



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, July 5, 2016
6:30 p.m.
AGENDA

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Woody Fridae, Mayor Pro-Tempore
Harold Anderson
Wade Cowan
Pierre Neu*

*John W. Donlevy, Jr., City Manager
Ethan Walsh, City Attorney
Nanci Mills, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, June 21, 2016 (pp. 5-10)

DISCUSSION ITEM

1. Resolution 2016-29, a Resolution of the City Council of the City of Winters Certifying the Results of the June 7, 2016 General Municipal Election (pp. 11-15)
2. Swearing in of New Council Members

PRESENTATIONS

DISCUSSION ITEMS

3. Public Hearing to Receive Input from Specific Property Owners Regarding Implementation of Weed Abatement for 2016 (pp. 16-17)
4. Public Hearing, Introduction and Waive the First Reading of Ordinance 2016-07, an Ordinance of the City Council of the City of Winters Amending the Winters Municipal Code Regarding Signs (pp. 18-57)
5. Public Hearing, Introduction and Waive the First Reading of Ordinance 2016-08, an Ordinance of the City Council of the City of Winters Amending the Winters Municipal Code Regarding Noise (pp. 58-100)
6. Second Reading and Adoption of Ordinance 2016-06, an Ordinance of the City Council of the City of Winters Amending the Existing Inclusionary Housing Ordinance (pp. 101-107)
7. Planning Commission Vacancy (pp. 108)
8. Lease Agreement Between the City of Winters and Charley Wallace for that Certain Property at 201 First Street, Winters (pp. 109-116)

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

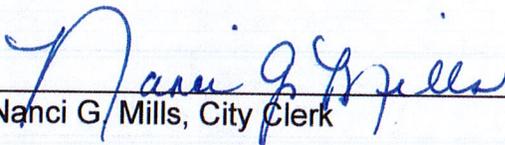
1. None
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CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the July 5, 2016 regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on June 30, 2016, and made available to the public during normal business hours.


Nanci G. Mills, City Clerk

Questions about this agenda – Please call the City Clerk's Office (530) 794-6701. Agendas and staff reports are available on the city web page www.cityofwinters.org/administrative/admin_council.htm

General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

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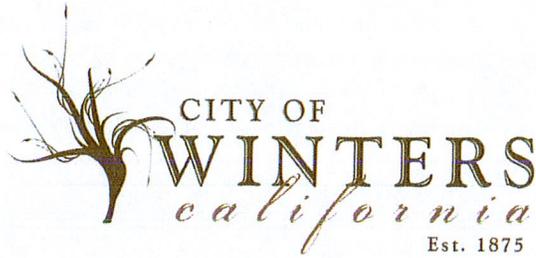
Winters Library – 708 Railroad Avenue

City Hall – Finance Office - 318 First Street

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Wednesday at 10:00 a.m.



Minutes of the Winters City Council Meeting
Held on June 21, 2016

Mayor Cecilia Aguiar-Curry called the meeting to order at 6:30 p.m.

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Pierre Neu and Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, City Clerk Nanci Mills, Economic Development/Housing Manager Dan Maguire, Director of Financial Management Shelly Gunby, Environmental Services Manager Carol Scianna, Building Official Gene Ashdown, and Management Analyst Tracy Jensen.

Mayor Pro Tem Woody Fridae led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested Discussion Item #3 be removed and brought back to the July 19th City Council meeting. Motion by Council Member Fridae, second by Council Member Neu to approve the agenda with this change. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Tina Lowden, 320 Niemann, spoke about the weed-ridden Post Office property and was advised to contact the Post Master regarding the grounds of this Federal facility.

Wally Pearce, 4586 Campos Lane, representing the Winters Senior Foundation said he was surprised to hear at a recent Yolo County presentation that Meals on Wheels would be in charge of the kitchen at the new Community Center. The Senior Foundation has been told throughout the process that the Senior Foundation would be involved. Mayor Aguiar-Curry suggested obtaining a point of clarification at the next meeting.

Sharon Pearce, 4586 Campos Lane, said she doesn't want to see conflicts before the Community Center is even built and doesn't want to see a division. She envisions the new Community Center as a place of gathering, busy all day with activities.

Margo Roeckl, 1204 Torrey Street, Davis, representing the Sac Valley Flames, wanted to recognize City Manager John Donlevy for his service to the community, who has taken time on weekends to become a certified power stalker referee for wheelchair athletes! John said that as a field referee, he has refereed his 1,800th game, and was invited to training sessions as a power soccer referee. Margo then thanked John for his service and dedication to our community.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, June 7, 2016
- B. Resolution 2016-11, a Resolution of the City Council of the City of Winters Amending the 2015-2016 Adopted Budget
- C. Vintage Paving Contract- First Street Project
- D. Resolution 2016-28, a Resolution of the City Council of the City of Winters Approving the Salary Schedule
- E. Purchase of 6" Pump for Sewer/Storm Department
- F. Addendum to the Professional Services Contract with Padilla and Associates for Labor Compliance Monitoring Services for the Walnut Park Construction Project

City Manager Donlevy gave a brief overview of all Consent items. Council Members Fridae and Anderson said they would recuse themselves for Item C due to a possible conflict of interest. Motion by Council Member Fridae, second by Council Member Cowan to approve Items A-F, minus Item C. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

Council Members Fridae and Anderson then recused themselves. Motion by Council Member Cowan, second by Council Member Neu to approve Item C. Motion carried with the following vote:

AYES: Council Members Cowan, Neu, and Mayor Aguiar-Curry
NOES: None
ABSENT: Council Members Anderson and Fridae
ABSTAIN: None

Council Members Anderson and Fridae returned to the dais.

PRESENTATIONS

Luz Maria Robles, Public Information Officer at the Sacramento-Yolo Mosquito & Vector Control District, gave a power point presentation entitled "Fight the Bite - Current Issues and Challenges Related to Mosquito Control" and noted Dr. Greg Lanzaro was in the audience. Council Member Fridae asked whether a person could develop an immunity to the West Nile Virus if they've had a mild case. Luz replied no, the risk will always exist. Mayor Aguiar-Curry thanked Luz and asked her to get in touch with the seniors to share the presentation with them. She also said that she has learned through the WRA that due to the groundwater recharge, there is a lot of standing water west of I-505. Luz will arrange to provide repellent wipes for our seniors and also for the audiences enjoying the WFOL's concert series through July.

DISCUSSION ITEMS

1. Public Hearing, Introduction and Waive the First Reading of Ordinance 2016-06, an Ordinance of the City Council of the City of Winters Amending the Existing Inclusionary Housing Ordinance

Economic Development/Housing Manager Dan Maguire gave an overview. City Attorney Walsh wanted to clarify that this applies to moderate income units. A forty-five year term of resale puts a restriction of the property, while a ten-year term is a much more reasonable term to build equity, re-sale the property, and move up.

