission and approved by the Winters city council at public hearings for the designation of noise sensitive zones which contain noise sensitive activities;~~

~~9.— Noise zone definition.~~

~~Prepare recommendations, based upon noise survey data and analytical studies, for the designation of zones of similar ambient, environmental noise within regions of generally consistent land use. These zones shall be identified in terms of their day and nighttime ambient noise levels and their land use classifications as given in Section 8.20.080, Table 7-1;~~

~~10.— Zoning changes.~~

Prior to the approval of any zoning changes:

- a.— Review the noise impact of the zoning change by identifying existing and projected noise sources and the associated sound levels;
- b.— Require usage of adequate control measures on noise sources identified in subsection (B)(10)(a) which will be in violation of any provision of this chapter.

C.— Duties of noise control office.

In order to effectively implement and enforce this chapter the NCO shall, within a reasonable time after the effective date of the ordinance codified in this chapter;

1.— Measurement standards and enforcement procedures.

Develop measurement standards and procedures which will further the purposes of this chapter;

2.— Investigate and pursue violations.

Under the provisions of this chapter, upon complaint, cause the Winters police department to investigate and pursue violations of this chapter;

3.— Community noise element.

a.— Assist in the preparation or revision thereof from time to time of the city noise element of the general plan as required by the Government Code, Section 65302 (f), as amended from time to time, following guidelines set forth by the State Office of Noise Control;

b.— Assist in or review the total transportation planning of the community, including planning for new roads and highways, bus routes, airports, and other systems of public transportation, to insure that proper consideration is taken with regard to the impact of sound levels and that the policies set forth in the noise element are adhered to;

c.— Provide on-going assistance to local agencies in determining possible mitigation measures for current or forecast noise problems;

4.— Airport noise exposure.

Assist the local airport land use commission (ALCJC) or equivalent commission in developing a plan for noise compatible land use in the vicinity of all local airports under their jurisdiction and maintain consistency with the provisions and policies of the general plan noise element and appear at any hearings or meetings regarding airport activities that would affect the noise

~~environment of local residents in order to insure that the best interests of the community are served;~~

~~5.—State and federal laws and regulations.~~

~~a.—Prepare and publish a list of those products required to meet specified noise emission limits under federal, state or community law;~~

~~b.—Make recommendations for modifications or amendments to this chapter to insure consistency with all state and federal laws and regulations;~~

~~6.—Administer grants, funds and gifts.~~

~~Administer noise program grants, funds, and gifts from public and private sources, including the state and federal governments. (Ord. 89-04 (part); prior code § 6-7.05)~~

8.20.050 Departmental cooperation.

All departments shall, consistent with their authorities under other ordinances administered by them, carry out their programs in such a manner as to further the policies stated in Section [8.20.010](#).

~~F.~~

~~All departments shall cooperate with the noise control office in enforcing the noise regulations of this chapter.~~

~~B.—Compliance with other laws.~~

~~All departments engaged in any activities which result or may result in the emission of noise, shall comply with federal and state laws and regulations, as well as the provisions of this chapter, respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.~~

~~C.—Project approval.~~

~~Each department, whose duty it is to review and approve new projects, or changes to existing projects which result, or may result in the emission of noise, shall consult with the noise control office prior to any such approval.~~

~~D.—Right of review.~~

~~If at any time the noise control office has reason to believe that a standard, regulation, or action or proposed standard, regulation, or action of any department respecting noise does not conform to the intent of this chapter as set forth in Section [8.20.010](#), the noise control office may~~

Comment [D9]: This section is unnecessary, it is redundant.

~~cause a review to be made so as to determine if such standards and/or regulations need to be changed.~~

~~E.—Contracts.~~

~~Any written agreement, purchase order, or instrument whereby the city is committed to the expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, shall not be entered into unless such agreement, purchase order, or instrument contains provisions requiring that any equipment or activities which are subject to the provisions of this code will be operated, constructed, conducted, or manufactured without causing violation of this code where technologically and economically feasible.~~

~~F.—Low noise emission products.~~

~~Any product which has been certified by the Administrator of the U.S. Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 as a low noise emission product and which is determined to be suitable for use as a substitute, shall be used in preference to any other product where economically feasible. (Ord. 89-04 (part); prior code § 6-7.06)~~

8.20.0460 General noise regulations and factors.

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The factors which shall be considered ~~by the noise control office~~ in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to, the following:

- A. The sound level of the objectionable noise;
- B. The sound level of the ambient noise;
- C. The proximity of the noise to residential ~~sleeping facilities~~;
- D. The nature and zoning of the area within which the noise emanates, and the area affected by the noise;

~~E.—The number of the persons affected by the noise source;~~

~~F.E.~~ The time of day or night the noise occurs;

~~G.—The duration of the noise and its tonal, informational, or musical content;~~

~~HF.~~ Whether the noise is continuous, recurrent, or intermittent. (~~Ord. 89-04 (part): prior code § 6-7.07~~)

8.20.0750 Noise measurement procedure.

~~The measurement procedure presented below assumes that personnel performing the noise measurements have been trained in the use of the instruments and in the interpretation of measured data.~~

Upon receipt of a complaint from a citizen, the ~~enforcing department noise control office~~ representative, equipped with sound level measurement equipment satisfying the requirements specified in ~~8.20.120.B, 6-7.04(ff)~~, may investigate the complaint. Any investigation shall consist of a measurement and the gathering of data to adequately define the noise problem (as indicated in Section ~~8.20.020~~ "Sound level meter"), ~~and shall include the following:~~

Comment [D10]: Not sure where these sections are located? Appears to be an old ordinance number.

Formatted: Font color: Text 2

~~A. Nonacoustic data.~~

- ~~1. Type of noise source;~~
- ~~2. Location and zoning of noise source relative to complainant's property;~~
- ~~3. Time period during which noise source is considered by complainant to be intrusive;~~
- ~~4. Total duration of noise produced by noise source;~~
- ~~5. Data and time of noise measurement survey.~~

~~B.~~

~~—Utilizing the A-weighting scale of the sound level meter and the slow meter response (use fast response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property.~~

~~In general, the microphone shall be located four to five feet above the ground; ten (10) feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling, or floor nearest the noise source, with doors and windows closed. Calibration of the measurement equipment, utilizing acoustic calibrator, shall be performed immediately prior to recording any noise data. (Ord. 89-04 (part): prior code § 6-7.08)~~

8.20.0860 Exterior nNoise limits.

- A. Maximum permissible sound levels by receiving land use.

1. The ~~exterior noise standards~~limits for the various categories of land use identified by the ~~noise control office~~enforcement department representative as presented in Table 7-1 shall, unless otherwise specifically indicated, apply to all such property within a designated zone. No person shall allow creation of any noise which exceeds the standards.

2. If a measurement location is on a boundary between two different zones, the noise level applicable to the quieter noise zone, plus five (5) dbA shall apply.

B. Correction for character of sound.

In the event the alleged offensive noise, as judged by the ~~noise control officer~~enforcement department representative, contains a steady, audible tone such as whine, screech, or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying informational content, the standard ~~exterior~~ noise limits set forth in Table 7-1 shall be reduced by five (5) dbA.

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

Noise level in dBA not to be exceeded continuously during any five (5)-minute period of, if the noise level varies above and below the limit, for more than one time interval during any five (5)-minute period.

Type of zone	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Rural Residential (R-R) Open Space (O-S)	50	40
Residential (R-1, R-2, R-3, R-4)	50 <u>55</u>	45 <u>50</u>
*Parks and recreation (P-R)	50 <u>60</u>	45
Commercial (C-1, C-2, NC, D-A, D-B O-F, C-H, GS)	63	45
Manufacturing/industrial (M-1, M-2, B-P)	73	70

~~These noise levels are not to be exceeded at any point within the boundaries of a property zone as indicated. (Ord. 2003-04 § 16 (part); Ord. 89-04 (part); prior code § 6-7.09)~~

8.20.090 Interior noise limits.

A. Maximum permissible dwelling interior sound levels.

The interior noise standards for residential dwellings as presented in Table 10-1 shall apply, unless otherwise specifically indicated, within all such dwellings, with doors and windows closed. No person shall allow creation of any noise which exceeds the standards.

**Table 10-1
INTERIOR NOISE LEVEL LIMITS.**

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

Type of Zone	Time interval	Allowable Interior Noise Level (dBA)
Any residential zone	7 a.m.—7 p.m.	45
	7 p.m.—10 p.m.	45
	10 p.m.—7 a.m.	35

Formatted: Font: 11 pt

Formatted: Font: 11 pt

*Park and recreation noise limits are based on six (6) a.m. to ten (10) p.m. consistent with Chapter 12.12.

B. Correction for character of sound.

In the event the alleged offensive noise, as judged by the noise control office, contains a steady, audible tone such as a whine, screech, or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying informational content, the standard limits set forth in Table 10-1 shall be reduced by five dB. (Ord. 89-04 (part); prior code § 6-7-10)

Comment [D11]: Interior noise is regulated by Title 24 of the Building Code.

8.20.4070 Prohibited actions.

A. Noise Disturbances Prohibited.

No person shall unnecessarily make, continue, or cause to be made or continued upon any public property, public right-of-way or private property, any noise disturbance.

B. Specific Prohibitions.

The following acts, and the causing or permitting thereof, are declared to be in violation of this chapter.

1. Radios, Tape Decks, Compact Disks, Television Sets, Musical Instruments and Similar Devices on or in Public Places.

1. Music

Operating, playing or permitting the operation or playing of any radio, tape decks, compact disks, mp3 player, television sets, phonograph, drum, musical instrument, or similar device which produces or reproduces sound;

in such a manner as to exceed the level as set forth for public space in Table 7-1 (Section 8.20.0860) measured at a distance of at least fifty (50) feet (fifteen (15) meters) from such device operating on a public right-of-way or public space;

2. Loudspeakers (~~Amplified Sound~~-Amplifying Equipment).

Using or operating for any purpose any loudspeaker system, or similar device between the hours of ten (10) p.m. and seven (7) a.m. such that the sound therefrom ~~creates a noise disturbance across a residential real property line, or at any time~~ violates the provisions of Table 7-1 (Section 8.20.060) except for any noncommercial public speaking, public assembly or other activity for which a permit has been issued. Every user of sound-amplifying equipment shall obtain written approval from the city manager or his/her designee at least fifteen (15) days prior to the date the equipment will be used;

~~or a variance has been granted by the planning commission;~~

3. ~~Street Sales.~~

~~Offering for sale, selling anything, or advertising by shouting or outcry within any residential or commercial area or noise sensitive zone of the city except by a permit or a variance granted by the planning commission. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed public entertainment events;~~

Comment [DD12]: Unlikely to happen. Person doing so would need a business license.

4. ~~Animals and Fowl.~~

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which violates Chapter 6.04 ~~by any sound, cry or behavior shall cause annoyance or discomfort to a reasonable person of normal sensitivity in any residential neighborhood. The barking of a dog, or comparable emission of sounds by other animals, for more than three out of five minutes between the hours of ten p.m. and seven a.m. the following day, or for more than ten (10) out of fifteen (15) minutes between the hours of seven a.m. and ten p.m., which sounds are audible within or across the real property boundaries on property other than that owned, occupied or controlled by such person, or inside any dwelling unit on the same property, but not occupied or controlled by such person, with doors and windows closed, shall constitute a prima facie violation of the provisions of this section. This provision shall not apply to public school agricultural site facilities;~~

Comment [D13]: There is language in the County Code, which Winters adopted by reference, which regulates animal noise.

~~53.~~ Loading and Unloading.

~~Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of ten (10) p.m. and seven (7) a.m. in such a manner as to cause a noise disturbance across a residential real property line or, at anytime to violate the provisions of Section 8.20.0640;~~

~~643.~~ Construction/Demolition.