Mayor Aguiar-Curry opened the public hearing at 7:25 p.m. and closed the public hearing at 7:25 p.m. with no public comment.

Council Member Neu said he was not opposing the ordinance, but does have misgivings about no availability of low cost housing to sell after the ten-year term. The City needs to have moderately priced houses to sell in Winters and we need to work on ways to make affordable housing available to more people. Council

Member Fridae expressed his appreciation for Dan's preparation and explanation of the details surrounding this ordinance. Council Member Cowan added there was more to gain by reducing the term from forty-five to ten years.

Motion by Council Member Fridae, second by Council Member Cowan to waive the first reading and introduce Ordinance 201606 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. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

(Dan added that the Affordable Housing Steering Committee is recruiting for new committee members.)

2. City Engineer Services

City Manager Donlevy gave an overview and said regarding the elements of the interviews, Ponticello Enterprises had a wonderful presentation. In reality, they are an incredible team with institutional knowledge and a solid background. Council Member Cowan agreed that Ponticello Enterprises has a good track record and history with the City of Winters, but there is no fiscal impact information on the staff report. City Manager Donlevy said the contract terms will come back to Council on July 5th in the form of an agreement. All applicants provided a cost sheet, which were very much alike. After the expiration of the five year term, the contract will go back out to bid. Mayor Aguiar-Curry asked if the proposal included Chapter 10 and City Manager Donlevy said all five firms included Chapter 10 in their proposals.

Motion by Council Member Neu, second by Council Member Anderson to authorize a five (5) year contractual agreement between the City of Winters and Ponticello Enterprises for City Engineering Services and to authorize the City Manager to execute said agreement. City Attorney Walsh confirmed the actual agreement will come back to Council. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

3. Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference **(Item Postponed to July 19th)**
-

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

1. None
-

CITY MANAGER REPORT: The Police Chief recruitment, which involved Council Members Anderson and Cowan in the interview process, has been narrowed down to three candidates. Staff is in the process of calling background references for the remaining candidates, and once a final candidate is chosen, staff will meet with him to strike a deal. The process also requires a background investigation including psychological and medical evaluations, which could take approximately four weeks.

A signed letter to green light the roundabout project has been received and staff is hopeful construction will begin in July. Staff is also trying to get two stoplights through the process, but Cal Trans has requested 2D modeling on a drainage ditch with no ability to analyze it.

The City of Winters will be the lead on the overpass project. We have received approvals, the money is there and a firm will be hired. This will be similar to the Complete Streets project.

A promotion ceremony was held at the Police Department yesterday, with all four candidates deserving the promotion: Sergeant Albert Ramos, Sergeant Jeremy Warren, Corporal Gordon Brown, and Corporal Creig Urquhart.

The Hispanic Advisory Committee celebrated their 10-year anniversary at their meeting last night. Their next meeting will be held on Monday, June 27th @ 7:30 p.m. in Council Chambers.

Staff will bring before Council a table with all liaison assignments, which will include company and contact information, meeting dates and times, etc. A workshop will be held to discuss these significant assignments. Intern Cale Watson started on Monday, June 20, so Council members may receive e-mails directly from him.

Cecilia inquired about the upcoming tour with the members of Parliament from India scheduled for Tuesday, June 28th at 9:30 a.m. All elected officials are welcome to join the tour to assist in giving an overview of the City, including history, economy, main industries, and to discuss how global trade has impacted the livelihoods of residents in the region.

Mega Region meeting is scheduled for next Thursday, June 30th at 11:30 a.m. in Sacramento. If any Council Member would like to go, be at City Hall at 10:30 a.m.

City Manager Donlevy confirmed the proposed one-half percent Yolo County sales tax measure failed.

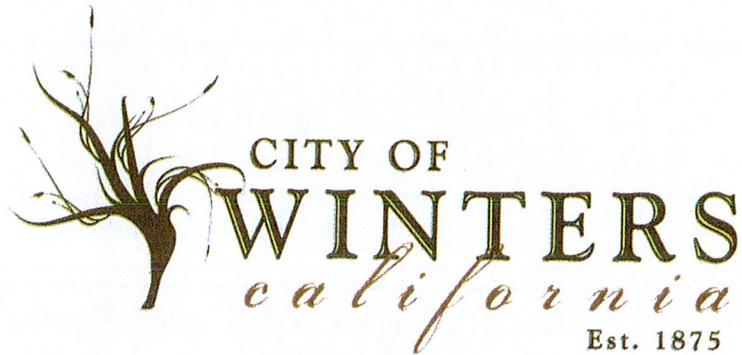
INFORMATION ONLY: None

ADJOURNMENT: Mayor Cecilia Aguiar-Curry adjourned the meeting in support of the City of Orlando, saying Winters would be devastated if something like that happened here. She expressed well wishes to the City of Orlando on behalf of the City of Winters.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE : July 5, 2014
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Nanci G. Mills, Director of Administrative Services, City Clerk *[Signature]*
SUBJECT: Resolution 2016-29 Declaring Results of June 7, 2016 General Municipal Election

RECOMMENDATION:

Adopt Resolution 2016-29 Declaring the Results of the General Municipal Election Held in the City of Winters.

BACKGROUND:

The City of Winters holds an election each even year in conjunction with the Statewide General Election and is consolidated with Yolo County.

We held our election on June 7, 2016 for city council. The final results, which are reflected on Resolution 2016-29 , are the certified election results for the City of Winters sworn to on June 21, 2016 by Jesse Salinas, County Clerk-Recorder for the County of Yolo.

FISCAL IMPACT:

None by this action.

RESOLUTION No. 2016-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON
JUNE 7, 2016 DECLARING THE RESULT AND SUCH OTHER MATTERS AS
PROVIDED BY LAW**

WHEREAS, a General Municipal election was held and conducted in the City of Winters, County of Yolo, State of California, on Tuesday, the 7th day of June, 2016, as required by law;

WHEREAS, notice of said election was given in time, form and manner as provided by law; that voting precincts were properly established; election officers were appointed and that in all respects the election was held and conducted and the votes cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, they Yolo County Elections Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made part hereof as "Exhibit A".

NOW, THEREFORE, the City Council of the City of Winters, California, does resolve, declare, determine and order as follows:

Section 1 The total number of ballots cast including absentee voters ballots was: ~~1,084~~
1706 for the City Council, and

Section 2 That the names of persons voted for at the election for Member of the City Council are as follows:
Bill Biasi
Jesse Loren
Wade Cowen

Section 3 That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates are listed in the Exhibit Attached as "Exhibit A".

Section 4: The City Council does declare and determine that:

Bill Biasi was elected as Member of the City Council for the full term of four years: Jesse Loren was elected as Member of the City Council for the term of four years.

Section 5: The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing (1) the whole number of ballots cast in the city; (2) the names of the person voted for: (3) For what office

each person was voted for; (4) the number of votes given at each precinct to each person: and (5) the total number of votes given to each person.

Section 6: That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

Section 7: That the City Clerk shall certify to the passage and adoption of this resolution and enter in into the book of original resolutions.

PASSED AND ADOPTED ON July 5, 2016.

AYES:
NOES:
ABSTAIN:
ABSENT:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

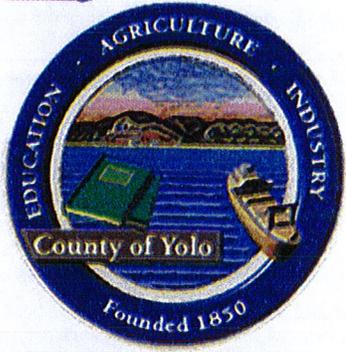
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June 7, 2016

Member, City Council, City of Winters

Last updated: Jun. 21, 2016, 02:54 pm

Final, Official Returns

5 of 5 Precincts Reported (100.0%)

Member, City Council, City of Winters

2 Elected

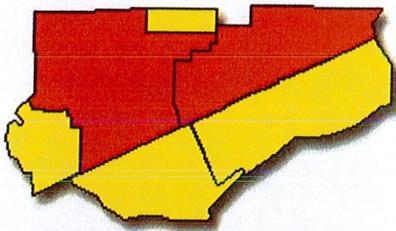
	Votes	Vote %	Ballot %
Bill Biasi	984	40.2%	57.7%
Jesse Loren	774	31.6%	45.4%
Wade Cowan	688	28.1%	40.3%

Voters were able to cast more than one vote in this contest.

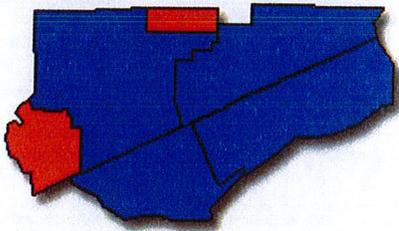
"Vote %" is the candidate's percentage of the total votes cast.

"Ballot %" is the candidate's percentage of total ballots voted and will not sum to 100%.

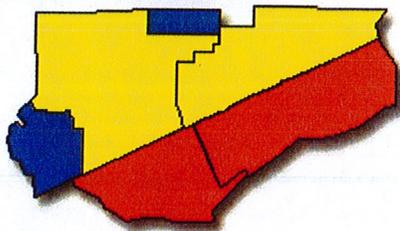
Wade Cowan



Bill Biasi



Jesse Loren



These maps indicate how a candidate fared in each precinct compared to other candidates. A precinct colored in blue, for example, indicates the candidate received the most votes in the precinct. Red indicates a candidate received the second-most votes.

Precinct Breakdowns
 ("R" marks reporting precincts.)

Precinct	Member, City Council, City of Winters		
	Biasi	Loren	Cowan
84	R 239	160	157
85	R 313	198	237
86	R 186	182	116
87	R 121	172	92
114	R 125	62	86
Totals	984	774	688

Turnout: 1,706 of 3,368 Registered Voters (50.7%)



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : July 5, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Gene Ashdown, Building Official
SUBJECT: Public Hearing to Receive Input from Specific Property Owners Regarding Implementation of Weed Abatement for 2016

RECOMMENDATION:

Conduct public hearing to receive input from specific property owners regarding implementation of weed abatement for 2016.

BACKGROUND:

A public hearing was published in the Winters Express on June 22, 2016, inviting interested persons to attend the July 5, 2016 City Council meeting and be heard at the time of the hearing.

Resolution 2016-17, a Resolution declaring weed and rubbish on certain lots and parcels within the City of Winters to be a public nuisance and ordering the institution of proceedings to abate said public nuisance was approved at the June 7, 2016 City Council meeting.

FISCAL IMPACT:

None by this action.



Building & Code Enforcement Division
(530) 795-4910 Ext. 117 Fax (530) 795-4935
318 First Street Winters, CA 95694
gene.ashdown@cityofwinters.org

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Winters will hold a public hearing on Tuesday, July 5, 2016 at 6:30pm or as soon thereafter as possible, in the Council Chambers, 318 First Street, Winters, CA. The purpose of this public hearing is to receive input from specific property owners regarding implementation of weed abatement for 2016.

All interested persons are invited to attend and be heard at the time of the hearing. Those unable to attend may submit written comments to the City Clerk, 318 First Street, Winters, CA 95694-1923. Written comments will be received at, or prior to, the public hearing.

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 proceedings, please contact city Clerk Nanci Mills at (530) 794-6701. Please make your request as early as possible and at least one full business day before the state of the hearing.

Please Publish: June 22, 2016



TO: Honorable Mayor and Council Members
DATE: July 5, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: David Dowswell, Community Development Department 
SUBJECT: Various Zoning Text Amendments to Chapter 17.80 of the Winters Municipal Code regarding Signs

RECOMMENDED CITY COUNCIL ACTION:

1. Find that the proposed amendments are Categorically Exempt, Section 15311(a) (Accessory Structures, On-premise Signs).
2. Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2016-__ amending Chapter 17.80 of the Winters Municipal Code (Zoning Ordinance) and schedule second reading and adoption for July 5, 2016.

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 (Attachment A). 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 text amendments. Boardmember Pickerel asked to meet with staff to discuss what effects the proposed amendments might have on the Downtown and 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 and from Chair Biasi. 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).

On May 24, 2016 the Planning Commission, after reviewing the proposed ordinance, voted unanimously to recommend that the City Council adopt the proposed changes to Chapter 17.80 (Signs) of the Winters Municipal Code (Attachment C).

Staff met with the Chamber Board again on June 10, 2016 to update them on the changes to the sign regulations being recommended by the Planning Commission and since the March 13, 2015 board meeting. The Board had a few questions, but did not recommend any changes. They stated they would advise their members of the July 5 City Council hearing.

ANALYSIS:

In 2010 when the developer of the new Burger King and Taco Bell restaurants and ARCO gas station application came forward they needed a variance to install a second “freeway information sign” on the north side of SR128. The current regulations (Section 17.80.030(R)(1)), permit only one freeway information sign on the north side of SR128. The developer also had to get a variance to increase the allowable sign area because Section 17.08.030(R)(3) limits to only 25 square feet the area individual panels can be for businesses which advertise on this type of sign. (The Council, on appeal, approved the variance allowing a second freeway information sign and increasing the combined sign area for the Burger King and ARCO panels to 200 square feet). It would require another variance to install a third freeway information sign on the north side of SR128 and to allow greater than 25 square feet of sign area for each individual panel.