~~a.—Operating or causing the operation of any power tools or equipment used in construction, drilling, repair, alteration, or demolition work, property maintenance between weekday and Saturday hours of seven (7) p.m. and seven (7) a.m. or at any time on Sundays, weekends, or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line. ,except for emergency work of public service utilities or by variance granted by the planning commission. Domestic power tools or equipment may be operated to ten (10) p.m. provided the maximum noise level across the residential property line shall not exceed seventyeighty (870) dbA.; (This subsection shall not apply to the use of domestic power tools as specified in Section subsection (B)(12).~~

~~b.—Noise Restrictions at Affected Properties.~~

~~Where technologically and economically feasible, construction and demolition activities shall be conducted in such a manner that the maximum noise levels at affected properties shall not exceed ninety (90) db a measured at a distance of a least fifty (50) feet (fifteen (15) meters) from any single machine or vehicle between the hours of seven a.m. and seven p.m. weekdays. Sundays and holidays shall be subject to the exterior noise level standards as set forth in Table 7-1 (Section 8.20.080);~~

~~754.~~ Vibration.

~~Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the real property boundary of the source if on private property or at one hundred fifty (150) feet (forty-six (46) meters) form the source if on a public space or public right-of-way;~~

~~8.—Powered model vehicles⁵.~~

~~Operating or permitting the operation of powered model vehicles:~~

Comment [D14]: This type of noise would fall under mobile noise source.

a.—~~Between the hours of seven p.m. and seven a.m. so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 8.20.060.~~

b.—~~In such a manner as to exceed the levels set forth for public space land use Table 7-1 (Section 8.20.080), measured at a distance not less than one hundred (100) feet (thirty (30) meters) from any point on the path of a vehicle operating on public space or public right-of-way;~~

9.—~~Stationary Nonemergency Signaling Devices.~~

a.—~~Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten (10) seconds in any hourly period;~~

b.—~~Houses of religious worship shall be exempt from the operation of this provision;~~

c.—~~Sound sources covered by this provision and not exempted under subsection (B)(9)(b) shall be permitted only if a variance is issued has been issued by the planning commission;~~

10.—~~Emergency Signaling Devices.~~

a.—~~The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection herein below:~~

b.—~~i. Testing of a stationary emergency signaling device shall not occur before seven a.m. or after seven p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds.~~

~~ii.—Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before seven a.m. or after ten p.m. The time limit specified in subsection (B)(10)(b)(i) shall not apply to such complete system testing.~~

~~iii.—Sounding or permitting the sounding of any exterior burglar or the alarm or any motor vehicle burglar alarm unless such alarm is terminated within fifteen (15) minutes of activation;~~

11. Noise Sensitive Zones.

a. Creating or causing the creation of any sound within any noise sensitive zone, so as to exceed the specified land use noise standards set forth in Section 8.20.060, provided that conspicuous signs are displayed indicating the presence of the zone, or

b. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone, containing a hospital, nursing home, school, court or other designated area, so as to interfere with the functions of such activity or annoy the occupants in the activity, provided that conspicuous signs are displayed indicating the presence of the zone;

12. Domestic Power Tools and Machinery.

a. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between ten p.m. and seven a.m., so as to create a noise disturbance across a residential or commercial real property line.

b. Between the hours of seven a.m. and 10 p.m. domestic power tools may be operated provided that any such operation shall be conducted in such a manner that the maximum noise levels at affected properties shall not exceed eighty (80) dba measured across a residential or commercial real property line.

c. Any motor, machinery, pump, such as swimming pool equipment, etc., shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance across a residential or commercial real property line;

Comment [D15]: Combined with Section 8.20.100B.6.

13. Residential Air-Conditioning or Air-Handling Equipment.

Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed by five (5) dbA the noise level limits in Table 7-1 any of the following sound levels:

Measurement Location

Units Installed Before 1-1-80	Units Installed After 1-1-80
1-80 dB(A)	80 dB(A)

Formatted: Font: 11 pt

~~Any point on neighboring property line, 5 feet above grade level, no closer than 3 feet from any wall.~~

~~60 55~~

Formatted: Font: 11 pt

Formatted: Right: -0.02"

~~Center of neighboring patio, 5 feet above grade level, no closer than 3 feet from any wall.~~

~~55 50~~

Formatted: Font: 11 pt

~~Outside the neighboring living area window nearest the equipment location, not more than 3 feet from the window opening, but at least 3 feet from any other surface.~~

~~55 50~~

Formatted: Font: 11 pt

1476. Places of Public Entertainment.

Operating ~~or permitting the operation~~ or playing of any loudspeaker, musical instrument, ~~motorized racing vehicle~~, or other source of sound in any place of public entertainment that exceeds ninety-five (95) dBA as read on the slow response of a sound level meter;

~~at any point normally occupied by a customer, without conspicuous and legible signs stating: "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT";~~

~~15.~~ Tampering.

The following acts or the causing thereof are prohibited:

- ~~a.~~ The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement of any noise control device or element thereof, of any produce identified under Section ~~8.20.040 (C)(5)~~;
- ~~b.~~ The removal of any noise label from any product identified under Section ~~8.20.040 (C)(5)~~.
- ~~c.~~ The use of a product identified under Section ~~8.20.040 (C)(5)~~ which has had a noise control device or element thereof or noise label removed or rendered inoperative. (Ord. 89-04(part); prior code § 6-7.11)

8.20.14080 Motor vehicle noise limits.

A. Motor vehicles operating on public right-of-way:

~~Motor vehicle noise limits on a public right-of-way are regulated as set forth in the California Motor Vehicle Code, as amended from time to time, Sections 23130 and 23130.5. Equipment violations which create noise problems are covered under Sections 27150 and 27151. Any peace officer of any jurisdiction in California may enforce these provisions. Therefore, it shall be the policy of the city to enforce these sections of the California Motor Vehicle Code.~~

B. Refuse Collection Vehicles/Street Sweeping.

~~1.—No person shall collect refuse with a refuse collection vehicle between the hours of seven p.m. and six a.m. within or adjacent to a residential areas of noise sensitive zone.~~

~~2.—No person authorized to engage in waste disposal service or garbage collection shall operate any truck-mounted waste or garbage loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding the following levels, measured at a distance of fifty (50) feet from the equipment in an open area:~~

~~a.—New equipment purchased or leased on or after a date six months from the effective date of the ordinance codified in this chapter: eighty (80) dBA.~~

~~b.—New equipment purchased or leased on or after thirty-six (36) months from the effective date of this chapter: seventy-five (75) dBA.~~

~~c.—Existing equipment on or after five years from the effective date of said ordinance: eighty (80) dBA.~~

~~C.—Motor Vehicle Horns.~~

~~It is unlawful for any person to sound a vehicular horn except as a warning signal (Motor Vehicle Code, Section 27001).~~

~~DBA. Motorized Recreation Vehicles Operating Off Public Right-of-Way.~~

~~No person shall operate or cause to be operated any motorized recreational vehicle off a public right-of-way in such a manner that the sound levels emitted therefrom violate the provisions of Section 8.20.0640. This section shall apply to all motorized recreational vehicles, whether or not duly licensed and registered including, but not limited to, personal vehicles, commercial vehicles, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft, campers, snowmobiles and dune buggies, but not including motorboats.~~

~~E.—Motorboats.~~

~~Operating or permitting the operation of any motorboat in any lake, river, stream, or other waterway in such a manner as to cause a noise disturbance across a residential commercial real property line or at any time to violate the provisions of Section B8.20.060.~~

~~FC. Vehicle, Motorboat or Aircraft Repair and Testing.~~

~~1.—Repairing, rebuilding, modifying, or testing any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property boundary line, or at any time to violate the provisions of Section 8.20.0640.~~

~~2.— Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin, or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.~~

~~G.— Standing Motor Vehicles.~~

~~No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than ten (10) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46) meters) of a residential area or designated noise sensitive zone. (Ord. 89-04 (part); prior code § 6-7.12)~~

~~8.20.12090 Exemptions.~~

~~A.— Emergency exemption.~~

~~The provisions of this chapter shall not apply to: (1) the emission of sound for the purpose of alerting persons to the existence of an emergency; or (2) the emission of sound in the performance of emergency work.~~

Comment [DD16]: The operation of an emergency vehicle cannot or should not be included in this type of ordinance.

~~B.— Warning Devices.~~

~~Warning devices necessary for the protection of public safety, as for ample, police, fire and ambulance sirens, and train horns, shall be exempted from the provisions of this chapter.~~

~~CA. Outdoor Activities.~~

~~The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows, sporting and entertainment events, school bands, parades and carnivals, provided such events are conducted pursuant to a permit or license issued by the city, if required, relative to the staging of such events.~~

~~D.— Exemptions from Exterior Noise Standards.~~

~~The provisions of Section 8.20.060 shall not apply to activities covered by the following specific sections:~~

- ~~1. 8.20.100(B)(3) Street sales;~~
- ~~2. 8.20.100(B)(6) Construction/Demolition;~~
- ~~3. 8.20.100(B)(9) Stationary Nonemergency Signaling Devices;~~
- ~~4. 8.20.100(B)(10) Emergency Signaling Devices;~~

- 5. ~~8.20.100(B)(12) Domestic Power Tools and Machinery;~~
- 6. ~~8.20.100(B)(13) Residential Air Conditioning or Air Handling Equipment;~~
- 7. ~~8.20.110(A) Motor Vehicles Operating on Public Right-of-Way;~~
- 8. ~~8.20.110(B) Refuse Collection Vehicles/Street Sweeping~~D.

Comment [D17]: Conflicts with Section 8.20.080 B.

BE. Existing Industrial/Commercial Operations.

1. Noise sources associated with existing food processing, agricultural packing, dairy or other industrial or commercial operations, provided that noise levels generated by such operations do not exceed current levels, and provided, further, that such operations do not exceed the exterior-noise level limits set out in Table 7-1 (Section 8.20.0860). ~~For purposes of this exemption, the restriction set out in Section 8.20.0840(A)(2) shall not apply. Any new construction or expansion (but not repair or replacement of existing equipment) of said operation shall not exceed the exterior noise level standards limits set out in Section 8.20.0840(A)(2) shall apply;~~

2. Noise sources associated with agricultural operations provided such operations take place between the hours of six (6) a.m. and eight (8) p.m. ~~.; provided, however, that the operating of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable mufflers and air intake silencers which are in good working order;~~

Comment [DD18]: Not sure if this can be enforced under the "right to farm" law.

3. ~~Any mechanical device, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of noise sources is necessary for pest control; provided, however, that the operating of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable muffler and air intake silencers which are in good working order.~~

Comment [DD19]: Redundant. Already governed by Section 18.20.080A.

C. Air Conditioners and Similar Equipment.

1. Air conditioners, pool pumps and similar equipment provided they are in good working order.

D. Public Health and Safety Operations.

1. Work performed by city, city franchises, persons/companies under contract to the city for repairs or maintenance of roads, wells, sewers, trees, landscaping, street sweeping, garbage removal, and other similar activities.

E. Emergencies.

1. Equipment used in emergencies, such as emergency, or standby or backup generators; includes periodic testing.

~~F.—Noise Sources Associated with Maintenance of Trees.~~

~~1.—Noise sources associated with maintenance including tree removal pursuant to a city permit, of street and residential trees provided said activities take place between the hours of seven a.m. and seven p.m.;~~

~~2.—Tree and park maintenance activities including tree removal, conducted by the city recreation and parks department between the hours of seven a.m. and seven p.m.~~

Comment [D20]: Redundant. Already discussed under Section 18.20.100B6.

~~G.—Federal of State Preempted Activities.~~

~~Any other activity to the extent regulation thereof has been preempted by state or federal law. (Ord. 89-04 (part); prior code § 6-7.13)~~

8.20.130 Pre-existing industrial or commercial noise sources transition period.

A.—Any industrial or commercial facility in existence prior to the effective date of this chapter shall be allowed a one-year period commencing on said date within which to comply with this chapter.