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

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

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 are at least 300 feet apart could allow on the north side of SR128 a total of three freeway information signs. This assumes the Chevron sign, which is currently non-conforming, is removed as part of the proposed Chevron remodel/expansion. There cannot be any freeway information signs on the south side of SR128 because the PG&E property, which previously could have had four such signs, was rezoned in 2015 from C-H to PQP. When the freeway information sign for Burger King/Taco Bell/ARCO was approved in 2010 the requirement that the City's logo be included on the sign was deleted by the Council. Staff is proposing (see #5 above and Section 17.80.040(A)(4)) these signs possibly include the City's name. At the May 24 meeting the Commission supported the language which "may" require the name of the retail center or City of Winters is included on these types of signs. Staff is also proposing the area for each individual business sign be determined by the Planning Commission on a case by case basis.

Another significant change to the sign regulations involves signs on awnings. 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 were 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 two square feet of projecting signs. Under the proposed regulations, Berryessa Gap could have in addition to 13 square feet of walls signs a maximum of 18 square feet of awning signs. If the Council 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 Council were to decrease the allowable percentage to 10 percent Berryessa Gap could have 12 square feet of awning signs. At the May 24 meeting the Planning Commission supported allowing maximum 15 percent of an awning to be covered by 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 study sessions the Commission indicated they did not support allowing this type of sign. The proposed amendments include language prohibiting vertical banners/flags.

Staff used the ~~strikethrough~~ and underline feature to highlight the proposed changes. The blue lettering shows the original changes recommended by staff, the red lettering shows the changes made as a result of comments received at the July 22, 2014 and March 22, 2016 study sessions. The text that is highlighted in yellow shows the changes/corrections that were made by staff between the March 22, 2016 study session and the May 24, 2016 public hearing (Attachment D). Staff is also including a clean copy of the ordinance with all the changes accepted (Attachment E).

ENVIRONMENTAL ASSESSMENT:

The proposed amendments (project) are Categorically Exempt, Section 15311(a) (Accessory Structures, On-premise Signs).

ATTACHMENTS

- A) July 22, 2014 Planning Commission minutes
- B) March 22, 2016 Planning Commission minutes
- C) Draft May 24, 2016 Planning Commission minutes
- D) Ordinance 2016-07, redline version showing sign text amendments
- E) Ordinance 2016-07, clean version showing sign text amendments

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD JULY 22, 2014

DISCUSSION ITEM:

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

Contract Planner Dave Dowswell presented the Staff Report and outlined various potential amendments regarding signs. Dowswell highlighted certain problem areas such as political/campaign signs, sign area for awnings, and flag/waving signs. Commissioner Riley asked about enforcement. Dowswell responded that the City performs enforcement on a complaint basis. City Manager Donlevy added that as part of the City’s Code Enforcement Program a staff member visits the business and works with them to get compliance. Dowswell stated that generally a staff member would visit the business to discuss the issue, the second step would be a letter, and the last would be action from the City Attorney. Chairman Biasi requested that in the proposed revisions that photographic examples of “dos and don’ts” be included. Donlevy reported on the work done by Suny Ghai, Burger King developer, in getting CalTrans moving on the blue freeway informational signs for services in Winters. Discussion followed about the “nut boxes” at Main and Grant.

- B. Presentation by City Intern Charlie Tschudin on status of updating of the City’s existing Noise Ordinance

City Intern Charlie Tschudin presented the Staff Report and outlined various potential amendments to the City’s Noise Ordinance. This item will be brought back for further action by the Planning Commission.

COMMISSIONER/STAFF COMMENTS: None

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:24 p.m.

ATTEST:

 Jenna Moser, Management Analyst

 Bill Biasi, Chairman

**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

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 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, Myer, Neal, Riley, Biasi

ABSENT: Frazier

STAFF: Contract Community Development Director Dave Dowswell, Management Analyst Jenna Moser, Housing Programs Manager Dan Maguire

Dan Maguire led the pledge of allegiance.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: Minutes of the April 26, 2016 meeting of the Planning Commission.

Commissioner Myer moved and Riley seconded to approve Minutes of the April 26, 2016 meeting of the Planning Commission with minor typographical correction.

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

NOES: None

ABSTAIN: None

ABSENT: Frazier

Motion carried unanimously with Frazier absent.

STAFF/COMMISSION REPORTS: Moser requested that Commissioners provide staff a list of committees that they attend as Planning Commissioners in order to prepare a list of assignments.

INFORMATION ITEM: None

DISCUSSION ITEM:

- A. Public Hearing and Consideration of Ordinance 2016-06, an Ordinance of the City of Winters Code Pertaining to Affordable Housing Requirements

Maguire provided an overview of the staff report and proposed Ordinance. Chairman Biasi opened the Public Hearing at 6:47pm. Hearing no comments, Biasi closed the public hearing at 6:48pm. Baker asked about the response from Legal Services of Northern CA. Maguire responded that it has the unanimous recommendation from LSoNCA.

Commissioner Baker moved and Myer seconded to recommend to the City Council approval of Ordinance 2016-06.

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

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 2016**

NOES: Biasi
ABSTAIN: None
ABSENT: Frazier

Motion carried unanimously with Frazier absent.

- 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).

Dowswell provided an overview of the staff report. Biasi opened the Public Hearing at 6:51pm. Hearing no comments, Biasi closed the Public Hearing at 6:51pm. Baker thanked staff for addressing the comments from the previous study session from April 26th.

Commissioner Myer moved and Baker seconded to recommend approval 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).

AYES: Commissioners Adams, Baker, Myer, Neal, Riley, and Chair Biasi
NOES: None
ABSTAIN: None
ABSENT: Frazier

Motion carried unanimously with Frazier absent.

- 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.

Dowswell provided an overview of the item and noted key changes. Chairman Biasi opened the Public Hearing at 6:59pm. Hearing no comments Biasi closed the Public Hearing at 7:00pm. Baker asked about the definition of “changing luminosity”. Dowswell clarified that it would mean a change in lighting intensity from dim, to bright, to brightest. Biasi asked about the enforcement of A-frame signs. Dowswell responded that it is done on a complaint basis, and it really depends on how serious and how much time the City wants to spend on A-frame sign enforcement. Biasi added that as proposed the ordinance would allow the height of a freeway pole sign to be a maximum of 40ft, with further review required by the Planning Commission up to 65ft.

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 2016**

Commissioner Baker moved and Riley seconded to recommend approval 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.

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

NOES: None

ABSTAIN: None

ABSENT: Frazier

Motion carried unanimously with Frazier absent.