B.—During the one-year a period evaluation and planning by the owner of the pre-existing source shall be in place. During the grace period, the city will require that noise levels remain at or below existing levels. At the end of the grace period, the owner will be asked to provide a proposal to the city specifying what reduced noise levels are considered feasible and how those levels can be reduced. The city may grant an ordinance variance on the basis that the specified reduced noise levels will be achieved within a specified period of time as identified in the ordinance variance procedure.

C.—If any facility which is not in compliance by the end of the one-year period applies for a variance pursuant to Section 8.20.140 in deciding whether to grant a variance the hearing board shall take into account the extent to which the applicant has endeavored to reduce noise during one-year period to meet the standards specified in this chapter.

D.—This section applies only to a commercial or industrial facility already in existence or for which the work of improvement had commenced prior to the effective date of this chapter.

E.—As used in this section, "industrial facility" means any building, structure, factory, plant, premise or portion thereof used for manufacturing or industrial purposes and "commercial facility" means any building, structure, premise or portion thereof used for wholesale or retail commercial purposes. (Ord. 89-04 (part); prior code § 6-7.14)

8.20.14400 Variance procedure.

A.—The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the community development department noise control office for a variance from the provisions hereof as per Chapter 17.24 (Variances). The application shall set forth all actions taken to comply with this chapter, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance and a proposed time schedule for its accomplishment. If the applicant determines that compliance cannot be feasibly achieved at all, the applicant shall also set forth the reasons for such determination, the actions which have been taken to comply with this chapter, a proposed method for complying as nearly as is feasible and a proposed time schedule for its accomplishments. The application shall be accompanied by a fee payment or payments in the amount established by resolution of the city council. A separate application shall be filed for each noise source provided, however, that several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Upon receipt of the application and fee(s), the noise control office shall refer the application with its recommendation thereon within fifteen (15) days to the hearing board.

B.—Upon receipt of an application for a variance, the hearing board shall schedule and notice by publication and mailing to all property owners within three hundred (300) feet of the applicant's property based on the latest available assessor's roll of record owners. The public hearing is to be conducted within thirty (30) days of receipt of the application. During the public hearing the applicant and the noise control office representative may submit oral and documentary evidence relative to their respective contentions.

C.—The hearing board may deny the application for a variance or may grant a variance. The board may grant a variance to permit a condition which violates this chapter to exist. A variance may be granted for a limited period and not to exceed three hundred sixty-five (365) days, and may be subject to any other terms, conditions and requirements as the hearing board may deem reasonable to achieve maximum compliance with the provisions of this chapter. Such terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.

D.—Each variance shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determinations, the hearing board shall consider the magnitude of nuisance caused by the offensive noise, the zoning and uses of property within area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment and the general public interest and welfare.

E.—In deciding whether to grant a variance, the hearing board shall consider all facts relating to whether strict compliance with the requirement of this chapter will cause practical difficulties, unnecessary hardship or unreasonable expense and any other relevant considerations.

including but not limited to, the fact that a commercial or industrial facility as defined in Section ~~8.20.130~~ commenced development prior to the existence of a residence affected by noise from such facility.

F.—The hearing board shall render a decision within thirty (30) days of completion of the hearing. The decision of the hearing board shall be transmitted to the applicant and to the noise control office.

G.—Application for extension of time limits specified in variances or for modifications of other substantial conditions shall be treated as an application for an initial variance. (Ord. 89-04 (part); prior code § 6-7.15)

8.20.150 Hearing board.

The Winters planning commission is designated as the hearing board for variance requests. (Ord. 89-04 (part); prior code § 6-7.16)

8.20.160 Appeals.

Any person aggrieved with the decision of the hearing board may appeal to the city council for a de novo review by filing a written notice of appeal accompanied by a fee payment in the established by resolution of the city council, from time to time. (Ord. 89-04 (part); prior code § 6-7.17)

8.20.1710 Regulations not exclusive.

It is the purpose of this chapter to provide maximum noise level limitations for otherwise lawful activities. Nothing contained in this chapter shall be deemed to authorize any otherwise prohibited activity nor to supersede otherwise existing noise limitations. In the event of a conflict between the standards contained in this chapter and any other provision of law, the more restrictive shall govern. (Ord. 89-04 (part); prior code § 6-7.18)

8.20.1820 Enforcement.

A. Prima Facie Violation.

Any noise exceeding the noise level limits for a designated noise zone as specified in Section ~~8.20.0640~~ and ~~8.20.07560~~ or the prohibited actions as specified in Section ~~8.20.070~~ of this chapter, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter.

B. Violations.

Upon the receipt of a complaint from any person, the enforcing department representative shall investigate and assess whether the alleged noise levels exceed the noise standards set forth in this chapter. If such officers have reason to believe that any provision(s) of this chapter has been violated, they shall cause verbal or written notice of violation to be served upon the alleged

violators Such notice shall specify the provision(s) of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection and shall include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time the City may take action to abate under the provisions in Chapter 19.04 (Code Enforcement Generally).

~~(b) of the California Government Code, or successor legislation. Each day such violation is committed or permitted constitutes a separate offense and shall be punishable as such. Any repetition or continuation of any violation, reasonably capable of immediate correction after receipt of written or verbal notice shall constitute a separate offense and shall be punishable as such.~~

~~2.—Any such person violating or permitting violation of any of the provisions of this chapter for a third time within a one-year period is guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.~~

C. Additional Remedies.

~~1.—As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement under the provisions in Chapter 19.08 (Nuisance Abatement), summarily by a restraining order or injunction issued by a court of competent jurisdiction. Additionally, no provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.~~

~~2.—Notwithstanding the fact that violations of the provisions of this chapter are deemed to be public nuisances affecting at the same time entire neighborhoods, or considerable numbers of persons, the city council further finds and declares that by reason of their proximity and continued exposure to, and violation of the provisions of this chapter, any person owning or lawfully occupying or using any property or structure upon or within which any noise generated in violation of any provision of this chapter can be heard at such level or in such manner as to cause discomfort or annoyance to reasonable persons of normal sensitivity, or to endanger the comfort, repose, health or peace of such person, shall be deemed specially injured and the provisions of this chapter shall be deemed to be specifically for the benefit of and may be enforced by such persons. Any such person may bring civil action in private nuisance for abatement of such violations of the provisions of this chapter or for damages if such violations persist in any such action brought pursuant to the provisions of this section seeking an award of damages, the maximum award for each violation shall be fifteen hundred dollars (\$1,500.00). In~~

~~establishing the amount of award, the court shall consider all relevant factors, including any actual damage, injury, or hardship to plaintiff and prior violations by defendant. No action shall be filed pursuant to this section by any private person unless that person shall have first given not less than ten (10) days prior notice of intent to file such action to the proposed defendant in such lawsuit in order to afford the proposed defendant an opportunity to correct any violation of provisions of this chapter. In the case of separate but repealed acts constituting a course of conduct, such notice need be given only once. (Ord. 89-04 (part); prior code § 6-7.19)~~

4. Amendment to Section 17.68.030 Section 17.68.030 of the Municipal Code is hereby amended to read as follows:

17.68.030 General standards.

A. Noise Levels. (Refer to Chapter [8.20](#) for complete provisions.)

Noise shall be controlled so as not to exceed the noise level standards set forth below, and consistent with the general plan noise element:

EXTERIOR NOISE LEVEL STANDARD, dBA		
TYPE OF ZONE/LAND USE	DAYTIME 7 A.M. TO 10 P.M.	NIGHTTIME 10 P.M. TO 7 A.M.
Rural Residential/Open Space	50	40
Residential	50 5	45 0
Parks & Recreation/Public Quasi-Public	55 60	45
Commercial/Office	63	45
Industrial	73	70

NOTE: Each of the noise level standards specified above shall be reduced by five dba for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

5. 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.

6. 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 _____, 2016 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____, 2016 by the following roll call vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

|

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

CITY COUNCIL

ORDINANCE NO. 2015-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING VARIOUS SECTIONS OF CHAPTER 8.20 (NOISE CONTROL) AND AMENDING
SECTION 17.68.030 (GENERAL STANDARDS) 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 Chapter 8.20 Noise Control and Section 16.68.030 Performance Standards which regulate noise.

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. Amendment to Chapter 8.20. Chapter 8.20 of the Municipal Code is hereby amended to read as follows:

**Chapter 8.20
NOISE CONTROL**

Sections:

- [8.20.010](#) Declaration of policy.
- [8.20.020](#) Definitions.
- [8.20.030](#) Authority .
- [8.20.040](#) General noise regulations and factors.
- [8.20.050](#) Noise measurement procedure.
- [8.20.060](#) Noise limits.
- [8.20.070](#) Prohibited actions.
- [8.20.080](#) Motor vehicle noise limits.
- [8.20.090](#) Exemptions.
- [8.20.100](#) Variance procedure.
- [8.20.110](#) Regulations not exclusive.
- [8.20.120](#) Enforcement.

8.20.010 Declaration of policy.

In order to control unnecessary, excessive and annoying noise and vibration in the city, it is declared to be the policy of the city to prohibit such noise and vibration generated from or by all sources as specified in this chapter. It shall be the policy of the city to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the city where noise levels are above acceptable values.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to public interest. The provisions of this chapter and the

remedies contained herein shall be cumulative and are not intended to replace any otherwise available remedies for public, private, or mixed nuisances, nor any other civil or criminal remedies otherwise available.

8.20.020 Definitions.

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards institute (ANSI) or its successor body.

“A-weighted sound level” means the sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

“Agricultural operation” means the use of a parcel of real property for the cultivation, planting, growing and harvesting of crops grown on the parcel and the feeding, pasturing and maintenance of livestock and poultry raised on the parcel. The term “agricultural operation” shall not include the use of a parcel of real property for processing farm crops, livestock, and poultry not grown or raised on the parcel.

“Ambient noise level” means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location excluding any alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

“Decibel” means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micro-pascals.

“Emergency work” means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

“Motor vehicle” includes any motor vehicle as defined in the California Motor Vehicle Code, as amended from time to time, including all on-highway type motor vehicles subject to registration under said Code, and all off-highway type motor vehicles subject to identification under said Code.

“Noise disturbance” means any sound which (1) endangers or injures the safety or health of human beings, or animals, or (2) annoys or disturbs reasonable persons of normal sensitivities; or (3) endangers or injures personal or real property; or (4) violates the factors set forth in Section [8.20.040](#). Compliance with the quantitative standards as listed herein shall constitute elimination of a noise disturbance.

“Noise source” means any device either fixed or mobile which creates sounds, including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners, refrigeration equipment, and sound amplifying vehicle..

“Person” means any individual, firm, association, partnership, joint venture, corporation or other entity, public or private in nature, including an instrumentality of a state or any political subdivision of a state; person shall also include any officer, employee or agent of any of the foregoing.

“Public right-of-way” means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

“Public space” means any real property or structures thereon which are owned or controlled by a governmental entity.

“Real property boundary” means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

“Sound amplifying equipment” means any machine or device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios, tape decks, compact discs, mp3 players, etc., when used and heard only by the occupants of the vehicle in which radio, tape deck, compact disc, etc., is installed. “Sound amplifying equipment,” as used in this chapter, shall not include warning devices on any vehicle used only for traffic safety purposes.

“Sound amplifying vehicle” means any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

“Sound level meter” means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meter, S1.4-1971, or the most recent revision thereof.

“Weekday” means any day, Monday through Friday, which is not a legal holiday.

8.20.030 Authority

The noise control program established by this chapter shall be administered by the office of the city manager or its duly appointed representative. The enforcing department shall be the Winters police department. All departments shall, consistent with their authorities under other ordinances administered by them, carry out their programs in such a manner as to further the policies stated in Section [8.20.010](#).