- D. Public Hearing and 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.

Dowswell provided an overview of the staff report and building details. Tom Crowley, of PGE, provided further detail on the project. Chairman Biasi opened the Public Hearing at 7:08pm. Hearing no comments, Biasi closed the Public Hearing at 7:09pm. Riley asked if the use of the building would occur during the same times as the others 7-7 M-F. Crowley responded that the building would operate in the same fashion as the other approved buildings. Biasi asked about any increase in students. Crowley responded that this building would be relocating the welding training from the San Ramon facility and would bring a minor increase in students, but within the original scope of the project.

Commissioner Neal moved and Adams seconded to approve 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.

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

NOES: None

ABSTAIN: None

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 2016**

ABSENT: Frazier

Motion carried unanimously with Frazier absent.

COMMISSIONER/STAFF COMMENTS: Myer reported attendance at the bridge dedication. Biasi reported attending the Design Review Committee, Parking Committee, and meetings regarding the City Park project.

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:18pm

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING VARIOUS SECTIONS OF CHAPTER 17.80 (SIGNS 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 17.80, Signs.

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 17.80. Chapter 17.80 of the Municipal Code is hereby amended to read as follows:

**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 s~~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. 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.

JL. Flags.

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

KJ. Symbols or Insignias.

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

LK. Interior Signs.

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

ML. House Numbers and Name Plates.

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

NM. Political and Campaign Signs.

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

1. The signs ~~may be erected not earlier than 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.~~

ON. Holiday Decorations.

Seasonal decorations not referring to businesses or goods.

PO. Time and Temperature Signs.

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

QP. Window Signs.

One (1) sign per window opening, not exceeding four (4) square feet 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 17.58.070D.

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 ingarea 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.

KJ 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.

LK 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.

17.80.0890 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 Commercial, Office or Industrial Zones Digital Signs in the CBD Historic District	Any Freestanding , 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	Any Freestanding, Wall or Marquee Sign in an Office or Industrial Zone	
All Projecting Signs		Signs in non-residential, Commercial or Industrial Zones (per Section 17.80.060)	
Any Sign Variance		A-frame Sidewalk Sign	

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)~~)

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

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

INTRODUCED at a regular meeting on the ____ day of _____, 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:

ATTEST:

Cecilia Aguiar-Curry, Mayor

Nanci G. Mills, City Clerk

ORDINANCE NO. 2016-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING VARIOUS SECTIONS OF CHAPTER 17.80 (SIGNS 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 17.80, Signs.

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 17.80. Chapter 17.80 of the Municipal Code is hereby amended to read as follows:

**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 17.58.070D.

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 ($\frac{1}{4}$) 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 ~~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 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 ($\frac{1}{2}$) 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 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.

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 (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 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 Downtown Zones Any Freestanding Signs 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.

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

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

INTRODUCED at a regular meeting on the ____ day of _____, 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:

ATTEST:

Cecilia Aguiar-Curry, Mayor

Nanci G. Mills, City Clerk



TO: Honorable Mayor and Council Members
DATE: July 5, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: David Dowswell, Community Development Department 
SUBJECT: Various Zoning Text Amendments to Chapter 8.20, Noise Control, and Chapter 17.68, Performance Standards, of the Winters Municipal Code

RECOMMENDED CITY COUNCIL ACTION:

1. The proposed project is categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15308 (Actions by Regulatory Agencies).
2. Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2016-__ amending Chapter 17.80 of the Winters Municipal Code (Zoning Ordinance) and schedule second reading and adoption for July 5, 2016.

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 in Winters, 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 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 also 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. Neither of these sections is needed in a small city. 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 (Attachment A).

On April 26, 2016 the Planning Commission 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.

On May 24, 2016 the Planning Commission, after reviewing the proposed ordinance, voted unanimously to recommend that the City Council adopt the proposed changes to Chapter 17.80 (Signs) of the Winters Municipal Code (Attachment B).

ANALYSIS:

The proposed ordinance (Attachment C) 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.

ENVIRONMENTAL ASSESSMENT:

The proposed project is consistent with the standards in the Noise Element of the General Plan. None of the changes proposed in the two ordinances significantly change the measurable standards, but instead simplify the application of these standards. Staff finds the project to be categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment).

ATTACHMENTS

- A) July 22, 2014 Planning Commission minutes
- B) Draft May 24, 2016 Planning Commission minutes
- C) Ordinance 2016-08, redline version showing sign text amendments
- D) Ordinance 2016-08, clean version showing sign text amendments

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD JULY 22, 2014

DISCUSSION ITEM:

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

Contract Planner Dave Dowswell presented the Staff Report and outlined various potential amendments regarding signs. Dowswell highlighted certain problem areas such as political/campaign signs, sign area for awnings, and flag/waving signs. Commissioner Riley asked about enforcement. Dowswell responded that the City performs enforcement on a complaint basis. City Manager Donlevy added that as part of the City’s Code Enforcement Program a staff member visits the business and works with them to get compliance. Dowswell stated that generally a staff member would visit the business to discuss the issue, the second step would be a letter, and the last would be action from the City Attorney. Chairman Biasi requested that in the proposed revisions that photographic examples of “dos and don’ts” be included. Donlevy reported on the work done by Suny Ghai, Burger King developer, in getting CalTrans moving on the blue freeway informational signs for services in Winters. Discussion followed about the “nut boxes” at Main and Grant.

- B.** Presentation by City Intern Charlie Tschudin on status of updating of the City’s existing Noise Ordinance

City Intern Charlie Tschudin presented the Staff Report and outlined various potential amendments to the City’s Noise Ordinance. This item will be brought back for further action by the Planning Commission.

COMMISSIONER/STAFF COMMENTS: None

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:24 p.m.

ATTEST:

Jenna Moser, Management Analyst

Bill Biasi, Chairman

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 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, Myer, Neal, Riley, Biasi

ABSENT: Frazier

STAFF: Contract Community Development Director Dave Dowswell, Management Analyst Jenna Moser, Housing Programs Manager Dan Maguire

Dan Maguire led the pledge of allegiance.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: Minutes of the April 26, 2016 meeting of the Planning Commission.

Commissioner Myer moved and Riley seconded to approve Minutes of the April 26, 2016 meeting of the Planning Commission with minor typographical correction.

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

NOES: None

ABSTAIN: None

ABSENT: Frazier

Motion carried unanimously with Frazier absent.

STAFF/COMMISSION REPORTS: Moser requested that Commissioners provide staff a list of committees that they attend as Planning Commissioners in order to prepare a list of assignments.