8.20.040 General noise regulations and factors.

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any

neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The factors which shall be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to, the following:

- A. The sound level of the objectionable noise;
- B. The sound level of the ambient noise;
- C. The proximity of the noise to residential
- D. The nature and zoning of the area within which the noise emanates, and the area affected by the noise;
- E. The time of day or night the noise occurs;
- F. Whether the noise is continuous, recurrent, or intermittent.

8.20.050 Noise measurement procedure.

Upon receipt of a complaint from a citizen, the enforcing department representative, equipped with sound level measurement equipment satisfying the requirements specified in [8.20.120.B](#), may investigate the complaint. Any investigation shall consist of a measurement and the gathering of data to adequately define the noise problem (as indicated in Section [8.20.020](#) "Sound level meter").

Utilizing the A-weighting scale of the sound level meter and the slow meter response the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the measurements shall be made at a point at least four (4) feet from the wall, ceiling, or floor nearest the noise source, with doors and windows closed. Calibration of the measurement equipment, utilizing acoustic calibrator, shall be performed immediately prior to recording any noise data.

8.20.060 Noise limits.

- A. Maximum permissible sound levels by receiving land use.
 - 1. The noise limits for the various categories of land use identified by the enforcement department representative as presented in Table 7-1 shall, unless otherwise specifically indicated, apply to all such property within a designated zone. No person shall allow creation of any noise which exceeds the standards.
 - 2. If a measurement location is on a boundary between two different zones, the noise level applicable to the quieter noise zone, plus five (5) dbA shall apply.

B. Correction for character of sound. In the event the alleged offensive noise, as judged by the enforcement department representative, contains a steady, audible tone such as whine, screech, or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying informational content, the standard noise limits set forth in Table 7-1 shall be reduced by five (5) dbA.

**Table 7-1
NOISE LEVEL LIMITS**

Noise level in dBA not to be exceeded continuously during any five (5)-minute period of, if the noise level varies above and below the limit, for more than one time interval during any five (5)-minute period.

Type of zone	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Rural Residential (R-R)/ Open Space (O-S)	50	40
Residential (R-1, R-2, R-3, R-4)	55	50
*Parks and recreation (P-R)	60	45
Commercial (C-1, C-2, D-A, D-B O-F, C-H,)	63	45
Manufacturing/industrial (M-1, M-2, B-P)	73	70

*Park and recreation noise limits are based on six (6) a.m. to ten (10) p.m. consistent with Chapter 12.12.

8.20.070 Prohibited actions.

A. Noise Disturbances Prohibited.

No person shall unnecessarily make, continue, or cause to be made or continued upon any public property, public right-of-way or private property, any noise disturbance.

B. Specific Prohibitions.

1. Music

Operating, playing or permitting the operation or playing of any radio, tape decks, compact disks, mp3 player, television, phonograph, musical instrument, or similar device which produces or reproduces sound in such a manner as to exceed the level as set forth for public space in

Table 7-1 ([Section 8.20.060](#)) measured at a distance of at least fifty (50) feet (fifteen (15) meters) from such device operating on a public right-of-way or public space;

2. Loudspeakers (Sound-Amplifying Equipment).

Using or operating for any purpose any loudspeaker system, or similar device between the hours of ten (10) p.m. and seven (7) a.m. such that the sound therefrom violates the provisions of Table 7-1 ([Section 8.20.060](#)) except for any noncommercial public speaking, public assembly or other activity for which a permit has been issued. Every user of sound-amplifying equipment shall obtain written approval from the city manager or his/her designee at least fifteen (15) days prior to the date the equipment will be used;

4. Animals.

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which violates Chapter 6.04;

3. Construction/Demolition.

Operating any power tools or equipment used in construction, drilling, repair, alteration, or demolition work, property maintenance between weekday and Saturday hours of seven (7) p.m. and seven (7) a.m. or at any time on Sundays, or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial property line. Domestic power tools or equipment may be operated to ten (10) p.m. provided the maximum noise level across the residential property line shall not exceed seventy (70) dbA;

4. Vibration.

Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the real property boundary of the source if on private property or at one hundred fifty (150) feet (forty-six (46) meters) from the source if on a public space or public right-of-way;

5. Residential Air-Conditioning or Air-Handling Equipment.

Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed by five (5) dbA the noise level limits in Table 7-1;

6. Places of Public Entertainment.

Operating or playing of any loudspeaker, musical instrument, or other source of sound in any place of public entertainment that exceeds ninety-five (95) dBA as read on the slow response of a sound level meter;

8.20.080 Motor vehicle noise limits.

A. Motor Vehicle.

No person shall operate or cause to be operated any motorized vehicle in such a manner that the sound levels emitted therefrom violate the provisions of Section [8.20.040](#). This section shall apply to all motorized vehicles, including, but not limited to, personal vehicles, commercial vehicles, motorcycles, go-carts.

B. Vehicle Repair and Testing.

Repairing, rebuilding, modifying, or testing any motor vehicle, motorboat, in such a manner as to create a noise disturbance across a residential real property boundary, or at any time to violate the provisions of Section [8.20.040](#).

8.20.090 Exemptions.

A. Outdoor Activities.

The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows, sporting and entertainment events, school bands, parades and carnivals, provided such events are conducted pursuant to a permit or license issued by the city, if required, relative to the staging of such events.

B. Existing Industrial/Commercial Operations.

1. Noise sources associated with existing food processing, agricultural packing, dairy or other industrial or commercial operations, provided that noise levels generated by such operations do not exceed current levels, and provided, further, that such operations do not exceed the noise level limits set out in Table 7-1 ([Section 8.20.060](#)).
2. Noise sources associated with agricultural operations provided such operations take place between the hours of six (6) a.m. and eight (8) p.m.

C. Air Conditioners and Similar Equipment.

1. Air conditioners, pool pumps and similar equipment provided they are in good working order.

D. Public Health and Safety Operations.

1. Work performed by city, city franchises, persons/companies under contract to the city for repairs or maintenance of roads, wells, sewers, trees, landscaping, street sweeping, garbage removal, and other similar activities.

E. Emergencies.

1. Equipment used in emergencies, such as emergency, or standby or backup generators; includes periodic testing.

8.20.100 Variance procedure.

The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the community development department for a variance from the provisions hereof as per Chapter 17.24 (Variances).

8.20.110 Regulations not exclusive.

It is the purpose of this chapter to provide maximum noise level limitations for otherwise lawful activities. Nothing contained in this chapter shall be deemed to authorize any otherwise prohibited activity nor to supersede otherwise existing noise limitations. In the event of a conflict between the standards contained in this chapter and any other provision of law, the more restrictive shall govern.

8.20.120 Enforcement.

A. Prima Facie Violation.

Any noise exceeding the noise level limits for a designated noise zone as specified in Section [8.20.040](#) and [8.20.060](#) or the prohibited actions as specified in Section [8.20.070](#) of this chapter, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter.

B. Violations.

Upon the receipt of a complaint from any person, the enforcing department representative shall investigate and assess whether the alleged noise levels exceed the noise standards set forth in this chapter. If such officers have reason to believe that any provision(s) of this chapter has been violated, they shall cause verbal or written notice of violation to be served upon the alleged violators. Such notice shall specify the provision(s) of this chapter alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection and shall include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time the City may take action to abate under the provisions in Chapter 19.04 (Code Enforcement Generally).

C. Additional Remedies.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement under the provisions in Chapter 19.08 (Nuisance Abatement).

4. Amendment to Section 17.68.030 Section 17.68.030 of the Municipal Code is hereby amended to read as follows:

17.68.030 General standards.

A. Noise Levels. (Refer to Chapter 8.20 for complete provisions.)

Noise shall be controlled so as not to exceed the noise level standards set forth below, and consistent with the general plan noise element:

EXTERIOR NOISE LEVEL STANDARD, dBA		
TYPE OF ZONE/LAND USE	DAYTIME 7 A.M. TO 10 P.M.	NIGHTTIME 10 P.M. TO 7 A.M.
Rural Residential/Open Space	50	40
Residential	55	50
Parks & Recreation/Public Quasi-Public	60	45
Commercial/Office	63	45
Industrial	73	70

NOTE: Each of the noise level standards specified above shall be reduced by five dba for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

5. 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.

6. 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 _____, 2016 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____, 2016 by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, May 24, 2016 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider various amendments to the **Title 8 (Health and Safety, Noise Control) and Title 17 (Zoning Ordinance, Performance Standards)** of Winters Municipal Code, which includes the following entitlements:

1. Finding the project Categorically Exempt from CEQA Section 15308, Actions by Regulatory Agencies to Protect the Environment.
2. Recommending the City Council adopt an ordinance amending Chapters 8.20 (Noise Control) and 17.68 (Performance Standards).

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the proposed project. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to dave.dowswell@cityofwinters.org. In addition, the staff report will be available on the City's website on May 19, 2016.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact David Dowswell, Contract Planner, at (530) 794-6714.



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: May 24, 2016
FROM: David Dowswell, Community Development Department 
SUBJECT: Sign Ordinance – Public Hearing and Consideration of various amendments to Chapter 17.80, of the Winters Municipal Code (Zoning Ordinance).

RECOMMENDATION:

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Recommend the City Council find the proposed amendments Categorical Exempt from CEQA; and
- 4) Recommend the City Council adopt the proposed amendments to Chapter 17.80, Signs of the Winters Municipal Code (Zoning Ordinance).

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The proposed Zoning Ordinance amendments to the Sign regulations will affect properties designated in the General Plan as agricultural, residential, commercial, industrial, public/quasi-public and zoned A-1, R-1, R-2, R-3, R-4, C-1, C-2, C-H, D-A, D-B, O-F, B-P, M-1, M-2, and PQP.

BACKGROUND: In 2014, staff completed a review of the City's current sign regulations in response to concerns that arose during the approval process for the new Burger King and Taco Bell restaurants and ARCO gas station. The changes proposed in the draft ordinance presented at the July 22, 2014 Planning Commission study session were in response to those concerns.

At the July 22, 2014 study session the Planning Commission considered various amendments to the City's sign regulations. The Planning Commission had a number of comments and questions. Chair Biasi had a number of written comments, which were forwarded to staff after the meeting.

Staff met with the Chamber of Commerce Board on March 13, 2015 to discuss the proposed amendments. Boardmember Pickerel asked to meet with staff to discuss what effects the proposed amendments might have on the Downtown, the need to allow certain types of historically significant signage, specifically neon, in the Downtown. Staff met with Mr. Pickerel on February 18, 2016.

The Planning Commission reviewed at the March 22, 2016 study session an updated version of an amended sign ordinance based on the comments received at the July 22, 2014 study session. At the March study session the Commission had a number of comments and possible changes they asked staff to consider, including: defining digital signs, limiting how large these signs could be, insuring that neon was only allowed in the downtown zoning districts, show an example of the proposed amendments regarding awning signs and clarify the definition of the type of signs that can be installed on a vehicle (Attachment B).

ANALYSIS: When the developer of the new Burger King and Taco Bell restaurants and ARCO gas station application came forward they needed to obtain a variance for the new "freeway information sign" due to the existing regulations being so restrictive. The current regulations (Section 17.08.030(R)(3) only permit 25 square feet in area for each business which advertises on this type of sign. 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/ARCO freeway information sign along with the existing Chevron sign without a variance no more of these types of signs could be permitted on the north side of SR128.

To address the concerns raised about freeway information/oriented business signs during the Burger King/Taco Bell/ARCO approvals staff created separate regulations for these types of signs (17.80.040), which would apply to only properties zoned Highway Service Commercial (C-H) (Attachment C), they are:

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

Staff is proposing eliminating the restriction (Section 17.080.030(R)(1)) permitting only one multi-business freeway information sign on the north and south side of SR128. Instead staff is proposing these types of signs be at least 300 feet apart. Requiring some separation avoids one sign blocking the view of another sign and also helps minimize their visual impact. According the zoning map, requiring these signs be at least 300 feet apart

could allow on the north side of SR128 for two additional signs, for a maximum of four. This assumes the Chevron sign, which is currently non-conforming, is made conforming and allowed to remain. There can be no freeway oriented business signs on the south side of SR128 because the PG&E property, which previously could have had four such signs, has been rezoned from C-H to PQP. When the Planning Commission approved the freeway information sign for Burger King/Taco Bell/ARCO one of the planning commissioners stated he would prefer not see the City's logo on the sign. Staff has proposed (see #5 above and Section 17.80.040(A)(4)) these signs possibly include the City's name. At the March 22, study session the Commission did not indicate if freeway information signs should include the name of the retail center or City of Winters. The Commission could make this optional rather than mandatory requirement.

Currently, the square footage of awning signs is counted towards a businesses' allowable wall sign area. Counting this square footage makes it difficult, especially in the Downtown Districts (D-A and D-B), for a business to have their name on an awning and on the building. The proposed regulations would not count the area of awning signs towards a businesses' maximum allowable sign area. At the March study session the Commission asked staff to provide an example of what the proposed regulations would allow.

In 2014 the Planning Commission approved Berryessa Gap's request to install new awnings with lettering on the front of their building. Based on Berryessa Gap's building frontage, under the current sign regulations they would be allowed a maximum of 13 square feet of wall sign (signage on awnings are considered wall signs) and 10 square feet of projecting sign. According to the approved drawings (Attachment D) Berryessa Gap has a total of 13 square feet of awning signs and a 2 square foot projecting sign. Under the proposed regulations, Berryessa Gap could have a maximum of 18 square feet of awning sign. If the Commission feels the proposed regulations are too liberal the allowable awning sign area (Section 17.80.035(G)(3) could be decreased from 15 to 10 percent. If the Commission were to decrease the allowable percentage to 10 percent Berryessa Gap could have 12 square feet of awning signs. To comply with 10 percent maximum Berryessa Gap would have needed to slightly reduce the amount of awning signage.

The proposed regulations (Section 17.80.070E) state that neon is not a prohibited sign type. Furthermore, Section 17.58.070(D)(3c) of the Form Based Code states, "Materials. The use of neon is permitted in the D-A zone if it fits with the style of the architecture and is not a nuisance to the surrounding properties." Neon is not permitted in any other of the zones, including D-B.

Vertical banners/flags are a new form of advertising/signage used to draw attention to businesses. At the July 22 and March 22 meetings the Commission indicated they did not support allowing this type of sign. The proposed regulations include language prohibiting vertical banners/flags.

Since the March 22 meeting staff has also clarified the distinction between "Flashing, Moving or Animated Signs and Digital Signs" and better defined "Mobile Signs".

Staff used the ~~strikethrough~~ and underline feature to highlight the proposed changes. Staff highlighted in yellow the changes made to the draft ordinance in response to comments that were made by the Planning Commission at the March 22 meeting.

ENVIRONMENTAL ASSESSMENT: Confirmation of CEQA exemption finding that the proposed amendments are Categorically Exempt, Section 15311(a) (Accessory Structures, On-premise Signs).

PROJECT NOTIFICATION: An eighth (1/8) of a page legal notice (Attachment E) advertising for the public hearing on this planning application was prepared in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. The notice was published in the Winters Express on 5/12/16, ten days prior to public 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 5/19/16.

RECOMMENDED FINDINGS FOR PROPOSED AMENDMENTS TO CHAPTER 17.80 (ZONING ORDINANCE) OF THE CITY OF WINTERS MUNICIPAL CODE:

CEQA Findings:

- 1) The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15311(a) (Accessory Structures, On-premise Signs).

General Plan and Zoning Consistency Findings:

- 1) The project is consistent with the goals and policies of the General Plan.
- 2) The project will not result in a negative fiscal impact upon the City.

RECOMMENDATION: Staff recommends the Planning Commission recommend the City Council approve the proposed amendments to the Municipal Code (Zoning Ordinance) by making an affirmative motion as follows:

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION RECOMMEND THE CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE MUNICIPAL CODE, CHAPTER 17.80, 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
- Recommend City Council approval of the amendments to Chapter 17.80 (Zoning Ordinance) of the City of Winters Municipal Code, as shown in Attachment A.

ALTERNATIVES: The Planning Commission can elect not to recommend approval of the proposed amendments, modify the amendments or refer the amendments back to staff for additional review.

ATTACHMENTS:

- A. Draft ordinance showing proposed changes in a redline and clean copies
- B. March 22, 2016 Planning Commission minutes
- C. Zoning Map
- D. Berryessa Gap awning signs
- E. Notice of Public Hearing published on 5/12/16

**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~~ **downtown** business 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](#) **Abandoned signs**
- [17.80.090](#) Administration.
- [17.80.100](#) Nonconforming signs.

17.80.010 Purpose and intent.

The purpose of this chapter is to create a comprehensive and balanced system of signs which allows 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.

A1. 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.

2. 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.

3. 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))~~

4. Construction.

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

5. Definitions.

Unless otherwise stated in this chapter, all signs shall be as defined in Section 17.04.140.

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 director. Signs shall not exceed thirty-two (32) square feet and be permitted for a period not exceeding thirty (30) days. ~~Signs remaining beyond the approved period shall be removed by city at applicant's expense.~~

2. Temporary sSigns which advertise non-community activities, (such as Christmas tree sales, pumpkin patch, carnival, religious assembly, or arts and crafts show) 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.~~

~~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.

~~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.

~~IH.~~ Construction Signs.

One (1) sign per property not exceeding fifteen (15) square feet in area ~~or and~~ 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.

J. Flags.

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

K. 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.

L. Interior Signs.

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

M. 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.

N. 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 sixty (60) days prior to the election and~~ shall be removed within ~~seven (7)~~ 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 freestanding, 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.~~

O. Holiday Decorations.

Seasonal decorations not referring to businesses or goods.

P. 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~~ or twenty-five (25) percent of the individual window opening area, ~~whichever is less.~~

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, churches, schools, parks, 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 (no more than twenty (20) square feet)~~ and ~~height (no more than twelve (12) feet in height)~~. When there are several sites or destinations on one (1) sign, there should be only a single one palette of colors. Off-premise directional signs should be inspected for maintenance not less than once each year. The ~~director of~~ community development director 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 downtown central business districts.

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

A. Freestanding monument sign. One (1) freestanding identification sign per site may be permitted not exceeding twenty (20) square feet and 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 sign area 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 and is located eight (8) feet or higher 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 per side. 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 in area 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.
2. Shall be located on the front face or any valance.
3. Shall not exceed fifteen (15) percent of the total awning area
4. May include a logo not exceeding fifteen (15) 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.

H. Digital Signs. One (1) sign may be permitted not exceeding twenty (20) square feet in area with a static message that does not change more frequently than every eight (8) seconds, does not pulse or significantly change in luminosity, which is formed by the selective illumination of an array light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

17.80.040 Signs permitted in a highway service commercial district.

A. Freestanding oriented business sign. One (1) freestanding oriented business sign may be permitted per parcel of land subject to obtaining a use permit from the planning commission pursuant to Chapter 17.20 and subject to the following:

1. Located more than three hundred (300) feet from another freestanding sign.
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.

4. Where applicable, shall may be required to include either the name of the center or the City of Winters on the sign.

5. Area of each business sign shall be determined as part of the use permit. Subdivision of leasable sign space business, other than as approved as part of the use permit, is not allowed.

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.

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

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

9. Shall be designed to include architectural elements, colors and materials of the adjoining buildings and structures located on the same site or sites of the businesses identified on the sign.

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 sign area 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 and is located eight (8) feet or higher 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 four (4) square feet in area 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
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 fifteen (15) 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.

H. Digital Signs. One (1) sign may be permitted not exceeding twenty (20) square feet in area with a static message that does not change more frequently than every eight (8) seconds, does not pulse or significantly change in luminosity, which is formed by the selective illumination of an array light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

17.80.0405 Signs permitted in commercial, office and industrial districts.

A. Freestanding sign. One (1) freestanding 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 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 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 ~~one-a single~~ 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 primary building frontage and one-quarter ($\frac{1}{4}$) square foot of sign ~~ing~~ area 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 Sign. One (1) projecting sign per building, not ~~to~~ 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 in area.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area 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.

H. Digital Signs. One (1) sign may be permitted to exceeding twenty (20) square feet in area with a static message that does not change more frequently than every eight (8) seconds, does not pulse or significantly change in luminosity, which is formed by the selective illumination of an array light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

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. Freestanding Signs. One (1) freestanding 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 freestanding 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, including freestanding vertical banners/flags, balloons or inflatable signs or figures, kites and similar devices designed to attract attention, except as authorized for a special event temporary sign.

D. Flashing, ~~or~~ Moving or Animated Signs.

Includes any sign that uses movement, whether electrically or wind driven (except clocks, thermometers and traditional-type barber poles that rotate) to depict action or motion. Does not include digital signs with static copy.

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~~

~~H.~~ Nonconforming Signs.

See Section ~~17.80.09100~~.

~~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 minimum~~ width of ~~four (4)~~ feet for both pedestrians, ~~including persons in wheelchairs~~, and vehicle overhang from the street.

~~K.~~ Signs Near Street Intersections.

No freestanding 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 ~~or trailer~~ which is parked for the purpose of advertising to the passing public, ~~except a sign painted directly on or magnetically affixed to or permanently affixed to the body or other integral part of the vehicle. The primary use of the vehicle shall be in the operation of the business and not in advertising or identifying the business premises. The vehicle shall not be parked for the sole purpose of advertising. (Ord. 97-03 § 2 (part); prior code § 8-1.6005(G))~~

L. Signs on Public Property

No sign may be placed on a public property, which includes telephone poles, light standards, stop signs, or other structures located within the public right-of-way, unless otherwise permitted in this chapter.

17.80.080 Abandoned Signs

Any signage, sign face, or sign structure which ceases, for a period in excess of ninety (90) days, to advertise a bona fide business, product, service, or entity presently in operation shall be entirely removed by the owner of said signage, sign face, or sign structure or by the owner of the property upon which signage is located, and shall not be reestablished or reconstructed or replaced without being subject to the provisions of this chapter.

17.80.090 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:

TABLE 7 SIGN REVIEW

Planning Commission Action	Zoning Administrator Action Community Development Director Action	Community Development Director Action	No Sign Permit Required
Freeway Identification Oriented Business Sign	Illuminated Sign, Special Event Temporary Signs	Temporary Special Community Event Sign	Permitted Signs (per Section 17.80.030 , unless otherwise noted)
Off-Premise Directional Sign	Multi-lot Real Estate or Master Directional Signs	Master Building Directional Sign	
Any Freestanding Freestanding , Wall or Marquee Sign Downtown Zones Any Freestanding Signs in	Any Freestanding , Wall or Marquee Sign in a Commercial, Office or Industrial Zone Signs in all other Zones	Any Freestanding , Wall or Marquee Sign in an Office or Industrial Zone	

<u>Commercial, Office or Industrial Zones</u> <u>Digital Signs in the CBD</u> <u>Historic District</u>	<u>(per Section 17.80.060).</u> <u>A-frame Sidewalk Sign</u>		
All Projecting Signs			
Any Sign Variance		<u>Signs in non-residential, Commercial or Industrial Zones (per Section 17.80.060)</u> <u>A-frame Sidewalk Sign</u>	

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 [or the Grant Avenue 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)~~)

17.80.09100 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)~~)

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 downtown business 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](#) Abandoned signs
- [17.80.090](#) Administration.
- [17.80.100](#) Nonconforming signs.

17.80.010 Purpose and intent.

The purpose of this chapter is to create a comprehensive and balanced system of signs which allows 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.