INFORMATION ITEM: None

DISCUSSION ITEM:

- A. Public Hearing and Consideration of Ordinance 2016-06, an Ordinance of the City of Winters Code Pertaining to Affordable Housing Requirements

Maguire provided an overview of the staff report and proposed Ordinance. Chairman Biasi opened the Public Hearing at 6:47pm. Hearing no comments, Biasi closed the public hearing at 6:48pm. Baker asked about the response from Legal Services of Northern CA. Maguire responded that it has the unanimous recommendation from LSoNCA.

Commissioner Baker moved and Myer seconded to recommend to the City Council approval of Ordinance 2016-06.

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

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 2016**

NOES: Biasi
ABSTAIN: None
ABSENT: Frazier

Motion carried unanimously with Frazier absent.

- 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).

Dowswell provided an overview of the staff report. Biasi opened the Public Hearing at 6:51pm. Hearing no comments, Biasi closed the Public Hearing at 6:51pm. Baker thanked staff for addressing the comments from the previous study session from April 26th.

Commissioner Myer moved and Baker seconded to recommend approval 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).

AYES: Commissioners Adams, Baker, Myer, Neal, Riley, and Chair Biasi
NOES: None
ABSTAIN: None
ABSENT: Frazier

Motion carried unanimously with Frazier absent.

- 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.

Dowswell provided an overview of the item and noted key changes. Chairman Biasi opened the Public Hearing at 6:59pm. Hearing no comments Biasi closed the Public Hearing at 7:00pm. Baker asked about the definition of "changing luminosity". Dowswell clarified that it would mean a change in lighting intensity from dim, to bright, to brightest. Biasi asked about the enforcement of A-frame signs. Dowswell responded that it is done on a complaint basis, and it really depends on how serious and how much time the City wants to spend on A-frame sign enforcement. Biasi added that as proposed the ordinance would allow the height of a freeway pole sign to be a maximum of 40ft, with further review required by the Planning Commission up to 65ft.

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 2016**

Commissioner Baker moved and Riley seconded to recommend approval 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.

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

NOES: None

ABSTAIN: None

ABSENT: Frazier

Motion carried unanimously with Frazier absent.

- D. Public Hearing and 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.

Dowswell provided an overview of the staff report and building details. Tom Crowley, of PGE, provided further detail on the project. Chairman Biasi opened the Public Hearing at 7:08pm. Hearing no comments, Biasi closed the Public Hearing at 7:09pm. Riley asked if the use of the building would occur during the same times as the others 7-7 M-F. Crowley responded that the building would operate in the same fashion as the other approved buildings. Biasi asked about any increase in students. Crowley responded that this building would be relocating the welding training from the San Ramon facility and would bring a minor increase in students, but within the original scope of the project.

Commissioner Neal moved and Adams seconded to approve 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.

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

NOES: None

ABSTAIN: None

**DRAFT MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING
HELD MAY 24, 2016**

ABSENT: Frazier

Motion carried unanimously with Frazier absent.

COMMISSIONER/STAFF COMMENTS: Myer reported attendance at the bridge dedication. Biasi reported attending the Design Review Committee, Parking Committee, and meetings regarding the City Park project.

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:18pm

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman

CITY COUNCIL

ORDINANCE NO. 2016-08

**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 dBA.

~~“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.~~

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

“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.~~

“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.~~

~~“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.~~

~~“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.~~

“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).~~

~~“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](#).

~~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 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;~~
- ~~FE.~~ The time of day or night the noise occurs;
- ~~G.—The duration of the noise and its tonal, informational, or musical content;~~
- ~~HE.~~ 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:~~

~~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 standardslimits 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-1, R-2) <u>Open Space (O-S)</u>	50	40
Residential (R-1, R-2, R-3, R-4)	50	45
*Parks and recreation (P-R)	50	45
Commercial (C-1, C-2, NC, D-A, D-B) <u>O-F, C-H, GS</u>	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

*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)

8.20.1070 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;~~

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;~~

~~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:~~

~~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 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;~~

136. 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 7-1any of the following sound levels:

Measurement Location	Units	Units
	Installed	After 1-1-80
	Before 1-1-80	dB(A)
	80 dB(A)	
Any point on neighboring property line, 5 feet above grade level, no closer than 3 feet	60	55

from any wall.

Center of neighboring patio, 5 feet above grade level, no closer than 3 feet from any wall. 55 50

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

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)

8.20.11080 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.~~

~~FG. 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.~~

~~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.~~

~~GA. 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~~

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.~~

~~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.~~

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 am, and seven pm.;~~

~~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.~~

~~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)~~

8.20.1400 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	<u>50</u> 5	<u>4</u> 50
Parks & Recreation/Public Quasi-Public	<u>55</u> 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. 2016-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING VARIOUS SECTIONS OF CHAPTER 8.20 (NOISE CONTROL) AND AMENDING
CHAPTER 17.68 (PERFORMANCE 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 Chapter 17.68 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	Nighttime
	7 a.m. to 10 p.m.	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 Chapter 17.68. 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



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: July 5, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Second Public Hearing and Consideration by the Winters City Council of Ordinance 2016-06, an Ordinance of the City of Winters Code Pertaining to Affordable Housing Requirements.

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

- 1) Receive Staff Report
- 2) Conduct the Public Hearing
- 3) Waive second reading, and adopt 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 Planning Commission, at its meeting on May 24, 2016, conducted a Publicly Noticed Public Hearing and discussed Ordinance 2016-06. At that meeting, the Planning Commission

recommended on a vote of 6-0 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 Forty-Five Years to Ten Years.

A public hearing and first reading of the proposed Affordable Housing Ordinance was held at the City Council meeting on June 21, 2016. At that meeting, the City Council voted XY to introduce Ordinance 2016-06 to amend Chapter 17.200.080 of the City of Winters Municipal Code to amend the term of resale restriction for forty-five years to ten years.

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, June 9, 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, June 15, 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 CITY COUNCIL WAIVE THE SECOND READING, AND ADOPT 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

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 24 2016, the Planning Commission recommended by a vote of 6-0 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 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 COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

DATE : July 5, 2016

THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*

FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*

SUBJECT: Planning Commission Vacancy

RECOMMENDATION:

Staff recommends that the City Council give staff direction on what method to use in moving forward to fill the vacancy left by Planning Commissioner Biasi since being elected to the City Council.

BACKGROUND:

Planning Commissioner Biasi's term expires July 1, 2019.

Last time there were appointments made to the Planning Commission, the Council agreed by motion to select two Council Members as the two-member committee to interview applicants, bring their recommendation to Council of the top two candidates, do not include applications on the agenda but announce the top five candidates as a matter of public record.

Several options could be:

1. Select two Council Members to serve on the Interview and Selection Committee and come back to Council with recommendation.
2. Make an appointment of someone to bill Commissioner Biasi's term.
3. Direct City Clerk to prepare a notice and advertise in the newspaper that we are accepting applications to fill a planning commission vacancy.

FISCAL IMPACT:

None



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: July 5, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Lease Agreement Between the City of Winters and Charley Wallace for that Certain Property at 201 First Street, Winters, CA

RECOMMENDATION:

Staff recommends the City Council approve and authorize the execution of a Lease Agreement between the City and Charley Wallace for the Property at 201 First Street (the "Property").

BACKGROUND:

At the February 21, 2015 City Council meeting, Council reviewed the request to assist with the relocation of Charley Wallace (Winters Express) as the sale of his property to the developer of the downtown hotel was essential to that project. Council approved the lease of the southern portion of the Old Library building from the City to Charley Wallace for a 60 month period at a lease rate of \$800 per month, with an option for an additional 60 month lease (with the lease rate adjusted for changes in market rents).

Previously, Council had approved leasing the northern portion of the building to Rural Innovations in Social Economics (RISE Inc.) at a lease rate of \$1,400 per month. Recently, RISE moved its' office from the space rented at the Old Library to a Winters JUSD building located on the John Clayton campus. The space previously occupied by RISE in the Old Library is currently vacant.

DISCUSSION:

The proposed lease rate of \$1,400 is identical to the lease rate paid previously by RISE. Staff recommends the City not be engaged in on-going property management as a part of its ownership of the subject property. This lease is preferable to the RISE lease in that all ongoing maintenance would be the responsibility of the Master Tenant (Charley Wallace).

The attached Master Lease (the "Lease") provides for the City to lease a portion of the Premises to Charley Wallace for \$ 1,400 per month for a period of 60 months.

FISCAL IMPACT:

\$84,000 in lease payments (\$1,400 per month for 60 months). The City has initiated the Public Works bid process for roof replacement/repair; however, under the terms of the proposed lease, the tenant will be responsible for all ongoing building maintenance outside of the roof repair.

ATTACHMENTS:

Lease by and between the City and Charley Wallace.

LEASE

THIS LEASE, is executed in duplicate at Winters, California as of _____, 2016, by and between the City of Winters, a municipal corporation and general law city ("CITY" or "Landlord"), and CHARLEY WALLACE, an individual ("Tenant").

RECITALS

A. CITY is the owner of that certain real property located at 201 First Street, Winters, California, more commonly known as the Rogers Building or the old library site (the "Property").

B. CITY wishes to lease the northern half of the Property, approximately 3,300 square feet, to Tenant, as depicted in Exhibit A (the "Premises").

C. Tenant is leasing the property for the conduct of his business.

AGREEMENT

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. Recitals. The recitals above are incorporated by reference as though fully stated herein.

2. Leasing. Landlord Leases to Tenant and Tenant Leases from Landlord, at the rent and upon all the terms and conditions set forth herein, the Premises. Landlord further gives to Tenant the nonexclusive right to use all areas and facilities outside of the boundaries of the Leased Premises and within the boundaries of the Property that are not included within the premises leased to other tenants and that are provided and designated by Landlord, in its sole discretion, from time to time, for the general use and convenience of Tenant ("Common Areas") with others who are entitled to use the Common Areas.

3. Term. The term of this Lease shall be for five (5) years, commencing on August 1, 2016 (the "Commencement Date") and expiring, unless sooner terminated as provided in the Lease, on July 30, 2021 (the "Lease Term"). Provided Tenant requires additional use of the Premises, the Tenant shall have an option to lease the Premises, up to an additional five (5) years, at a rent to be negotiated by the Parties.

4. Rent. Commencing on the Commencement Date, Tenant shall pay as rent, without deduction or set-off, ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,400.00) per month (the "Lease Rent"). If the Lease Rent is due for a period of less than a full month, it shall be prorated for such partial month on the basis of a thirty (30) day month.

5. Security Deposit. Upon signing of this Lease by Landlord and Tenant, Tenant will pay to Landlord as a "Security Deposit" the amount of ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,400.00). If Tenant fails to pay Lease Rent, additional rent, or other charges due hereunder, or otherwise defaults with respect to any provision of this Lease,

Landlord may use, apply or retain all or any portion of the Security Deposit for the payment of any such or other sums to which Landlord may become obligated by reason of Tenant's default, or to compensate Landlord for any loss or damage which Landlord may suffer thereby. If Landlord so uses or applies all or any portion of said deposit(s), Tenant shall within thirty (30) days after written demand therefore deposit cash with Landlord in an amount sufficient to restore the Security Deposit to the full amount stated herein. Tenant's failure to do so shall be a material breach of this Lease. Within thirty (30) business days of expiration of the Lease Term and Tenant's vacating of the Premises, Landlord shall return to Tenant the Security Deposit or so much thereof as has not been properly applied by Landlord.

6. Other Charges. Tenant is obligated to pay maintenance, repair and replacement costs, taxes, utilities (including but not limited to electricity, gas, water, sewer, and garbage), and other charges directly to the providing or taxing persons or entities. Any sums owed by Tenant to Landlord under this Lease shall be considered "additional rent" and shall be due and payable in the same manner as Lease Rent.

7. Maintenance and Repair. Tenant shall, at its own expense, undertake to keep, maintain and repair all portions of the Premises, including without limitation, all Tenant's personal property and trade fixtures, during the term of this Lease, in good working and sanitary order, condition and repair, reasonable wear and tear and damage by casualty not caused by the negligence of Tenant or its agents, contractors or employees excepted. Tenant shall be liable for any damage to the Premises resulting from the acts or omissions of Tenant or its authorized representatives. Landlord shall, at Landlord's expense, maintain, repair and replace, and keep in a good and safe condition the roof, foundation, exterior walls, exterior windows and all structural components of the Property and the Premises. Tenant maintenance/repair of HVAC system limited to \$1000.00 per year per incident.

8. Holding Over. If Tenant remains in possession of the Premises after the expiration of the Lease Term, with the express written consent of Landlord, such occupancy shall be a tenancy from month to month at the rental and on the terms set forth in this Lease, plus all other charges payable hereunder.

9. Statement Regarding Possessory Interest Tax. This Lease creates a possessory property interest in Tenant. Tenant's property interest may be subject to property taxation, and Tenant or the party in whom the possessory interest is vested may be subject to the payment of property taxes levied on the interest. Such taxes are referred to herein as "Possessory Interest Taxes." Tenant shall pay any Possessory Interest Taxes directly to the taxing authority.