17.80.020 General provisions.

1. 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.

2. 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.

3. Design.

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.

4. Construction.

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

5. Definitions.

Unless otherwise stated in this chapter, all signs shall be as defined in Section 17.04.140.

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). shall be authorized by the community development director. Signs shall not exceed thirty-two (32) square feet and be permitted for a period not exceeding thirty (30) days.

2. Signs which advertise non-community activities, (such as Christmas tree sales, pumpkin patch, carnival, religious assembly, or arts and crafts show) 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. 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.

G. 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.

H. Construction Signs.

One (1) sign per property not exceeding fifteen (15) square feet in area and 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.

I. Flags.

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

J. 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.

K. Interior Signs.

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

L. 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.

M. 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 shall be removed within 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 freestanding, shall not exceed six (6) feet in height.
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.

N. Holiday Decorations.

Seasonal decorations not referring to businesses or goods.

O. Time and Temperature Signs.

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

P. Window Signs.

One (1) sign per window, not exceeding twenty-five (25) percent of the individual window area.

Q. 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.

R. 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, churches, schools, parks, overnight lodging, 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 no more than twenty (20) square feet and no more than twelve (12) feet in 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 community development director 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.

17.80.035 Signs permitted in downtown districts.

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 and 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 ($\frac{1}{4}$) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-quarter ($\frac{1}{4}$) square foot of sign area 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 and is located eight (8) feet or higher 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 per side. 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 in area 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 is closed.

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.
2. Shall be located on the front face or any valance.
3. Shall not exceed fifteen (15) percent of the total awning area
4. May include a logo not exceeding fifteen (15) 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.

H. Digital Signs. One (1) sign may be permitted not exceeding twenty (20) square feet in area with a static message that does not change more frequently than every eight (8) seconds, does not pulse or significantly change in luminosity, which is formed by the selective illumination of an array light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

17.80.040 Signs permitted in a highway service commercial district.

A. Freestanding oriented business sign. One (1) freestanding oriented business sign may be permitted per parcel of land subject to obtaining a use permit from the planning commission pursuant to Chapter 17.20 and subject to the following:

1. Located more than three hundred (300) feet from another freestanding sign.
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.
4. Where applicable, may be required to include either the name of the center or the City of Winters on the sign.
5. Area of each business sign shall be determined as part of the use permit. Subdivision of leasable sign space, other than as approved as part of the use permit, is not allowed.
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,
7. Businesses identified on a freestanding sign may have one (1) on-site freestanding sign not exceeding eight (8) feet in height.
8. Square footage of the sign for any business identified on a freestanding sign shall not be counted towards the business's allowable sign area.
9. Shall be designed to include architectural elements, colors and materials of the buildings and structures located on the same site or on the site of the businesses identified on the sign.

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 ($\frac{1}{2}$) square foot for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-half ($\frac{1}{2}$) square foot for each ground-level linear foot of primary building frontage and one-quarter ($\frac{1}{4}$) square foot of sign area 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 and is located eight (8) feet or higher 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 four (4) square feet in area 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 is closed.

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
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 fifteen (15) 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.

H. Digital Signs. One (1) sign may be permitted not exceeding twenty (20) square feet in area with a static message that does not change more frequently than every eight (8) seconds, does not pulse or significantly change in luminosity, which is formed by the selective illumination of an array light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

17.80.045 Signs permitted in commercial, office and industrial districts.

A. Freestanding sign. One (1) freestanding 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 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 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-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 primary building frontage and one-quarter ($\frac{1}{4}$) square foot of sign area 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 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 in area.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area 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 is closed.

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.

H. Digital Signs. One (1) sign may be permitted to exceeding twenty (20) square feet in area with a static message that does not change more frequently than every eight (8) seconds, does not pulse or significantly change in luminosity, which is formed by the selective illumination of an array light emitting diodes (LEDs), or liquid crystal displays (LCDs) that can be changed electronically. These signs may display text and/or graphic images, and may be programmable.

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.

17.80.060 Signs permitted in all other districts.

A. Freestanding Signs. One (1) freestanding identification sign not exceeding sixteen (16) square feet in area nor a height of five (5) feet if all on-site buildings 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 freestanding or wall signs other than as prescribed elsewhere in this chapter may be permitted for any residential uses of property.

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, including freestanding vertical banners/flags, balloons or inflatable signs or figures, kites and similar devices designed to attract attention, except as authorized for a special event temporary sign.

D. Flashing, Moving or Animated Signs.

Includes any sign that uses movement, whether electrically or wind driven to depict action or motion (except clocks, thermometers and traditional-type barber poles that rotate). Does not include digital signs with static copy.

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 property without the permission of the owners of the property.

H. Nonconforming Signs.

See Section [17.80.100](#).

I. 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 minimum width of four (4) feet for both pedestrians, including persons in wheelchairs, and vehicle overhang from the street.

J Signs Near Street Intersections.

No freestanding 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.

K. Mobile Signs.

No sign may be placed upon a vehicle or trailer which is parked for the purpose of advertising to the passing public, except a sign painted directly on or magnetically affixed to or permanently affixed to the body or other integral part of the vehicle. The primary use of the vehicle shall be in the operation of the business and not in advertising or identifying the business premises. The vehicle shall not be parked for the sole purpose of advertising.

L. Signs on Public Property

No sign may be placed on a public property, which includes telephone poles, light standards, stop signs, or other structures located within the public right-of-way, unless otherwise permitted in this chapter.

17.80.080 Abandoned Signs

Any signage, sign face, or sign structure which ceases, for a period in excess of ninety (90) days, to advertise a bona fide business, product, service, or entity presently in operation shall be entirely removed by the owner of said signage, sign face, or sign structure or by the owner of the property upon which signage is located, and shall not be reestablished or reconstructed or replaced without being subject to the provisions of this chapter.

17.80.090 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:

TABLE 7 SIGN REVIEW

Planning Commission Action	Community Development Director Action	No Sign Permit Required
Freeway Oriented Business Sign	Illuminated Sign, Special Event Temporary Signs	Permitted Signs (per Section 17.80.030 , unless otherwise noted)
Off-Premise Directional Sign	Multi-lot Real Estate or Master Directional Signs	
Any Freestanding, Wall or Marquee Sign in the Downtown Zones Any Freestanding Sign in Commercial, Office or Industrial Zones Digital Signs	Any Wall or Marquee Sign in a Commercial, Office or Industrial Zone Signs in all other Zones (per Section 17.80.060). A-frame Sidewalk Sign	
All Projecting Signs		

Any Sign Variance		
-------------------	--	--

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 or the Grant Avenue 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](#).

17.80.100 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.

MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
MARCH 22, 2016

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

PRESENT: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Biasi

ABSENT: None

STAFF: Contract Community Development Director Dave Dowswell, Management Analyst Jenna Moser

Sherri Neal led the pledge of allegiance.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: Minutes of the January 26, and February 2, 2016 meetings of the Planning Commission and the February 2, 2016 Joint Workshop with the City Council.

Commissioner Baker moved and Riley seconded to approve Minutes of the January 26, and February 2, 2016 meetings of the Planning Commission and the February 2, 2016 Joint Workshop with the City Council with corrections to typos.

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

STAFF/COMMISSION REPORTS: Commissioner Baker asked about the maintenance of the Dollar General parking lot area as the landscaping is in bad shape. Moser responded that staff was in contact with Dollar General in order to improve the maintenance of the landscaping in the parking lot area.

Chairman Biasi reported on attendance at a parking committee meeting. Frazier reported attendance at the parking committee, veteran’s dinner, PTA, and the dedication of Berryessa Snow Mountain. Myer reported attendance at the Yolo Federal Credit Union groundbreaking, and a meeting with Bill Dodd. Neal reported attendance at the Yolo Federal Credit union groundbreaking.

DISCUSSION ITEM:

- A. Study Session – Consideration of various amendments to Chapter 17.80, Sign Regulations, in the Municipal Code (Zoning Ordinance).

Contract Community Development Director Dowswell provided an overview of the staff report and exhibits. Baker asked Dowswell to include signage on awnings in future edits. Biasi suggested more photo examples of good/bad signs. Myer asked about the ways in which building frontage is calculated. Discussion followed.

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
MARCH 22, 2016**

Dowswell continued and explained that the sizes described are maximums, not minimums and that the PC has ultimate control over what would be found to be reasonable. Myer asked about A-frame signs and enforcement. Dowswell responded that Code Enforcement (Gene Ashdown, Building Official) handles sign complaints and enforcement. To date no permits have been issued to businesses wishing to have an A-frame sign, however they do exist in town. Commissioners concurred that neon should not be prohibited in the downtown area, but may want to be considered prohibited in the Grant Ave corridor. Discussion followed regarding vehicle signs, sign waving humans and their definitions. Commissioners also discussed unusual signage such as the "big ball of yarn" or other "art signs".

Dowswell added that he will incorporate the revisions that came from the workshop and return with a formal item later in the summer.

B. Callahan Estates – Third Amendment to Development Agreement (Continued to April 26, 2016 Regular Meeting)

Commissioners concurred to continue the item to the April 26, 2016 meeting of the Planning Commission.

COMMISSIONER/STAFF COMMENTS: Chair Biasi asked about the schedule for construction for the roundabout at Walnut Lane. City Manager Donlevy responded that construction would begin this summer.

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:26 pm

ATTEST: _____

Jenna Moser, Management Analyst

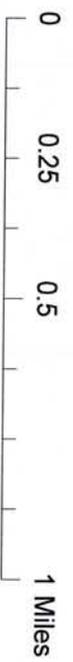
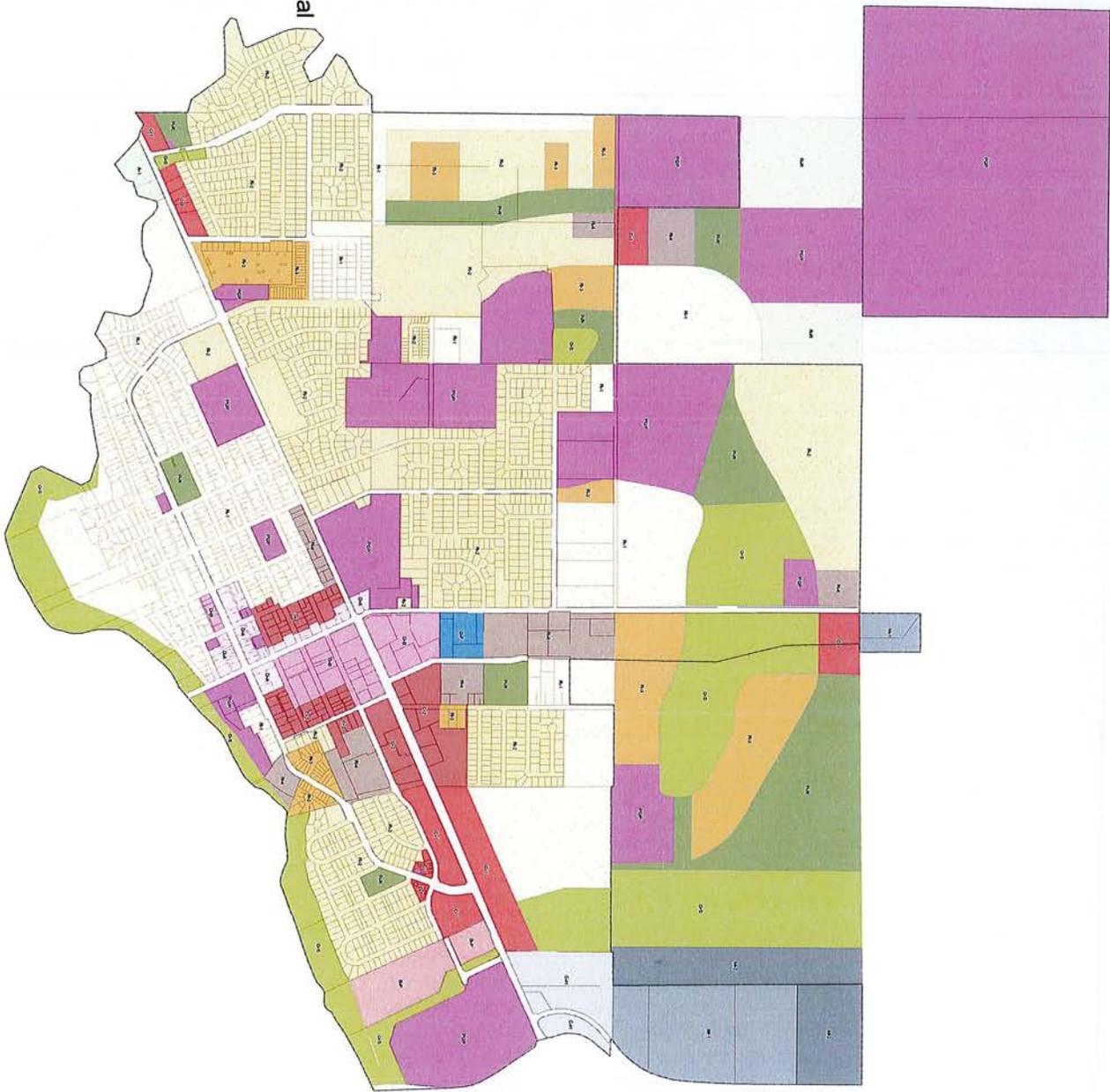
Bill Biasi, Chairman