10. Assignment. The parties acknowledge that Tenant is using the Premises under this lease on a temporary basis. Tenant's previous property was used for downtown commercial purposes, including the Winters Express, the Winters Chamber of Commerce & Visitor's Center, and other businesses. Though Tenant will not have the right to assign this Lease without the consent in writing of Landlord, which may be granted or denied in Landlord's sole and absolute discretion, Tenant shall be able to sublet the Premises to the same tenants as those on his current real property or new subtenants, at Tenant's discretion. Such subletting shall not, in any way affect or limit the liability of Tenant under the terms of this Lease. In the event of default by any subtenant, in the performance of any of the terms hereof, Landlord may proceed directly against

Tenant or any guarantor(s) or anyone else responsible for the performance of this Lease, including the assignee or sub-tenant, without the necessity of first exhausting Landlord's remedies against any other person or entity responsible therefore to Landlord. Landlord may consent to subsequent assignments or Leases or amendments or modifications to this Lease or any lease, without notifying Tenant, any successor of Tenant, or anyone else liable under this Lease without obtaining its or their consent thereto and such action shall not relieve Tenant or any such other parties of liability under this Lease.

11. Quiet Enjoyment. As long as Tenant is not in default of this Lease, during the term of this Lease Tenant shall have quiet enjoyment of the Premises.

12. Use and Continuous Operating Covenant/Duties of Landlord

The Premises shall be used and occupied only for the Tenant's current businesses, similar businesses, subtenants as described in Section 10, and for no other purposes. Specifically the Winters Express Museum shall be a permitted use.

13. Indemnity and Insurance.

(a) Indemnity. Tenant agrees to protect, defend, indemnify, and hold harmless Landlord and its respective partners, affiliates, subsidiaries, directors, officials, officers, successors and assigns, agents, employees, volunteers, and representatives harmless from and against any and all liabilities, claims, expenses, losses and damages, orders, fines, penalties and expenses of any kind whatsoever (including but not limited to reasonable attorneys fees and costs) that may at any time be asserted against Landlord arising out of or in connection with the Lease (except to the extent caused by Landlord's sole or active negligence or willful misconduct), or resulting from or in connection with the obligation to comply with all laws with respect to the Premises, including, without limitation, all applicable federal and state labor laws and standards.

(b) Insurance. Tenant shall carry such insurance as required of under Landlord's standards, as follows:

Tenant shall maintain a commercially available general liability policy insuring against bodily injury and property damage on the Property in the amount of not less than One Million Dollars (\$1,000,000). Landlord shall be named an additional insured on the policy. The liability insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to Landlord. Tenant waives all rights of subrogation against Landlord and its agents, representatives, officers, directors and employees for recovery of damages to the extent these damages are covered by insurance maintained pursuant to this Agreement. Tenant shall furnish Landlord with certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth above. Such certificates shall provide for thirty (30) days written notice to Landlord prior to the cancellation or material change of any insurance referred to herein. .

14. Release. Tenant fully releases and discharges Landlord from all and any manner of rights, demands, liabilities, obligations, claims, or cause of actions, in law or equity, of whatever kind or nature, whether known or unknown, whether now existing or hereinafter

arising, which arise from or relate in any manner to the Landlord arising out of or in connection with this Lease, except to the extent caused by Landlord's sole or active negligence or willful misconduct. Tenant acknowledges and agrees that the release and waiver set forth in this section is material consideration for Landlord's Lease of the Premises to Tenant on the terms set forth herein and that, but for this release and waiver, Landlord would not have leased the Premises to Tenant. It is hereby intended that the above release relates to both known and unknown claims that the Tenant may have, or claim to have, against the City with respect to the subject matter contained herein or the events relating thereto. By releasing and forever discharging claims both known and unknown which are related to or which arise under or in connection with the items set out above, the Tenant expressly waives any rights under California Civil Code section 1542, which provides:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

15. Attorneys' Fees. If Landlord or Tenant (each a "party") brings an action to enforce the terms of this Lease, to declare rights hereunder or for any other relief against another party or parties, the prevailing party in any such action, on trial and appeal, shall be entitled to its reasonable attorneys' fees and costs of suit to be paid by the losing party as fixed by the Court.

16. Notices. All notices to be given hereunder shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or delivered by personal or courier delivery, or sent by facsimile (immediately followed by one of the preceding methods), to the addresses indicated below, or to such other place as Landlord or Tenant may designate in a written notice given to the other party. Notices shall be deemed served upon the earlier of receipt or three (3) days after the date of mailing.

To Landlord: City of Winters
 Attn: DAN MAGUIRE
 318 First Street
 Winters, CA 95694
 Telephone: (530) 795-4910
 Facsimile: (530) 795-4935

To Tenant: Charley Wallace
 784 Hill Place
 Winters, CA 95694
 Telephone: (530) 795-4551
 Facsimile: (530) 795-3578

17. Non-Discrimination. The Tenant herein covenants by and for itself, its successors and assigns, and all persons claiming under or through it, and this Lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the leasing, leasing, transferring, use, occupancy, tenure, or enjoyment of the Premises herein leased nor shall the Tenant 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, subtenants, or vendees in the Premises herein leased.

18. No Brokers. Neither party has had any contact or dealings regarding the Premises, or any communication in connection with this Lease, through any real estate broker or other person who is entitled to a commission or finder's fee in connection with this transaction. In the event that any broker or finder perfects a claim for a commission or finder's fee based upon any contact, dealings or communication with either party, then the party upon whose contact, dealings or communication the claim is based shall indemnify and hold the other party harmless from all costs and expenses (including but not limited to attorneys' fees) incurred by such other party in connection with such claim.

19. Counterparts. This Lease may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

20. Miscellaneous. This Lease constitutes the entire understanding of Landlord and Tenant with respect to the matters covered by it and supersedes all prior Leases and understandings, written or oral, between Landlord and Tenant with respect to such matters. This Lease may not be modified or amended, nor may any term or provision be waived or discharged, except in writing signed by the party or parties against whom such amendment, modification, waiver, or discharge is sought to be enforced. The waiver by any party of any breach by another party of any provision of this Lease will not constitute or operate as a waiver of any other breach of such provision or of any other provision by such party, nor will any failure to enforce any provision operate as a waiver of such provision or any other provision. This Lease will be construed in accordance with, and be governed by, the laws of the State of California. This Lease will benefit and be binding upon the parties to it and their respective heirs, representatives, successors and assigns. If any provision of this Lease or the application of any such provision shall be held by a court of competent jurisdiction to be invalid, void or unenforceable to any extent, the remaining provisions of this Lease and the application thereof shall remain in full force and effect and shall not be affected, impaired or invalidated.

IN WITNESS WHEREOF, the parties have executed this Lease the day and year first above written.

LANDLORD:

City of Winters

By: _____
Its: City Manager

TENANT:

The Tenant

By: _____
Charley Wallace

Approved as to Form:

By: _____
Ethan Walsh, City Attorney