City of Winters Zoning

ATTACHMENT C

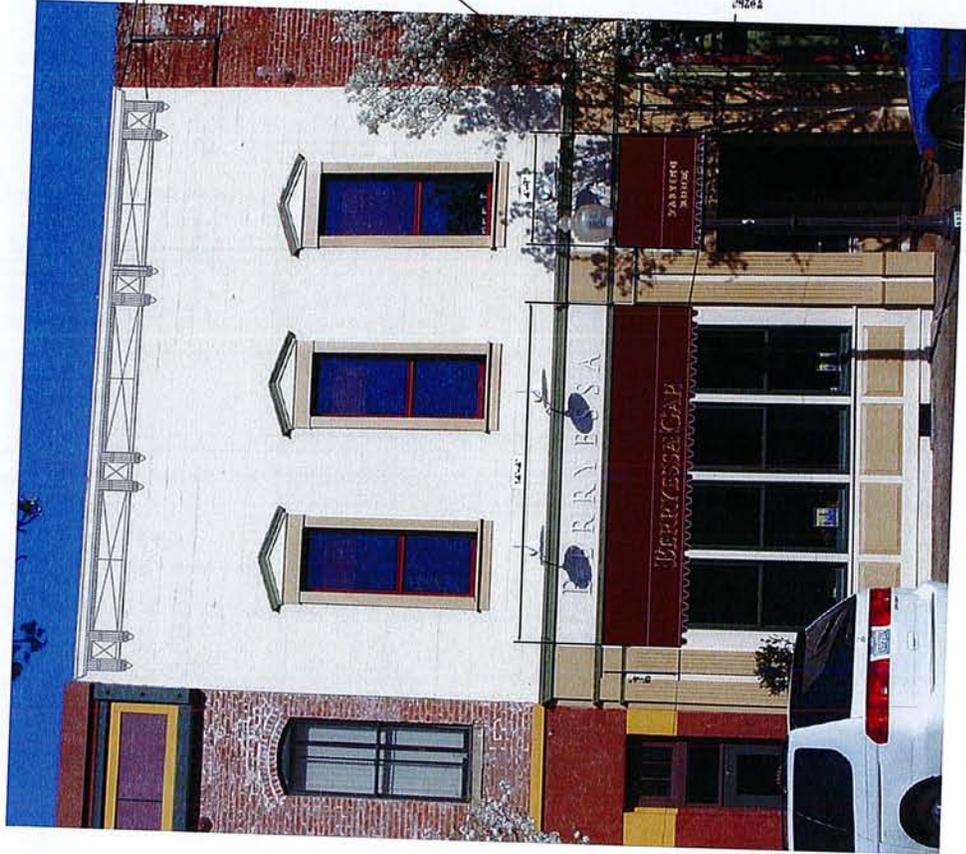
Zoning Districts

- 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
- Parcels
- City Limit

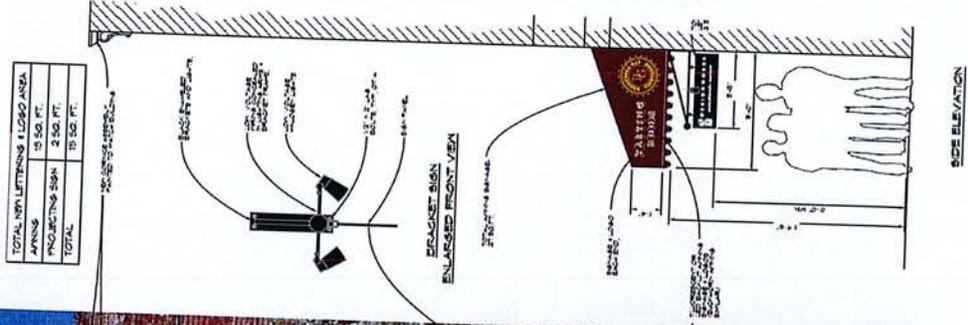


Data Source: 01-2016 Winters Parcels
 Resolution No. 2009-43 (October 13, 2009), 01-2016
 Winters Street Centerline
 06/13/16 - Author: Jenna Moser - Winters GIS

Example of New Awning Sign Regulations



FRONT ELEVATION - SCHEME 1



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, May 24, 2016 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider the following project.

Various amendments to Chapter 17.80 (Sign Regulations) of the Winters Municipal Code, which includes the following entitlements:

1. Find the project Categorically Exempt from CEQA Section 15301, Existing Facilities
2. Recommending the City Council to approve an ordinance amending Chapter 17.80 (Signs) of the Municipal Code.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the proposed project. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to dave.dowswell@cityofwinters.org. In addition, the staff report will be available on the City's website on May 19, 2016.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact David Dowswell, Contract Planner – Planning, at (530) 794-6714.



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners

DATE: May 24, 2016

FROM: David Dowswell, Community Development Director 
Jenna Moser, Management Analyst

SUBJECT: Winters PG&E Gas Operations Technical Training Center (GOTTC or Training Center) Project – Weld Lab Facility

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

- 1) Receive staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Approve the Site Plan/Design Review for the PG&E Welding Lab Facility

BACKGROUND: On June 11, 2015 the Planning Commission reviewed the PG&E Gas Operations Technical Training Center (GOTTC) Facility application and Draft Environmental Impact Report and recommended the City Council approve the application and certify the EIR. On September 22, 2015 the City Council approved the PG&E GOTTC and certified the Final EIR.

DESCRIPTION: The applicant, PG&E, is proposing to add a new welding lab building to their project that is currently under construction. The lab building will be located due south of the approved Transmission and Distribution (T&D) Technical Center. The building will be 82.5 feet by 235.25 feet, or 19,410 square feet. The building will be 33 feet high at its tallest point. The exterior of the building will be entirely metal; it will have a pitched roof with a number of bays, including an open storage area on the south end. The exterior colors will match those on the T&D building. The body colors are proposed to be "Moody Blue" and "Bee"/PG&E yellow. The Bee color will be used on the roll-up doors and ends of the building (Attachment A).

ANALYSIS:

Site Plan/Design Review

Pursuant to Section 17.36.020 of the Zoning Ordinance, design review is required of this project. The purpose of design review to ensure that the location and configuration of structures and corollary site improvements are visually harmonious with their site and that of surrounding sites and structures.

The design of the welding lab is similar to the T&D building. Both buildings are entirely metal with a peaked metal roof. The welding lab has a cupola like feature that gives the building somewhat of a farm building look. According to the legend on the enlarged site plan the exterior building will be painted to match the T&D building. The only differences are the welding lab will not have the PG&E logo (flame) painted on the exterior, instead the ends of the building will be painted Bee/PG&E yellow. Staff finds the design and proposed color scheme for the welding lab to be consistent with the overall design for the PG&E facility as approved by the Planning Commission in June of 2015.

Parking, Landscaping and Lighting

The proposed building will not require additional parking as there will be no additional students, above what has been approved, coming to the site due the construction of this building.

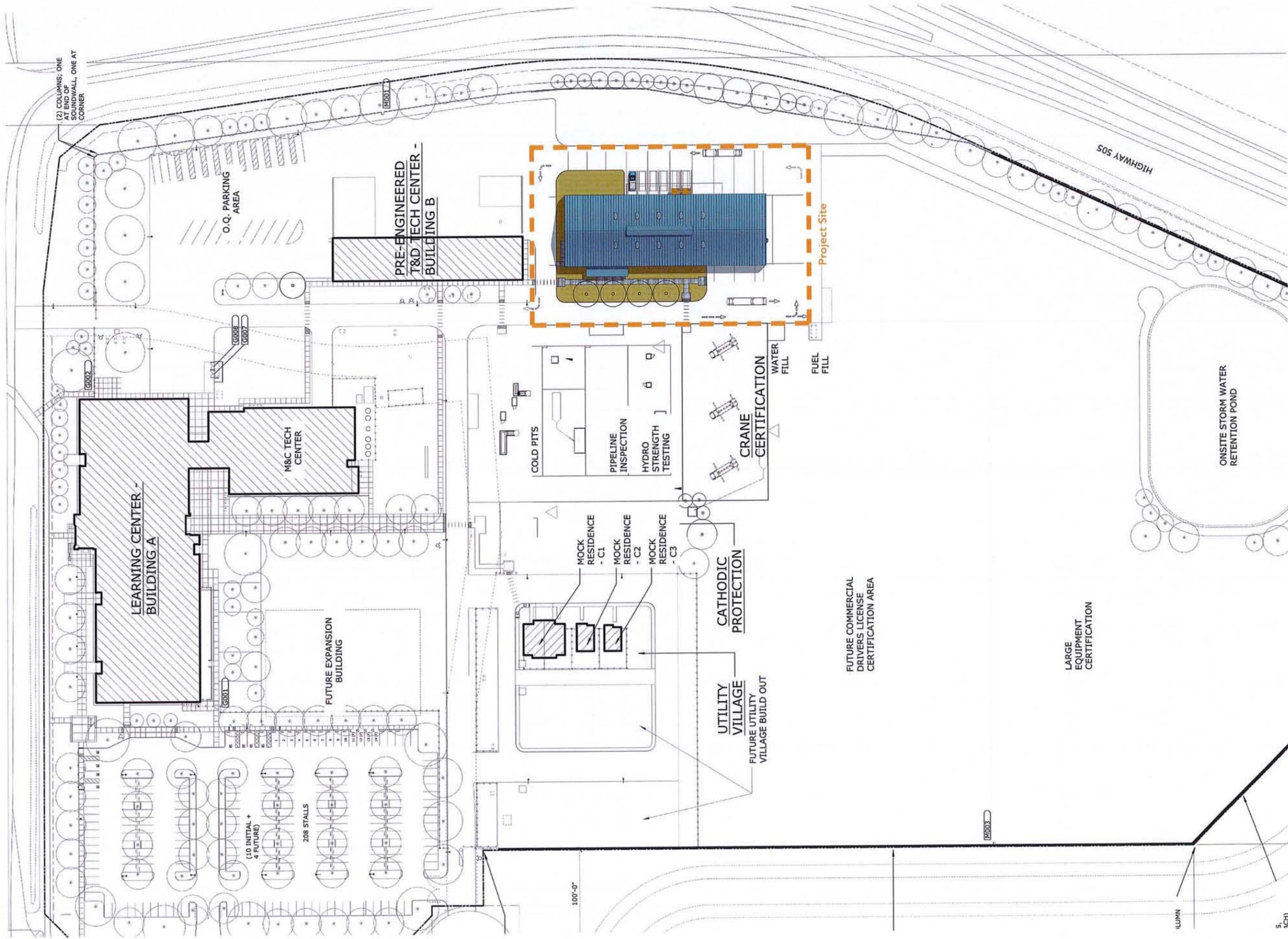
The welding lab site plan shows a few trees being planted on the west side of the building. These trees will be the same size and species as the trees adjacent to the T&D building.

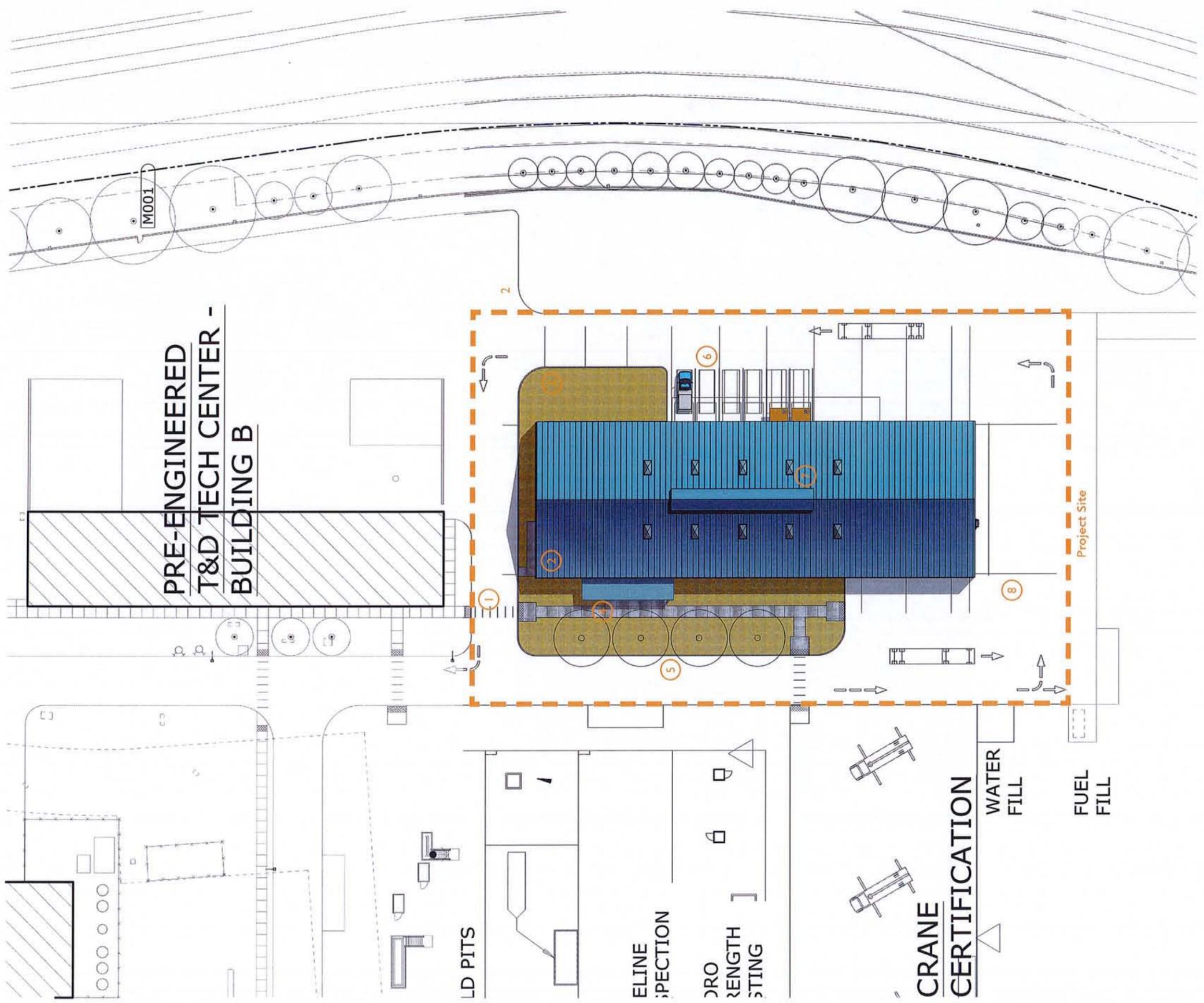
The proposed lighting includes security lighting similar to what will be installed on the T&D building. The Design Guidelines recommend that night lighting along both I-505 be consistent with the small town character, but should be of adequate level to ensure public safety and create a sense of security. General Plan Policy VIII.D.7 requires that lighting in new development be designed, installed, and maintained to minimize excess spillage, unnecessary brightness and glare, and degradation of night sky clarity. All of the lighting will comply with the City's regulations.

PROJECT NOTIFICATION: PROJECT NOTIFICATION: Public notice (Attachment B) advertising for the public hearing on this planning application was prepared in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. The notice was published in the Winters Express on 5/12/16, ten days prior to public 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 5/19/16.

ATTACHMENTS:

- A. Site Plan and Elevations
- B. Public Hearing Notice





**PRE-ENGINEERED
T&D TECH CENTER -
BUILDING B**

LD PITS

**ELECTRICAL
INSPECTION**

**CABLE
LENGTH
TESTING**

**CRANE
CERTIFICATION**

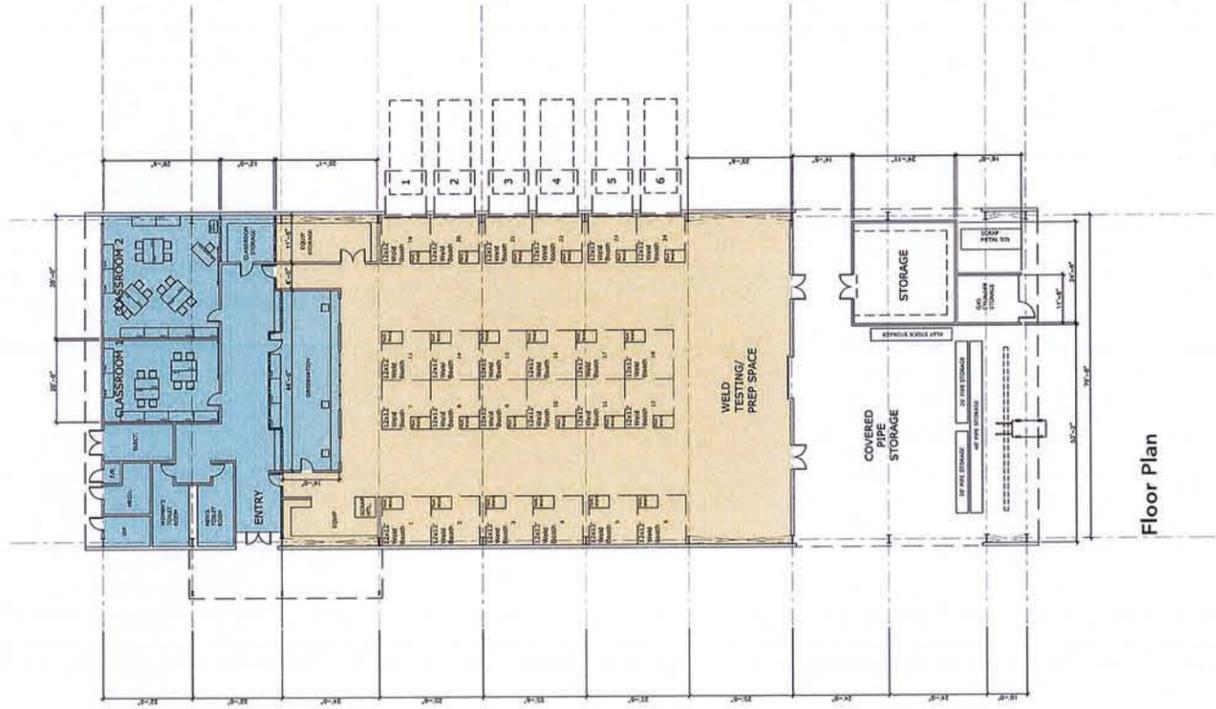
**WATER
FILL**

**FUEL
FILL**

Project Site



1. Accessible Path of Travel from T&D Building and GOTTC
2. Pre-manufactured Metal Building with Blue and Yellow Siding (matching the T&D building and the Blue that is on the Learning Center)
3. Native Drought Tolerant Planting Matching Previously Selected Materials from the GOTTC
4. Canopy at Main Entry
5. Trees to Match Species at T&D
6. Journeyman Welder Training Vehicle Parking
7. Skylights and Cupola (conceals welding exhaust vents)
8. Delivery Truck Access and Unloading



Floor Plan



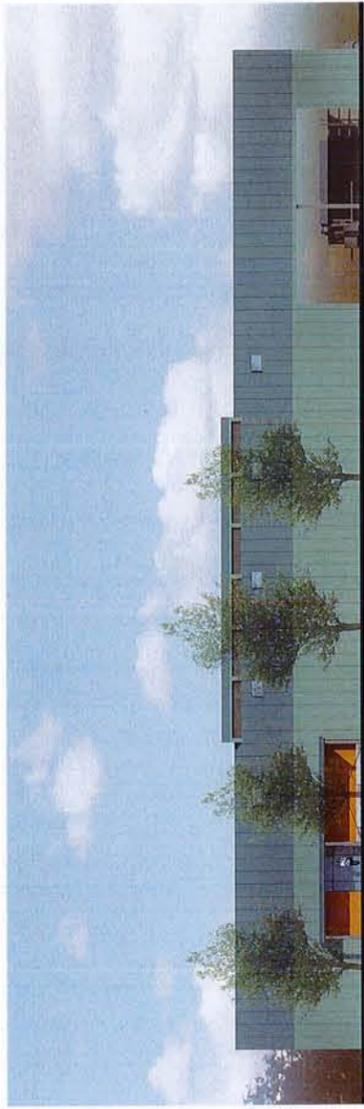
North Elevation



South Elevation



East Elevation



West Elevation





Southeast View



East View





Northwest View



Southwest View





WELD LAB BUILDING



WELD LAB BUILDING
PROFILE METAL PANELS -
SIDING AND ROOF
MOODY BLUE



WELD LAB BUILDING
PROFILE METAL PANELS-
SIDING
BEE



WELD LAB BUILDING
HOLLOW METAL FRAMES-
DOORS AND WINDOWS
ZINC DUST



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a Public Hearing by the Planning Commission on Tuesday, May 24, 2016 at 6:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California to consider an application from Project applicant Pacific Gas & Electric (PG&E) for Site Plan/Design Review for a proposed Welding Lab Building to be located on the existing Gas Operations Technical Training Center (GOTTC) site currently under construction. The Weld Lab will be used to train and certify apprentice and journeyman welders. The Weld Lab will operate per the final EIR for the PG&E GOTTC, 7am-7pm seven days per week with normal operations occurring Monday-Friday 7am-5pm. The building totals 19,408 square feet including classroom and lab space. The building will be located along the eastern side of the site due south of the approved Transmission and Distribution (T&D) Building. The building is a pre-engineered metal building with a sloped pitch roof with roofing and siding with metal panels. The color, texture, and architecture are a continuation of the aesthetic established by the previously entitled T&D Building. The Planning Commission will take final action on the project unless appealed to the City Council.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or to jenna.moser@cityofwinters.org. In addition, the staff report will be available on the City's website on 05/19/16.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must

arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: Copies of the Staff Report will be available on the City's website www.cityofwinters.org

For more information regarding this project, please contact Jenna Moser, Management Analyst – Planning & GIS, at (530) 794-6713.